

**7.19 Wildlife.** It is understood that wildlife may be prevalent within the Subdivision and it is agreed that each owner shall assume the risk of damage or destruction of crops or of personal property caused by such wildlife. The Declarant, the Association, its Board of Directors, the County of Routt, and the State of Colorado, or any political subdivision thereof, including but not limited to the Colorado Department of Wildlife shall not be liable in damages to any Owner by reason of any such damage or destruction. Any person or association acquiring title to any property in the Subdivision, by so doing agrees and covenants that he or it will not bring any action, claim or suit against any of the above-mentioned persons, associations, or agencies or their advisors, employees or agents for any such damage or destruction.

## **ARTICLE VIII USE AND BUILDING RESTRICTIONS**

**8.1 General Requirements.** The Committee shall exercise its best judgment to see that all improvements, construction, grading, landscaping, and alterations on the lands within the Subdivision to conform and harmonize with the natural surroundings and existing structures as to quality, external design, materials, color, siting, height, topography, grade and finished ground elevation. The Committee shall protect the seclusion of each home site from other home sites insofar as possible. In passing upon any plans or specifications submitted to it, the Committee shall consider:

- (1) Suitability of the improvement and material from which it is to be constructed to the site upon which it is to be located;
- (2) The nature of the adjacent neighboring improvements;
- (3) The quality of the materials to be utilized in any proposed improvements, and
- (4) The effect of any proposed improvements on the outlook of the adjacent or neighboring property.

In passing on any plans and specifications, it shall be an objective of the Committee to make certain that no improvement will be so similar or so dissimilar to others in the vicinity that values, monetary or aesthetic, will be impaired, and to maintain for the benefit of the Committee and all subsequent individual Lot Owners, the natural character of the land and to require that all man-made structures blend into the natural background rather than stand out against it. The Committee may consider some Lots to be more sensitive than others because of the impact of design and construction on the Subdivision as a whole, and therefore need not permit similar types of design or construction upon all Lots. The Committee may grant variances from the specific requirements of Section 8.4 below.

**8.2 Single Family Residential Use. (As Amended 9/21/90)** Only single family residential use may be permitted on any lot, and no multi-family units shall be permitted. For the purposes of these covenants single-family residential use is defined to include a primary and secondary unit to be built as a single fee simple ownership. The secondary unit can be no more than 25% of the gross floor area of the property, but must be integral with the architecture of the primary unit, and cannot be rented, subsequently subdivided, or transferred in ownership.

**8.3 Number and Location of Buildings. (As Amended 9/21/90)** No buildings or structures shall be placed, erected, altered, or permitted to remain on any Lot other than:

- (1) one single family dwelling, with attached garage as described in Section 8.4(5) below. For the purposes of these covenants single family dwelling is defined to include a primary and secondary unit to be built as a single fee simple ownership with the same limitations as is set forth in Section 8.2, above.
- (2) No detached structure shall be permitted on any Lot unless the same is approved by the Architectural Review Committee and meets the requirements of these covenants and the Architectural Review Committee standards adopted pursuant hereto.

**8.4 Specific Requirements for Construction.** The specific requirements for construction in the Subdivision are as follows:

- (1) Floor Area. (As Amended 9/21/90) The single family dwelling which may be constructed on a Lot shall, with respect to each lot in the subdivision, have a minimum living area of 2800 square feet, exclusive of garages,

porches, patios and accessory structures. The Architectural Review Committee shall have the right to modify the minimum square footage requirements of this section for good cause shown.

(2) Height Limits. (As Amended 2/7/97) The height limits shall be the same as those dictated in Routt County. Any variance to the height limitations of Routt County shall also be required by the Committee of Dakota Ridge.

