



# *The Valley at Winter Park*

## *Architectural Design and Review Guidelines*

*“A document designed to preserve and enhance the value of  
property within the Valley at Winter Park.”*

*Adopted: August 7, 2019*

The Architectural Design and Review Committee (ADRC) prepared these guidelines for adoption by the Valley at Winter Park Homeowner’s Association Board of Directors. The ADRC reserves the right to add to or modify these guidelines at its discretion.

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## ***1 INTRODUCTION***

We welcome you to The Valley at Winter Park and look forward to working together with you and your design professionals to make your high country home a reality.

The Valley at Winter Park is a truly special place, and we want its natural essence to remain after all of our construction endeavors have been completed. Its beauty can endure, but only if we all approach the development of these properties with care and proper stewardship of nature's gifts to us. Therefore, our primary objective shall be sensitivity to the natural environment. This objective is best realized when each home is custom designed for its own specific setting, to enhance and accommodate its site's natural features, without destroying or imposing itself upon them in the process.

The successful implementation of this architectural 'vision' will depend in great measure upon the capabilities and experience of the design professionals retained by each Owner. For that reason, each Owner must enlist the active participation of a licensed architect, building designer or person qualified by The Valley at Winter Park Architectural Design Review Committee ("ADRC") to assume the creative lead in the development of his or her Design Plan..

In response to our 'vision' for The Valley at Winter Park, we prepared these Architectural Design and Review Guidelines ("Guidelines") as an informational resource for each Owner and his or her design professional. They are promulgated by the ADRC in accordance with the Restated Declaration of Covenants, Conditions and Restrictions for The Valley at Winter Park as recorded on February 1, 2001 at Reception No. 2001000878, and as amended at Reception No. 2001-008534 on August 29, 2001, and at Reception No. 2012005947 on August 9, 2012, in the real property records of Grand County, Colorado (the "Declaration"), and pursuant to the authority granted therein to the Board of Directors of The Valley at Winter Park Homeowners Association, Inc. (the "Association").

We recognize that no compilation of Guidelines can possibly address or foresee every potential set of circumstances or conditions. Therefore, variances from these individual precepts may be granted on occasion for a quality design solution, which is consistent taken together with our stated goals, even though it does not conform exactly to every single stipulation. However, the variance option must be applied judiciously and with restraint; applicants must avoid any attempt to misapply the variance process in the hopes of the endorsement of a design, which contravenes our stated goals. In the final analysis, our ADRC shall remain the indisputable judge of the suitability of any design solution.

History has shown that many Homeowners approach the Design Plan Application and Review process feeling it will be a quick one, and one, which will allow them to commence construction rapidly. Homeowners need to approach the process in a realistic fashion and remember it is the quality of the submissions and the adherence to these Guidelines, which allow the process to move forward smoothly and expeditiously. It is the intention of the ADRC to review all submissions on a timely basis so as not to cause unnecessary delays.

1. All improvements proposed in the Valley at Winter Park, including but not limited to buildings, structures, sheds, solar panels, wind turbines, decks, fences, walls, signs, exterior lighting, landscaping, grading, paving, driveways, tree cutting and clearing, are subject to these Design Guidelines, and thereby require the consideration of and the written approval from the ADRC, prior to their implementation or erection.
2. The Review Process begins with the Applicant's filing of the Design Plan in compliance with Section§ 7.2 hereof.
3. Upon receipt of the Design Plan Application and the \$1,000.00 Design Plan Review Fee, the ADRC shall check it for completeness and reject any incomplete application. Once a complete application has been filed, the ADRC shall submit the Design Plan for licensed architectural and structural peer review to ensure conformance to these Guidelines. The ADRC shall meet after receiving the peer review recommendations and with committee consideration either: (a) approve it, (b) approve it with conditions, or (c) deny it.

4. Once the ADRC approves a Design Plan, a representative of the ADRC may elect to meet with the selected General Contractor/Builder for the following:
  - a. Review the Valley at Winter Park construction regulations; and,
  - b. Assure the General Contractor's/Builder's understanding thereof and his intended adherence thereto; and
  - c. Review with him any construction-related conditions that may have been applied to the approved Design Plan.
5. The Final Inspection of the completed improvements by a representative of the ADRC shall take place after the Homeowner requests the return of the preconstruction deposit to ascertain whether actual construction has been completed in strict compliance with these Guidelines, the approved construction documents, and any other stipulations for approval.
6. Likewise, any modification or addition to an existing improvement of any type requires the Board's review and consent as well.
7. The reconstruction by the Association of any common elements due to their destruction by casualty or otherwise, which is accomplished in substantial compliance with "as built" plans for such common elements, are not subject to the stipulations of these Design Guidelines or its review process.
8. elements, are not subject to the stipulations of these Design Guidelines or its review process.

## ***2 Firewise Development***

The Valley at Winter Park is a designated Firewise community. The proximity to large tracts of wildland and the staggering lodgepole pine die-off from the mountain pine beetle epidemic makes the threat of wildfire very real and has prompted insurance companies to restrict their insurance coverage. Maintaining the Firewise designation will reduce insurance underwriters concerns about a wildfire loss.

Firewise is a national program that emphasizes community involvement and provides important information for residents to reduce the risk of wildland fire igniting homes. This designation depends on the property owners to adhere to certain standards relating to wildfire mitigation and construction standards. The ADRC recommends taking advantage of their resources and design recommendations which can be found at <https://www.nfpa.org/Public-Education/By-topic/Wildfire/Firewise-USA>

The ADRC also asks you to place a reflective address sign next to your property access during and after construction. The reflective address signs are recommended by fire departments, Firewise and The Wildfire Council in Grand County for the following reasons:

- reflective signs show up in low-light conditions such as at night or in smoky conditions
- they use the county road designations that are more accurate than "Elk Meadows" when fire fighters or emergency vehicles are trying to find your house
- these signs save lives!

To order a \$30 reflective address sign that will not burn down in a fire, contact [www.bewildfireready.org](http://www.bewildfireready.org).

## ***3 SITE PLANNING***

### ***3.1 SITE PLANS***

The base drawing for each Site Plan will be a topographic survey of the lot, prepared by a registered Civil Engineer or a licensed Land Surveyor, at each Owner's expense. That Site Plan must delineate lot boundaries and dimensions, its platted Disturbance Envelope, easements, designated wetlands (if any), topography (2 foot contour

intervals or less), all trees eight (8) inches in diameter or greater (at chest height), major site features such as rock outcrops, edge of pavement and utility locations.

In addition, the Owner Architect shall identify and sketch on the Site Plan the following items:

1. Building footprint, height, and desired square footage.
2. Best access (or mandated access).
3. Approximate locations of significant secondary vegetation such as clusters of shrubbery or sage.
4. Areas of preexisting site disturbances.
5. Approximate location of Individual Sewage Disposal System (ISDS) and leach field area.
6. Any other anticipated improvements, including, but not limited to, patios, fire pits, retaining walls, sheds, gazebos, basketball or tennis courts.

The Owner must submit a complete Site Plan in digitized format, which includes all of the above, plus all of the materials described in Section§ 2 through Section§ 4 of these Design Guidelines, along with elevations of the home and any secondary structures, landscape plan, drainage plan and staging plan.

### 3.2 DISTURBANCE ENVELOPE

The “Disturbance Envelope” is that interior portion of each lot within perimeter boundaries located fifty (50) feet from the front of the Lot (the front of the Lot shall be that side of the Lot on which the roadway is located, but for lots adjacent to more than one roadway, the front shall be the side facing the roadway to which the driveway access is located) and twenty-five (25) feet from the sides and rear or back of the Lot, within which all improvements and construction activity must occur. Those portions of each lot that occur outside of the Disturbance Envelope must remain in their undisturbed natural condition, unless the Owner receives written approval from the ADRC, or it falls under one of the following exceptions:

1. A single corridor for access, no wider than necessary up to twenty-two (22) feet maximum, only sixteen (16) feet of which may be paved, which crosses from a public right-of-way or a private drive to the Disturbance Envelope.
2. Utility service extensions, crossing from service stubs to the Disturbance Envelope; those disturbances shall be limited to no more than twelve (12) feet in width along the crossing. Whenever possible, service extensions must be grouped into a shared trench to minimize the extent of the site disturbance outside of the Disturbance Envelope.

Since disturbance to any site may only occur within the Disturbance Envelope, but for the preceding exceptions, building walls must be set back sufficiently from the envelope line to permit the construction of the residence and all its ancillary improvements without violating the limits of the envelope. Scaffolding, material storage, and disposal, passage of vehicles such as backhoes or forklifts, excavation, finish grading and enhanced landscaping may only occur within the Disturbance Envelope. As a minimum, we recommend a setback of at least one foot for each foot of excavation depth; and a minimum of six (6) feet; in many cases, especially when an owner desires extensive peripheral landscaping, the setbacks must be greater.

All decks, patios, terraces, and secondary structures (such as gazebos, hot tubs, club/tree houses, sheds or other outdoor spaces) must be contained within the Disturbance Envelope.

**All excavated material must be removed as excavated and must be stored or disposed of off-site.** The only permitted exception shall be for those sites where topsoil and/or the material necessary for backfill can be suitably stockpiled within the Disturbance Envelope, without interfering with construction circulation around the structure, and without necessitating the unnecessary removal of trees or other significant vegetation. This exception will only be permitted by the ADRC when the General Contractor’s/Builder’s construction-staging plan clearly demonstrates that these conditions can be met.

That portion of the Disturbance Envelope approved for disturbance must be demarcated by an industry accepted fabric or plastic fence throughout the duration of construction activity.

Finally, the “Disturbance Envelope” concept is an extremely important directive of these Design Guidelines. With care and compliance, the protected intervening natural landscape will survive and stand as the unbroken connecting fabric that visually knits The Valley at Winter Park community together.

### 3.3 DRIVEWAYS

Generally, each residential lot may be accessed by a single driveway only. Residential corner lots with driveway point of access from the higher classification of roadway rather than the lower classification of roadway must request a driveway variance from Grand County Road and Bridge, and Grand County Commissioners. The written County approval of the requested variance shall become a component of the Site Plan submitted to the ADRC. Circular driveways with two points of access may occur only with Grand County authorization and ADRC approval of a submitted Variance Request (Appendix G).

Access drives must be situated to preserve and protect important natural features, including but not limited to significant trees and vegetation, drainageways, and rock outcroppings, and must be designed to minimize disruption of the existing landscape. Driveways for hillside lots may incorporate no more than one intermediate switchback (a turn that exceeds 90 degrees) into its alignment. (Figure 1)

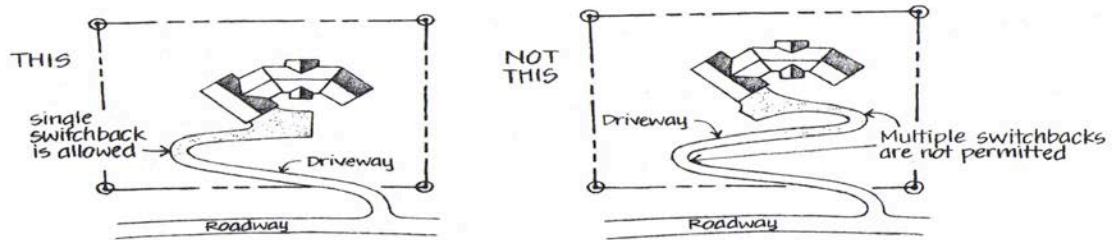


Figure 1: ILLUSTRATION OF LIMITATION ON SWITCHBACKS

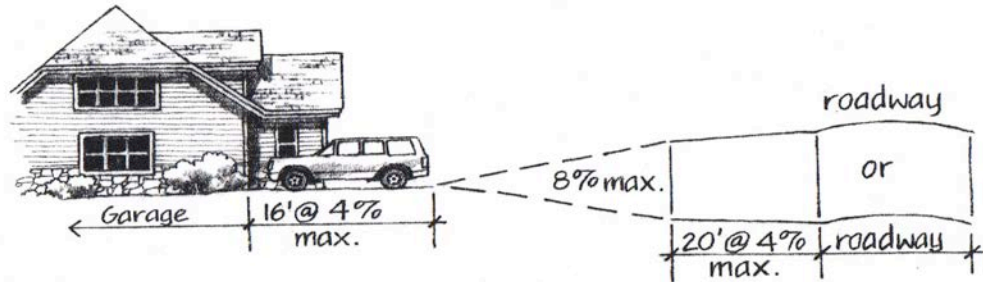
Driveways and parking areas must be situated entirely within the Disturbance Envelope except where the single corridor for access crosses from a roadway or private access drive to the envelope pursuant to Section § 3.2 hereof. The term roadway, street, or private access drive when used herein shall have the same meaning as if they are one and the same.

If an owner desires a surfaced driveway, the surface shall not exceed a width of sixteen (16) feet where it crosses from a roadway edge to the Disturbance Envelope. Those crossings shall be made as directly as is practical to minimize site disturbance between the roadway and the envelope. The width of site disturbance along those crossings shall be limited to a maximum of twenty-two (22) feet (which will accommodate a driveway width of sixteen (16) feet with six (6) feet of combined grading disturbance along the sides of the driveway). Each driveway must intersect the edge of the roadway at an angle no less than 80 degrees (90 degrees is preferred), and that alignment must be maintained along the centerline of the first twenty (20) feet of driveway which touches the road. Driveway edges must be flared at their intersection with a roadway for ease of turning; flared sections shall not exceed a radius of six (6) feet. Surfaces shall be of a thickness and structural cross section appropriate for the site-specific soil conditions and that satisfy all Grand County paving standards. Large unbroken expanses of plain white concrete are not permitted.

A galvanized corrugated metal culvert pipe, with a minimum diameter of fifteen (15) inches, shall be installed where necessary beneath each driveway between the road edge and the property line and in compliance with Grand County Road & Bridge requirements, unless otherwise approved by the ADRC. The invert flowline of the pipe shall be aligned and sloped so those borrow ditch/drainage way flows will continue unimpeded beneath the driveway crossing. The exposed ends of the pipe shall be aesthetically finished with stone headwalls. Headwalls may be dry-stacked or grouted, and stone materials (along with grout color if applicable) are subject to approval by the ADRC. The installation and on-going maintenance of each driveway culvert and the segment of driveway that occurs within the road right-of-way shall be the responsibility of each individual owner.



Parking areas and driveways should be oriented for optimum solar exposure to facilitate the melting of snow and to prevent the buildup of ice. Suitable orientation and moderate slopes are essential for the maintenance of safe driving and walking conditions during periods of ice and snow. As a rule, driveway slopes should not exceed a gradient slope of 8 percent. Additionally, for safety considerations, there must be transition areas with a slope gradient of 4 percent or less extending out a minimum of sixteen (16) feet from garage doors, and extending back a minimum of twenty (20) feet from the edge of a roadway or private driveway. (Figure 2)



**Figure 2: ILLUSTRATION OF DRIVEWAY SLOPE**

### 3.4 VEHICLE PARKING

Each home must provide a minimum of two enclosed and two uncovered vehicle parking spaces. The uncovered parking spaces may be achieved by the parking of vehicles in tandem or side-by-side on the driveway, provided those required spaces occur entirely within the Disturbance Envelope for the site. Parking or storage of motor homes, trailers, other recreational vehicles, OHVs, or water craft regardless of size and class outside of a garage on any homesite longer than ten (10) days is prohibited unless specifically permitted in writing by the ADRC. If the ADRC grants such a waiver, those waived vehicles may not be used for on-site camping unless associated with ongoing construction on the property.

