

BEAR CREEK SUBDIVISION

ARCHITECTURAL STANDARDS

**Revised
January 29, 2022**

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INTRODUCTION

Bear Creek is a community where dwellings of varying styles and designs come together in harmony to complement the surrounding landscape. While there is no mandatory “style” of architecture in Bear Creek, quality of design and compatibility with the particular lot, adjacent structures, and landscape are encouraged. “Alpine Mountain” is the style most compatible to the natural terrain. The “Mountain Cabin” design is in keeping with the rural, rustic and woodland environment of Bear Creek.

The Bear Creek Landowners Association Architectural Review Committee sets standards for new construction, new separate outbuildings, additions, garages, and exterior alterations and improvements to existing structures, and natural landscaping. These standards were developed to help architects, builders and owners formulate concepts in keeping with the physical and aesthetic requirements of the community.

Because no two lots are exactly alike, the Committee reviews each plan in relation to the specific characteristics of that lot and its surroundings. What might be considered appropriate for one lot might not be appropriate for another. For this reason, the Declaration and appropriate Supplementary Declarations, which apply to all lots, permit the flexibility that is essential when dealing with widely varying topography and lot conditions. The appearance of dwellings from other lots, Common Areas and roads will be an important consideration, as will the size, massing and orientation of structures in relationship to the lot and surrounding structures, fire safety considerations and the feasibility of access locations and grades.

The Standards are not intended to inhibit or restrict creative design, but rather, should provide the criteria, which will assure that there is certain continuity throughout the development, where the buildings and other elements of the development are in design harmony with one another. Creative design, bold building forms, and imaginative residential development are encouraged within the bounds of the overall development character; providing that the character reflects the connotation of rural, rustic, woodland, forest, cabin and other similar terms that describe the character intent of Bear Creek. A “timeless” design of the individual residence is encouraged where there is a sense of overall design and character continuity without the boredom of having each residence the same as the other.

It is with the intent of developing a quality development of lasting values that this Standard is offered - a standard for the architects who design the individual homes and additions and alterations, and the Standard for the Architectural Design and Review Committee in their review of the design submittal.

The following Process Overview details the steps involved in constructing a new residence at Bear Creek. The Process Overview also applies to the construction of additions to existing facilities, construction of new garages and separate outbuildings.

The Declaration of Covenants allows for the construction of one residential home and one attached or detached garaged or storage building.

The Architectural Committee at its discretion may waive certain steps that only apply to the construction of new residences.

Structures that were in existence or approved for construction no greater than 24 months from the date of this Revised Standard are exempt from the *new* requirements of the Revised Standard, but subsequent additions, exterior alterations and improvements fall within the purview of this Standard and the Architectural Committee.

GUIDING DOCUMENTS AND THE ARCHITECTURAL COMMITTEE

The following lists the guiding documents, the authority and composition of the Architectural Committee, and definitions of words commonly used in this Standard.

1. Guiding Documents

Applicants should thoroughly review all portions of the following documents applicable to their project(s):

- a. Declaration of Covenants, Conditions and Restrictions and Amendments.
- b. Final plat for Specific Filing.
- c. Bear Creek Subdivision Submittal for Architectural Review & Authorization to Begin Construction (hereafter referred to as the "Checklist"), June 10, 2006.

2. Architectural Committee

- a. The Architectural Review Committee consists of 3 members. Members are appointed by the Board of Directors.
- b. Neither the Association nor its directors, officers committee members or agents will bear any responsibility for the design, quality, structural integrity or soundness of approved construction or modifications, nor for compliance with building codes, zoning regulations, and other governmental requirements. The Association, its directors, officers, committee members and agents are not liable for any injury, damages or loss arising out of the manner, design, or quality of approved construction on or to modifications to any Lot. No lawsuit, action or claim may be brought against any of the foregoing for any injury, damage or loss.
- c. Review of Waiver. The Committee reserves the right to waive or vary any of the procedures or Standards set forth herein at its discretion, for good cause.
- d. Services of Architect. The Architectural Committee shall have the authority to use the services of an architect as consultant and charge a sum to the submitting Lot Owner, not to exceed one thousand dollars (\$1000.00) to defray the fees of the architect consultant.