(3) Roofs. The rules governing the design and construction of roofs in the Subdivision are as follows:

(a) ~~(As Amended 2/7/97)~~ (As Amended 4/30/09) The following roofing materials shall not be used: aluminum, iron metal in any form, any shiny materials, paper, asbestos, and material with a painted or ceramic surface. Tar and gravel, ~~except that tar and gravel may be permitted if the rock used is specifically approved by the Committee and roof has adequate pitch~~ on flat roofs only. (see subsection c)

(b) ~~(As Amended 2/7/97)~~ (As Amended 4/30/09) The following roofing materials shall be permitted: composite shingles, ~~shakes, wood, tile, concrete, glass, terra cotta, weathered~~ copper, slate, ~~stone or sod~~, and steel with baked enamel coating and minimum 40 year rated dimensional composition shingles.

(c) ~~(As Amended 2/7/97)~~ (As Amended 4/30/09) The pitch of roofs shall not be less than ~~two~~ four inches in twelve. Roofs shall overhang the exterior walls of the building at the most outside point by a distance of not less than 24 inches, measured horizontally; this applies on all sides of the building, whether the roof is gabled or hipped. ~~The design of all shed roofs shall be subject to specific approval of the Committee.~~ Flat roofs shall be allowed as connecting elements only.

(4) Walls. The exterior walls of the principal buildings and any outbuildings shall be designed and constructed as follows:

(a) (As Amended 4/30/09) ~~The surface of the wall from one corner of the building to the next shall be broken at least twice on any one facade or elevation of the building by a change in direction and then a return to the original direction. Said change must be a minimum of forty eight (48) inches.~~ No dome houses are permitted in the Subdivision.

(b) (As Amended 4/30/09) The following siding materials shall not be used: metal, asbestos, composition materials, vinyl siding, paper or tar paper.

(c) (As Amended 4/30/09) The following materials shall be permitted: wood, ~~stone, glass, slate, copper,~~ concrete block, brick, or stucco poured concrete, ~~provided that the design of each poured concrete wall is subject to approval by the Committee.~~

~~(c) Notwithstanding other restrictions herein, the floor level of any building must be constructed as near to the ground as possible where the building is generally visible from neighboring property and where it is possible to accomplish this by reasonable excavation procedures.~~

(5) Garages. (As Amended 2/9/84 and 9/21/90) Each Lot, upon which there is constructed a single family dwelling, must also have constructed upon it an attached garage large enough to accommodate a minimum of two (2) automobiles.

**8.5 Set Back Requirements/Building Envelopes and Guidelines. (As Amended 2/9/84)** All improvements on any Lot, except landscaping, driveway, roads, paths, sewage treatment facilities, utilities, fences, street or driveway lighting and improvements necessary or desirable in connection with any easements referred to herein or in the dedication on the Plat, shall be located in Zone 1 or Zone 2 Building Envelopes which are established and shown on the Building Envelope Location Maps. No building or other structures shall be placed, erected, or altered, or permitted to remain on any Lot at any site or location other than within the Building Envelopes. Approval of construction or structures outside of a Building Envelope may be granted by variances in accordance with Section 6.5, except that no such variance shall be given within Zone 5 (flood plain). The Building Envelope Location Maps set out construction guidelines for construction, except that excluded above, the subsoil investigation described under the heading "Zone 1 and Zone 2 Building Envelope Guidelines" on the Building Envelope Location Maps must be completed. The Committee may waive investigation of specific items contained within this heading upon a showing that this investigation is not necessary considering the topography and geology of the particular site. A report must be prepared for any construction, except as

provided above, upon slopes of 12% or greater, as provided under the section heading "Guidelines for Construction in Areas of 12% or Greater Slopes" on the Building Envelope Location Maps. The report shall include plans and specifications for any mitigating measures determined to be necessary. The Committee shall review such report and determine its sufficiency and whether the guidelines can be sufficiently complied with during construction. Prior to any construction in Zone 2, except as provided above, the report provided under the section heading titled "Zone 2 Building Envelope Guidelines" on the Building Envelope Location Maps shall be completed. The Committee shall be satisfied as to its sufficiency as well as the sufficiency of any required stabilizing techniques before permitting commencement of construction. The Committee shall review all construction activities to ensure proper construction and completion of required construction techniques.

