

Eagle Hill Ranch Homeowner's Association
Design Review Committee (DRC)

DESIGN REGULATIONS & REVIEW PROCESS

The Amended and Restated Declaration of Eagle Hill Ranch Subdivision was recorded in Ouray County, State of Colorado public records at Reception No. 170285, on August 4, 1999. Article 8 of that document vested in the Board of Directors of the Eagle Hill Ranch Homeowner's Association, also known as the Executive Board, with authority to promulgate, adopt, and enforce Architectural Design Review, Guidelines, and the approval process for the subdivision. These Design Regulations and Review Process Guidelines were adopted by the Executive Board on March 26, 2016 and do supersede all prior design review regulations. According to the EHR HOA amended and Restated Bylaws dated 10/8/11, 'the Design Regulations & Review process guidelines and Bylaws may be amended only by a vote of fifty-one percent of the Property Owners, following notice and opportunity to comment, at any meeting duly called for such purpose'.

Version 8 ; Oct 8, 2022

Note: Property Owners are responsible for obtaining the current version of this document from the Secretary of the Association.

INTRODUCTION

The Eagle Hill Ranch Design Regulations & Review Process Guidelines are established to create an attractive community that compliments the unique natural setting of the area. These guidelines are intended to protect and enhance the value of property within the subdivision through architectural guidelines and controls. Proper design review creates a positive experience, which provides economic and aesthetic benefits for the homeowner and for the Eagle Hill Ranch community.

Architectural Approval and Design Review are addressed in Article 8 of the Declaration while restrictions on uses of the units are addressed in Article 6 of the Declaration. These covenants apply to Lots 1-36 in Eagle Hill Ranch Subdivision and to Lots 1-3 in Sweetwater Subdivision and the commercial properties C1 (the “Clubhouse”) and C2 (the “Barn Property” which includes the OS-3 lot known as the “Corrals” and related usage areas). They may only be amended through the process set forth in Section 10.7 of the Declaration. These guidelines are administered by the Design Review Committee (DRC) and enforced by the Executive Board for Eagle Hill Ranch.

Section 1 - Objectives:

The objectives of the design review process are as follows:

- a. To promote a harmonious relationship of buildings, landscape topography, and overall community design.
- b. Retain existing drainage patterns, maintain existing topography, protect existing features such as rock outcroppings and boulders, and retain existing vegetation.
- c. To promote high quality construction through the use of long lasting, sturdy building materials.
- d. To provide regulations and controls that will minimize unnecessary disturbances and visual impact through proper site planning, landscaping design, and revegetation plans.
- e. To preserve the primary view corridor of existing homeowners within the subdivision.
- f. To preserve, protect and enhance property values within the subdivision.
- g. To provide a variance process and a process for rights of appeal.

Section 2 - Design Theme:

The design theme for Eagle Hill Ranch and Sweetwater residences and the Clubhouse is directed towards a sense of permanence and timelessness. This will be achieved by incorporating building materials that appear substantial and are able to endure the climate of the high desert and sub-alpine mountains and by nestling homes into their natural surroundings. The goal is to encourage unique architectural designs to provide diversity, rather than repetition while maintaining the overall design theme.

Variety in building massing shall be in response to topography and vegetation. A strong and sturdy appearance shall be created through the use of such materials as hand-hewn logs or timbers, wood siding, stucco, and stone. Landscape plans shall address the need to reduce the impact of vertical building forms.

Interest within the architecture shall be achieved by breaking up rooflines, providing decks, covered porches, or other architectural techniques. Roof overhangs appropriate for the design of the building may be required to provide the function of snow and ice protection, as well as to bring the mass of the house closer to the ground, satisfying the need to merge with the landscape. When possible garages should be designed so that garage doors do not face the street. Passive solar design features are strongly encouraged but they should have a minimum reflective impact on neighbors.

Strong sensitivity to the indigenous landscape will be enforced, requiring respect for natural landforms and existing vegetation. It is expected that landscape plans shall address intrusive architectural forms so that buildings will merge and blend with the landscape rather than emerge from their surroundings. This shall be achieved by using understated simple forms, and rooflines that make a strong visual connection with the building site and surrounding natural vegetation. The DRC will evaluate not only the style, detail and finish of a home on paper, but especially within the context of its surroundings.