### 3.5 SNOW REMOVAL AND STORAGE

Grand County experiences significant snowfall each year. A critical consideration for site planning and design is the removal of snow and its subsequent storage on sites. Driveways and parking areas must be laid out to facilitate the operation of snow removal equipment. In addition, snow storage sites, equivalent in area to 25 percent of the driveway area to be maintained, shall be provided on each site within the Disturbance Envelope. Storage sites should be situated adjacent to the surfaces to be cleared, but away from visually sensitive locations or delicate landscaped areas whenever possible. Snow may not be plowed or blown into the road right-of-way or onto any other adjacent parcels. Heated driveways may be used in lieu of snow storage areas. Driveway drainages may not flow on to road right of way.

### 3.6 SITE WORK

In order to protect the natural landscape, the location and design of proposed structures and landscaping must relate to the existing terrain. The area of soil and vegetation disturbance within each Disturbance Envelope shall be curtailed to that necessary for construction and landscaping purposes. Aside from those limited exceptions noted in Section§ 2.2 hereof, that portion of any site which is outside of its Disturbance Envelope, must remain undisturbed and in its natural state unless the Owner obtains a Clearing Plan from the ADRC. Clearing Plans shall properly consider the privacy of adjacent lot owners and public view sheds.

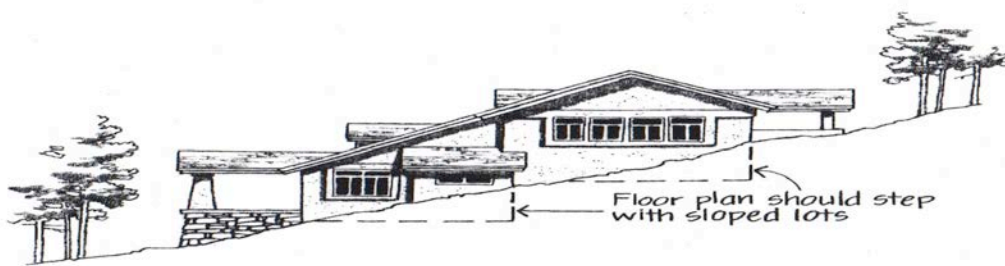
Some limited pruning, removal of dead or diseased plant material, and/or the thinning of existing trees for the sake of forest health and fire prevention may be undertaken by each Owner without prior ADRC approval.

In the event trees or brushes are felled or trimmed as provided herein, the Owner shall remove the remnants, including slash, from the Lot. Trees cut into firewood and stacked neatly shall be deemed to meet the removal requirement. Each owner should make every effort to reduce the height of all stumps to no more than two (2) feet. If an Owner does not remove felled trees and debris, the Association may do so for the Owner and bill the Owner for the costs including a reasonable administration fee.

The Association shall **strictly enforce** the removal of noxious weeds as defined by the Grand County Noxious Weed Control provisions and requirements and Owners will comply with any fire mitigation plan adopted by Grand County.

### 3.7 GRADING AND DRAINAGE

No excessive excavation or fill will be permitted on any lot except if the ADRC specifically allows it due to unique terrain considerations. Every effort should be made to balance cut and fill and to minimize the necessity for retaining walls. Unless otherwise approved by the ADRC, a building shall not be permitted on slopes of greater than 30% and floor plans should step with the slope on lots. (Figure 3)



*Figure 3: ILLUSTRATION OF SLOPED LOT*

Ground floor levels should be established at a vertical elevation such that the final placement of backfill and peripheral improvements will support positive drainage away from the structure in all directions. The inclusion of foundation waterproofing and a perforated pipe foundation drainage system (French drain) are recommended along the uphill and side hill foundation footings on all lots.

Site excavation and grading must occur with minimal disruption to the Lot, without altering the pre-existing alignment of the flowlines of any surface drainage channels or swales. Where appropriate, the ADRC may permit

the realignment of a portion of a drainageway within the boundaries of the Disturbance Envelope; such consideration will be done on a case-by-case basis, so an Owner or architect must not assume that realignment will be permitted in all circumstances. Any proposed realignment must be based upon sound hydrological principles and unnecessarily necessitate the removal of significant trees or vegetation. Existing points of entry and exit of historic drainage to and from a Lot must be respected. Any improvement or construction activity that creates an obstruction to surface flows that result in the backup of snowmelt or storm waters onto an adjacent Lot or parcel is strictly prohibited.

Excavation, grading, and the placement of fill may not commence until the ADRC provides written approval for the Design Plan Application and all Construction requirements are met.

The ADRC may require the inclusion of a soils/drainage report with the Design Plan Application if drainage or soils concerns exist for the property.

### 3.8 UTILITIES

Utility services are stubbed to the property line of each lot. Natural gas, power, and telephone service locations are generally clustered in one or more utility easements located on one of the front corners of the lot. There are no sewer services. The extension of service lines from the stub locations to the residence shall be the responsibility of each Owner's General Contractor/Builder.

Water service is customarily stubbed to the front property line or to the property frontage at a private access. The extension of water service lines from the stub location to the residence shall be the responsibility of each Owner's General Contractor/Builder who must coordinate the installation of water service specifically through the Valley at Winter Park Water District as outlined in the following procedural steps.

Lot Owner's General Contractor/Builder must contact Valley at Winter Park Water District's Water Operator and submit plans for water service line. Water Operator will either approve or notify the General Contractor/Builder of required modifications. Once plans have been approved, the Water Operator and the General Contractor/Builder will coordinate installation of the water meter. The District's Water Operator shall contact the District's administrator who will invoice the Lot Owner for payment of the water meter. Payment for the water meter must be made before the Water Operator will place an order for the water meter and schedule the installation.

Contacts:

Doug Bellatty (Water Operator).....970-531-9246  
Jeanette Berg (Administrator - Valley at Winter Park Water District).....303-887-0176

The District's administrator will verify that all water tap, water service, and water meter installation fees are paid to the current date.

Fees:

Water Tap Fees .....\$6,500.00  
Water Service Fees (paid annually August through July 31) .....\$ 600.00  
Water Meter/Installation .....\$ 450.00

Following the water meter installation, the General Contractor/Builder must notify the District's Water Operator, Doug Bellatty, to schedule an inspection to ensure proper installation of the service line for rough-in plumbing, and the water meter installation and operation for final plumbing.

Once the District's Water Operator signs off on the Construction Requirements Checklist (Appendix H) approving the water service installation, the General Contractor/Builder must schedule any other local and county required inspections.

Utility extensions must be installed underground and must be routed to minimize disruption of the natural landscape. These routes should be combined with other disturbance activities to minimize the number of impacted areas.

Homeowners may consider screening electrical service meters, gas meters, and any other utility or mechanical equipment from the street, from neighboring homesites, and other common areas. They may be screened by

elements of the structure, privacy walls, or dense landscaping, in a manner acceptable to the utility provider(s). (Figure 4)

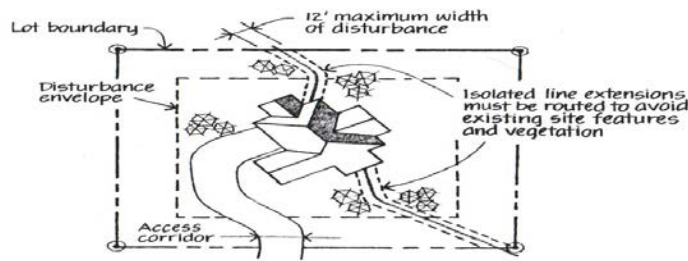


Figure 4: ILLUSTRATION OF UTILITY ROUTING

Line extensions must take advantage of gaps in the existing vegetation, even if the gaps do not represent the most direct route to the building site. Disturbance along those isolated line extensions shall be limited to a maximum width of twelve (12) feet. All areas of the site disturbed as a result of utility trenching must be restored to their natural conditions as nearly as possible as soon after backfilling as weather conditions allow. It is important to restore and repair the entire breadth of disturbance, not just the trench scar itself.

The ADRC advises against the routing of water lines directly beneath paved surfaces, due to the higher potential for freezing. If routing below pavement is unavoidable, those lines should be insulated or placed at a greater depth to avoid problems.

### 3.9 MECHANICAL AND ELECTRICAL EQUIPMENT

Roof mounted and wall mounted mechanical equipment will not be permitted with the exception of satellite and internet dishes. Any outdoor mechanical equipment, such as an air conditioning compressor or a boiler for a heated driveway, must be pad mounted adjacent to the residence. The equipment must be screened from view.

Electrical meters and switching boxes must be situated away from drip lines as well. If electrical devices are directly affixed to an exterior wall, they must be protected by deep overhangs, preferably on the gabled end of a building element. If they are placed beneath an eave overhang, they must be further sheltered by a shed roof extension, or by a gabled wall dormer or eyebrow assembly to direct roof runoff aside. Those electrical devices must be situated in an unobtrusive location and must be painted to match adjacent building surfaces. The ADRC strongly prefers that the meter and switchbox be recessed into a shallow weatherproof cabinet or “closet,” indented into the exterior wall of the structure.

### 3.10 SITE WALLS AND FENCES

Site walls and fences may be used to define pet runs, to screen equipment or outdoor storage areas, or to enclose small yards or terraces in close proximity to the residence. Such walls and fences must be designed as visual extensions of the home and should be compatible in both color and the utilization of materials. All such walls and fences must be contained within the Disturbance Envelope, but may not be used arbitrarily to delineate the Envelope itself. Fences, except those used for screening, may not exceed a height of seventy-two (72) inches above finish grade. Fencing which utilizes chain link, wire, or plain concrete block is prohibited. (Figure 5)

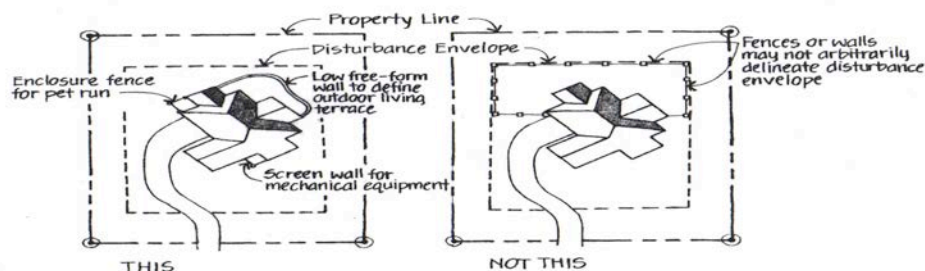


Figure 5: ILLUSTRATION OF SITE WALLS AND FENCES

### 3.11 SPAS AND HOT TUBS

No swimming pools shall be permitted. Spas and hot tubs, if any, must be well integrated into the design of a residence. Privacy must be maintained for the benefit of the Owners and their neighbors by using extended elements of the building, well designed screen walls, courtyards, or mature landscaping. All pump motors and heaters must be fully screened and sound isolated from streets, adjacent lots, and other public areas.

### 3.12 OUTDOOR PLAY STRUCTURES

Accessory structures, including but not limited to, playhouses, doghouses, gazebos, jungle gyms, trampolines, swing sets, slides and other play structures must be situated within the Disturbance Envelope and approved by the ADRC prior to installation.

### 3.13 OUTDOOR FIREPLACES and FIRE PITS

The ADRC discourages the installation or use of any outdoor fire pits due to the continuing high risk of fire in the valley. All outdoor fire pit and fireplace installations must have ADRC approval prior to construction.

Fire pits and fireplaces shall:

1. Burn only natural gas, propane, or wood (wood burning fire pits and fireplaces shall be equipped with an ADRC approved screening device that prevents errant sparks or embers from escaping).
2. Located on the property;
  - a. within the Disturbance Envelope,
  - b. with minimal visibility from adjacent public roadways and neighboring properties,
  - c. away from any combustible materials and trees,
  - d. include a noncombustible ground material in the area immediately around the installation, and
  - e. have adequate fire suppression equipment present at all times.
3. Have a total fuel area not exceeding three (3) feet (914 mm) in diameter and two (2) feet (610 mm) in height.

Wood burning fire pits and fireplaces may not be used at any time there is an open burning ban imposed on the area by applicable authorities.

## 4 ARCHITECTURE

### 4.1 MASSING OF STRUCTURES

This section speaks to the next level of detail, providing precepts which, when implemented, will further enhance that overall human scale which the ADRC desires. Offsets or indentations in wall planes create visual interest and add depth and shadow to a structure. To ensure that “top-heavy” or “stacked” architecture does not occur, no level or story may visually appear larger than the level or story below it. Refer to all Grand County Building Codes regarding maximum building heights.

The ADRC recommends, for the most part, designing homes with the first story elements around the perimeter of a home and the taller upper story elements situated towards the middle of the structure. This creates a wave-like pattern of rooflines that reflect the natural contours of nearby ridgelines in contrast to the more abrupt appearance of upright two-story residential edges. (Figure 6)

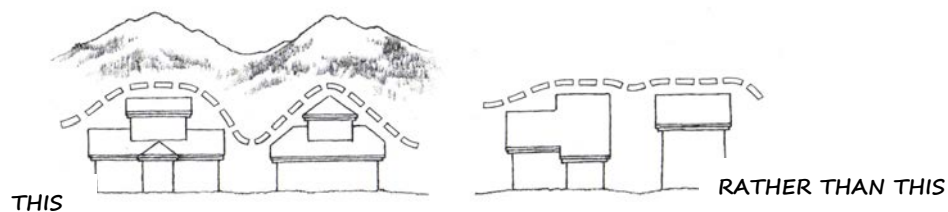
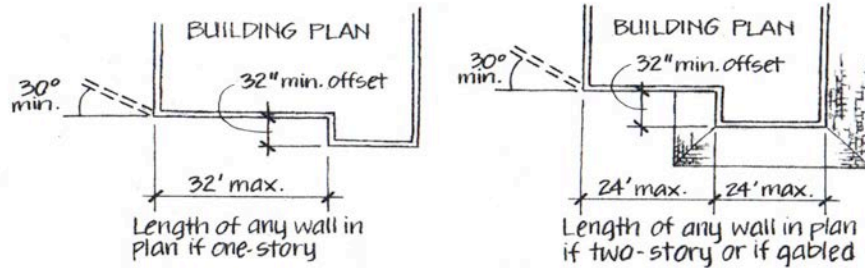


Figure 6: ILLUSTRATION OF ROOFLINE UNDULATION

Additionally, single story building walls, defined as an eave wall with a maximum nominal plate height of ten (10) feet or less, may not exceed an unbroken length of thirty-two (32) feet without a perpendicular horizontal offset of thirty-two (32) inches or greater, or without a bend of thirty (30) degrees or greater in the wall plane. Two story walls and gabled walls may not exceed an unbroken length of twenty-four (24) feet without a perpendicular horizontal offset of thirty-two (32) inches or greater, or without a bend of 30 degrees or greater in the wall plane.