**8.6 Variances.** Variances from the minimum set back requirements specified in the Routt County Zoning Regulations were obtained from the Routt County Board of Adjustment on February 1, 1982 as follows:

(a) The following Lots shall have a front set back of 80 feet from the road centerline: Lots 7, 19, 23, 29, 36, 38, 55 and 56.

(b) The following Lots shall have a front set back of 55 feet from the road centerline: Lots 28, 34, 42, 43, 44, 59, 61 and 64.

Building Envelopes for the above-stated Lots shall be construed to conform to the above described front set back distances. If, for any of the above-stated Lots, any structure is proposed to be located closer to the front Lot line than the Routt County minimum set back (100 feet from the road centerline), the Committee may require any such structure to comply with the Routt County minimum set back distance, if it determines, after review of the plans for said structure, that the proposed location will diminish the value, use or enjoyment of other properties within the Subdivision and that there does not exist an unreasonable hardship which requires the proposed location.

**8.7 Landscaping.** (As Amended 4/30/09) All landscaping plans must be approved in advance by the Committee. In general, they should be in keeping with the following: landscaping should be compatible with the natural terrain with the use of trees, plants and shrubs which are indigenous to the immediate area of the building site. The arrangements of ~~planting~~ plantings should be such as to cause a uniform transition from the immediate site of construction, and all of this transition should occur within the ~~building~~ disturbed area. Private driveways requiring cuts or fills in the land must be landscaped. The Owners of the following Lots must plant, on said Lots, at least five (5) trees of Aspen, Spruce or Pine: Lots 2, 3, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 49, 50, 51, 63, 64, 65, 66, 67, and 68. The trees must be planted prior to the issuance of a Certificate of Occupancy for the Owner's house and must meet the following specifications: Aspen – 2 ½ inch caliper minimum; Spruce/Pine – 12 to 15 feet minimum. Any tree which dies within three years must be replaced by a tree matching these same specifications. If any such Owner fails to plant such trees after notice from the Board to do so within a stated time period, the Board shall have authority (including a right of entry) to undertake such planting and the expenses of such planting shall be immediately paid by the Owner. If necessary, such expenses may be made an assessment and collected as provided in Article V.

**8.8 Color.** (As Amended 4/30/09) A complete exterior color scheme shall be submitted to the Committee ~~with the plans~~ with construction documents of each structure and such color scheme shall include a description of all visible materials to be used and all artificial coloring to be applied thereto, including paints, stains, varnish or any other surfacing whatsoever. It is the intent of the Committee to encourage use of colors and materials which are indigenous to the area and which will blend in with the site. In addition, the owner shall furnish, upon the request of the Committee, actual color samples (e.g. a stain sample on the wood to be used.)

**8.9 Start and Completion of Construction** ~~(As Amended 9/21/90)~~ (As Amended 4/30/09) NO ROADS, EXCAVATION, RETAINING WALLS, FOUNDATIONS, PATHS, FILL DIRT OR ANY OTHER CONSTRUCTION WHATSOEVER SHALL BE STARTED PRIOR TO COMMITTEE WRITTEN APPROVAL and proper permitting through Routt County. Construction shall be deemed to have begun on the first occurrence of road construction, fill dirt deposits or excavation of whatever kind, excluding any soils test required for the building site, (hereinafter called the Start Date). All construction shall be completed ~~18~~ 24 months from the start date. Completion shall be defined as ~~the date the Certificate of Occupancy is issued by Routt County and the~~ fulfillment of all aspects of the approved plans submitted pursuant to Paragraph 6.2 and approved by the Committee (except for landscaping which must be completed by the next growing season) as certified by the ARC representative after final inspection. ~~as described and submitted pursuant to Paragraph 6.2 and approved by the Committee.~~

**8.10 Used or Temporary Structures.** (As Amended 9/21/90) No used or previously erected or temporary house, structure, house trailer, or nonpermanent building shall ever be placed, erected, or allowed to remain on any Lot, and no dwelling shall be occupied in any manner prior to its completion.

