

Red Rock Reserve

Design Guide

Part A - Introduction

This Design Guide has been prepared to communicate our objectives for appropriate home construction within the Red Rock Reserve community. It establishes the framework for these objectives and describes the necessary steps for architectural review and approval. This Design Guide for Red Rock Reserve gives direction to Builders and Homeowners in preparing plans that will implement appropriate land use practices, promote design excellence, and make improvements that enhance the appearance of this quality neighborhood.

Administration of the Design Guide

In order to maximize aesthetic benefits to the neighborhood, all proposed exterior home and site improvements shall be evaluated by the Approving Authority (the "AA") using this Design Guide. The AA evaluation shall attempt to ensure that all proposed improvements of any Builder or Homeowner meet or exceed the requirements of this Design Guide and to promote a quality design for this neighborhood. This Design Guide is intended to aid the Builder and Homeowner in meeting these standards.

Legal Authority

The legal authority for this Design Guide and specific duties and powers of the AA are defined in the Declaration of Conditions, Covenants, Restrictions, and Easements for Red Rock Reserve (Declaration). All property owners should refer to the recorded documents for the complete text of the Declaration. This Declaration is the basis of the authority for these procedures and is legally binding.

The Declaration will control if there are any discrepancies between this Design Guide and the Declaration. Copies of the Declaration and current Design Guide are available from the the Red Rock Reserve Homeowners Association.

Revisions to Design Guide / Other Important Documents

The AA reserves the right to revise this Design Guide from time to time as changing conditions and priorities dictate as further explained in the Declaration. The first adoption date of these Design Guidelines shall be 5/22/06. ***[PLEASE CONFIRM WITH YOUR SALES AGENT OR BUILDER THAT THIS IS THE CURRENT DESIGN GUIDE.]***

In addition to the Declaration and this Design Guide, the following documents govern the use of land at Red Rock Reserve, and should be reviewed in their entirety by all Builders and Homeowners prior to commencement of the building process:

1. Red Rock Reserve Planning and Zoning Documents.
2. ~~Red Rock Reserve Final Plat.~~
3. Declaration of Conditions, Covenants, Restrictions, and Easements for Red Rock Reserve (the "Covenants").
4. Wildfire Mitigation Plan.

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Part B -Designing Your Home Site

A. *Building Setbacks / Dwelling Area Guidelines*

1. Minimum Setback Requirements:

- Front setbacks are required from all streets for all structures. The minimum front yard setback, measured from the property line, shall be 40 feet.
- Side setbacks are required to be a minimum of 25 feet.
- Rear setbacks are required to be a minimum of 25 feet.
- Corner lots are lots with more than one lot line that abuts a street. The setback from the lot line (s) from which no driveway access is taken shall be a minimum of 50 feet.
- Please refer to the Red Rock Reserve Planning and Zoning Documents approved by El Paso County. As well as any subsequent amendments or Final Plats for specific building setbacks, easements and special areas.
- The AA shall have the ability to require additional setbacks.

2. Dwelling Area Guidelines:

The minimum size of the dwelling is not the only criteria used by the AA in the approval process. The AA shall have wide discretion based on architectural styling and visibility of the home; i.e. a smaller home in the trees with extensive architectural features may be approved. A home that meets the size minimum but is in a more visible location may be rejected.

- Single story homes shall generally be larger than 2200 sq. ft. finished living area above grade.
- Two story homes shall generally be larger than 1800 sq. ft. finished living area on the main level and more than 1000 sq. ft. finished living area on the upper level.

- All homes shall have a minimum of a three car garage, which shall be angled, rear or side loaded, not on front of house .

B. Maximum Building Height

Building height and profile for homes should be in scale with the surrounding structures and topography. The maximum height of a home, including permitted guest units, shall be as set forth in the El Paso County Land Use Code, but not to exceed 35 feet as determined by the AA in its discretion.

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Part C -Site Improvements

1. *Accessory Buildings*

Conditions of your site may, in some cases, provide the opportunity of constructing a detached structure. The design and location of this structure in relationship to the house is essential. When a physical connection in the form of a covered walk occurs, it must be an integrated part of the design.