#### 4.2 STEPPED MASSING

Roof forms for homes on sloping sites must step up or down with the natural grade of the site to integrate the massing of the structure into its setting. Further, building masses are expected to step down to lower heights at the perimeter of the structure. If used at all, two-story exterior walls should be minimized. (Figure 8)

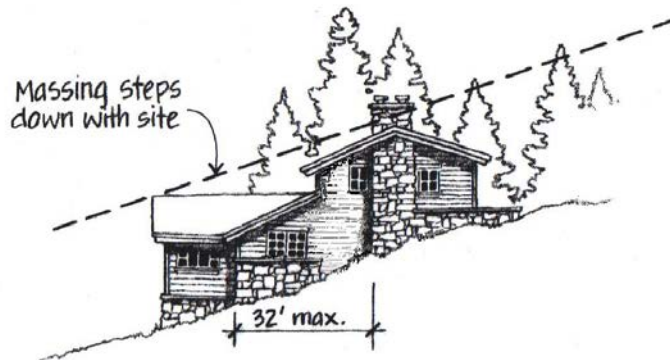


Figure 7: ILLUSTRATION OF STEP MASSING WITH SLOPE

#### 4.3 ASYMMETRICAL DESIGN

For centuries, symmetry in architecture has been employed to convey formality; but the Colorado high country is not a formal setting. Therefore, the ADRC encourages the use of asymmetrical massing on homes. While symmetry might be appropriate for a distinct component of a design, such as the gable end of a building element, the balance of massing round that symmetrical element should remain varied and organic in form. (Figure 9)

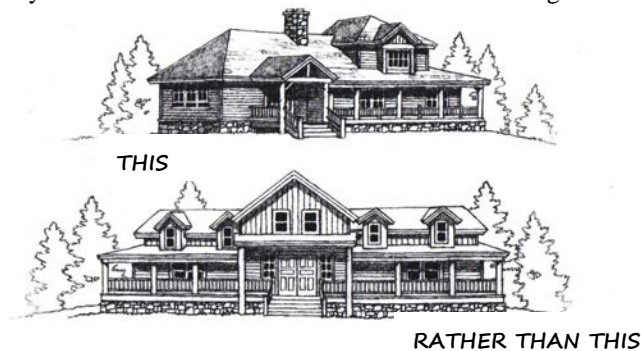


Figure 8: ILLUSTRATION OF ASYMMETRICAL MASSING

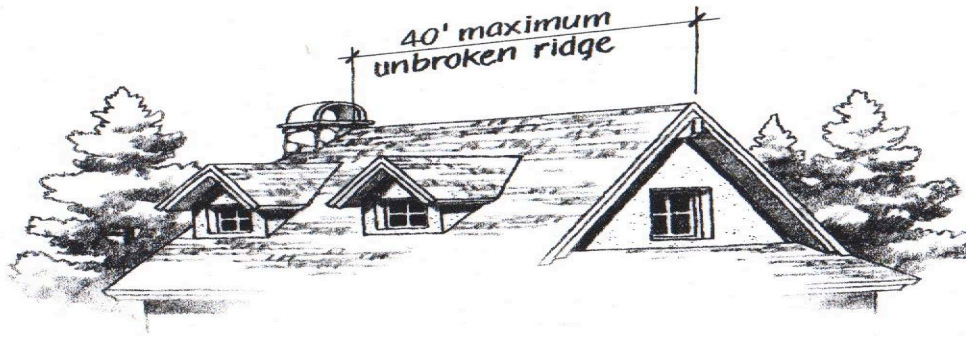


#### 4.4 ROOF DESIGN

As noted in the preceding text, asymmetrical roof forms are preferable to those that are obviously symmetrical.

The roofs of all two-story homes should include single story elements, as well. For both one and two-story residences, the roof profile should be irregular and varied; the higher masses should generally occur toward the center of the home's footprint with the lower profiles occurring at the periphery of the home.

Expansive roof surfaces shall be articulated by gable or shed dormers. Continuous ridges should not exceed an unbroken length of forty (40) feet without a substantial break in plane of eighteen (18) inches or more. (Figure 10)



*Figure 9: ILLUSTRATION OF ARTICULATED ROOF MASSING*

The minimum pitch for all primary roofs shall be six feet in twelve (6:12) unless otherwise approved by the ADRC due to building design. Whenever possible, roof slopes should be pitched in directions that avoid the shedding of snow or water onto uncovered steps, entry porches, decks, or terraces, and the paved surface immediately in front of garage doors. Building entrances should be inset or protected with roofs. Rain gutters and downspouts must be of sturdy material such as steel or wood, and must be integrated unobtrusively into the architecture of the home. Downspouts should discharge away from the structure into a well-drained area. Snowmelt systems, roof fences, and/or roof cleats shall also be unobtrusively integrated into the design and properly terminated.

As a practical matter, we recommend that roof assemblies be designed with the prevention of ice dams in mind. Ice dams can occur when warmth from the interior heated spaces of a home leaks or radiates through the insulated roof assembly, melting the snow on the roof from underneath. The water produced by the melting trickles down onto the colder roof surfaces at the eave overhangs, or cold surfaces over unheated attic spaces. When the water reaches a colder surface, it gradually refreezes, building up a dam of ice along the line of temperature change on the roof surfaces. Subsequent snowmelt then ponds behind the ice dam, and can back up under the shingle edges above, causing potential damage from leakage into the home.

#### 4.5 ROOFING MATERIALS

The predominant roofing materials shall be of a quality appropriate to Grand County Building Standards, including asphalt shingles, dark non-reflective raised metal seam sheeting, concrete tile, fire-retardant treated split shakes of cedar or redwood, true slate shingle, or other comparable non-combustible materials. Asphalt shingles, however, are preferred due to their color consistency over time. As a rule, the three dimensional asphalt shingle product should exceed a weight of 315 pounds per roofing square. The ADRC may permit, on a case-by-case basis, the use of alternative asphalt shingles, when they are incorporated into a design composition that artfully utilizes mixed pattern or varied shingle sizes to create interest and relief. Shadow lines must result from the layered thickness of the shingle product; color differentiated false shadow lines are not permitted.

Metal roofs such as painted copper, non-reflective pre-finished steel, and corten may be used for accent on roofs. All metal must be pre-treated, pre-rusted, or acid-washed to avoid reflectivity. Milled wood shingles, imitation slate shingles, asphalt roll roofing, or reflective metal surfaces will not be permitted unless specifically approved by the ADRC. All metal flashing, vent pipes, furnace caps, etc., must be prefinished or painted to blend unobtrusively with

adjacent roofing material or fascia material; unpainted or naturally weathered metal surfaces will not be permitted unless specifically approved.

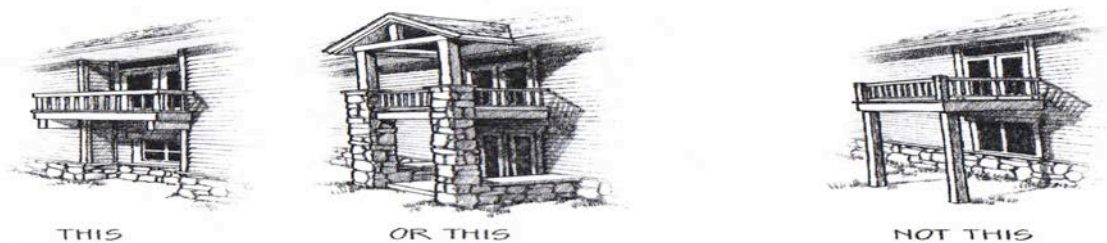
#### 4.6 SKYLIGHTS/SOLAR TUBES

Skylights and Solar Tubes may be installed in inconspicuous locations, although ADRC approval is required prior to any such installations. Skylights and Solar Tubes must be installed as integral design components of the roof, at the same pitch and angle of the existing roof. Skylight and Solar Tube units must be of a low profile, rising from the roof-plane a maximum of four (4) inches, with flat glazing preferred over domed or pyramid glazing.

Glazing material may be clear, bronze, or gray, depending upon adjacent colors; white translucent polycarbonate glazing is not allowed. Skylight frames must be prefinished to complement the adjacent roof surface. Skylights and Solar Tubes are subject to snow load as well as wind and dead load and must meet Grand County Building codes. Catalog product data sheets, along with supporting documentation of the finish and proposed locations, must be submitted as part of the Design Plan Application.

#### 4.7 PORCHES, TERRACES, AND DECKS

All above ground decks must be visually integrated into the architecture of their home. This aspect of design becomes especially critical for second story decks due to their greater visibility. If decks are contemplated for upper story living spaces, they must display a strong interconnection to their main structure using substantial support assemblies and logical roof extensions; or the deck must be niched or inset into the architectural mass of the residence. Deck assemblies which are anchored insubstantially to their parent structure, or which appear ‘tacked on’, will not be permitted. Whenever possible, due to winter’s weather extremes, second story decks should be protected (at least partially) by sheltering roof forms. (Figure 11)



*Figure 11: ILLUSTRATION OF SECOND STORY DECKS*

#### 4.8 FOUNDATION WALLS

Foundation walls may be constructed of cast-in-place concrete or reinforced concrete masonry. As a rule, exposed surfaces of foundation walls must be finished with stone masonry. Although stone masonry is the preferred finish for most foundation walls, the ADRC may allow a mortar wash application in lieu of stone on those foundation walls which do not exceed an exposed vertical dimension of sixteen (16) inches; for those situations, the mortar wash application must be of sufficient thickness and texture to hide irregularities in the concrete, or the joints between concrete masonry units. Foundation walls occurring beneath a skirted deck and no longer visible are exempt from these facing requirements.

The floor levels of homes on hillside lots are expected to step down or up with their site’s changes in grade with the same expected for the underlying foundation walls. Moreover, the ADRC did not prescribe a maximum allowable height for foundation walls given 1.) All foundation walls having an exposure greater than sixteen (16) inches must be faced with stone, and 2.) Appropriate stonework is an aesthetically appealing finish material that visually anchors a home to its site.



However, do not expect to utilize this flexibility to forego the essential stepping of floor levels with site grades – any foundation wall approaching a height of one story is probably too much of a good thing, and may therefore be denied. For similar reasons any foundation wall which appears visually overwhelming due to its height and breadth of exposure, will be denied as well. (Figure 12)

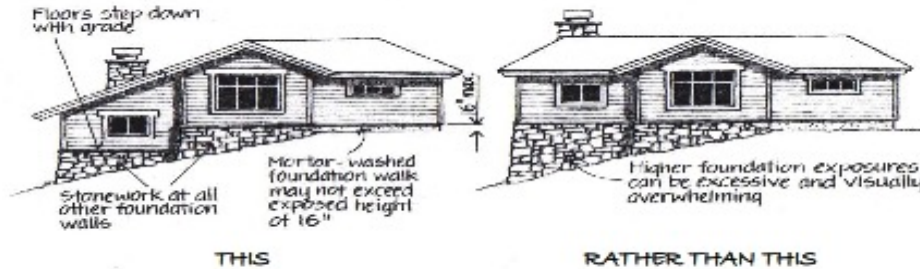


Figure 12: ILLUSTRATION OF STEPPED FOUNDATION WALLS

#### 4.9 CHIMNEYS/MASONRY FIREPLACES AND FACTORY-BUILT FIREPLACES AND STOVES

Grand county building code allows no more than one solid-fuel burning device per property, and factory-built fireplaces and stoves shall meet E.P.A. Phase II or Colorado Phase III air quality requirements.

Well-proportioned chimney masses can be incorporated as sculptural features, which complement the overall design of a home. Exposed metal flues are not permitted.

Chimneys may be constructed of any permitted wall material, although the use of stone consistent with the design of the building is strongly encouraged. “Tacked-on” or exposed metal flue elements will not be allowed. An architectural metal or masonry chimney cap must conceal the four sides of the chimney flue and termination cap. Open tops are encouraged with sides being a minimum of 50% solid for effective screening of the flue and termination cap within.

#### 4.10 EXTERIOR SIDING AND WALL CLADDING

The predominant exterior wall materials for the homes shall be natural or high quality artificial stone, solid wood siding (preferably horizontal or diagonal), textured concrete, brick, colored stucco, and/or glass. Stonework may be applied with a mortared joint, or it may be dry-stacked, where the individual stone pieces fit tightly together, thereby minimizing the exposure of their mortar matrix. When mortar joints are visible, the color of the mortar must blend inconspicuously with the color or colors of the stone material; mortar colors that contrast noticeably with the color(s) of the stone will not be permitted. White and light-gray grouts are prohibited.

Wall claddings may include wood shingles; beveled, channel-lapped, or tongue-in-groove board siding; board-on-board or board and batten siding; corrugated rusted metal siding; and cement wood siding. Log homes and other modular home construction, built offsite for permanent foundations and regulated by State and local levels at the same standards for traditional site-built homes are permitted. Manufactured homes built on steel chassis with attached wheels are prohibited.

A sample of each exterior siding material or wall cladding proposed for use must be submitted electronically as part of the Design Plan Application to the ADRC for approval. Siding materials must be of a substantial thickness and not simply a veneer.

If a residential design proposes wood products as the sole wall cladding material, there should be some variation in pattern and/or texture to provide interest and relief. For example, board widths may be varied in a creative fashion, or a traditional board siding may be used in tasteful combination with wood shingled accents, or vice versa. In addition, the scale of a siding’s components should be proportionately appropriate for the expanse of wall that they cover; four-inch wide boards may be fine for smaller building elements such as dormers, while larger wall expanses may warrant boards of greater dimension.

Sidings made of metal, vinyl, wood-grain vinyl, aluminum, or fiberglass, are not recommended as exterior wall finishes at The Valley at Winter Park. In addition, similar to our prohibition against a marked contrast between stone masonry and its grout, the selected color of chinking material for any log application must blend unobtrusively with the approved finish color of the logs.

All exterior wall materials must be utilized in a three-dimensional context – movie set appliqué, where a material appears in two dimensions on a single elevation, are prohibited. For example, a wainscot of stone on a front elevation must wrap around onto the side elevations until it intersects an inside corner; material and color changes should not occur on an outside corner. (Figure 13)



*Figure 13: ILLUSTRATION OF EXTERIOR MATERIAL CHANGES*

#### **4.11 WINDOWS AND DOORS**

The glazing of windows, doors, and skylights must not be highly reflective; outwardly reflective windows or coatings thereon are not allowed. Cladding material for windows and doors shall be non-reflective; cladding must receive a painted matte finish, or must be anodized or pre-finished with baked enamel.

#### **4.12 GARAGES, GARAGE DOORS, AND CARPORTS**

Garages, large enough to accommodate at least two automobiles are required for each residence. Please refer to Section§ 3.4 hereof for additional stipulations relating to exterior parking requirements.

The placement and orientation of the garage for each residence warrants studied design consideration. Any Design Plan that features its garage doors as the primary focal point from the street is highly discouraged. Please refer to Section§ 3.3 hereof for related information regarding driveway access.

Garage structures may be integrated into the main residential structure; may be less formally attached by a connecting building element such as a breezeway, trellis, or site wall; or may be totally freestanding. Any freestanding garage building must be composed of the same family of materials, details, and colors as its associated residential structure.

Roof overhangs which produce shadow and texture above garage doors, and creative architectural detailing such as the utilization of arched openings for the doors themselves, may serve to mitigate or soften the visual impact of the garage entry. Large unbroken wall planes above the garage doors will not be approved.