- e. **Committee Successors.** In the event of death or resignation of any member of the Architectural Committee, the Board of Directors shall appoint a member to complete the unexpired term.

3. **Definitions**

Unless the context otherwise specifies or requires, the following words or phrases when used in this text shall have the following meaning:

- a. **Builder/Contractor** – a person or entity engaged by an owner for the purpose of constructing a dwelling on such owners' lot. This includes all sub-contractors and material suppliers. The Builder/ Contractor and owner may be the same person or entity.
- b. **Committee** – the Architectural Review Committee established pursuant to the Declaration.
- c. **Common Area** – all land, improvements, and other properties now or hereafter owned or leased by, of from the Bear Creek Landowners Association.
- d. **Construction Site** – such portion of Bear Creek (including, but not limited to, a Lot) on which authority is given by the Committee to construct improvements or store materials or equipment.
- e. **Declaration** – Declaration of Covenants, Conditions and Restrictions governing Bear Creek as recorded by the developer and any subsequent amendments.
- f. **Developer** – the Bear Creek Land Company, a Colorado general partnership. Bear Creek Land Owner's Association is the successor to the Developer.
- g. **Development Guide** – that plan prepared by the Developer for any Filing that illustrates height restrictions, setback and other special limitations on specific lots.
- h. **Dwelling** – a residence and/or ancillary structure constructed or proposed to be constructed on a Lot in Bear Creek and any improvements constructed in connection therewith.
- i. **Bear Creek** – any Filing in Bear Creek according to the recorded plat thereof, Conejos County, Colorado
- j. **Bear Creek Landowners Association** – a non-profit corporation formed under that name whose Articles of Incorporation are filed with the Colorado Secretary of State.
- k. **Improvements** – any changes, alterations or additions to a Lot or a Dwelling from its condition at the time of purchase or construction.
- l. **Lot** – a platted lot or building site within Bear Creek.
- m. **Owner** – the owner of record of a Lot, whether one or more persons or entities. For the purposes herein, the Owner may act through such

Owner's agent, provided that such agent is authorized in writing to act in such capacity.

n. **Protective Covenants** – the Declaration and any Supplementary Declarations affecting Bear Creek as recorded by the Developer.

o. **Standards** – those restrictions, review procedures and construction regulations adopted and enforced by the Committee as set forth in this document and as amended from time to time by the Committee.

PROCESS FOR ARCHITECTURAL REVIEW AND APPROVAL

Following are the basic steps required to obtain Architectural Committee approval to commence construction or any exterior modifications in Bear Creek. The Bear Creek Subdivision Submittal for Architectural Review & Authorization to Begin Construction, June 2006, (hereafter referred to as the "Checklist") provides a detailed step-by-step procedure to take the Owner through the review, approval and construction process. The Checklist also provides further details on required submittal requirements such as submittal of material and color samples. Periodic re-staining of the exterior does not require approval only when the same color as the original stain is used.

1. Site Pre-Design

After review of the guiding documents, an applicant must schedule an on-site pre-design meeting in order to review basic concepts for the development of the site with a representative of the Committee (Checklist Step 3).

2. Preliminary Submittal

Following the steps in the Checklist, the applicant must submit a description that follows the requirements of the Preliminary Submittal Checklist (Checklist Step 4).

3. Review of Preliminary Submittal

The Committee will post the property once the complete preliminary plans are received. The posting sign will indicate:

- (a) the Lot and Filing number of the posted property;
- (b) that plans have been submitted and that such plans are available for inspection by other Lot Owners;
- (c) the date that the property was posted and the final date of the posting period.

After the posting and comment period of ten (10) calendar days, the Committee will review the plans and staking and will provide a written response to the owner within ten (10) working days after the review, but no later than thirty (30) days after a submittal. (Checklist Step 5).

4. Final Submittal

Upon the Architectural Review Committee's Approval of the Preliminary Submittal, the applicant must submit a further description of the intended

project that complies with the requirements of the Final Submittal Checklist (Checklist Step 8).