All Accessory Structures and other Improvements as described in the Declaration require AA approval. In addition, all Accessory Structures, such as storage sheds, detached garages and gazebos, shall adhere to the standards of the Preliminary Plan and shall be compatible with the main structure. Requests for approval for Accessory Structures will be reviewed on a case-by-case basis, taking into consideration the lot size, square footage of the home and proposed location and function of the Accessory Structure. Gazebos must be an integral part of the landscape plan. No carports or temporary sheds will be allowed.

2. *Driveways / Culverts*

Driveway materials shall comply with the Covenants. Access driveways should generally follow the natural contours of the site, around and between existing trees and rock outcrops. Long straight runs should be avoided and a roadbed cut into a slope is preferable to a fill. All driveways are to be asphalt, colored concrete or pavers. Circular drives may also be used when approved by the AA.

All driveway culverts sizes shall be shown on the plot plan and checked against the attached Culvert Size Exhibit by the AA. If a lot is at the high point of the street it may not need a culvert depending on where the driveway enters the lot. The ends of all driveway culverts shall have flared end sections or headwalls.

3. *Grading, Drainage, and Erosion Control*

It is important to preserve the natural existing topography and maintain the natural drainage ways. Any minor drainage swales or washes interrupted by site improvements shall be reconstructed, preferably of natural materials properly placed for positive operation of the drainage system. Natural appearing drainage ways using native materials such as rock to line swales is a preferred method.

Where grading is necessary, cut and fill slopes should be kept to a maximum of 3:1. Retaining walls require AA approval and should be utilized where slopes would exceed 3:1.

No grading shall extend beyond existing property lines of the home site without expressed written permission of the AA and adjacent property owner.

Surface drainage upon and across any lot must be addressed through the implementation of sound construction and grading practices. Existing points of entry and exit to and from a lot by historic surface drainage must be respected. Any improvement, which creates an obstruction to surface flows resulting in a backup of water onto a neighboring lot or tract, is strictly prohibited. Please refer to the final plat for any drainage easements that may affect your lot. Some lots, as identified on the final plat, will require that the drainage and grading are to be reviewed, approved and sealed by a professional engineer in the state of Colorado before a building permit will be issued. It is the responsibility of the Builder and Homeowner to insure that proper drainage around the home is provided and maintained. When installing landscaping, it is very important to insure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks, and driveways. Water should fully flow over walkways and driveways.

During all site construction, techniques for controlling erosion within the home site and onto other sites shall be mandatory. Techniques include the use of sedimentation basins, filtration materials such as straw bales or permeable geo-textiles, and slope stabilization fabrics or tackifiers.

4. *Landscaping and Vegetation*

Landscaping plans must be submitted and approved by the AA prior to installation. Homeowners shall be responsible for commencing the landscaping on their lot within six months following occupancy of their home and completing it within nine months follow occupancy, weather permitting.

All natural surface areas disturbed by construction shall be replanted pursuant to a landscape plan acceptable to the AA.

Living trees, the trunk of which is 5 inches in caliper or more, shall not be removed, except as may be approved by the AA, if considered necessary for construction of a building. The relocation of moderate sized trees is encouraged and may be required.

Landscaping should reflect the natural landscape that exists in Red Rock Reserve. Added materials are to be planted in informal groupings to blend with the native. Ponderosa pine is suggested in areas without mature trees. Some heavily wooded sites may require little or no tree planting. The use of boulders and rocks is encouraged.

Red Rock Reserve will allow up to 2500 square feet of irrigated turf per home site (sod, grass or lawn) and additional plantings and landscaping on a drip system, but subject to any requirements imposed by the Water District.

Native grasses, wildflowers, shrubs and trees require minimal watering. These plants have adjusted to the long history of an arid climate. If plants are used that require regular, daily, automatic watering; the subsoil conditions can be adversely affected. When moisture goes deep into the soil, it may cause changes in the composition of the sub-soil and could affect the structural stability of the area around the home. These conditions vary throughout Red Rock Reserve and only professional soils analysis can verify the condition at any given location. This precaution does not preclude intervals of moderate watering. Watering is important, particularly through the first year for new trees and during long dry periods.