**8.11 Towers and Antennae.** (As Amended 4/30/09) No towers or radio or television antennae higher than three feet above the highest roofline of the dwelling house shall be erected on any Lot, and all such towers and antennae must be attached to the dwelling house. Variances from these restrictions may be considered by the Committee in order to accommodate solar or wind power, ~~micro-wave reception, line of sight requirements~~ or similar needs.

**8.12 Tanks.** (As Amended 4/30/09) Any tank used in connection with any dwelling house or other structure on any Lot, including tanks for storage of ~~gas, fuel oil, gasoline, oil,~~ propane or water, shall be buried. ~~or if located above ground, the location and screening shall be as determined by the Committee.~~

**8.13 Exterior Lighting.** (As Amended 4/30/09) All exterior lights and light standards on Lots shall be approved by the Committee for harmonious development and the prevention of lighting nuisances to other lands in the Subdivision. ~~Lighting should be residential in nature and downcast. Exterior lighting should be on a timer which ensures the lighting is extinguished by midnight.~~

**8.14 Garbage and Refuse Disposal.** (As Amended 4/30/09) No site shall be used or maintained as a dumping ground for rubbish. Trash, garbage, refuse or obnoxious or offensive material shall not be permitted to accumulate on any site. Each Lot Owner shall be responsible for periodic removal of the trash, garbage and ~~rubbish recycling~~ at sufficient intervals so that no site shall become unsightly. The burning of trash, ~~garbage and rubbish~~ is prohibited. Fly-tight containers are required for the storage of garbage and refuse, pending its removal and disposal. ~~Trash containers may not be left curbside for more than 24 hours. If containers are put out overnight, containers must be bear-proof.~~

**8.15 Easements.** Easements located on Lots for installation and maintenance of utilities, drainage facilities, equestrian trails and other reserved areas, are and will be reserved as shown on the Plat of the Subdivision. Within these easements, no structure, planting or other material shall be placed or permitted to remain, which might damage or interfere with the installation or maintenance of any such reserved areas. The easement area of each Lot and all improvements on it, shall be maintained continuously by the Owner of the Lot, except for those improvements for which the Association, a public authority or utility company is responsible.

**8.16 Water System.** (As Amended 9/21/90) The water system for the subdivision has been provided by Declarant and Declarant's assignor and water is now available to all Lots within the Subdivision. The water system for the Subdivision is also available to the real property described on Exhibit A attached hereto and the Owner of said Lot shall on or before completion of residential construction, connect his water service line from the residence to the Subdivision water system subject to the provisions contained in this Section 8.16, provided that no water tap fee shall be payable for connection to the Subdivision water system. (As Amended 4/27/99) Each Owner shall, on or before completion for residential construction, connect his water service line from the residence to the Subdivision water system subject to the following:

(1) Each Lot Owner shall be responsible for and shall pay a water tap fee for each Lot in Dakota Ridge. ~~No connection to the water system shall be made until the water tap fee for such Lot has been paid to Declarant. As of the date of this Second Amendment, water tap fees for the following Lots have not been paid: Lots 10, 11, 60, 64, 66, 72 and 73. The water tap fee for each of said Lots shall be \$24,000.00 and shall be due upon the first transfer of title for each of said lots or at such later date as Declarant may determine by written notice to the Lot Owner.~~

(2) Each Lot Owner shall be responsible for and shall pay such standby fees, user fees and other fees as may be set by the Association.

(3) Each Owner shall be responsible for and shall pay the cost of construction and maintenance of his service line to the main waterline.