5. **Survey**

A survey by a registered land surveyor will be required by the Committee if property corners/monuments are missing, rugged or heavily forested terrain precludes clearly establishing lot lines, or steep elevations preclude seeing lot corners, i.e., if the building location(s) and required setbacks cannot be clearly established. The need for a survey may be determined at the Preliminary Meeting.

6. **Completion Notice**

Upon completion of the project, the Owner shall advise the Committee in writing (Owner's Notice of Completion and Compliance) (Checklist Step 11).

7. **Checklist Short Form**

For projects that are minor in scope, the Committee shall have the authority to approve the use of a short version of the Checklist. Whether to use the full Checklist or a short form of the Checklist shall depend on the scope of work and will be at the full discretion of the Committee.

**ARCHITECTURAL STANDARDS
SECTION I
BASIC BUILDING RESTRICTIONS**

1. **Location of Dwellings and Setbacks**

All Dwelling setbacks shall comply with Conejos County Regulations. Presently, dwellings shall have a frontage set back of a minimum of thirty (30) feet from the front boundary of the property; twenty five (25) feet setback from the rear boundary of the property; eight (8) feet setback from the side boundary lines, except on corner lots the side setback shall be twenty five (25) feet. The specific location of buildings will be in accordance with the plat, Declaration and the approval of the Architectural Review Committee. No Building Permit shall be obtained from Conejos County without the prior final approval of the Architectural Review Committee.

2. **Height of Structures**

Height restriction is thirty five (35) feet; however, the Committee shall discourage and has the right to prohibit, the construction of any Dwelling or other structure that would appear excessive in height when viewed from the roads, drives or other Lots.

3. **Floor Space, Permitted Uses, and Style**

Floor space and permitted uses will be in accordance with the Declaration and Amendments.

Minimum Size Requirements.

No one-story buildings shall be connected with a fully enclosed first floor area of less than 1050 square feet, exclusive of carport, garage, and open porches or decks. No two-story building shall be constructed with a fully enclosed first floor area of less than 900 square feet.

Style.

While there is no mandatory “style” of architecture in Bear Creek, quality of design and compatibility with the particular lot, adjacent Structures, and landscape is paramount. “Alpine Mountain” is the style most compatible to the natural terrain. The “Mountain Cabin” design is in keeping with the rural, rustic and woodland environment of Bear Creek. “A” frame type structures, Dwellings on stilts, and flat or parapet roof designs will not be permitted. Consideration will be given to unusual foundation solutions where steep terrain, poor soil conditions and other unique lot physical characteristics make siting of the dwelling difficult. Dwellings with a strong traditional style or urban appearance may be deemed inappropriate in Bear Creek.

4. **Color**

The color of exterior materials will be generally subdued to blend with the colors of the surrounding natural landscape. Earth tones, generally muted, are recommended, although accent colors and materials, used judiciously and with restraint, may occasionally be permitted. Colors shall be selected that are in context with the geographic and landscape features and colors of the Lot and the adjacent lots.

5. **Materials**

Exterior surfaces will be of materials that are compatible with the natural landscape.

A. **Siding and exterior walls.**

- 1 Log structures and walls of either natural or milled log forms.
- 2 Wood siding, either horizontal, vertical or diagonal, as appropriate with the building size and mass. Finish of the wood siding shall be rough-sawn, re-sawn or similar rough-hewn finish.
- 3 Wood shingles or shakes are prohibited. Small vertical accents of fireproof wood shingles may be permitted.
- 4 Wood grained fiber cement siding may be used, providing its finish and trim is in keeping with the rustic quality of the development. Stain finishes on hardwood must simulate natural wood finishes. No pre-finished or painted finishes shall be permitted.
- 5 Metal siding, exterior plaster or stucco and other like exterior finishes are prohibited. Special consideration may be given for alternative materials that simulate wood finishes by the Architectural Review Committee.
- 6 Natural stone walls or veneer. Stonewalls and stone

chimneys are encouraged within the design context of the individual homes. Stonework may be full walls, wainscot, columns, foundation coverings, etc. Stone may be either natural or artificial as approved by the Architectural Review Committee.