#### **4.13 ORNAMENTATION AND SIGNS**

If proposed ornamentation – such as wood sculptures, carved newels or posts, figurines, weather vanes, or other similar items – will be permanently affixed to the structure, it must be indicated on all plans submitted for consideration by the ADRC. If permanent ornamentation is to be added to a structure or to the landscaping of a lot already approved by the ADRC or already completed, the addition of that ornamentation shall be treated as an improvement or improvements under Section§ 6.9 hereof and subject to the requirements thereof. All ornamentation and signs should be compatible with the architectural style and color of the architecture and the character of the community as a whole.

No ornamentation, permanent or non-permanent, will be permitted outside of the disturbance envelope, with the exception of address monuments approved by the ADRC, which may not exceed six (6) square feet. Mailbox

pedestals, entry monuments, gates, and other ornamentation marking the entry to a driveway shall only be permitted if approved by the ADRC.

#### **4.14 EXTERIOR COLORS**

The ADRC intends to preserve the appearance of the natural landscape of The Valley at Winter Park and preclude the use of colors that would appear out of place.

Permitted colors shall include a range of natural wood tones, such as rust red, brown, ochre, gray, and green. The list is not exclusive, but sets the tenor and tone of those that will be permitted. Color hues shall be dark enough to blend into the landscape. When more than one color is approved for a single structure, all changes in color must occur at an inside corner pursuant to Section § 4.10 hereof.

A range of colors, represented by manufacturer's paint chips will be evaluated conceptually along with other materials submitted for Design Plan Review.

#### **4.15 EXTERIOR LIGHTING**

The primary objective of this section is the prevention of light pollution and exterior lighting shall be minimized. Light pollution is the casting of ambient light into the night sky or across property lines, resulting in reflections from elements of the structure, nearby trees and low clouds, or casting shadows into a neighboring property.

Where lighting is essential for safety or any other justifiable reason, every effort must be made to mask or screen the unwanted spillover of light. Aside from safety and security considerations, the ADRC desires to maintain a nighttime landscape that is as dark as possible, in the rural tradition. Area floodlighting is prohibited except for lighting activated by motion detectors for limited duration; those fixtures must be shielded, and may only be directed at areas of the site that are within the Disturbance Envelope. In addition, they must be affixed to the residential structure at a height that is no greater than fifteen (15) feet above finish grade. The lighting of exterior elements of a home for accent or any non-utilitarian purpose is prohibited. Spotlights on the residence or in the landscaping will not be allowed; uplighting of the home or trees will not be permitted. With the exception of a single shielded light fixture on an address monument approved by the ADRC, no light source may be situated outside of the Disturbance Envelope.

All outside lighting fixtures shall match the style of the structure. Exterior light fixtures must produce a "down-cast" lighting and be hooded. Such fixtures must fully conceal the entire light source and be "dark sky compliant fixtures." Fixtures may not produce a horizontal or lateral light cast. Translucent glass if utilized must be opaque so that no visible light is emitted through the glass. No clear lenses, resulting in visibility of the light source will be allowed. Vapor lighting of any kind, including but not limited to sodium or mercury vapor, will not be allowed.

Landscape lighting of limited intensity and low profile may be allowed in small quantities. Freestanding fixtures shall meet the requirements of "down-cast" and "dark-sky compliant fixtures," and must be situated within the Disturbance Envelope.

Catalog sheets or photographs, along with supporting documentation of wattage, finish, and proposed location(s), must be submitted electronically as a part of the Design Plan Application.

#### **4.16 SOLAR AND OTHER RENEWABLE ENERGY GENERATION APPLICATIONS**

Passive solar design is encouraged. Exterior hardware for active solar applications can cause excessive glare by reflection and wind-electric generators can cause excessive noise. Consequently, to the extent permitted by Colorado law, including but not limited to C.R.S. § 38-30-168 *et. seq.* and C.R.S. § 38-33.3-106 *et. seq.*, active solar, wind, or any other renewable energy application must be situated within the Disturbance Envelope and may otherwise be restricted, in the reasonable discretion of the ADRC, for the following:

1. Aesthetic purposes as to the dimensions, placement, or external appearance of a renewable energy generation device, provided the restriction does not: (1) significantly increase the cost of the device; or (2) significantly decrease its performance or efficiency;

2. Bona fide safety requirements pursuant to any applicable building code or recognized electrical safety standard, for the protection of persons and property; or excessive noise associated with the installation and use of wind-electric generators.

#### **4.17 SEASONAL DECORATIONS**

In keeping with the Valley at Winter Park's desire to maintain a low ambient light level during nighttime hours, the use of exterior lighting as decoration is limited to the period from Thanksgiving through January 31. The ADRC may distribute more detailed seasonal decoration guidelines based on needed constraints that emerge within the community. In general, seasonal lighting will be limited to placing lights on the exterior of the house and on a few trees per house within the Disturbance Envelope, and will preclude the use of any kind of flood lighting, lights with pulsating intensity or plastic ornaments.

### **5 LANDSCAPING**

The overall guiding principle for landscape restoration or supplementation within the native landscape and community areas will be the promotion of the indigenous character of the pre-development community.

#### **5.1 NATIVE LANDSCAPE AREA**

The native landscape buffer is defined as areas within the property line that are outside of the established Disturbance Envelope. Native landscape areas are intended to preserve and restore the natural character of the community. Disturbance within the native landscape buffer is prohibited, with the exception of approved driveway and utility crossings. In areas that have been scared and/or are sparsely vegetated, restoration or supplementation of native landscape is permitted as approved by the ADRC. This can be accomplished using a variety of native plant species that are planted with an organic or non-formal placement. The introduction of non-indigenous plant material to any area outside of the Disturbance Envelope is prohibited. Refer to Appendices A, "Approved Plants for Native Buffers" and C "Prohibited Plants."

The native landscape area is required to extend into the Disturbance Area to prevent a clear, distinct line of separation between the native vegetation buffer clearings or areas of enhanced landscape. This requirement can be fulfilled by maintaining "fingers" of native buffer vegetation within the Disturbance Area or by re-establishing "fingers" of native buffer vegetation within the Disturbance Area. As a general rule of thumb, the ADRC will be looking for native vegetation areas totaling 10% -15% of the total Disturbance Envelope, visible from the adjacent road and/or surrounding properties.

Diseased and/or dead trees within the property shall be removed per the requirements outlined in Section§ 3.6 Site Work.

#### **5.2 ENHANCED (MANICURED) LANDSCAPE AREA**

Enhanced landscape areas are defined as areas within the Disturbance Area that are disturbed by construction activities and do not contain native buffer landscape. Enhanced landscape areas may be comprised on non-irrigated natural lawns, planting beds, patios or terraces, and/or other landscape improvements as approved by the ADRC. All plant materials used within the enhanced landscape area shall be regionally appropriate and adapted to a sites specific environmental condition including precipitation, sun exposure, elevation, soils, and minimum seasonal temperatures. Refer to Appendices B and C for a list of approved and prohibited supplemental plants that can be used within the enhanced landscape areas. All approved plant material listed in Appendix A for native buffer areas can be used in the enhanced landscape areas.

All areas within the enhanced landscape area disturbed by construction activities shall be required to have an erosion control treatment installed after construction. Native seed mixes, blended with naturalized plantings of trees and shrubs is the preferred treatment. Key areas within the enhanced landscape area may be comprised of planting beds that contain indigenous organic mulch and/or rock mulch if done in moderation as approved by the ADRC. If rock mulch is utilized it shall be an earth tone color appropriate to the region. A variety of rock top-dress sizes and boulders are suggested to provide visual interest and blend with the natural surrounding character. The use of turf grass should be limited to active use areas located within close proximity of the residence.

### **5.3 PROHIBITED PLANTS**

Under the Colorado Noxious Weed Act, the Colorado Department of Agriculture appointed a Colorado State Noxious Weed Advisory Board that designated the following noxious weed species and management goals.

1. “A List” species are rare noxious weeds for which statewide eradication is the goal.
2. “B List” noxious weed species are weed species with discrete statewide distributions subject to eradication, containment, or suppression in order to stop their continued spread.
3. “C List” species are species of noxious weed that are so widespread throughout Colorado that they are targeted for improved management.

Grand County currently has a manageable weed problem. Due to the invasive nature of many noxious weeds, a major weed problem could develop in a very short period without prompt identification and diligent control. In East Grand County, education and outreach programs increase the awareness for noxious weed control; however, the large influx of new owners and developments of “small parcels” along with the associated land disturbance created countless new noxious weed infestations. In response to the Colorado Noxious Weed Act and the designation of noxious weeds species, The Valley at Winter Park prohibits the use of plants designated in Appendix C “Prohibited Plants” in any landscape applications.

### **5.4 IRRIGATION:**

1. Temporary Irrigation  
Aboveground temporary irrigation systems are permitted for establishing native and enhanced landscape with the approval from the ADRC. Temporary systems are intended to achieve establishment of plant material and must be removed after one full growing season, unless the ADRC grants a time extension or variance for permanency as indicated in the following Permanent Irrigation requirements.
2. Permanent Irrigation  
Below grade, seasonally operated, low-emittance drip irrigation is permitted within the Disturbance Area only, as approved by the ADRC. An approved drip irrigation system shall be designed, installed, and operated per Grand County requirements and industry standard practices. All permanent drip irrigation systems installed shall be operated with an automatic controller and have an operational rain sensor installed. Installation of drip irrigation systems are prohibited within the drip line of existing native trees. Areas to receive supplemental drip irrigation shall be compatible with prescribed State and County water conservation practices and be limited.

### **5.5 TERRACES, PATIOS, and WALKWAYS**

All exterior hardscape improvements shall be identified on the Design Plan Application for ADRC approval. The general size, location, material, and color shall be indicated. Hardscape elements should be compatible with the architectural style and naturalistic vision of the community. Acceptable hardscape materials include flagstone, sandstone, cobbles, concrete pavers, and decorative concrete that exhibit natural earth-tone colors.

## **6 CONSTRUCTION REGULATIONS**

### **6.1 CONSTRUCTION ACCESS**

The approved access corridor for the entry drive shall be the only construction access to the lot; that portion of the access corridor that extends from the edge of the roadway (or a private drive) back to the Disturbance Envelope shall be limited to a maximum width of disturbance of twenty-two (22) feet. See Section§ 3.2 hereof for related information. The industry accepted fabric or plastic fencing must demarcate the edges of the access corridor throughout the duration of construction activity.

The construction access must be stabilized within one week of the start of construction with a minimum pad of two (2) inches of aggregate over a filter cloth, for the control of dust and erosion. This temporary driving surface must be maintained and restored as necessary throughout the construction process.

## **6.2 DISTURBANCE ENVELOPE**

All construction activities, including but not limited to the movement of vehicles or personnel around the structure, the storage of materials, and scaffolding, must be confined to the designated Disturbance Envelope. To identify clearly the limits of this area where construction disturbance may occur, the envelope must be demarcated around its entire perimeter by an industry-accepted fabric or plastic fencing must demarcate the edges of the access corridor throughout the duration of construction activity. In some situations, in order to protect the natural landscape, the fencing may be pulled inside of the building envelope to protect areas from disturbance. Similar, temporary fencing may be utilized along utility line extensions from stub locations to a point inside the Disturbance Envelope. Once utilities are installed, the temporary fencing should be removed. The ends of this continuous loop of enclosure fencing must terminate at the front property line on each side of the construction access. The fencing must remain in place throughout the construction process. Please refer to Section§ 3.2 hereof for related information.

## **6.3 TEMPORARY BEST MANAGEMENT PRACTICES**

Federal and State law requires Best Management Practices (BMP) regulations for erosion and sediment control. Although the erosion and sedimentation process is natural, construction activities such as grading disturb existing vegetation and dramatically increase erosion potential. Best Management Practices are techniques or devices commonly implemented throughout the construction industry for the purposes of preventing or reducing erosion and damage to wetlands and the natural environment.

The Valley at Winter Park employs the *Erosion and Sediment Control for Construction Activities Guidance Handbook* ( *Spring 2005*) developed for the East Grand Water Quality Board and Grand County Department of Planning & Zoning to direct the ADRC in meeting requirements for controlling erosion and resulting sedimentation associated with construction activities. Please refer to that document in planning and preparing for temporary soil stabilization practices, grade stabilization structures, and runoff control during and after construction.

## **6.4 PROTECTION OF VEGETATION, SITE FEATURES, AND NEIGHBORING PROPERTIES**

Construction personnel shall refrain from parking, eating, depositing of rubbish or scrap materials (including concrete washout) on any other Lot or tract within the Valley at Winter Park. The same restrictions apply to the road rights-of-way (or private access) as well, except for the overflow parking permitted by Section§ 6.8 hereof.

Any trees or branches removed during construction must promptly be collected and removed from the site and/or burned pursuant to Grand County regulations. Any plants or small trees that are intended for salvage and replanting, must be temporarily transplanted to a holding area within the envelope, for safekeeping during the construction process.

Construction personnel and Owners as well may not place or dispose of any excavated material, lawn clippings, oil, chemicals, or trash of any kind in the natural areas outside of the Disturbance Envelope, or on any other Lot or tract within the Valley at Winter Park.

## **6.5 TRAILERS**

Construction trailers may be situated on the building site within the Disturbance Envelope. Trailers may not be placed on the site earlier than two weeks before the onset of continuous construction activity; trailers may not remain on the site longer than the allowable duration of construction.

## **6.6 CONSTRUCTION SIGNAGE**

Temporary contractor/builder and/or architect signage shall be limited to one area designated on the Construction Staging Plan, facing the street frontage of the Lot, and shall not exceed six (6) square feet of total surface area within the Disturbance Envelope. This sign is intended primarily for job site identification. The sign shall be free standing, not to exceed four (4) feet in height above natural grade.

The construction sign may not be erected on a site earlier than two weeks prior to the onset of continuing construction activity and must be removed upon the passage of 30 calendar days without significant construction activity.

The General Contractor/Builder of a market home may apply to the ADRC for continuation of his/her construction sign for advertising and sales purposes after completing construction, or until the homesite is sold.

Individual signs, or construction sign attachments identifying individual subcontractors, tradesmen, or suppliers are prohibited; identification of licensed tradesmen, when required by state or county law, shall be confined to the posting location of the building permit. Attachment of signs or similar material to trees is strictly prohibited.

## **6.7 VEHICLES AND PARKING AREAS**

Construction personnel must park their vehicles within the Disturbance Envelope, in the location(s) indicated on the approved Construction Staging Plan. During periods of intense construction activity, when multiple trades are active on the site, it may be physically impossible to park all of their vehicles within the envelope; during those limited occurrences, overflow vehicles may be temporarily parked along only one side of the roadway on which the Property is located. Those vehicles must be situated off the paved surface of the roadway or cul-d-sac to allow continual unrestrained access by normal traffic, by snowplows and by emergency vehicles such as fire trucks or ambulances. Vehicles may not be parked on neighboring lots or open space, on nearby driveways, or in front of neighboring occupied residences. During those times of intensive construction activity, we strongly urge the utilization of car-pooling to help reduce the number of overflow vehicles. There must not be any overnight parking on the street or shoulder of the roadway.