5. Fire Safety

Some precautions are necessary for fire safety in Red Rock Reserve pursuant to the Wildfire Mitigation Plan. Specific exterior construction materials and landscaping maintenance are the basic elements. The following is a summary of the current requirements for improvements within Red Rock Reserve:

- All Dwelling Units shall have a thirty- (30) foot safety zone or primary fuel break in all directions. All brush within ten- (10) feet of the Dwelling Unit shall be removed and replaced with a combination of irrigated green belt and bedding areas. All large trees within the thirty- (30) foot safety zone shall be thinned to eliminate over lapping crowns. Trees within two tree heights of the Dwelling Unit shall be pruned of all dead limbs, and the owners shall prune live branches to ten- (10) feet from at least half of the trees within the thirty- (30) foot safety zone.
- All chimneys shall be equipped with a mesh spark arrestor.

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Part D - Materials and Finishes

Harmony with nature should be considered in material, finish and color selection. Natural materials such as stone and wood, work well with the surroundings. Man-made materials, subject to review and approval, are also appropriate. The intention is to not eliminate contrasting color, but its use should be limited and in muted tones. The natural colors of stone or wood coordinated with brick and selective complimentary paint or stucco colors are encouraged. These materials, in tastefully selected combinations, are the goals for the development of Red Rock Reserve. Siding of aluminum, steel or vinyl shall not be permitted. The AA must review and approve all colors and material samples prior to beginning construction.

1. *Architectural Style*

In keeping with the goals of Red Rock Reserve, certain styles of architectural appearance are required on all four sides of the home: French Cottage, English Cottage, Italian Villa, Spanish Villa, Craftsmen, and Colorado Lodge. In order to add definition and break up flat planes of walls the use of architectural elements to create shadow lines shall be incorporated in the design of the home. Architectural elements to accomplish this definition include recessed windows, deep eaves and offset wall planes, window shutters, well-proportioned porches, etc. The AA has wide discretion regarding the comments on the architectural detailing of proposed homes and will vary based on visibility from streets and common areas.

2. *Roofing*

Roofing material may be varied, but the goal is to use earth tones and appealing textures. The roof may be the most prominent feature of your home. In addition to material, the roof edge detailing is important. Careful selection of color and texture of natural or man-made material is critical. Acceptable materials include clay tile, slate, concrete tile or similar materials. Other products, including some metal roofs, especially copper, may be acceptable subject to review and approval. Asphalt shingles will not be allowed.

The roof form is the most prominent visual element of a home and central to define its architectural character. Therefore, the form and materials used to create a building's roof will be carefully reviewed by the AA. Styles such as gable, hip, and shed roofs will generally be acceptable for residential construction, while mansard, flat and A-frame roofs are strongly discouraged. Care must be given when combining roof forms to maintain the integrity of the architectural forms. Well-detailed fascia and eave treatments serve to frame the roof as a strong design element. Roofing materials must be considered with respect to harmony of color and texture with other materials on the home and adjacent properties.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. must be carefully located and finished to complement other elements of the design. Unfinished and exposed metal detailing will not be allowed if visually prominent. If possible, pipes, flues and vents should be located out of view and should be either painted to coordinate with the roof color or if the pipes, vents and flues are six inches in diameter and extend more than eighteen inches above the roof, they shall be concealed by surrounding them with a chase to have the appearance of a chimney and a compatible color.

3. *Roof Replacement / Rooftop Equipment*

AA approval is required if roof material or color is changed. Roofing color should be complementary to other colors on the home. Rooftop equipment must be approved and be painted a color similar or complementary to the exterior of the home and installed to minimize the visibility of the equipment on the roof.

4. *Exterior Materials*

The exterior of the Home should be primarily stucco, with masonry appropriate to the architectural style. It is not to be used for arbitrary decorative thin panels to accent an entry or as "spotty" ornamentation, but rather as an integral element of the design. Stone used in conjunction with stucco or wood can be very effective. Masonry may also be used in landscaping or in specific features of the site. Items will be reviewed as a part of the over-all design by the AA.

5. *Decks and Terraces*

Outdoor living is one of the advantages of a home in Red Rock Reserve. Decks and Terraces should be designed as an extension of the home design and must be an integral part of the landscape architectural design. The type of railing and the supporting columns are the most prominent features. Deck supports should be made of the same materials used in the construction of the home. Use natural materials such as stonewalls to build up terraces and soften the appearance of ground areas at deck supports. The AA, in its discretion, may impose size and material regulations with respect to deck columns and supports, based on visibility, with an 8 " x 8 " minimum dimension.