- 7 Concrete masonry or other masonry wall construction left unfinished shall not be permitted.
- 8 Limited areas of exposed poured, finished concrete foundation and stem walls may be permitted providing that they are painted or finished to match or complement the exterior color.

B. Exterior Finishes.

- (1) Walls, beam, columns and posts, fascia, trim, etc. The exterior wood materials shall be either left natural, oiled or treated, or stained woodland colors. Stains may be either semi-transparent or solid body stains with the "earth-tone" color ranges of predominantly brown, tan, etc. Bright colored stains or paints shall not be permitted, or any color that is in apparent contrast with the woodland environment
- (2) Window frames, mullions, doors, trim, etc. Window frames may be wood or metal with painted or pre-finished colors. While natural wood tone colors are encouraged, some accent colors may be permitted provided they do not dominate the exterior appearance. This will be left to the discretion of the Architectural Review Committee.

C. Other Exterior Elements

- (1) Fences and architectural screens shall be constructed of similar materials to the residence. Fences and screens shall only enclose the utility areas of the residence such as propane tanks, wood bins, dog runs, etc. The property lines of the development or individual lots shall not be fenced, as the development should have the appearance of an open community. Small sections of fences on property lines may be allowed in unusual circumstances at the discretion of the Architectural Review Committee and as approved by the Committee.
- (2) Utility elements such as television or radio antennas or satellite dishes shall be provided by the individual resident. If the individual resident elects to provide a satellite dish or antenna, every effort must be made to conceal the dish or antenna from view from other residents within the community. Screening may be behind utility yard fences. The location must be coordinated with the Committee.
- (3) Flag pole siting will be in compliance with Colorado §38-33.3-106.5. Flag poles may be attached to the home or as a ground mount. The siting of the pole should be such that it does not dominate the site. The height of the pole shall not exceed the height of the home.

- (4) Benches, landscape ornamentation, and similar items shall be compatible and in context with the natural landscape and not distract from the natural environment.

6. **Roofs**

Approval by the Committee will be based on the visual impact of the roof on the Lot or on neighboring Lots, Dwellings, Roads, and Common Areas.

- A. Pre-finished, seamed metal roofing. Finish of the material shall be non-glare. Approved colors include brown, forest green, bronze, or other darker colors that seem appropriate with the woodland environment. Bright colors such as red, bright blue, yellow, copper etc., are not permitted. Very light shades of approved colors are not permitted.
- B. Wood shingles or wood shakes. Wood shingles or wood shakes are prohibited.
- C. Composition roofing and shingles. Asphalt, fiberglass, and other similar materials may be used. Approved colors include shades of brown, charcoal, forest green, and mixed or variegated shades of approved colors that seem appropriate with the woodland environment. Composition roofing and shingles must be certified fireproof by the manufacturer.
- D. Concrete, metal and other similar shingles. Concrete, metal and other similar shingles may also be used with colors similar to the other colors mentioned in keeping with the woodland environment.
- E. Roof pitches. Roof pitches shall be a minimum of 4 in 12 slope, and steeper roof slopes are encouraged. Roof pitches less than 4 in 12 slope may be approved at the discretion of the committee, provided the load design carries the stamp of a professional engineer licensed in the state of Colorado. Flat pitch roofs are prohibited.

7. **Building Projections**

All projections, including, but not limited to, chimney flues and extensions, vents, plumbing vents, gutters, downspouts, utility boxes, porches, railings and exterior stairways, regardless of material, shall match the color of the surface from which they project, or shall be of an approved color.

8. **Site Drainage and Grading**

Site drainage will be done with minimum disruption to the Lot and shall not drain to adjoining Lots or across adjacent roads so as to cause a condition that could lead to soil erosion deposition of debris, or water collection.

In situations where grading on a Lot is proposed to extend beyond the Lot line and onto the Common Area, the proper approval and permission must

be obtained in writing from the Committee. In such cases, the owner must promptly restore and landscape the disturbed Common Area, at his own expense, and as required by the Committee.