The changing of oil or other vehicle maintenance, and the discharge of any petrochemical substances are strictly prohibited on a construction site in the Valley at Winter Park.

## **6.8 MATERIAL DELIVERIES**

All building materials, equipment and machinery required to construct a residence must be delivered to and remain within the Disturbance Envelope of each Lot, clear of all setbacks. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes and any other equipment or machinery that will remain overnight.

## **6.9 TRASH RECEPTACLES AND DEBRIS REMOVAL**

Owners and General Contractors/Builders shall clean up all trash and debris at the end of each day; a commercial dumpster must be present on the site at all times during active construction for the purpose of containment of all construction waste and packaging. The receptacle must be situated within the Disturbance Envelope in the location prescribed by the approved Staging Plan. If an Owner or his General Contractor/Builder can demonstrate that a particular construction site is too constricted to accommodate a dumpster, or its periodic replacement or emptying, the ADRC may consider alternative locations for its placement, on a case-by-case basis.

Trash receptacles must be emptied on a timely basis to avoid overflow of refuse. Disposal shall occur at a suitable offsite facility. Owners and General Contractors/Builders must provide a cover for the dumpster and all containers throughout the entire construction period to prevent construction debris and miscellaneous garbage from blowing onto other lots or common areas. **Owners and General Contractors/Builders are prohibited from dumping, burying, or burning trash anywhere on the building site or other location in the Valley at Winter Park.** Heavy debris, such as broken stone, wood scrap, or the like must be removed from the site and legally disposed of upon completion of the work of each trade that has generated the debris. All concrete washout, from both trucks and mixers, must occur within the Disturbance Envelope of the building site in a location where it will ultimately be concealed by structure or covered by backfill. Washout in road rights-of-way, setbacks, on adjacent properties, or anywhere outside the Disturbance Envelope is strictly prohibited. Violations of these concrete washout regulations will result in fines being assessed against the Owner and General Contractor/Builder pursuant to Section§ 6.25. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or detriment to other lots or open space. Any clean-up costs incurred by the Homeowner's Association in enforcing these requirements shall be payable by the Owner. Dirt, mud, or debris resulting from activity on each construction site shall be removed daily from public or private roads, open spaces and driveways or other portions of the Valley at Winter Park.

## **6.10 EXCAVATION MATERIALS AND BLASTING**

As previously noted in Sections§ 3.2 and 3.7 hereof, all excavated material which will not be needed for backfill purposes must be removed from the site within a reasonable time after its excavation, for disposal off-site. In addition, on homesites with constrictive Disturbance Envelopes or where existing vegetation or slope further limit the availability of suitable storage sites within the envelope, even topsoil and material intended for backfill may have to be stockpiled off-site between the times of its excavation and its subsequent final placement upon the site. The Construction Staging Plan must clearly demonstrate to the ADRC the existence of sufficient and appropriate areas within the Disturbance Envelope for storage of excavated materials intended for replacement on the site, or the material must be stockpiled off-site during construction.

Trenching for utilities may only occur along the alignments indicated by the site plan approved by the ADRC. Any deviation from those approved alignments, due to an encounter with subterranean groundwater or hard rock, requires subsequent notice to the ADRC. The maximum width of disturbance to the site along those utility extensions may not exceed twelve (12) feet. Manual excavation methods and moisture blanketing may be necessary to protect and preserve the root systems of plant material to remain. Backfill materials must include loose permeable soils that will support re-vegetation. Backfilled surfaces must be kept moist until vegetation is re-established. See Section§ 3.8 hereof for related information.

Prior approval must be obtained from Grand County in the event blasting is required. In addition, at least 48 hours prior to the occurrence of any blasting, written notice must be posted on site, and must be provided to neighboring and nearby property Owners, as well.

Blasting may only be performed by licensed demolition personnel. The work must be covered by appropriate liability and damage insurance, specific to the blasting activity proposed within The Valley at Winter Park, and as required by Grand County and/or the State of Colorado.

All earth and rock materials that result from blasting must be handled in the same fashion as other products of excavation; all surplus material must be removed from the site within a reasonable time after the blasting activity. Any retention on site of blasting-generated material intended for reuse on the Property shall be subject to the availability of approved sites for storage within the Disturbance Envelope.

## **6.11 DUST AND NOISE CONTROL**

The General Contractor/Builder shall be responsible for the control of dust and noise generated upon and from this construction site. Dirt and mud that is 'tracked' from the construction site onto nearby roadways public or private must be cleaned up on a daily basis. Any segment of a site that has the potential for the generation of fugitive windblown dust or soil must be suitably covered or dampened as necessary.

On all sites, the sound from radios or other devices must not be audible beyond the property perimeter of each lot; repeated violations of this provision may precipitate a total prohibition of any continued on-site use of radios or audio equipment at the construction site.

## **6.12 CONSTRUCTION HOURS**

Construction working hours shall be limited to the time span beginning 30 minutes before sunrise, and lasting until 30 minutes after sunset.

**Construction activity which is likely to generate noise audible beyond the property boundary, such as hammering, sawing, excavation work, and concrete or material deliveries, must be confined to the hours restricted by the sunrise/sunset criterion.**

## **6.13 TEMPORARY POWER AND WATER**

The General Contractor/Builder, and all construction personnel, must utilize the power supply service specific to their Lot for temporary power. If the power stub is not yet installed or activated, fueled generators may be used, but only when necessary, and only until the primary power service is installed and activated.



In like manner, the activation and use of the water service stub to the Lot for construction water must be coordinated with the Valley at Winter Park Water District's Water Operator for water meter installation, applicable fee payments, and must be done prior to any drywall installation. Refer to Section§ 3.8 hereof regarding further requirements and contact information for water service installation.

Any clandestine borrowing of water or power from a nearby residence or homesite, without the permission of its Owner, is theft and shall be punishable by the administration of a fine or fines pursuant to Section§ 6.25 hereof. Repeated violations of this nature may result in civil action (by the effected Owner), and/or the banning of the offender from further construction activity within The Valley at Winter Park.

#### **6.14 HEALTH AND SAFETY COMPLIANCE**

All applicable statutes, ordinances, or rules pertaining to health and safety, including all applicable provisions of the Occupational Safety and Health Act (O.S.H.A.), and restrictions pertaining to the handling or disposal of hazardous materials and toxic substances or waste, must be observed and obeyed throughout the construction process.

#### **6.15 SANITARY FACILITIES**

Each Owner or General Contractor/Builder shall be responsible for the provision of adequate sanitary facilities for the use of jobsite personnel, throughout the active construction process. Each portable toilet shall be situated within the Disturbance Envelope in the location indicated on the approved Construction Staging Plan. Each toilet must be emptied or exchanged as often as it is necessary to prevent the attraction of insects or the generation of objectionable odors.

#### **6.16 FIREARMS**

The possession or discharge of any type of firearm by construction personnel anywhere within The Valley at Winter Park community is prohibited.

#### **6.17 ALCOHOL AND CONTROLLED SUBSTANCES**

The consumption of alcoholic beverages or the use of any controlled substance by construction personnel within The Valley at Winter Park community is prohibited.

#### **6.18 PETS**

Pets at a construction site are strongly discouraged. Any pets brought to the site must be appropriately leashed or restrained at all times.

#### **6.19 FIRES AND FLAMMABLE MATERIALS**

Careless disposal of cigarettes, cigars, or other products of smoking is strictly prohibited. In addition, the improper disposal of or dangerous accumulation of flammable materials, which thereby create a potential fire hazard, is prohibited as well.

At least two fully-charged 20-pound ABC-Rated Dry Chemical Fire Extinguishers shall be present and available in conspicuous locations on each construction site at all times; further, any and all additional fire safety precautions suggested or mandated by the East Grand Fire District must be strictly observed.

No on-site fires are allowed, except for small, confined, attended fires required for construction-specific purposes.

Additional restrictions may be imposed by the ADRC during periods of high fire danger.

#### **6.20 RESTORATION OF PROPERTY**

Upon the completion of construction, each Owner and his or her General Contractor/Builder shall clean the site and repair all property which has been damaged, including but not limited to reshaping and re-vegetation of disturbed grades, and the repair of streets, driveways, pathways or bicycle trails, drains, culverts, drainageways, signs, lighting and fencing.

In addition, each Owner and his or her General Contractor/Builder shall be held financially responsible for the cost of site restoration or re-vegetation and refuse removal necessitated upon any adjacent or neighboring property as a result of trespass or negligence by their construction personnel, subcontractors, or material suppliers.

#### **6.21 FINAL INSPECTION**

The construction shall be subject to a final inspection pursuant to Section§ 6.10 hereof.

#### **6.22 ENFORCEMENT AND LIABILITY**

These construction regulations will be strictly enforced. Violation of these regulations may result in the imposition of fines pursuant to Section§ 5.25 hereof or corrective action; repeated or wanton violations may also result in the banning of the offender from further involvement in construction within The Valley at Winter Park pursuant to the hearing requirements contained in the Association's Bylaws. If there are insufficient funds in the Construction Compliance Deposit described in Section§ 5.24 hereof, subsequent \$2,000 (two thousand dollars) Construction Compliance Deposits shall be required as necessary for covering imposed fines.

In addition, the ADRC will hold the General Contractor/Builder responsible for obtaining all necessary approvals for design and construction modifications by notification in writing to Owner and Architect, with a copy to the ADRC, that additional approvals are needed. Failure to do so may result in the imposition of fines pursuant to Section§ 6.25 hereof and/or corrective action on behalf of the ADRC at the General Contractor/Builder and/or Owner expense.

Any violation of these Construction Regulations, or other related Guidelines, by an Owner's agent, representative, General Contractor/Builder, subcontractor, or supplier, pursuant to the construction of his or her home or related improvements, shall be deemed a violation by the Owner, whether the violation occurs on the site or elsewhere within The Valley at Winter Park community.

#### **6.23 CONSTRUCTION COMPLIANCE DEPOSIT**

A Construction Compliance Deposit (the "CCD") for \$2,000 (two thousand dollars) shall be paid by the Owner, to the HOA. The CCD will be deposited with the HOA to be held until the satisfactory completion of construction and the issuance of a Final Release of the improvements by the ADRC pursuant to Section§ 7.11 hereof. At any time during the period of construction, the ADRC may access the CCD to pay for a fine assessed pursuant to Section§ 7.25 hereof, or for the reimbursement of remedial work or required re-vegetation undertaken by the ADRC to correct any non-conforming aspects of the construction or damage to the Association's roads, easements, or common areas. Prior to use of the CCD for nonconforming work, the ADRC shall give the Owner ten (10) days written notice of its intention to make use of the CCD so that the Owner may correct any nonconforming work.

In the event that a certificate of occupancy has not been obtained within twenty-four (24) months after groundbreaking, the CCD will be forfeited.

#### **6.24 CONSTRUCTION FINES**

The ADRC may assess fines for violations of any provision of these guidelines, unless specified elsewhere in these Guidelines, as follows: The first violation shall be a warning, a second violation three hundred (\$300), and a third violation and subsequent violations, five hundred dollars (\$500). In the event that any person fails to cure (or fails to commence and proceed with diligence to complete the work necessary to cure) any violation of these Guidelines, including these Construction Regulations, within ten (10) days of the date of the written notice from the ADRC designating the particular violation and sent by certified mail to the Owner's address specified in the Design Plan Application, the ADRC shall have the power and authority to impose upon that person a subsequent fine as outlined above. If a nonconforming condition is not cured, it will be deemed a continuing violation and shall be fined every ten (10) days until the nonconforming condition is cured. See Appendix D for a non-exclusive list of finable offenses.

There shall be no limit to the number or the aggregate amount of Violation Fines, which may be levied against a person for the same violation if not timely cured. The Violation Fines, together with interest at the highest lawful rate per annum and any costs of collection, including reasonable attorneys' fees, shall be a continuing lien upon the Lot against which such Violation Fine is assessed.

The continued or habitual violation of these Design Guidelines by a General Contractor/Builder, subcontractor, or materials supplier will result in the withdrawal by the ADRC of his/their approval to perform work at The Valley at Winter Park after a hearing pursuant to the Association Guidelines.

## **6.25 CONTINUITY OF CONSTRUCTION**

Pursuant to Section§ 14.10 of the Declaration, the entire exterior of any building shall be completed within twelve months from groundbreaking. In the event there is a violation of this requirement, or if construction is abandoned for a period in excess of ninety days, the ADRC may assess a fine against the Owner in an amount not less than one hundred dollars (\$100) per day. Such an assessment may only be made after notice and opportunity for hearing pursuant to the Section§ 12.4 of the Declaration. At such hearing, the only defense of failure to complete construction on a timely basis or abandonment of construction shall be a circumstance beyond Owner's control. A Certificate of Occupancy must be obtained within twenty-four months. If an Owner fails to comply with this schedule, upon the passage of sixty days after a written notification of the Owner, the ADRC may proceed to have the exterior of the structure(s) and its surrounding improvements completed in accordance with the approved plans, or may choose to remove all of the structures and improvements and to restore the Lot to its pre-construction condition as nearly as possible. All costs relating to this remedial completion or removal shall be borne and reimbursed to the Board by the Owner; these costs shall be secured by a continuing lien on the Lot.

## **7 DESIGN PLAN APPLICATION and REVIEW PROCEDURES**

### **7.1 GENERAL OVERVIEW**

Site-sensitive, site-specific design shall be fundamental at The Valley at Winter Park. Each home should evolve in response to the setting and features of its particular site. Therefore, Owners and their architects must refrain from approaching a site with a predetermined design, in hopes of "making it fit," with little consideration for that site's natural characteristics and constraints. .

Homeowners need to approach the process in a realistic fashion and remember it is the quality of the submissions and adherence to the Design Guidelines that allow the process to move forward smoothly and expeditiously. It is the intention of the ADRC to review all submissions on a timely basis so as not to cause unnecessary delays.

The Design Plan Application and Review processes are intended to operate sequentially with the permitting processes of the County. The ADRC shall establish the effective date of the Design Plan Application when in receipt of all components required by Section§ 7.2 hereof, the Design Plan Application (Appendix E), and as indicated on the Design Plan Review Checklist (Appendix F). The ADRC shall not begin the review process for Design Plan approval at any time prior to receipt of the complete Design Plan Application. Once the ADRC approves an Owner's complete Design Plan Application and all conditions of the approval have been met or agreed to, an Owner may then proceed with their application with Grand County for a building permit.

If an Owner proceeds to make an application for a Building Permit from Grand County prior to obtaining a Design Plan Approval from the ADRC, an immediate fine of one thousand dollars (\$1,000) will be imposed.

Furthermore, it is the Owner's responsibility to obtain an approval from the ADRC prior to implementing or constructing any change that deviates from the Final Design Plan Approval that the Owner had previously received from the ADRC. Changes such as but not limited to, relocating of utility boxes, altering the footprint and square footage of the structure, modifying the color scheme of the home, installing satellite dishes, locating of solar or other energy devices on the roof or grounds of the property, etc. are just a few examples which require prior approval. Owners are advised to err on the side of caution and bring proposed changes to the attention of the ADRC prior to proceeding with the change, alteration, modification, or installation of the item in question. Failure to promptly notify and obtain approval from the ADRC will result in an immediate one-thousand dollar (\$1,000) fine.