6. *Driveway Monumentation*

Driveway monuments shall be required on each lot and the standard shall be a minimum of 24"x24"x60 and located on each side of the drive. The monuments shall be constructed of stucco or masonry to match the main dwelling structure. All monuments, sign and exterior lights shall require the prior approval of the AA.

7. Exterior Lighting

AA approval is required to change or add any exterior lighting. In reviewing lighting requests, the AA will consider the visibility, style, brightness, location and quantity of the light fixtures. Flood lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties. Unless otherwise approved by the AA any lighting at the street shall be a maximum combination of 50 watts per fixture or shall have the bulbs shielded from direct view.

8. Fences

The preservation of the natural environment of Red Rock Reserve would be best realized if no fences were built. We understand, however, that there may be a functional necessity to enclose areas. Fences should be a part of the home and development design with materials and configuration that compliment the whole. Fence design must receive the same review as the home design and be approved as part of the submittal and review process. The following restrictions shall apply and must be complied with:

(a) **Perimeter Fencing.** The existing perimeter fences shall be maintained by the Owner as required by the Covenants.

(b) **Yard Fencing:** To allow for a more open, spacious feeling for the neighborhood, perimeter lot fences are prohibited except for developer installed perimeter fencing.

(c) **Dog Run Fencing:** The AA encourages the use of underground invisible dog run fences to promote the open character of the neighborhood but shall be located outside of the setback areas. The AA may allow above ground dog run fencing on a case-by-case basis. The location and size of the dog run will be determined with consideration given its impact on adjacent properties and streets. Generally, dog run areas should not exceed 600 square feet in size and fence height should not exceed 6 feet. The dog run fencing should be located immediately adjacent to the home and be compatible with the home in material and color. Chain-link fencing shall not be permitted. Dog runs must be well screened with landscaping from neighboring properties and streets.

(d) **Privacy Fencing:** The AA may allow solid privacy fencing surrounding or shielding patios and decks on a case-by-case basis. The location and size of the privacy fence will be determined with consideration given its impact on adjacent properties and streets. The privacy fence should not exceed 5 'in height (unless approved by the AA) and should be compatible with the home in material and color. Privacy fencing along property lines will not be allowed.

9. *Garages*

The AA will review all garages for location and materials/appearance of garage doors, but no metal garage doors shall be permitted and cedar carriage type doors shall be required unless the AA grants a variance.

10. *Hot Tubs*

Hot tubs should be designed as an integral part of the deck or patio area and must be located in the side or rear yard area with appropriate screening from adjacent neighboring properties and streets.

11. *Landscape Maintenance*

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plant material, elimination of weeds and undesirable grasses, and removal of trash.

12. *Painting /Repainting*

AA approval is required prior to any exterior painting or repainting of the home and accessory buildings. The submittal must contain the manufacturers paint chips with name and code number. Approval will take into consideration, but not be limited to, the color tone and brightness, the homes architecture, stone or brick accents, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties. Downspouts should be painted to match the body color of the home. Generally, garage doors should be painted a muted color and blend with other colors of the home.

13. *Play and Sports Equipment*

Play and outside sports equipment shall require the prior approval of the AA and should typically be located in rear yard areas and set back as to not visually impact the primary structure. Consideration shall be given in the location of play equipment so as not to create an undue disturbance on neighboring properties. Play equipment shall be of predominantly muted, earth tone colors and shall not exceed eight (8) feet in height unless otherwise approved by the AA. Play equipment or items used for front yard play should be stored out of view when not in use. Playhouses larger than 30 sq. ft. or over six feet in height shall be considered an accessory building.

14. *Retaining Walls*

Retaining walls may be used to accommodate or create changes in grade. Walls must be properly anchored to withstand overturning forces and should incorporate weep holes into the wall design to permit water to be released behind them. Walls should not exceed four feet in height and should be located so as to not alter existing drainage patterns.

15. *Satellite Dishes / Antennae*

One satellite dish/antennae may be installed on a residential lot subject to the following conditions:

1. The satellite dish/antennae is one meter or less in diameter.
2. To the extent feasible, the satellite dish/antennae should be placed in the rear or side yard or home in such a manner that it is screened from adjacent street(s) and neighboring properties.
3. The satellite dish/antennae should be installed at the lowest possible placement (unless a signal is unattainable).
4. The dish/antennae may require paint to match the surrounding environment or be screened with a reasonable amount of plantings to minimize its visual impact to surrounding areas.
5. Any more than one dish will need AA approval.