Driveways should not exceed 10% grade. Down slope fill is discouraged. Where driveway culverts are required, they will be installed by the Owner and stone riprap at both ends will be required to reduce erosion.

9. Paved Areas

Graveled private driveways and parking are encouraged. Hard-surfaced driveways and materials used to create special paving patterns are subject to Committee approval.

10. Garage Doors

Visual impact of garage doors will be minimized by such measures as siting of the Dwelling, protective overhangs or projections, special door facing materials or design, landscaping, berming, etc. Garage doors shall be pre-finished or painted a color that causes the doors to blend into or match the Dwelling walls. Darker colors are encouraged.

11. Foundation Walls

Foundation walls shall be finished to blend with the general design and color of the Dwelling. Use of stone to cover foundation walls is encouraged.

12. Exterior Mechanical Equipment

All exterior mechanical equipment shall be either incorporated into the overall form of the Dwelling or be permanently enclosed by a material approved by the Committee.

13. Accessory Structures

Accessory structures, as permitted by the Declaration, shall be architecturally compatible with the Dwelling.

14. Exterior Lighting

Exterior lighting must be subdued. Exterior lights may be permitted by the Committee for such purposes as illuminating entrances, decks, driveways and parking areas, and other purposes approved by the Committee. Decks should not be illuminated when not in use. Light poles are not permitted.

The Association wishes to promote improved outdoor night time quality of life for its members. Therefore, lights which wash buildings or up light trees seen from the roads are not allowed. On new construction, outdoor lights must be downward facing and shielded. Outdoor lighting should be selected with the Dark Skies Standard in mind. See darksky.org.

Outdoor lights should not be on when not in use.

Outdoor lighting must be turned off at midnight.

15. **Landscaping**

Landscaping will be in accordance with the objective of preserving the natural appearance of the mountain landscape. Residential landscaping, if any, should be designed, therefore, to ensure that the ecosystem not be altered and does not require the use of household water. In accordance with the Bear Creek Water Augmentation Plan, as approved and dictated by the State of Colorado, irrigation of landscaping is prohibited. In addition, Lot owners and their representatives or builders are required to:

- A. Minimize disruption of the natural terrain (by grading) and control vehicular wear and tear on the site.
- B. Revegetate and restore ground cover for erosion and appearance reasons using native and indigenous grass and flower seed mixes planted at a time of year that will allow the affected areas to be reestablished without use of irrigation.
- C. Use indigenous species of plant materials to preserve the natural appearance.
- D. When using man-made elements in landscape design, select those that blend and are compatible with the land.
- E. When possible, preserve existing or natural drainage paths.
- F. Consider and provide for snow storage and runoff.
- G. Conserve and protect trees, topsoil, rock formations and unique landscape features. Permission must be obtained from the Committee for the removal of any trees during home construction.

As a general rule, the Committee will exercise more stringent controls on areas visible from roads and nearby home sites.

16. **Fireplaces**

Proximity of trees to fireplaces and flues must be carefully considered so that trees and branches are not subjected to excessive heat and fire hazards are not created.

17. **Additional Construction and/or Exterior Changes**

Additional construction or other improvements to a Dwelling, and/or changes before, during, or after completion of an approved structure must be submitted to the Committee for approval prior to initiating such changes and/or additions.

18. **Propane Tanks**

New installations

Propane tanks may be placed underground for fire safety purposes. When placed underground, the provisions of 7 CCR 1101-15 § 2-7(a) apply. "In areas where snow can be expected to cover the dome lids of underground containers, such containers shall be marked so that emergency and propane service company personnel can locate the tank for emergency shut down purposes or to service the tank. Such marking shall be accomplished by placing a stake or other marking that shall be installed higher than the anticipated maximum snow level up to a height of 15 feet".

19. **Building Code**

All structures will conform to all applicable building codes and ordinances. Approval by the Committee does not constitute or imply compliance with such codes and ordinances.