~~(4) Failure to pay any water tap fee, standby fee or user fee as provided above shall subject the Owner of the Lot to personal liability therefore and such charges together with interest at the rate of 28% per annum from the date due and all costs and reasonable attorney's fees related to collection thereof shall be a charge on the land and shall be a continuing lien upon the Lot for which such sums are due. Such liens shall be superior to all other liens and encumbrances on such Lot except: (a) valid tax and special assessment liens on the Lot in favor of any governmental taxing authority; and (b) a lien for all sums secured by a first mortgage or deed of trust on said Lot which is duly recorded in the Routt County, Colorado Real Estate Records.~~

(4) To evidence a lien for sums due, the Declarant or the Association, may prepare a written notice of lien setting forth the amount due, the date due, the amount remaining unpaid, the name of the Owner of the Lot and a description of the Lot. Foreclosure of the lien shall be by judicial foreclosure in the same manner in which mortgages on real property may be foreclosed in Colorado. In any such foreclosure, the Owner shall be required to pay the costs and expenses of such proceeding, the costs and expenses of filing the notice of lien and all reasonable attorney's fees connected therewith. All such costs and expenses shall be secured by the lien being foreclosed.

~~(6) (As Amended 9/18/95) A member will be billed for water beginning with the second quarterly billing period after "ground breaking" for the purpose of construction of a house on the Member's property. "Ground breaking" is defined as the start of construction of the foundation.~~

**8.17 Sanitation.** ~~(As Amended 4/30/09) All sanitary systems must adhere to Routt County Regulations. All lavatories and toilets shall be installed indoors and connected with a sanitary system as provided below:~~

~~(1) Lot owner to Perform Tests. Each Owner, at his expense, shall have a soil profile hole dug and percolation tests performed within the area where the absorption field will be located on their particular Lot. In accordance with local health regulations, the Owner shall have the percolation test certified by a registered professional engineer or by Routt County Environmental Health Department, and shall provide the Routt County Health Department with the results thereof.~~

~~(2) Available Systems. There are six (6) classifications of Lots with the Subdivision as follows:~~

- ~~(a) Classification 1: Lots less than five (5) acres, having acceptable percolation;~~
- ~~(b) Classification 2: Lots less than five (5) acres, having unacceptable percolation;~~
- ~~(c) Classification 3: Lots greater than five (5) acres, having acceptable percolation;~~
- ~~(d) Classification 4: Lots greater than five (5) acres, having unacceptable percolation;~~
- ~~(e) Classification 5: Lots less than five (5) acres with insufficient percolation data;~~
- ~~(f) Classification 6: Lots less than five (5) acres with insufficient percolation data;~~

~~The following sewage systems are likely to be acceptable for the classifications described above: Standard septic tank with standard absorption field; Standard septic tank with modified leaching system; Jet aeration system with standard absorption field; and Jet aeration system with modified leaching system. In view of the different Lot classifications, the Committee should anticipate the use of the four (4) mentioned systems as follows:~~

~~Classification 1 – Jet aeration system with standard absorption field.~~

~~Classification 2 – Jet aeration system with modified leaching system.~~

~~Classification 3 – Standard septic tank with standard absorption field.~~

~~Classification 4 – Standard septic tank with modified leaching system.~~

~~Classification 5 – Jet aeration system with standard absorption field or modified leaching system.~~

~~Classification 6 – Standard septic tank with standard absorption field or modified leaching system.~~

**(Note: This subsection 8.17(2) is intended as a guideline only. Tests and approvals as herein provided are a requirement for every Lot. Further testing for each parcel will be required before a specific design can be recommended for each Lot.)**

~~(3) Restrictions as to Location of Leach Fields. No leach fields or modified leaching systems are permitted in Zone 3 as defined in the Building Envelope Location Maps.~~