Screening shall be provided to minimize visual impact of utilities, such as service yards, solar panels, antennas, and satellite dishes. Propane tanks must be installed underground. No perimeter fencing is allowed.

The design theme for the Eagle Hill Ranch C2 Barn Property is directed towards a functional, agricultural and/or ranch theme oriented to the main use of the property: an Equestrian Facility. Modifications or additions to this property should remain within the theme and aesthetics established by the existing C2 Barn Property. Sensitivity to maintaining mature vegetation where possible should be considered but

should not override the reasonable agricultural and/or ranching functional needs of the C2 Barn Property.

Perimeter fencing for safety reasons is allowed for the C2 Barn Property if incorporated into the theme and aesthetics of this commercial property.

Section 3 – Governing Regulations:

In addition to the Declaration and these Design Regulations and Review Process Guidelines, building design will be regulated by local, County, State and Federal regulatory agencies having jurisdiction. The Owner shall be responsible to ensure conformance with all applicable regulations and should check with the appropriate governmental entity to verify that the most recently adopted edition of any applicable regulation is being used.

At the time of submission of building plans, the Owner shall provide evidence that all plans have been evaluated by County building officials with regard to visual impact issues and with view maintenance guidelines, and that the plans, as submitted, meet minimum County requirements for screening and skyline issues, or that a waiver has been allowed.

Section 4 – Definitions:

4.1 Accessory Dwelling Units - This is a secondary dwelling unit, limited in size by County regulations. This dwelling unit is accessory to and fully integrated into and contained within the primary building envelope on the lot. This would include any garage, guest apartment, studio, or other dwelling unit accessory to the primary dwelling unit.

4.2 Applicant - The Unit Owner, or his agent or representative, so designed in writing in the application.

4.3 Association - The Eagle Hill Ranch Homeowner's Association.

4.4 Board - The Board of Directors (Executive Board) of the Association.

4.5 Building Envelope - That area on the building site within which all building improvements must be located. Building improvements include but are not limited to excavations, buildings, garages, decks, patios, roof overhangs, play areas, outbuildings, and enclosed parking areas. The maximum building envelope size shall

not exceed twenty-five (25%) percent of the total area of the lot, unless the applicant/owner demonstrates compelling site or regulatory considerations that dictate a variance from this standard. The DRC shall have the right to determine whether to issue such a variance. The maximum building envelope does not apply to the C2 Barn Property, but must conform to County regulations.

4.6 Building Height – See Section 6.1

4.7 Certificate of Application Approval – This is synonymous to final plan approval. A letter or certificate issued by the DRC that indicates that the construction project has been approved. The twelve-month construction period shall commence at the time that the certificate is issued.

4.8 Certificate of Compliance – A letter or certificate issued by the DRC that indicates that a constructed building (or remodel) and the associated landscaping plan has been completed in compliance with these Design Regulations and Review Process Guidelines and with the plans for the project as approved by the DRC. This compliance certificate must be obtained before a final certificate of occupancy (CO) from the Ouray County Building Department is obtained. In the event of a delay in completing landscape due to seasonal considerations, a conditional Certificate of Compliance may be issued in order to receive a CO from the local building department.

4.9 Certificate of Design Concept – A letter or certificate issued by the DRC indicating a general conformity to the overall design theme of the development, compatibility of the submitted design to a particular lot, and suggestions for possible changes that assure that the design meets the guidelines set forth in this document. This certificate is issued after Design Concept Review and before Application for Design Review.

4.10 Construction Period – The period of time allowed for completion of the construction project. A construction period shall not exceed twelve months, except with extenuating circumstances. The DRC will evaluate any request for extension of a construction period and the DRC shall have sole authority to grant any extension.

4.11 Construction Project – Any new construction or exterior renovation, remodel, or modification to a dwelling unit or accessory unit or relandscaping that falls under the jurisdiction of the DRC for Eagle Hill Ranch, whether residential or commercial.