20. **Application for Variance**

Bear Creek property owners may apply for a variance to an item in these Standards. While it is desirable to always follow the Standards, it is understood that every project is unique in nature and sometimes a bit of flexibility is necessary. Variances approved by the Architectural Review Committee should be of necessity and not simply for the personal preferences of the member requesting the variance. The Standards exist to maintain a continuity in the overall look and feel of the development. As such, approval of variances must be carefully studied prior to approval.

Procedure

- A. A member must submit to the Architectural Review Committee a detailed written statement outlining the specific nature of the variance request, the reason and justification for the variance request along with

any documentation supporting the request. The committee may, at their discretion, request additional information.

- B. Approval of the Bear Creek Architectural Review Committee must be obtained prior to submittal to the Conejos County Land Use Office for any necessary approvals. It is the member's sole responsibility to meet all of the requirements of Conejos County. The approval process for the variance will be the same as for the original application but is a separate approval.
- C. The application for variance may be approved or denied by a majority vote of the Architectural Review Committee. All decisions on variances are subject to policy #2020-3, Appeal of Architectural Committee Determination.

SECTION II

CONSTRUCTION

REGULATIONS

In order to ensure a safe, neat and orderly construction site, the Committee and the Bear Creek Landowners Association have established certain construction and safety regulations for the benefit of all Bear Creek owners and residents.

1. Bear Creek Water Requirements

Water Connection approval shall be obtained from the Committee. The Board of Directors has designated approved contractor(s) to perform the water tap to the Association's main water lines. The location of the water tap must be approved by the Committee and the Owner must make arrangements for the tap through the appropriate Board Officer. No direct contact with the approved contractor by the Owner is permitted. The Association is responsible for the quality of water in the main water line. The Owner is responsible for the proper installation of the line and water system from the main into the residence. A whole house shutoff valve must be installed in a readily accessible location within the structure. Water pressure may vary from location to location due primarily to the site elevation in relation to the elevation of the storage tanks. The Association makes no guarantee of water pressure at the residence and an auxiliary booster pump may be desirable. The owner should consult with his architect and/or contractor to ensure that an adequate system is installed which ensures both quality and pressure.

2. Safety and Health Compliance

All applicable State, Conejos County and federal regulations and guidelines (including OSHA) will be strictly observed at all times.

3. Construction Trailers, Portable Field Offices, Etc.

Any owner or contractor who desires to bring a construction trailer, field

office or the like shall obtain approval from the Committee. The Committee shall work closely with the Owner to determine the best possible location. The construction trailer and/or portable field office shall be removed 18 months from the start of construction or 30 days after completion of construction, whichever comes first.

4. Storage of Materials-and Equipment

Owners and contactors are permitted to store construction materials and equipment only on the approved Construction Site during the construction period. Materials shall be neatly stacked, properly covered and secured. Storage of material or construction equipment outside the approved construction site (Owner's lot) will be done only with the approval of the Committee.

Any storage of materials or equipment shall be the Owner or contractor's responsibility; no security is provided by the Association.

Owners and contractors will not disturb, damage or trespass on other Lots or the Common Area. Should any such damage occur, it will be restored and repaired at the offender's expense.

5. Debris and Trash Removal

Owners and contractors must maintain a trash receptacle on site of sufficient size to accommodate construction. The owner/contractor is encouraged to provide a roll-off dumpster. The Association trash dumpsters are not to be used to dispose of any construction debris and trash and are to be used solely for domestic trash. Trash and debris shall be removed from each Construction Site to a dumping site located outside Bear Creek as often as necessary, but no longer than a 7 day accumulation will be permitted. Friday of each week has been designated as the last day of the week for Debris and Trash Removal (no more than a 7 day accumulation). No project will be left in disarray over a weekend. The Architectural Committee will require that a roll-off dumpster be provided in the event of repeated failure to adhere to trash and debris removal requirements.

In addition, during the construction period, each Construction Site shall be kept neat and shall be properly policed on a daily basis to prevent it from becoming an eyesore. Construction shall not affect other Lots or the Common Area. Any clean-up costs incurred by the Landowners Association will be billed to the Lot Owner.

Dirt, mud or debris resulting from activity on each Construction Site shall be promptly removed from public or private roads, Common Area and driveways or other portions of Bear Creek. If debris is not removed after reasonable notice, the Lot Owner will be charged for its removal.