16. *Signs / Address Numbers / Mailboxes*

One temporary sign advertising property for sale or lease which is no more than four feet in height and no more than eighteen inches (18 ") by twenty-four inches (24 ") in dimension, and which is conservative in color and style may be installed on the lot without AA approval. All trade signs, which include, but are not limited to, landscaping, painting, remodeling, etc., may only be displayed while work is in progress and must be removed upon completion of the job. All other signs, including address numbers, nameplate signs, will be approved by the AA. Mailbox cluster box locations will have a pre-determined location established by the Developer and the Postal Service. All mailboxes are a pre-determined design that the Developer will provide and install.

17. *Solar Equipment / Skylights*

All solar equipment and skylights shall also be incorporated into the structure and building mass and be architecturally compatible with the residence.

18. *Swimming Pools*

Above ground swimming pools shall not be allowed. Requests for below grade swimming pools will be reviewed on a case-by-case basis by the AA with consideration given to, but not necessarily limited to, the size of the yard area, setback from impact on neighboring properties and size of pool enclosure. The water rights associated with Red Rock Reserve do not allow pools to be filled with ground water from this property.

19. *Vegetable Gardens*

Vegetable gardens must be located in the rear or side areas of the home site so that both the garden and its accessory operating areas are substantially screened from view of adjacent homes and public areas. Tall plants, such as corn and sunflowers, must be completely screened from view.

20. *Windows and Gutters*

No aluminum windows shall be permitted, instead wood or vinyl clad or vinyl windows are permitted. All aluminum windows shall be anodized and painted or coated with a color to blend with or compliment the color of the dwelling. White windows are not permitted. Gutters, if installed, shall be painted the same color as the adjoining trim color of the dwelling, unless they are copper gutters.

21. *Wood Storage*

Wood must be located in rear yard, must not be visible to the street, and be neatly stacked. AA approval is not required for the storage of wood.

22. *Yard Ornaments*

Yard ornaments, including but not limited to, birdbaths, birdhouses, fountains, sculpture, statues, flags and banners, etc. require AA approval. Location of yard ornaments in the front yard is discouraged.

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Part E - Design Review Procedures

All Builders, Homeowners, contractors, subcontractors and/or their designated representatives shall comply with the following Design Review Procedures in order to gain approval for any improvement to property within Red Rock Reserve. All construction that is to be undertaken in these neighborhoods, with the exception of improvements made by the Declarant, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements, including but not limited to, walks, driveways, drainage, fencing, lighting, statuary, landscape planting or other exterior improvements is subject to review under this Design Guide. Drawings or plans for a proposed improvement must be submitted to the AA and the written approval of the AA obtained before the improvements are commenced.

1. *Architectural Plan Review*

For new building construction or major improvements, such as room additions, remodels, structural changes or accessory building construction, the Builder or Homeowner shall submit to the AA two sets of construction documents with color samples and color blocking on all four elevations, to include the following:

1. Site Plan of the lot, at a scale of 1" = 10'0" -or 1" = 20'0", -including:
 - (a) Lot lines and dimensions, building setbacks, street right-of-way, easements and preservation areas.
 - (b) Existing and proposed contour lines at 2' intervals extending to all property lines, existing or proposed street elevations, finish grade at building corners, drainage swales.
 - (c) Building footprint, main finish floor and garage slab elevations.
 - (d) Culvert size and type of end treatment; i.e. headwalls or flared end sections
 - (e) Walks, driveways, decks, accessory structures, entry monuments, privacy fencing, retaining walls with top and bottom of wall elevations.
 - (f) Fencing style, type and location. All tree locations shall be on site plan.
Size and Location of septic tank and leach field

2. One set of Architectural Plans, at a scale of 1/4 " or 3/16 " = 1 '-0", including:
 - (a) Architectural elevations (front, sides and rear).
 - (b) Floor plans, including square footage for each floor.
 - (c) Roof plans indicating pitches, ridges, valleys and location of mounted equipment.
 - (d) Indication of all proposed exterior materials.
 - (e) Exterior details, including items such as chimneys, exterior stairs and decks, railings, and deck supports.
3. Any other proposed improvements (i.e. decks, awnings, hot tubs, entry monuments, etc.).
4. Exterior colors, materials and finishes, including:
 - (a) Schedule of all finished exterior materials and colors, including siding/downspouts, fascia/gutters, roofing, garage doors, masonry products, front door, and all trim.
 - (b) Samples of materials at appropriate size are required at the discretion of the AA.