4.12 Dwelling Unit – One or more habitable rooms arranged, occupied, or intended or designed to be occupied by not more than one family, containing facilities for living, sleeping, cooking and eating.

4.13 Eagle Hill Ranch – A planned unit development of residential lots approved and formed as Filings 1, 2 and 3, consisting of Lots 1-36, plus three commercially zoned lots consisting of lots C-1 (Clubhouse), C-2 (Barn and Stables including the OS-3 lot Corrals), common areas, open space and trails. Also, Sweetwater Subdivision Lots 1-3, which were subsequently annexed and voluntarily subjected to the Declaration for Eagle Hill Ranch subdivision.

4.14 Final Plan Approval – A letter or certificate issued by the DRC that indicates that the design of a building and associated landscaping plan have been reviewed by the DRC and that they conform with the Design Regulations and Review Process Guidelines. This certificate must be received from the DRC prior to commencement of any site work including, but not limited to, driveway, tree removal, excavation and construction.

4.15 Roof Pitch – Slope of a roof determined by the relationship between the vertical rise and the horizontal projections of the roof; stated as “X” inches of rise in 12 inches of horizontal run; i.e., 4:12, 6:12, 9:12, etc.

Section 5 – Architectural Plan Approval Requirements:

5.1 Initial Orientation – The DRC suggests an initial consultation with the Property Owner prior to the commencement of any work on design concept and/or schematics by the Owner, architect, or designer. The purpose of the initial meeting is to ensure a clear understanding of the DRC Guidelines by the Property Owner and agents, and to add value to the Property Owner’s experience throughout the DRC Review process. A phone conference may be substituted for meeting in person if necessary.

5.2 Design Concept Review – The purpose of the review is for the Owner to communicate to the DRC their specific design and to demonstrate how that design conforms to the design regulations and guidelines.

Form of Submittal:

- a. Preliminary site plan, minimum scale 1” = 20’ (2 copies) showing driveway location, building disturbance areas, parking, walkways, tree locations

identified for removal or protection, decks, utilities and accessory development of any kind.

- b. Exterior elevation drawings, minimum scale 1/8" = 1' (2 copies) to include existing and proposed grade levels, with material and color indications.
- c. Floor plans and a roof plan with a minimum scale of 1/8" = 1' (2 copies).

At DRC discretion, a model or perspective sketches may be required of the Owner in order to explain building form and character.

The DRC will attempt to respond to the required sketch plan submittal within fourteen days but a response will be given the Owner no later than thirty days from submittal. The DRC will issue a Certificate of Design Concept upon approval of this stage of review process.

Note: An Owner who submits combined preliminary and working drawings does so at his own risk, since the DRC may require material changes to the submittal. A resubmittal evidencing required changes must then be presented to the DRC.

5.3 Application for Construction - The purpose of the application is to ensure that the working drawings conform to the approved sketch plan. Changes from the preliminary design should be clearly delineated to the DRC.

The completed application shall be submitted to the DRC at least 30 days before the Owner requires an approval decision. If the Owner provides the DRC with electronic copies of all required documents in operable PDF form then the review wait time shall be reduced to three weeks from the date of such receipt.

Form of submittal:

- a. Specific site plan, minimum scale 1" = 20' (2 copies) showing driveway location, building disturbance areas, parking, walkways, grading, tree locations identified for removal or protection, designated parking area for construction vehicles, other temporary structures to facilitate construction, such as trash bins, existing and proposed contour lines at 2' intervals, decks, utilities and accessory development of any kind. The site plan will include directional arrows indicating the prime viewing corridors to the more prominent area mountains and landmarks.
- b. Floor plans, roof plans, exterior elevations and details, and building sections at 1/4" = 1' (two copies).