~~(4) Approval of System Design Required. No sewage disposal system, sanitary system, cesspool, or septic tank shall be constructed, altered, or allowed to remain or be used on any tract unless fully approved as to design, capacity, location, and construction by the Board and all property public health agencies of the State of Colorado and the County of Routt.~~

~~(5) Use of Restricted Common Areas of Leaching Systems. The following Lots may use the Restricted Common Areas opposite the Lot number for leach fields or modified leaching systems:~~

~~Lot 8-RC1; Lot 27-RC1; Lot 28-RC2; Lot 29-RC2; Lot 31-RC6; Lot 40-RC3; Lot 51-RC3; Lot 52-RC3; Lot 53-RC3; Lot 54-RC4; Lot 60-RC4; Lot 61-RC5; Lot 64-RC5.~~

~~Other lots may use Restricted Common Areas as above provided upon a showing of need and after approval by the Committee. Common Areas may be converted to Restricted Common Areas by the Board for use by any Lot after a showing of need by the Lot for which such use is proposed. (See Article IX, Restrictions on Common Areas, for other regulations for use of Restricted Common Areas.)~~

~~(6) Maintenance and Inspection of Systems. All sewage disposal systems shall be properly maintained. The Board shall insure that each system shall be inspected at least once per year. The Board shall keep records of maintenance and performance of each system, and of the annual inspections, and shall submit such reports annually to the Routt County Department of Environmental Health. The Board shall have the authority to contract for such yearly inspection and for maintenance on an "as needed" basis for every system in the Subdivision. Costs for inspection and maintenance under a program in which all parcels have the opportunity to participate shall be a legitimate Association expense. In the event of failure of a system or notice from the Routt County Sanitarian as to the inadequacy of a system, the Board shall give notice to the Owner of such failure or inadequacy instructing the Owner to repair, correct, or replace the same within a stated time period. Except in the case of a potential health hazard, such time period shall not be less than one week from the date of the notice. Upon failure of the Owner to repair, correct or replace the system, within the period specified in said notice, the Board shall have the authority to make such repair, correction or replacement. Each Owner of any Lot by acceptance of a deed therefore, whether or not it shall be so expressed, such Owner is deemed to covenant and agree to pay any cost or expense of such repair, correction or replacement, and further is deemed to have granted to the Board or its agents, the right to enter upon said parcel for the purpose of making such repair, correction or replacement. All costs and expenses of such repair, correction or replacement shall be a charge upon the land and shall be a continuing lien upon the Lot upon which such work was performed. Said lien shall have the same priority as liens for special assessments as provided in Article V and may be enforced in the same manner.~~

**8.18 Leasing of Portion of Lot.** (As Amended 9/21/90) No portion of any Lot may be leased to any person, for any purpose other than to locate sewage treatment facilities thereon for an adjacent Lot Owner's use.

~~**8.19 Fences.** (As Amended 4/30/09) With the exception of fences about the periphery of the Subdivision, the construction of any fence or corral must be approved by the Committee. The Cost of any required maintenance or improvements to fences along the exterior boundary of the Subdivision and along the boundary of the Common Areas shall be born by the Association. No fences are allowed on individual lots.~~

~~**8.20 Driveway Locations.** Lot 28, 29, 40, 51, 54, 60, 61, and 64 shall have driveways located in the locations defined in the Building Envelope Location Maps. This restriction is necessary to avoid sensitive areas on roads.~~

## ARTICLE IX RESTRICTIONS ON COMMON AREAS

**9.1 Improvements.** No improvements of any kind or nature shall be constructed, altered, or allowed to remain on any Common Area except noncommercial stables or barns, training tracks, jumping courses, utility lines, picnic tables, outhouses, lakes and ponds, recreational facilities, bridle paths, or similar improvements for the benefit of or use of all of the members of the Association, and private roads giving access to other tracts in the Subdivision or adjacent properties, and the water system to be owned and operated by the Water Company for use by the Subdivision or other properties. All such improvements shall be approved by the Committee as elsewhere herein provided, and shall conform and harmonize in appearance and setting.