### **7.2 DESIGN PLAN APPLICATION**

The Design Plan Application shall include all of the following items or exhibits in electronic file format; the ADRC will not commence their consideration of the Design Plan Application unless it is complete:

1. A completed "Design Plan Application" (The form may be found in Appendix E). The homeowner must request, via email, a formal application from the ADRC Chair. Appendix E hereof and on the Valley at Winter Park web site, is an example of the form only and may not be used to submit the completed Design Plan Application.
2. A completed "Design Plan Review Checklist" (The form may be found in Appendix F).
3. A completed "Construction Requirements Checklist" (The form may be found in Appendix H)
4. Site Plan (scaled legibly), showing the entire property, locations of the Disturbance Envelope, the building footprint and all accessory structures, driveway, parking and snow storage areas, existing and proposed topography (contours at two (2) feet or less), proposed finished floor elevations (using the same datum as the topography), trees proposed for removal (A clearing plan is required by the covenants section 13.7. However, the ADRC will accept, as a minimum, at statement on the site plan that indicates the intended removal of trees.), site walls, culverts, Individual Sewage Disposal System (ISDS) location and leach field.
5. Survey (scaled legibly) by a registered land surveyor or licensed civil engineer showing the Disturbance Envelope, Lot boundaries and dimensions, topography (contours at two (2) feet or less), major terrain features, all trees of 8 inch diameter or greater at chest height with approximate drip lines of each, the edge of pavement, easements and utility service locations.
6. All floor plans (scaled legibly), showing finish floor elevations.
7. Roof Plan (scaled legibly) showing all roof pitches.
8. All exterior elevations (scaled legibly), showing both existing and proposed grade lines along exterior walls, plate height, ridge heights, overall maximum building height in relation to existing grade below, roof pitches and all proposed exterior materials, finishes and colors.
9. A Proposed Landscaping Plan (scaled legibly), which indicates the location for all plant and decorative landscape materials (including yard art proposed for use, existing trees and plants to be saved, landscape border and site walls, location and type of irrigation system(s), and landscape lighting.
10. A materials board in electronic format describing all exterior materials and adequately depicting dimensions, textures, and color samples, along with product literature as requested by the ADRC.
11. Provide Lighting Plan including cut sheets of exterior lighting fixtures. The lighting location must be shown on the plans or elevations.
12. On-site staking of all building corners and other improvements if requested by the ADRC.
13. Any other drawings, materials, or samples requested by the ADRC.
14. A payment of the Design Plan Review Fee for \$1,000.00. An applicant will not receive a Design Plan Review unless this fee has been paid in full.
15. Construction Compliance Deposits totaling the amount of two thousand dollars (\$2,000) in accordance with § 6.23 of these Guidelines.
16. A letter from The Valley at Winter Park Owners' Association stating that all Association dues, fees, assessments and other charges are current and paid. The ADRC shall not take any action on a submittal if any amounts are delinquent.
17. The Design Plan Application shall include one hard-copy set of prints that contain all required architectural, structural, and materials sheets. The electronic copy of the full set of prints shall be submitted as .pdf files. The ADRC shall retain the hard-copy set of prints for its records.
18. In addition, at the time of Design Plan Application, all standing dead and downed trees have been cut down and removed from the property.

### **7.3 DESIGN PLAN REVIEW**

Design Plan Review Application is to be submitted electronically to the ADRC Chair. The ADRC Chair, or a designated committee member, will be responsible for verifying completeness of the application, notifying the Owner of additional documents required, and forwarding all application documents to the ADRC members.

The ADRC Chair, or a designated committee member, will engage the services of an architect to perform a third-party peer review.

The ADRC Chair, or a designated committee member, will schedule the Design Plan Review Meeting to take place within thirty calendar days from receipt of the Application by the ADRC Chair.

Subsequent to issuance of a County Building Permit, the Owner shall submit a final design plan (construction plans) and copy of the building permit to the ADRC.

The ADRC may approve the submittal, with or without conditions; may deny the submittal, noting the reasons for denial; or may postpone the review pending the receipt of any supplementary items or drawings that the ADRC deems necessary to complete their review. In the event the applicant homeowner does not receive written notice from the ADRC within the sixty day period, the application shall be deemed approved as stated in Section§ 13.3.5 of the Declaration.

Upon approval of the application and any design plan review services have been invoiced by and paid to a third-party reviewer, any remaining balance of the Design Plan Review Fee shall be refunded to the Lot Owner. The Lot Owner shall also be provided a copy of the third-party invoice(s).

#### **7.4 SITE INSPECTION**

As soon as the submission of the Design Plan Application is complete, the ADRC or its agent and/or representative may inspect the Lot to determine that the conditions as depicted in the final submittal are accurate and complete.

#### **7.5 RESUBMITTAL OF DESIGN PLANS**

In the event the ADRC denies a Design Plan Application, all subsequent resubmissions must follow the same procedure as the original Design Plan Application. Repeat submittals, which have been necessitated by the expiration of a previous approval, must revisit the process as well, unless the follow-up review is waived by the ADRC.

The ADRC may assess, at its sole discretion, an additional Design Plan Review Fee upon subsequent submittals that diverge substantially from a previously reviewed application for the same site, whether previously approved or denied.

#### **7.6 PRECONSTRUCTION REQUIREMENTS**

The General Contractor/Builder must thoroughly familiarize himself with these Guidelines and all relevant conditions for approval specific to the project site and submit a completed Construction Requirements Checklist (Appendix H) indicating complete understanding of all regulations and stipulations required for construction. Ignorance of these rules is not acceptable.

If a General Contractor/Builder or his subcontractor commences any construction activity prior to submitting the completed Construction Requirements Checklist and the homeowners receipt of the ADRC Design Plan Approval, a fine of two hundred and fifty dollars (\$250) will be imposed in accordance with Section§6.25 hereof.

The Owner and the General Contractor/Builder, prior to the commencement of construction, will each be required to sign an acknowledgment as contained in Appendix E and H respectively stipulating that each has received a copy of these Guidelines, has read them and is fully familiar with their contents, including the Sections relating to enforcement and liability, construction compliance deposits, construction fines, final inspection and the final release. Construction will not commence until signed affidavits from the General Contractor/Builder and Owner have been received by the ADRC. Failure of the ADRC to receive such affidavits prior to the commencement of construction will result in the immediate imposition of a two hundred and fifty dollar (\$250) fine.

#### **7.7 COMMENCEMENT OF CONSTRUCTION**

Construction activity may commence once an Owner receives a Final Design Plan Approval from the ADRC and a Building Permit from Grand County.

Construction activity pursuant to the approved plans must commence within one year of the date of the Final Design Plan Approval; if an Owner fails to begin construction within this one-year window of time, the approval shall

automatically expire. Subsequent renewal of the approval for the same Design Plan requires the resubmittal of the Design Plan Application in accordance with Section§ 6.5 hereof. Any resubmittal may be subject to being measured against a differing set of standards from those originally encountered since all submittals, both new and repeated, are reviewed in accordance with the Design Guidelines which are in effect at the time of the review.

### **7.8 INSPECTION OF WORK IN PROGRESS**

The ADRC may inspect work in progress and give notice of noncompliance. The absence, however, of such inspection or notification during the construction period does not constitute an approval by the ADRC of the work in progress, nor a defacto acknowledgement that the work complies with these Guidelines.

### **7.9 SUBSEQUENT CHANGES, REMODELS, OR ADDITIONS**

A supplementary Design Plan Review Fee correlating to the costs associated with the review of subsequent submittals for any change, remodel, or addition shall be assessed by the ADRC. The fee shall be set by the ADRC according to the scope of review, e.g. architectural and structural peer review.

All submittals for changes, remodels, or additions must adequately describe and illustrate the intended modification; drawings must be of professional quality and must include sufficient design detail to clarify each request. See Appendix G for an application form that must accompany all such submittals.

### **7.10 FINAL INSPECTION**

Within thirty (30) days following receipt of a Certificate of Occupancy by Grand County, the Owner must request in writing a Final Inspection by the ADRC as well as provide the ADRC with a copy of the Certificate of Occupancy. No Final Inspections will be conducted after November 15<sup>th</sup> or before May 1<sup>st</sup> (unless weather conditions allow). No partial release of the Construction Compliance Deposits will be granted. The purpose of the ADRC's inspection shall be to confirm that all construction and improvements have been completed in accordance with the approved plans, and/or identify any deficiencies that must be corrected prior to the issuance of a Final Release.

**If the inspection discloses that the work was not completed in strict compliance with the approved plans or the provisions of these Design Guidelines, the ADRC may issue a written Notice of Noncompliance to the Owner, describing the particulars of noncompliance. Notice of Noncompliance will be issued within 30 days of the final inspection.**

### **7.11 FINAL RELEASE**

Once approval has been obtained pursuant to Section§ 7.10 above and all improvements comply, the ADRC will issue its written acceptance to the Owner in recordable form, constituting a final release of the improvements by the ADRC. This notice will be issued within 30 days of the final inspection.

If a Notice of Noncompliance is issued, the Owner shall have fifteen (15) days from the date of the Notice to submit a plan of correction to the ADRC for approval. This plan must be submitted to the ADRC Chair via email using the form "Request for Modification or Variance" (Appendix G). The plan must include either of the following:

1. A full description of the materials to be used and the scope of the work to be completed to remedy the non-complying elements of improvements, or
2. A statement requesting the need and rationale for additional time to determine acceptable remedies.

The ADRC shall review the plan of correction and issue a written response pursuant to Section§ 7.5 hereof to the Owner within fifteen (15) days from the date of receiving the completed Appendix G. Construction activities shall cease during this review process and shall not commence until the ADRC grants final approval of the planned correction. The Owner shall have thirty (30) days from the date of the ADRC's written approval of the plan of correction to resolve fully the noncompliance(s). If by the end of the 30-day period the Owner has failed to remedy the noncompliance(s), the ADRC may take action to remove the non-complying improvements as provided for in the Guidelines, including, without limitation, injunctive relief or the imposition of additional fines pursuant to Section§ 6.25 hereof.

Once a final release has been issued indicating that all improvements have been completed in conformance with the approved plans, pursuant to Section§ 7.24 hereof, the ADRC shall authorize the release of the Construction Compliance Deposit to the Owner. If the ADRC fails to issue a final release or a notice of noncompliance within three months of their receipt of an Owner's written notice of completion, the completed improvements shall be deemed to comply with these Design Guidelines.

#### **7.12 NON-WAIVER**

Pursuant to Section§ 13.3.6 of the Declaration, the approval by the ADRC of any plans, drawings or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any provision of these Design Guidelines shall not constitute a waiver of same.

#### **7.13 VARIANCE**

Upon submission of a written narrative request for a variance of one or more provisions of these Design Guidelines, the ADRC may permit, when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, Owners to construct, erect, or install improvements that are in variance with these Guidelines. No member of the ADRC shall be liable to any Owner or other person for any claims, causes of actions, or damages arising out of the granting or denial of any variance request by an Owner or his agent. Each request for a variance submitted hereunder shall be reviewed separately and apart from other such requests and the grant of a variance to an Owner shall not constitute a waiver of the ADRC's right strictly to enforce these Guidelines against any other Owner. Each such written request must identify and set forth in a narrative detail the specific guideline or standard from which a variance is sought, and describe in detail the exact nature of the variance sought, as prescribed by the ADRC. Any grant of variance by the ADRC must be in writing and must identify in narrative detail both the standard from which a variance is being sought and the specific variance being granted. No variance shall be contrary to the Declaration.

#### **7.14 EXEMPTIONS**

Any and all construction on common elements of the Association by the Association shall be exempt from these Guidelines.

### **8 *ADRC ORGANIZATION***

#### **8.1 MEMBERS**

As provided in Article XII of the Declaration, the ADRC shall consist of a minimum of three, but not more than five, members appointed by the Board of Directors of the Association, who shall be owners or representatives of owners. Members serve at the pleasure of the Board of Directors of the Association and may be terminated at any time for any reason or for no reason at all.

#### **8.2 DELEGATION OF AUTHORITY**

The ADRC may delegate its Design Plan Review responsibilities to one or more of its members acting as a subcommittee of the ADRC, and/or professional design consultants retained by the ADRC on behalf of the Association. Upon such delegation, the approval or disapproval of plans and specifications by such member or consultants shall be equivalent to approval or disapproval by the entire ADRC.

#### **8.3 DUTIES**

It shall be the duty of the ADRC to perform those duties specified in the Declaration and these Guidelines to consider and act upon such proposals or plans related to the construction of improvements within The Valley at Winter Park as are submitted pursuant to the Declaration and these Design Guidelines, and to amend these Design Guidelines whenever, and in a manner, deemed appropriate by the ADRC.

#### **8.4 ADDRESS OF ADRC**

All correspondence with the ADRC, including submittal of copies of mailed documents, shall be done electronically via the ADRC Chair email address. The current address can be found at the website address: [www.valleyatwinterpark.org](http://www.valleyatwinterpark.org)

The mailing address of the ADRC shall be the address established for giving notice to the Association, unless otherwise specified by the ADRC.

The present address for the Valley at Winter Park ADRC is:

The Valley at Winter Park ADRC  
P.O. Box 21  
Winter Park, Colorado 80482

#### **8.5 MEETINGS**

The ADRC shall convene as necessary to perform its duties properly. The vote of a majority of the members shall constitute an act by the ADRC.

The ADRC shall keep on file all submittals and copies of all written responses to Owners to serve as record of all actions taken.

#### **8.6 COMPENSATION**

The members of the ADRC shall not receive any compensation for services rendered. A professional design consultant retained to advise and assist the ADRC, however, may be paid such compensation as the other ADRC members determine, regardless of whether or not the consultant is a voting member of the ADRC.

All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with their performance of their duties. Professional consultants or representatives of the ADRC retained for assistance in the review process shall be paid such compensation as the ADRC determines.

#### **8.7 AMENDMENT OF DESIGN GUIDELINES**

The ADRC may, from time to time and at its sole discretion, amend or revise any portion of these Design Guidelines. All such amendments or revisions shall be effective as of the date approved by the Board of Directors, appended to, and made a part of the Design Guidelines. An Owner will determine which Design Guidelines apply based on the Design Guidelines, as amended and modified, which were in effect at the time they submitted their Design Plan Application and paid any required Design Review Fee. If the Design Plan Approval period expires (Section§ 6.8 hereof), an Owner must then comply with the most current version of the Design Guidelines, as amended and modified. Each Owner is responsible for obtaining a copy of the most recently revised Design Guidelines. The Valley at Winter Park maintains a copy of the most current Design Guidelines on its website at <http://www.valleyatwinterpark.org>. An Owner may also request a copy of the Design Guidelines from the ADRC via email at valleyatwinterparkadrc@gmail.com.

#### **8.8 NON-LIABILITY**

Plans and specifications shall be considered by the ADRC as to style, exterior design, appearance and location, but are not reviewed for engineering design or for compliance with zoning and building ordinances, and by approving such plans and specifications, neither the ADRC, the members or agents thereof, the Association, nor the Board of Directors of the Association assumes any liability or responsibility therefore, or for any defect in any structure constructed from such plans and specifications. Neither the ADRC, any member or agent thereof, the Association, nor the Board of Directors of the Association shall be liable to any other person for any damage, loss or prejudice suffered or claimed on account of the following:

1. the approval or disapproval of any plans, drawings and specifications, whether or not defective;
2. the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications;
3. the development, or manner of development of any property within The Valley at Winter Park; or



4. the execution and filing of a compliance or non-compliance certificate pursuant to these Design Guidelines, whether or not the facts therein are correct; provided, however, that such action was taken in good faith.