2. *Landscape Plan and Other Site Improvements Review*

Approval shall be obtained prior to installation of any landscaping or any other site improvements including, but not limited to, dog runs, play equipment, fencing, deck or patio additions, site lighting, etc. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, landscape architect, or draftsman, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the AA. The following guidelines should be utilized in preparing drawings or plans:

1. The drawing or plan should be done at a scale of 1 " =10 'or 1 " =20 'and should depict the property lines of your lot and the " footprint " of the home as located on the lot. Existing improvements, in addition to your home, should be shown on the drawing and identified. Such existing improvements include accessory buildings, driveways, walkways, decks, trees, shrubs, etc.
2. All proposed plant locations, types, quantities and sizes, location of turf and other ground cover materials should be shown on the plan and labeled. The plan should exhibit grading and layout of all additional landscape improvements such as berms, walks and structures not covered under the approved Architectural Plan Review.

3. Total square feet of irrigated area.

4. Plans for any other site improvements, such as play/sports equipment, dog runs, hot tubs, trellises, retaining walls, fencing, lighting, gazebos, etc. should be shown on the plan with a description of the proposed improvement, including the materials and colors to be used. In the case of structural improvements (trellises, gazebos, fencing, etc.), an elevation drawn to scale of the proposed improvement is required.

3. *Revisions and Additions to Approved Plans*

Any revisions and/or additions to the approved Architectural or Landscape Plans made by either the Builder, Homeowner, or as required by El Paso County, must be resubmitted for approval by the AA. The revised plans must follow the requirements outlined above. The AA will then review the plans and provide a written response no later than 30 days after the submittal.

4. *Fees*

The Site Plan and Building Plan review fee is \$250. This fee will cover the initial and second review. Fees shall be paid at the time the initial request for approval is submitted.

Any requests for changes, additions, modifications or subsequent reviews of plans will cost \$150 for each review. Fees shall be paid at the time the request for approval is submitted.

The Landscape Plan review fee is \$50. This fee will cover the initial and second review. Subsequent reviews will cost \$100 for each review.

5. *Action by AA*

The AA will meet regularly to review all plans submitted for approval. The AA may require submission of additional material and may postpone action until all required materials have been submitted. The AA will contact you, in writing or by phone, if the AA feels additional materials are necessary or if it needs additional information or has any suggestions for change. The AA will attempt to act on the plans within 30 days after receipt of all materials required by the AA (unless the time is extended by mutual agreement). A written response of the decision of the AA will be sent by mail within five (5) days of the AA decision. The AA may extend the time frame up to an additional 20 days upon notification of the applicant.

6. *Certification of Accuracy*

The AA, at its sole discretion, may require the Builder to provide a Certificate of Accuracy from a registered licensed Surveyor (hired by the Builder) attesting to the accuracy of the following:

1. The building foundation is located as approved by the AA in the final approved plans.

2. The building foundation elevation is as approved by the AA in the final approved plans.

The certificate must be in the form of an improvement survey showing dimensions of foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of top of foundation walls. Points at which elevations are taken must be clearly identified and correlate with location of top of foundation as shown on the final approved plans.

7. *Review of Work in Progress*

As provided in the Declaration, the AA shall have primary authority to enforce the provisions of this Design Guide. The AA may review all work in progress to the extent required to ensure that the construction or work complies with any and all approved plans and construction procedures. Absence of such reviews or notification during the construction period does not constitute either approval by the AA of work in progress or compliance with this Design Guide or the Declaration. The AA may withdraw approval of any project and require all activity at such project to be stopped, if deviations from the approved plan or approved construction practices are not corrected or reconciled within ten (10) days after written notification to the Builder or Homeowner specifying such deviations or such longer period as the AA may specify. Any AA visits are in addition to standard inspections required by other jurisdictions throughout the construction process.