- c. Digital images of the exterior materials, colors, and roofing materials to be used. The DRC may request an actual 24" x 36" sample board if the digital images are not of sufficient quality to determine the acceptability of the proposed materials.
- d. A site staking of building of building at all exterior corners and story poles at both ends of all ridges. Staking and poles are to remain standing from the time the Application for Construction is accepted by DRC throughout the period of review until Final Plan Approval. This is a requirement of the EHR HOA DRC in addition to any requirements by Ouray County for staking and story poles.
- e. Site staking of driveways and other improvements.
- f. A construction schedule to include starting and completion dates of the dwelling.
- g. A plan for the process of reclaiming the vegetation that is disturbed during the construction process to include materials to be used, grading, soil enhancement and reseeding following completion of construction, as well as plans for assuring that necessary moisture and care will be provided to such areas. A plan will be required to replace/reclaim vegetation on the C2 Barn Property if the disturbed vegetation meets any of the definitions in Section 5.4.
- h. A conceptual landscape plan will be submitted (2 copies) to include existing and proposed plant material and configuration.
- i. Submittal Fees - \$250 non-refundable application fee payable to EHR Homeowner's Association.
- j. New Construction -- Landscape Deposit of \$5,000 shall be required to be paid by the Owner and a Contractor Deposit of \$1,500 shall be required to be paid by the Contractor to the EHR Homeowners Association upon approval of construction and prior to start of any construction activities at the lot. The landscaping deposit is required for the C2 Barn Property if the disturbed vegetation meets any of the definitions in Section 5.4. The landscape deposit is refundable upon satisfactory completion of Landscape Plan approved by the DRC. The contractor deposit is refundable upon satisfactory completion of Contractor's responsibilities as described herein. (See section 6.8)
- k. Exterior Remodel Construction – Landscape Deposit of \$2,500 and a Contractor Deposit of \$1,500 shall be required to be paid by Owner to the EHR Homeowners Association upon approval of remodel and prior to start of any construction activities at the lot. The landscaping deposit is required for the C2 Barn Property if the disturbed vegetation meets any of the definitions in Section 5.4. The landscape deposit is refundable upon

satisfactory completion of Landscape Plan approved by the DRC. The contractor deposit is refundable upon satisfactory completion of Contractor's responsibilities as described herein. (See section 6.8)

- i. Modification Construction-- External modifications to any dwelling or accessory unit shall be reviewed by the DRC. A request for review shall include a description of the modification along with any plans, sketches or materials as appropriate and to include the timeline for completion of the project. The review will be concluded by the DRC within three weeks, and a written approval will be returned to the homeowner within that time period. The DRC reserves the right to request more detailed plans and to determine if the modification is actually a remodel construction. No fees or deposits will be required for modification construction.
- m. Road Impact Fee – All New, Exterior Remodel, and Modification Construction will require a non-refundable Road Impact Fee of \$1000 payable to the EHR Homeowner's Association from the Owner and is to be deposited into the Association's Directed Road Reserve Fund by the Board Treasurer. In the situation where the construction activities will not include a significant increase in road traffic or load, a variance may be requested per Section 7. Lot 1 will be exempt from the Road Impact Fee since access to this lot is only from CR5.

Note: The building plans and images of material, colors and roofing will be made available to all adjacent HOA property owners. Any Owner of EHR with an email address on file with the secretary of the EHR Homeowners' Association will be notified by email of any submittals to the DRC. HOA property owners will have 2 weeks to comment on plans after email receipt from DRC. Absentee owners may have copies of the submittal sent to them by the EHR Homeowners' Association at a nominal charge for delivery costs.

Upon final approval of the construction application, the DRC shall issue a Certificate of Application Approval (Final Plan Approval). A certificate of approval or a denial of application shall be issued no later than thirty days from the submittal date.

No owner shall submit to the Ouray County Building Department for a building permit for construction of a dwelling or for a remodel or modification of an existing dwelling in EHR until a certificate of approval has been issued by the DRC.

At the completion of the construction project, the DRC shall issue a Certificate of Compliance, indicating that the constructed building and the associated landscaping conform to these Design Regulations and Review Process Guidelines and to the plans approved by the DRC.

5.4 C2 Barn Property Vegetation Disturbance – The following parameters shall be applied to determine whether the C2 Barn Property shall be required to provide a landscaping remediation plan and/or all applicable landscaping deposits.