6. Sanitary Facilities

Each owner and contractor shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar toilet facilities shall be located only on the site itself or in areas approved by the Committee. Toilet facilities are not provided by the

Association.

7. Construction Hours

As to not disrupt neighbors or create a nuisance, all exterior construction that creates noise disturbance (excavating, pouring foundations, framing, roofing, etc.) shall be limited to the following hours.

Monday-Friday	7:00 A.M. to 6:00 P.M.
Saturday	8:00 A.M. to 5:00 P.M.
Sunday	no exterior construction allowed
National Holidays	no exterior construction allowed

8. Parking Areas

Construction crews will not park or otherwise use other Lots or the Common Areas including roads. Overflow private and construction vehicles and machinery will be parked in areas designated by the Committee.

9. Conservation of Landscaping Materials

Owners and contractors should note that Lots contain valuable native plants and other natural landscaping materials that should be salvaged before and during construction.

Valuable materials that cannot be removed must be marked by flagging and protected by fencing or barriers.

Any trees or branches removed at initial excavation must be promptly cleaned up and removed from the Construction Site to avoid insect infestations. In addition, stumps and branches must be chipped or hauled away and logs stacked or removed.

It is in the best interest of the Owner and the Community to minimize and limit the size of the Construction Site. Therefore, the maximum allowable perimeter of construction and grading disturbance must be clearly designated with a non-hazardous marking material prior to any construction, excavation or grading. There may not be any disruption or use of property outside such perimeter in connection with the construction process.

10. Excavation Materials

Excess excavation material will be hauled off the project. It is permissible to stockpile a limited amount of rock or stone for a period not to exceed the 18 months exterior construction period.

11. Blasting

Use of explosives or blasting of any sort is prohibited in the Bear Creek.

12. Road Closures

The contractor or Owner must give the Architectural Committee a minimum of seven (7) days notice prior to any road or private drive closure. Upon approval, the contractor is then responsible for notifying all residents affected by the temporary closure of any road or private drive at least 24 hours in advance of such closure. Temporary closure shall not last more than one (1) working day. The contractor/Owner is responsible for restoring the road or private drive to its original condition.

13. Restoration or Repair of Other Property Damage

Damage and scarring to other property, including, but not limited to, Common Area, roads, culverts, driveways and/or other improvements will not be permitted. If any damage occurs, it will be repaired and/or restored promptly to the satisfaction of the Committee, and at the expense of the person or entity causing the damage.

Upon completion of construction, each Owner and contractor shall clean the Construction Site and undertake repair of damages, including, but not limited to, restoration of grades, seeding of disturbed areas, and repairing of streets, driveways, pathways, drains, culverts, signs, lighting and fencing.

14. Miscellaneous and General Practices

All Lot Owners in Bear Creek will be responsible for the conduct and behavior of their representatives, builders, contractors and subcontractors as well as for any damages caused to the Association or to other members of the Association, by the contractor.

- B. At least one 10-lb. ABC rated dry chemical fire extinguisher must be present and available in a conspicuous place on the Construction Site at all times.
- C. The following practices are prohibited on Bear Creek Construction Sites:
 - (1) Changing oil on any vehicle or equipment on the site itself or within Bear Creek is prohibited.
 - (2) Concrete suppliers or contractors to clean their equipment after concrete pours other than in areas designated on the particular Construction Site by the Committee.
 - (3) Removing any rocks, plant material, topsoil, or similar items from any other property within Bear Creek, including other Construction Sites without the written permission of the Owner and the Committee.
 - (4) Carrying any type of firearm on the property.
 - (5) Use of spring or surface water for construction.