Every Owner or other person, by submission of plans and specifications to the ADRC for approval, agrees that he, she, or it will not bring any action or suit against the ADRC, any of its members or agents, the Association, or the Board of Directors of the Association regarding any action taken by or on behalf of the ADRC. Approval by the ADRC of plans and specifications by or on behalf of the ADRC, or of the construction of any improvement at The Valley at Winter Park, applies only to these Design Guidelines, and in no way implies, and shall not be deemed to be a representation or warranty that, the submitted plans or specifications for the improvements comply with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and building codes.

#### **8.9 ENFORCEMENT**

The ADRC or its representative may, at any time, inspect a Lot or improvement and, upon discovering a violation of these Design Guidelines, provide a written notice of noncompliance to the Owner and the General Contractor/Builder causing the noncompliance, including a reasonable time limit within which to correct the violation, which shall not be less than ten days. If an Owner or the General Contractor/Builder fails to comply within this period, the ADRC or its authorized agents may enter the Lot and correct the violation at the expense of the Owner of such Lot; said expense to be secured by a lien upon such Lot enforceable in accordance with the Declaration.

In the event of any violation of these Design Guidelines, the ADRC may, at its sole discretion and in addition to restoration or completion expenses, impose without limitation a punitive fine, commensurate with the severity of the violation. Notice and hearing for any such enforcement actions shall comply with Article XIX of the Declaration.

#### **8.10 SEVERABILITY**

If any provision of these Guidelines, or any Section, clause, sentence, phrase or word, or the application thereof in any circumstance is held invalid, the validity of the remainder of these Guidelines and of the application of any such provision, section, sentence, clause, phrase or work in any other circumstances, shall not be affected thereby, and the remainder of these Design Guidelines shall be construed as if such invalid part were never included therein.

#### **8.11 OBLIGATION OF OWNERS TO MAINTAIN LOTS**

The adoption of these Design Guidelines, including the standards and procedures for architectural approval, shall not be construed as changing any rights, obligations or restrictions upon Owners to maintain or repair their Lots as may otherwise be specified in the Declaration or the rules and regulations of the Association.

#### **8.12 INSPECTION OF CONSTRUCTION**

Any member or authorized consultant of the ADRC, or any authorized officer, director, employee or agent of the Association, may at any reasonable time enter, without being deemed guilty of trespass, upon any Lot, in order to inspect improvements constructed or being constructed on such Lot to ascertain that such improvements have been or are being built in compliance with these Design Guidelines and the Declaration.

#### **8.13 RELIANCE BY SUBSEQUENT OWNERS**

As to purchasers and encumbrances of the Lot in good faith and for value, unless notice of non-completion or nonconformance identifying the violating Lot and specifying the reason for the notice executed by the ADRC, shall be recorded with the Grand County Clerk and Recorder's Office and given to the Owner of such Lot within one year after the expiration of the twenty-four month time limitation for completion imposed under these Guidelines in Section§ 5.26 hereof, or if later, within one year following completion of the improvement, or unless legal proceedings shall have been instituted to enforce compliance or completion within such one-year period, the completed improvement shall be deemed to be in compliance with plans and specifications approved by the ADRC and in compliance with the architectural standards of these Design Guidelines and the Declaration.

#### **8.14 APPEALS**

Any Lot Owner desiring to appeal a decision by the ADRC may request in writing for Board review of the ADRC determination as set forth in Article XIX of the Declaration.

### ***9 PROMULGATION and BINDING EFFECT***

These Design Guidelines are promulgated by the ADRC in accordance with, and pursuant to the authority granted in Article XII and XIII of the Declaration. These Guidelines shall be deemed incorporated into the Declaration for all intents and purposes and shall be binding upon all Lots within The Valley at Winter Park project and upon all Owners or other persons having any interest in or to a Lot within The Valley at Winter Park, subject to the Declaration and any Supplemental Declaration involving the lots at The Valley at Winter Park. In the event of any conflict or inconsistency between the provisions of these Guidelines and the provisions of the Declaration pertaining to architectural control, standards or procedures, or to the ADRC, the provisions of the Declaration shall be controlling.

**APPENDIX A: NATIVE LANDSCAPE –APPROVED PLANT LIST**

**Evergreen Trees**

<u>Scientific Name</u>	<u>Common Name</u>
Abies lasiocarpa	Alpine Fir
Picea engelmannii	Engelmann Spruce
Picea pungens	Colorado Spruce
Pinus aristata	Bristlecone Pine
Pinus contorta ‘latifolia’	Lodgepole Pine

**Deciduous Trees**

<u>Scientific Name</u>	<u>Common Name</u>
Populus tremuloides	Quaking Aspen
Populus angustifolia	Narrowleaf Cottonwood

**Shrubs**

<u>Scientific Name</u>	<u>Common Name</u>
Artemisia frigida	Fringed Sage
Artemisia tridentata	Mountain Big Sage
Arctostaphylos uva-ursi	Kinnikinnick
Betula glandulosa	Dwarf Birch
Ericameria nauseosus	Rubber Rabbitbrush
Jamesia americana	Waxflower
Juniperus communis	Common Juniper
Lonicera involucrata	Twinberry Honeysuckle
Mahonia repens	Creeping Mahonia
Paxistima myrsinites	Boxleaf
Prunus virginiana	Chokecherry
Ribes cereum	Wax Currant
Ribes laxiflorum	Trailing Black Currant
Ribes montigenum	Gooseberry Currant
Rosa woodsii	Woods Rose
Rubus idaeus v. strigosus	Wild Raspberry
Salix Ssp.	Salix Varieties
Sambucus racemosa	Red Elderberry

**Herbaceous Plants**

<u>Common Name</u>			
Alliums	Domestic Strawberry	Indian Paintbrush	Pink Plumes (Geum)
Anthemis	Fernleaf Fleabane	Jacob’s Ladder	Pussytoes
Beebalm	Fireweed	Lovage	Rocky Mountain Penstemon
Blue Bells (Mertensia)	Gaillardia	Maltese Cross	Rocky Mountain Locoweed
Blue Flax	Garden Sage	Marsh Marigold	Shooting Star
Campanula	Gentian	Meadow Rue	Showy Fleabane
Chamomile	Gentian	Mints	Sticky Geranium
Chives	Hens and Chicks	Moneyflower	Sulphurs Flower
Cinquefoil	Horseradish	Monkshood	Tansy
Comfrey	Hybird Sedums	Native Lupine	Thyme
Common Yarrow	Hybrid Columbine	Native Sedum	Veronica, creeping
Costmary	Hybrid Geraniums	Old-Man-on-the-Mountain	Western Native Columbine
Creeping Phlox	Hybrid Geum	Pasque Flower	Wild Strawberry
Delphinium	Hybrid Yarrow	Penstemons	Wolf’s Alyssum
Dianthus	Iceland Poppy		Wormwood

## **APPENDIX B – MANICURED LANDSCAPE AREA LIST OF APPROVED PLANTS**

*In close proximity to residence / Supplemental Irrigation Required*

*(All plants listed under the Approved Native Landscape Area list can be used within the Enhanced Plant Zone)*

### **Evergreen Trees**

Scientific Name

Juniperus Scopulorum  
Juniperus Scopulorum ‘Wichita Blue’  
Picea punges ‘Fat Albert’  
Pinus flexilis  
Pseudotsuga menziesii var. glauca

Common Name

Rocky Mountain Juniper  
Whichita Blue Juniper  
Fat Albert Spruce  
Limber Pine  
Rocky Mountain Douglas-Fir

### **Deciduous Trees**

Scientific Name

Acer ginnala  
Alnus incana ssp. tenuifolia  
Amelanchier alnifolia  
Crataegus ambigua

Common Name

Amur Maple  
Thin Leaf Alder  
Mountain Serviceberry  
Russian Hawthorn

### **Evergreen Shrubs**

Scientific Name

Juniperus sabina ‘Buffalo’  
Picea punges ‘Globosa’  
Picea punges ‘Mesa Verde’  
Picea punges ‘Montgomery’  
Pinus mugo ‘White Bud’

Common Name

Buffalo Juniper  
Globe Spruce  
Mesa Verde Spruce  
Montgomery Spruce  
White Bud Mugo Pine

### **Shrubs**

Scientific Name

Caragana arborescens  
Cercocarpus montanus  
Cotoneaster acutifolia  
Cornus sericea ‘Baileyi’  
Falligia paradoxa  
Holodiscus dumosus  
Lonicera tatarica ‘Arnold Red’  
Physocarpus monogynus  
Potentilla fruticosa Ssp.  
    ‘Jackmannii’  
    ‘Gold Drop’  
    ‘Klondike’  
    ‘Pink Beauty’  
Rhus glabra ‘Cismontana’  
Rosa rugosa  
Rosa rugosa alba  
Symphoricarpos oreophilus  
Syringa x prestoniae Ssp.  
    ‘James MacFarlane’  
    ‘Miss Canada’  
    ‘Royalty’  
Syringa Vulgaris

Common Name

Siberian Peashrub  
Mountain Mahogany  
Peking Cotoneaster  
Redosier dogwood  
Apache Plume  
Rock Spirea  
Arnold Red Honeysuckle  
Mountain Ninebark  
  
Jackman Potentilla  
Gold Drop Potentilla  
Klondike Potentilla  
Pink Beauty Potentilla  
Rocky Mountain Sumac  
Rugosa Rose  
White Rugosa Rose  
Mountain Snowberry  
  
James MacFarlane Lilac  
Miss Canada Lilac  
Royalty Lilac  
Common Purple Lilac

### **Groundcovers and Vines**

Scientific Name

Aegopodium podograria ‘Variegatum’  
Arctostaphylos uva-ursi  
Cerastium tomentosum  
Galium odoratum  
Parthenocissus q. engelmannii

Common Name

Bishop’s Weed  
Kinnikinnick  
Snow-in-Summer  
Sweet Woodruff  
Virginia Creeper

**APPENDIX B – MANICURED LANDSCAPE AREA LIST OF APPROVED PLANTS** *(Continued)*

**Herbaceous Plants**

Common Names

Alliums	Domestic Strawberry	Indian Paintbrush	Pink Plumes (Geum)
Anthemis	Fernleaf Fleabane	Jacob's Ladder	Pussytoes
Beebalm	Fireweed	Lovage	Rocky Mountain Penstemon
Blue Bells (Mertensia)	Gaillardia	Maltese Cross	Rocky Mountain Locoweed
Blue Flax	Garden Sage	Marsh Marigold	Shooting Star
Campanula	Gentian	Meadow Rue	Showy Fleabane
Chamomile	Gentian	Mints	Sticky Geranium
Chives	Hens and Chicks	Moneyflower	Sulphurs Flower
Cinquefoil	Horseradish	Monkshood	Tansy
Comfrey	Hybird Sedums	Native Lupine	Thyme
Common Yarrow	Hybrid Columbine	Native Sedum	Veronica, creeping
Costmary	Hybrid Geraniums	Old-Man-on-the-Mountain	Western Native Columbine
Creeping Phlox	Hybrid Geum	Pasque Flower	Wild Strawberry
Delphinium	Hybrid Yarrow	Penstemons	Wolf's Alyssum
Dianthus	Iceland Poppy		Wormwood

## APPENDIX C LIST OF PROHIBITED PLANTS

(*Bold and italicized font denotes species presently found in Grand County*)

### “A” List Species (rare noxious weeds for which state wide eradication is the goal)

<u>Scientific Name</u>	<u>Common Name</u>
Peganum harmala	African rue
Alhagi pseudalhagi	Camelthorn
Cupina vulgaris	Common crupina
Euphorbia cyparissias	Cypress spurge
Isatis tinctoria	Dyers woad
Salvinia molesta	Giant salvinia
Hydrilla verticillata	Hydrilla
Centaurea pratensis	Meadow knapweed
Salvia aethopsis	Mediterranean sage
Taeniatherum caput-medusae)	Medusahead
<b><i>Euphorbia myrsinites</i></b>	<b><i>Myrtle spurge</i></b>
<b><i>Hieracium aurantiacum</i></b>	<b><i>Orange hawkweed</i></b>
Lythrum salicaria	Purple loosestrife
Chondrilla juncea	Rush skeletonweed
Lespedeza cuneata	Sericea lespedeza
Centaurea virgata	Squarrose knapweed
Senecio jacobaea	Tansy ragwort
Centaurea solstitialis	Yellow starthistle

### “B” List Species (noxious weed species with discrete statewide distributions and subject to eradication, containment or suppression to stop continued spread)

<u>Scientific Name</u>	<u>Common Name</u>
Artemisia absinthium	Absinth wormwood
<b>Hyoscyamus niger</b>	<b>Black henbane</b>
Saponaria officinalis	Bouncingbet
<b>Cirsium vulgare</b>	<b>Bull thistle</b>
<b>Cirsium arvense</b>	<b>Canada thistle</b>
<b>Clematis orientalis</b>	<b>Chinese clematis</b>
<b>Tanacetum vulgare</b>	<b>Common tansy</b>
Dipsacus fullonum	Common teasel
<b>Linaria dalmatica</b>	<b>Dalmatian toadflax</b>
<b>Hesperis matronalis</b>	<b>Dame’s rocket</b>
<b>Centaurea diffusa</b>	<b>Diffuse knapweed</b>
Myriophyllum spicatum	Eurasian watermilfoil
<b>Cardaria draba</b>	<b>Hoary cress or Whitetop</b>
<b>Cynoglossum officinale</b>	<b>Houndstongue</b>
<b>Euphorbia esula</b>	<b>Leafy spurge</b>
Verbascum blattaria	Moth mullein
<b>Carduus nutans</b>	<b>Musk thistle</b>
<b>Chrysanthemum leucanthemum</b>	<b>Oxeye daisy</b>
Lepidium latifolium	Perennial pepperweed
<b>Carduus acanthoides</b>	<b>Plumeless thistle</b>
Elytrigia repens	Quackgrass
Erodium cicutarium	Redstem filaree
<b>Centaurea repens</b>	<b>Russian knapweed</b>
Elaeagnus angustifolia	Russian olive
<b>Tamarix ramosissima</b>	<b>Saltcedar</b>
<b>Matricaria perorate</b>	<b>Scentless chamomile</b>
Onopordum acanthium	Scotch thistle
<b>Centaurea maculosa</b>	<b>Spotted knapweed</b>
Anoda cristata	Spurred anoda

Potentilla recta  
Hibiscus trionum  
**Carum carvi**  
Cyperus esculentus  
**(Linaria vulgaris**

Sulfur cinquefoil  
Venice mallow  
**Wild caraway**  
Yellow nutsedge  
**Yellow toadflax**

**“C” List Species (species of noxious weed widespread throughout Colorado and targeted for improved management)**

Scientific Name

**Bromus tectorum**  
Cichorium intybus  
Arctium minus  
**Verbascum Thapsus**  
**Convolvulus arvensis**  
Halogeton glomeratus  
Sorghum halepense  
Aegilops cylindrical  
Sonchus arvensis  
Conium maculatum  
Tribulus terrestris  
Hypericum perforatum  
Abutilon theophrasti  
Secale cereal  
Panicum miliaceum

Common Name

**Cheatgrass**  
Chicory  
Common burdock  
**Common mullein**  
**Field bindweed**  
Halogeton  
Johnsongrass  
Jointed goatgrass  
Perennial sowthistle  
Poison hemlock  
Puncturevine  
St. Johnswort  
Velvetleaf  
Volunteer rye  
Wild-prose millet

## ***APPENDIX D: NONEXCLUSIVE LIST OF FINABLE OFFENSES***

The following is an easy place to check the issues for which the ADRC may fine a Homeowner. Fines for violations not listed may be assessed on a case-by-case basis. While the ADRC may, in its sole non-waivable discretion, decide not to fine a Homeowner for an offense, persistent or flagrant violations of the following will likely create fines.