- a. Disturbed vegetation in the course of ordinary operations that does not exceed 100 square feet – not required.
- b. All new buildings in excess of 100 square feet except in instances where an existing disturbed building pad is solely being used for the new building – required.
- c. All exterior remodels except in instances where an existing disturbed building pad is solely being used for the remodel – required.
- d. All new corrals – not required.
- e. All new uncovered arenas – not required.
- f. Safety fencing – not required.
- g. Small sheds less than 100 square feet – not required.

Section 6 - Design and Building Process Guidelines:

- 6.1 Building Height Limit – The maximum building height limit for all lots in the Eagle Hill Ranch subdivision shall be set by Ouray County regulation, except for lots 29-32, which are limited to a maximum of 20 feet by the Declaration (Section 6.21.) It is understood that some lots, such as lots in the rear of the subdivision (Lots 14-18) or those backing to a steep hill (Lots 8-13) may be allowed to a maximum County allowed building height, while others may be held to a lower height in order to minimize impacts on the primary view corridors of adjoining Owners. The DRC will consider building height requests for specific lots on a case-by-case basis.
- 6.2 Setbacks – In accordance with current Ouray County Land Use Code, Section 3, required setbacks for new residences located within the county shall be: for lots exceeding 2 acres all structures shall be located at least fifty (50) feet from any property lines. For lots that have an area of two (2) acres or less, the minimum setbacks for structures shall be located twenty-five (25) feet from the side and back property lines and twenty-five (25) feet from the front property line. Sweetwater Subdivision lots located in the City of Ridgway shall build only within their designated building envelopes that were in place when these properties were purchased and plated. The setbacks depicted on these plats shall be accepted by the DRC and HOA as valid, even though they may be less than 50 or 25 feet. Commercial properties shall comply with

current Ouray County Land Use Code. Variances may be granted upon review by the DRC where lot configuration or topography criteria suggests a better utilization, when it can be shown that such a variance has no adverse impact on adjoining Owners or on the EHR community as a whole. Additional setbacks for items such as propane tanks and septic fields may be imposed by regulatory agencies.

- 6.3 Minimum and Maximum Square Footages – Section 6.1.1 and 6.1.2 of the Declaration set forth the minimum and maximum square footages for buildings in Eagle Hill Ranch. These are strict rules and may not be deviated from except by amendment by a requisite number of Owners as provided for in Section 10.7 of the Declaration. Square footage requirements do not pertain to commercial properties, but must comply with County regulations. The C2 Barn Property still needs DRC approval for any Construction Project as defined in Section 4.11 in excess of 100 square feet.

Eagle Hill Ranch Lots:

Minimum Floor Area: One Story	1,800 square feet
One & One-half or Two Story	2,400 square feet

Sweetwater Lots:

Minimum Floor Area	2,000 square feet
Maximum Floor Area	7,000 square feet
Minimum Building Footprint	1,500 square feet
Maximum Building Footprint	4,000 square feet

- 6.4 Accessory Housing Unit – Any garage, guest apartment, studio or other dwelling unit accessory to the primary unit may not exceed the maximum allowable size criteria as set forth by Ouray County regulations. It must either be integrated into the primary dwelling unit, or connected to it by a continuous roofline, breezeway, or recognizable continuation of walls, walkways, retaining walls or landscape structures, in such a way as to project consistency with the primary dwelling unit in color, finish, roof pitch, and overall design. Accessory units must be constructed along with, or subsequent to the primary dwelling unit, and completed within

the time period prescribed in Section 6.7 of the Declaration, currently a 12-month construction period.

6.5 Site Plan – Eagle Hill Ranch contains stands of old growth sage and pinion pine that provide desirable ground cover and critical forage for wintering deer, therefore site plans should minimize the removal of such vegetation and the plans should clearly show areas to be removed and disturbed. While the preservation of native plants & trees is a high priority in Eagle Hill Ranch, it is understood that good fire prevention practices, which includes creating a defensible space making your home more resistant to wildfires, are also a consideration for the DRC. The DRC is open to addressing an owner’s concerns about fire mitigation on their lot. The DRC strongly recommends that prior to the start of construction, the boundaries be clearly staked and fenced with temporary construction boundary fencing to protect adjoining areas outside the allowed disturbance areas.