- (6) Using disposal methods other than those approved by the Committee.
- (7) Careless disposition of cigarettes and other flammable material. Open burning is prohibited. Smoking is only permitted within closed vehicles.
- (8) Possession of alcohol.
- (9) Possession of any animals on a Construction Site by construction personnel.
- (10) Playing a radio or tape player at a level that can be heard by neighbors. The use of personal cassette type players is advised.
- (11) Posting of any Contractor, Subcontractor, or Supplier signs advertising services of any kind.
- (12) Bridge Load Limitations and Truck Lengths. The Conejos River bridge is posted with allowable load limitations. The owner/contractor is responsible to ensure that trucks are loaded such that they do not exceed those limitations. The owner/contractor must work out a plan to ensure that heavy loads are split as necessary to stay under the limits. Trucks of excessive length are not permitted to cross the Conejos River bridge due to limited turning radius on roads. The owner is responsible and liable for any damage caused to either the Conejos River or the Bear Creek bridge.

15. Committee Enforcement Rights and Remedies and Notice Procedures

Although the spirit and essence of the Bear Creek Architectural Standards are based on the willing cooperation of Association members, in the event of any continuing violation of this Section and of the requirements of the Architectural Standards as Amended and/or the Declaration of Covenants of Bear Creek Subdivision, as Amended, the Committee shall have the right to enforce compliance after notice as specified herein. Substantial compliance is necessary for the mutual benefit, welfare, and personal enjoyment of ownership of land by Association Members and for the enhancement of property values in general.

- (a) Upon occurrence or discovery of any violation, a designated Committee Member shall notify the offender, in person, by telephone, or in writing of the specific nature and extent of the violation and the corrective action required to cure the violation including a reasonable time for correction. There shall be no time limit placed on the Architectural Committee in the discovery of any violation or for the enforcement thereof. Owners are not relieved of required corrective action due to construction completion.
- (b) If the violation has not been fully corrected, or reasonable curative

action not commenced, within the reasonable time as established by the Architectural Committee from the date of the notice described in 15(a) above, the Chairman of the Architectural Committee may notify the offender in writing posted by certified U.S. mail, of the nature and extent of the violation and the corrective action required to cure the violation.

- (c) If the violation has not been fully corrected, or reasonable curative action not commenced, within 20 days from the date of written notice described in 15(b) above, the Chairman of the Architectural Committee shall immediately take such action permitted by law, including but not limited to, an action for court order of compliance, damages, injunction and recovery of costs and legal expenses.

16. Costs Incurred by Association in Enforcing Compliance

All costs of every kind whatsoever incurred by the Committee in enforcement of the Architectural Standards and Declaration of Covenants shall be at the expense of the offender.

17. Addressing

Prior to starting construction, the member must obtain a 911 street address from the county land use office. The address must be clearly marked on the construction site and be permanently marked with a reflective sign when the project is completed. The land use office has signs for sale. The Committee will provide the address to the Water Committee as soon as it is obtained from the member.

SECTION III

ARCHITECTURAL REVIEW PROCEDURES

1. General

The Committee shall conduct reviews as outlined in the Guiding Document, Bear Creek Subdivision Submittal for Architectural Review & Authorization to Begin Construction ("Checklist"), June 2006 as described in Process Review for Architectural Review above. If the Committee determines that services of an outside architect are necessary pursuant to Article IX of the Amended Declaration, the applicant will be so notified and plans will not be reviewed until the review fee has been paid.

While these Standards require a written submission and approval procedure, the Committee recognizes that direct communication and a cooperative attitude is essential in the fulfillment of the objectives of the review process.

2. Non-Liability of the Committee and Bear Creek Landowners Association

Neither the Association nor its directors, officers committee members or agents will bear any responsibility for the design, quality, structural integrity or soundness of approved construction or modifications, nor for compliance with building codes, zoning regulations, and other governmental requirements. The Association, its directors, officers, committee members and agents are not liable for any injury, damages or loss arising out of the manner, design, or quality of approved construction on or to modifications to any Lot. No lawsuit, action or claim may be brought against any of the forgoing for any injury, damage or loss.

3. Review of Waiver

The Committee reserves the right to waive or vary any of the procedures or Standards set forth herein at its discretion, for good cause.

4. Services of Architect

The Architectural Committee shall have the authority to use the services of an architect as consultant and charge a sum to the submitting Lot Owner, not to exceed one thousand dollars (\$1000.00) to defray the fees of the architect consultant.