### **BEST MANAGEMENT PRACTICES**

- Failure to maintain vegetation protection fencing.
- Failure to stabilize construction entrance.

### **CONSTRUCTION VIOLATIONS**

- Initiating major new construction (house, garage, additions) without ADRC approval.
- Failure to complete project within predetermined time.
- Unauthorized earthwork or site alteration.
- Unauthorized blasting.
- Initiating minor new construction (sheds, decks, alterations) without ADRC approval.
- Excessive street dirt and debris.
- Other deviations from approved plans.

### **TREE, BRUSH, AND LIMB REMOVAL**

- Tree removal from common area or neighboring property.
- Unauthorized tree removal from own property.
- Excess brush removal from unimproved property.
- Unauthorized removal of limbs.
- Failure to dispose of vegetative debris.

### **TRAILERS AND SIGNAGE**

- Unauthorized trailer or trailer location.
- Trailer on site for more than nine months.
- Unauthorized sign or sign location.

### **COMPLETION OF CONSTRUCTION**

- Failure to restore site.

### **TRASH RECEPTACLES AND DEBRIS REMOVAL**

- Failure to remove excess dirt, mud, or debris daily from the public.
- or private roads, open space, or driveways.
- Concrete washout in road, rights-of-way, setbacks or adjacent properties.
- Trash receptacles missing or in unauthorized location.
- Sanitary closet missing or in unauthorized location.

### **VEHICLES, ACCESS, AND PARKING AREAS**

- Access of building site by means other than approved route (future driveway).
- Receipt of deliveries outside of designated construction area.
- Parking location disruptive to residents, traffic or Landscape.

### **SAFETY**

- Possession or discharge of firearms or other weapons.
- Fire extinguishers missing or inadequate.
- Pets or other domestic animals on site.
- Unauthorized visitors or children on site.

### **NOISE AND NUISANCE**

- Construction outside of approved hours.
- Radio or other audio equipment audible beyond property lines.



**APPENDIX E**

**The Valley at Winter Park  
DESIGN PLAN APPLICATION**

**Part 1**

**Project Information**

Lot No.: \_\_\_\_\_ V@WP Street Address: \_\_\_\_\_  
 Lot Size (acres): \_\_\_\_\_ Building Size (sq ft): \_\_\_\_\_ % Building to Lot Size: \_\_\_\_\_  
 Livable Space (sq ft): \_\_\_\_\_ Maximum Building Height (ft): \_\_\_\_\_ Maximum Unbroken Roof Ridge (ft): \_\_\_\_\_  
 Bedrooms: \_\_\_\_\_ Baths: \_\_\_\_\_ Garage type / # of bays (e.g. tandem, attached /2 bays): \_\_\_\_\_  
 Variance Request Form (s) Attached:  N/A  Yes

**Owner Information**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Primary Contact Name/Phone/Email: \_\_\_\_\_

**Architect Information**

Name: \_\_\_\_\_ License #/State \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Contractor/Builder Information**

Name: \_\_\_\_\_ License #/State \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Cell: \_\_\_\_\_  
 Email: \_\_\_\_\_

I certify that the information provided above and relating to this application is an accurate representation of the proposed improvements; that the work will conform to applicable covenants and architectural guidelines; that the improvements will be completed in accordance with the approved application. I understand and accept that construction is not to begin until approval has been received from the Architectural Design Review Committee. I understand and accept the responsibility to apply for approval of any changes to the approved design; and any change will not be made until approval has been granted. I understand that failure to comply with any of these requirements may result in penalties or action as allowed in Sections 5.23, 5.24 and 5.25 or elsewhere in the Architectural Design and Review Guidelines and Covenants. The Architectural Control Committee has permission to enter the property to make inspections, as they deem necessary.

Owner Signature(s) \_\_\_\_\_  
 Date \_\_\_\_\_

**Part II**

**Design Plan Review Process** (for ADRC completion only)

ADRC Approved Design Plan Application **Effective** Submittal Date: \_\_\_\_\_

**Design Plan Application**  Decision Notice Sent: \_\_\_\_\_ Date: \_\_\_\_\_

Initial Submittal Date: \_\_\_\_\_  Complete \_\_\_\_\_  
 Incomplete Date(s) Returned: \_\_\_\_\_

Resubmittal Date: \_\_\_\_\_  Complete \_\_\_\_\_  
 Incomplete Date(s) Returned: \_\_\_\_\_

Resubmittal Date: \_\_\_\_\_  Complete \_\_\_\_\_  
 Incomplete Date(s) Returned: \_\_\_\_\_

**\$1,000 Design Review Fee:**  Payment Attached Date Received by ADRC: \_\_\_\_\_  
 ADRC sent to HOA Treasurer:  Date: \_\_\_\_\_

**Optional Pre-Design Meeting:** Date: \_\_\_\_\_

**ADRC Design Denial** Date: \_\_\_\_\_  Decision Notice Sent: \_\_\_\_\_ Date: \_\_\_\_\_

**Preliminary ADRC Design Approval** Date: \_\_\_\_\_  Decision Notice Sent: \_\_\_\_\_ Date: \_\_\_\_\_

**Final ADRC Design Approval:** Date: \_\_\_\_\_  Decision Notice Sent: \_\_\_\_\_ Date: \_\_\_\_\_

**\$2,000 Construction Compliance Deposit :** Date Received: \_\_\_\_\_ Check #: \_\_\_\_\_  
 ADRC sent to HOA Treasurer:  Date: \_\_\_\_\_

Optional Pre-Construction Meeting: Date: \_\_\_\_\_

Signed Appendix H returned from **Contact/Builder:** Date: \_\_\_\_\_

Appointment made to set water meter with V@WP Water District Water Manager: Appointment Date: \_\_\_\_\_

Signed Appendix H returned from **Water District Manager:** Date: \_\_\_\_\_

Water meter fees and annual Dues with V@WP Water District Paid/Current: V@WPWD Letter Date: \_\_\_\_\_

HOA Dues & Assessment Paid/Current: HOA Treasurer Letter Date: \_\_\_\_\_

Final Architect Inspection Date: \_\_\_\_\_ Recommendations: \_\_\_\_\_  
 Letter Date: \_\_\_\_\_

Certificate of Occupancy Dated: \_\_\_\_\_ Date submitted to ADRC: \_\_\_\_\_

Final ADRC Construction Release (Post County Certificate of Occupancy): Date: \_\_\_\_\_

Balance of Design Plan Review Fee Returned: Amount: \_\_\_\_\_ Date: \_\_\_\_\_

Balance Construction Compliance Deposit Returned: Amount: \_\_\_\_\_ Date: \_\_\_\_\_

**Violation(s):**

Description/Solution	Fine Amount	Date Notice Sent	Date Payment Received & Check #

## APPENDIX F

### The Valley at Winter Park DESIGN PLAN REVIEW CHECKLIST

Project Name: \_\_\_\_\_ Lot #: \_\_\_\_\_  
Submittal Date: \_\_\_\_\_

#### 1. Design Review Application

- Completed and Signed Application Form – Appendix E
- Variances attached if applicable
- \$1,000 Design Review Fee attached (check made out to Valley at Winter Park HOA)
- Construction documents including all items designated in the following sections 2 – 7

#### 2. Site Plan

- Title block/North arrow
- Building footprint
- Location of proposed ISDS (Individual Septic Disposal System) and leach field
- Proposed finish floor elevations shown per U.S.G.S. survey contours
- Building envelope & easements shown
- Driveway, walks, retaining walls and grading shown
- Driveway culvert shown if required
- Trees to be removed or statement indicating intended extent of tree removal
- Scaled legibly

#### 3. Proposed Landscape Plan

- Proposed layout, planting beds, grass areas
- Walks, patios, decks, retaining walls and site features
- Scaled legibly

#### 4. Roof Plan

- Roof pitches labeled

#### 5. Elevations

- Existing and proposed grade lines shown
- Plate heights labeled
- Ridge heights labeled
- Roof pitch labeled
- Chimneys
- Railings
- Final indication of all exterior materials shown
- Building height labeled
- Garage door material and color
- Scaled legibly

#### 6. Proposed Material/Color Sample Board (pdf file is acceptable)

- 8 1/2" x 11" max
- Color copy required with materials descriptions
- Images provided for all exterior materials identified in building plans
- Physical materials sample(s) only if requested by preliminary ADRC approval letter

#### 7. Lighting

- Cut sheets of exterior lighting fixtures - ≤ 15' above finish grade with downcast lighting
- Lighting location shown on plan or elevations

**APPENDIX G**

**REQUEST FOR MODIFICATIONS OR VARIANCE**

Project Name: \_\_\_\_\_ Project Start Date: \_\_\_\_\_

Request Submittal Date: \_\_\_\_\_ Lot # \_\_\_\_\_

Requested by: \_\_\_\_\_ Phone # \_\_\_\_\_

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

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

Owner: \_\_\_\_\_ Phone # \_\_\_\_\_

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

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

Architect: \_\_\_\_\_ Phone # \_\_\_\_\_

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

Contractor: \_\_\_\_\_ Phone # \_\_\_\_\_

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

- Describe in narrative detail the specific change(s) requested from the approved documents and the reason for the change:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Describe in narrative detail the specific variance requested from the Design Guidelines. List the reasons the variance is requested, how it will not detract or negatively impact the subdivision and list specific actions that will mitigate any impacts created by the variance.

\_\_\_\_\_  
\_\_\_\_\_

**Attach additional information, narrative, or graphic, which helps further explain the nature of the request and why it should be granted.**

APPENDIX H

CONSTRUCTION REQUIREMENTS CHECKLIST

General Contractor/Builder:	_____	Phone #:	_____
Address:	_____	Email:	_____
Project Name:	_____	Date:	_____
Project Street Address:	_____	Lot #:	_____
Owner:	_____	Phone #:	_____
Address:	_____	Email:	_____
Architect:	_____	Phone #:	_____
Address:	_____	Email:	_____

**The General Contractor/Builder is responsible for implementing the approved construction staging plan at the construction site. Please initial each of the following items, in the square provided, signifying construction site compliance.**

<input type="checkbox"/> Locations for construction access to the site (2" of aggregate over filter cloth)	<input type="checkbox"/> Limits of construction fenced	<input type="checkbox"/> Building footprint staked & labeled
<input type="checkbox"/> Utility trenching locations staked and labeled	<input type="checkbox"/> Designating the disturbance envelope	<input type="checkbox"/> Concrete washout location
<input type="checkbox"/> Equipment access identified	<input type="checkbox"/> Parking location identified	<input type="checkbox"/> Trees to be removed marked
<input type="checkbox"/> Location of refuse container/ dumpster and debris removal	<input type="checkbox"/> Location of a construction trailer (if applicable)	<input type="checkbox"/> Provision and location of sanitary facilities
<input type="checkbox"/> Storage of top soil and excavated material (if allowed by the ADRC), & blasting	<input type="checkbox"/> Location for storage of building materials and delivery within disturbance area	<input type="checkbox"/> Temporary contractor/builder and/or architect signage designated
<input type="checkbox"/> Other items requested by the ADRC		

**Any deviation from the ADRC Approved Design Plan without the prior written consent of the ADRC, will result in a construction fine pursuant to Section§ 5.25 hereof. Please initial each item, in the square provided, acknowledging understanding that this provision includes, but is not limited to:**

- The removal or relocation of construction fencing from its approved location
- Stockpiling of excavated rock or soil, or construction materials in any location other than those approved for such storage
- The General Contractor/Builder must keep one copy of the approved Construction Staging Plan at the job site at all times.

**Please initial each of the following items, in the square provided, indicating your familiarity and compliance with all construction regulations set forth by The Valley at Winter Park’s construction regulations pursuant to Section§ 5 of the Architectural Design Review (ADR) Guidelines adopted by the Board of Directors on June 1, 2015.**

**Health and Safety Compliance**

All applicable statues, ordinances, or rules pertaining to health and safety, including all applicable provisions of the Occupational Safety and Health Act (O.S.H.A.), and restrictions pertaining to the handling or disposal of hazardous materials and toxic substances or waste, must be observed and obeyed throughout the construction process.

- **Construction schedule**
- **Construction regulations/requirements**
- **Modifications/variance process**
- **Construction fines**
- **Dust and noise control, firearms, pets, and fires & Flammable materials**
- **Protection of vegetation, site features, and neighboring properties**
- **Construction Hours**
- **Restoration of property**
- **Temporary power and water. Pursuant to Section§ 2.8 and Section§ 5.14 of the ADR Guidelines (2015), each Owner’s General Contractor/Builder is responsible for coordinating the activation and use of the water service stub to the Lot for construction water with the Water Operator for the Valley at Winter Park Water District. Water meter installation and applicable fee payments must be done prior to any drywall installation as outlined in following procedural steps.**
  1. Lot Owner's General Contractor/Builder must contact Valley at Winter Park Water District’s water operator and submit plans for water service line.  
Doug Bellatty (Water Operator).....970-531-9246
  2. Water Operator will either approve or notify General Contractor/Builder of required modifications.
  3. Once plans have been approved, the Water Operator and General Contractor/Builder will coordinate installation of the water meter.
  4. The District’s water operator shall contact the District's Administrator who will invoice the Lot Owner for payment of the water meter.  
Jeanette Berg (Administrator - Valley at Winter Park Water District).....303-887-0176
  5. Payment for the water meter must be made before the water operator will place an order for the water meter and schedule the installation.
  6. Following the water meter installation, the General Contractor/Builder must notify the District’s Water Operator to schedule an inspection to ensure proper installation of the service line for rough-in plumbing, and water meter installation and operation for final plumbing.
  7. Once the District’s Water Operator signs off on the Construction Requirements Checklist (Appendix 9J) approving the water service installation, the General Contractor/Builder must schedule any other local and county required inspections.

General Contractor/Builder acknowledges by signature of this form that he has reviewed the checked items and understands and agrees to comply with the Construction Regulations of the current ADR Guidelines (2015), including the Sections relating to Enforcement and Liability, Construction Compliance Deposit, Construction Fines, Continuity of Construction, Final Inspection and the Final Release.

\_\_\_\_\_

General Contractor/Builder Printed Name

\_\_\_\_\_

Date

\_\_\_\_\_

General Contractor/Builder Signature

\_\_\_\_\_

Date