8. *Effect of Governmental and Other Regulations*

Approval of plans by the AA shall not be deemed to constitute compliance with the requirements of any local, zoning, safety, health or fire codes, and it shall be the responsibility of the Builder or Homeowner or duly authorized representative submitting plans to assure such compliance. Nor shall approval waive any requirements on the part of the Builder or Homeowner or his representative to comply with setbacks, height restrictions, or other requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the AA and local jurisdictions, where applicable.

9. *Period of Plan Validation*

Final approval of plans is valid for twelve (12) months unless otherwise agreed to by the AA and the Builder or Homeowner in writing. Construction must begin within this period. If not, plans must be resubmitted for review by the AA.

10. *Variances*

Approval of any proposed plans is within the sole discretion of the AA, which shall have the authority to grant variances from compliance with any of the provisions of this Design Guide when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require. Such variances must be evidenced in writing and signed by a majority of the members of the AA. Any Owner seeking a variance from El Paso County must have first obtained AA approval of such variance application.

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Part F - Construction Regulations

In the interest of all Builders and Homeowners, the following regulations shall be enforced during the construction period. These regulations shall be a part of the construction documents contract for each residence, and all Builders and Homeowners shall abide by these regulations.

1. OSHA

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

2. Construction Hours

Construction hours shall be between the hours of 7:00 A.M. and 6:00 P.M., Monday through Saturday.

3. Construction Access

Declarant may designate specific access points for exclusive and limited use by construction vehicles.

4. Construction Trailers, Sheds or Temporary Structures

Construction shelters/trailers shall not be permitted in Red Rock Reserve without express approval of the AA.

5. Excavation

Excess excavation material shall be removed from the property and shall not be placed in common areas or on roads. Excavation, except for utility trenching, shall be on the Homeowners home site only. Contractors are prohibited from spreading excess debris or material over the remainder of the home site, other property, or any other home site without approval.

6. Debris and Trash Removal

Regular cleanup of the construction home site is mandatory. All trash and debris shall be stored in a trash container and shall be removed on a weekly basis or when full. All soil and debris flowing into the street(s) or open spaces from the construction home site shall be cleaned as needed. A fine may be imposed by the AA for noncompliance with these requirements.

7. Vehicles and Parking

All vehicles must be parked so as not to inhibit traffic or damage surrounding natural landscape. Vehicles shall not be left on community roads overnight. The AA may designate, at time of plan review or during construction, specific areas for parking of construction workers vehicles and/or equipment.

8. Pets

Contractors, subcontractors, and employees are prohibited from bringing dogs and other pets to the construction home site.

9. Blasting

If any blasting is to occur, the contractor shall be responsible for informing all residents in the proximity of the blasting home site.

10. Restoration and Repair

Damage to any property other than the Lot owner 's shall be promptly repaired at the expense of the person or entity causing the damage.

All trails and roadside drainage ditches shall be repaired to their original state, including the re-gravel of trails and re-seeding of ditches.

11. Dust, Noise and Odor

Every effort shall be made to control dust, noise (including the personal use of radios, CD and tape players), and odor emitted from a construction area. The contractor will be responsible for watering, screening or alleviating dust problem areas as well as controlling noise and offensive odors from the home site.

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Part G - Miscellaneous

1. *Nonliability*

AA approval pursuant to this Design Guide does not approve or guarantee engineering design or compliance with law and applicable governmental ordinances or regulations (such as zoning and building ordinances), and does not reflect any representation by the AA as to such matters. By approving plans and specifications, neither the AA, its members, the Association nor the Declarant assumes any liability or responsibility for engineering design or compliance with law and applicable governmental ordinances or regulations or any other matter relating thereto, other than this Design Guide. Neither the AA, its members, its agents, the Association, the directors of the Association, the Declarant, nor any successors, assigns, agents, employees or officers of them shall be liable to any Homeowner or other person for any damage, loss, or prejudice suffered or claimed on account of: (1) approval or disapproval of any plans, (2) performance of any work, whether or not pursuant to approved plans, drawings and specifications: or (3) development of any property within the subdivision.

2. *Aesthetic Considerations*

Aesthetic Considerations relating to any improvement or other matter that is addressed in this Design Guide are within the scope of the design review process, and the AA may deny or condition any application or request before it on the basis of aesthetic considerations, including the design theme for the development and specific areas within the development as well as the aesthetic consistency of a proposed improvement or other matter with the surrounding landscape and structures.