6.6 Landscape Plan Deposit/Contractor Deposit – A landscape deposit in the amount of \$5,000 shall be paid by the Owner to the EHR Homeowner’s Association. The purpose of this deposit is to ensure that the construction project is completed, including approved tree removal, required tree and shrub plantings per the landscape plan, revegetation of disturbed areas including regrading and re-seeding, and assurance that adequate watering is supplied to such trees, shrubs, and seeded areas to provide for their survival and health. The landscaping deposit is required for the C2 Barn Property if the disturbed vegetation meets any of the definitions in Section 5.4.

The contractor deposit of \$1,500 shall be paid to the EHR Homeowner’s Association by the contractor performing the work at the project. The purpose of this deposit is to ensure that the construction project is completed in a manner so as not to cause more disturbances to the neighborhood than is necessary and reasonable during the project and that adequate construction clean up is regularly undertaken and a final clean up is accomplished at the end of the project.

An alternative bond may be posted in the above amounts, such form of bond being acceptable to the DRC in their sole discretion.

6.7 Breach of Agreement – The DRC reserves the right to inspect the construction project at any time during the course of construction. In the

event the Owner or the Contractor fails to follow established rules and regulations, or fails to complete the construction project according to approved plans, the DRC shall notify the Owner or Contractor in writing of any outstanding deficiencies or problems with the project. If these deficiencies or problems have not been corrected within 7 days of notification, the DRC shall recommend to the Executive Board to take any necessary action to bring the project back into compliance. The Executive Board may then direct that all or any part of the deposit be forfeited and used to remedy the situation.

- 6.8 Refund of Deposits – The DRC shall refund any or all of the Landscape and the Contractor deposits upon full satisfaction of the obligations of the Owner and the Contractor as set forth in these guidelines and in the project approvals. It shall be the option of the DRC to allow a partial refund of either the landscape deposit or the contractor deposit at the end of the project.

Should the DRC, in its sole discretion, decide that the landscaping cannot be accomplished before the on-set of winter conditions, it may determine to refund part of the landscape deposit to the owner for work that has been accomplished prior to the onset of winter. For example, if approximately one half of the landscape plan has been completed in a satisfactory manner, then about one half of the landscape deposit may be refunded to the Owner. A partial refund of contractor's deposit could occur.

- 6.9 Construction Noise and Traffic – Construction activity shall be limited to Monday thru Friday, between the hours of 8am and 6pm, unless otherwise specifically approved by the DRC. Vehicles of workmen and subcontractors performing work at the site shall park within the subject lot if possible.

- 6.10 Trash and Trash Removal - Owner and his contractor shall maintain a construction dumpster of at least 10 yard capacity on the construction site at all times during the construction project and it shall be emptied at regular intervals. All construction refuse shall be contained within the dumpster. No burning of trash shall be allowed on the construction site. Each Friday afternoon the Owner or contractor shall make an extra effort to clean construction debris from the site. Any construction debris that might blow to adjoining properties will be collected regularly by the Owner or his contractor.

- 6.11 Contractor Signs - The contractor is allowed to erect one construction company sign at the job site during the construction process. The size of such sign shall not exceed 12 square feet. The sign shall be removed upon issuance of the Certificate of Compliance by the DRC.
- 6.12 DRC Approval of Construction Changes - After the DRC has granted a Certificate of Application approval for a construction project, if in the process of construction, the lot owner requests in an email to the DRC Chair a required change due to unexpected circumstances, the DRC will take no more than 1 week to make a decision. If the email is received and the DRC does not respond after one week, the lot owner can assume the change is approved by default.

Section 7 – Variance and Appeal Process:

In the event the DRC and the Owner/Applicant cannot agree regarding any matter related to the design approval process, requests for variances, disputes during the construction process, or other DRC determinations, the Owner/Applicant has the right to appeal the DRC decision.

Upon request of the Owner/Applicant, the Executive Board will call a special meeting of the Board and the Board will consider the appeal of the DRC decision. The Executive Board will meet within ten days of receipt of notice of an appeal from an Owner/Applicant and the results of such an appeal will be given to the Owner/Applicant within two days of the meeting.