**9.2 Improvements by Association.** The Association shall have the right and power to construct and reconstruct recreational facilities and other facilities incidental thereto in the Common Areas. Such facilities may include any of the improvements permitted in Section 9.1. The Association also shall have the right and power to landscape the Common Areas by planting or removing trees, brush, flowers, grass or other vegetation.

**9.3 Improvements of Roads.** The Association shall have the right and power to construct and reconstruct surfaced or unsurfaced roadways and walkways, including appropriate ditches, culverts and other drainage facilities, suitable for use by automobiles, pedestrian, or horse travel on the roads.

## Dakota Ridge Design Regulations Single Family Residences

### 1. Design Themes

The architectural theme for Dakota Ridge is directed at establishing a compatibility between buildings and the natural environment, fulfilling the expectations of visitors as a retreat to the mountains, respecting the historic precedent of mountain buildings and resort communities in Colorado and encouraging energy and water conservation techniques.

### 2. Governing Regulations

All development must conform to: the Declaration of Covenants of Dakota Ridge as amended and all Routt County codes and regulations. If any of the above documents are updated or changed in any way, the most current document will be applicable.

### 3. Definitions: Single Family Primary/Secondary Units

The Second Amendment to the Declaration of Covenants of Dakota Ridge provides for a primary and secondary unit to be built as a single fee simple ownership on each lot. The secondary unit can be no more than 25% of the gross floor area of the property, must be integral with the architecture of the primary unit, and cannot be rented or subsequently subdivided or transferred in ownership. For purposes of dwelling unit definition, the primary and the secondary units will count as one dwelling unit. As of the date of this document, the Routt County Zoning Regulations may not conform with the above allowances.

### 4. Architecture

#### A. Roofs (As Amended 4/30/09)

All major roofs must have pitches not less than ~~4:12~~ ~~6:12~~ and not greater than 12:12. All major roofs must have at least one change in ridge elevation. Major roof forms must be restricted to gable and hip roofs. Secondary roof forms attached to the major building form may be shed roofs with pitches not less than 4:12. **Flat roof forms are allowed on connecting elements only.**

Dormers should be relatively small in proportion to the overall scale of the roof. They should be gable, hip or shed forms.

Pedestrian and vehicular areas should be protected from roof snow shedding. ~~where roof pitches exceed 6:12. This can be accomplished through secondary roofs, snow clips or snow fences on roofs, so long as the same conform to the overall theme of the roof in the structure.~~

Roof material **on new construction** must be unit pieces such as slate, ~~flat profile unglazed tile, cedar composite shingles, or corrugated standing rib metal roofing. Tile colors should be blue-gray, green-gray, or brown-gray and should have a weathered appearance. It is recommended that a cold roof design be used for areas over heated interior spaces to avoid ice damage to the roofs and eaves.~~

#### B. Exterior Walls (As Amended 4/30/09)

Major exterior walls should convey a sense of mass through plaster or rock. Both plaster and rock should ~~always~~ express mass and not be used as infill panels. In contrast to the mass walls, vertical wood siding can be used as a sheathing, especially at gable ends and upper levels. Glass can also be used to contrast with the mass walls. Generally, the heavier rock and plaster surfaces should be below, and visually supporting the lighter wood-sheathed elements above.

Only the following materials may be used for exterior walls:

1. natural wood (western cedar, redwood, spruce, or pine) without heavy pigment stain or paint
2. stucco ~~finished in warm natural colors~~
3. ~~rock stone including but not limited to river rock, slate, sandstone, and other natural stone approved by the Architectural Review Committee; volcanic rock and unit masonry are is not acceptable as exposed exterior material. Rock walls should be laid in a random pattern.~~  
**brick**
4. **brick**

- C. Windows  
Approved finished for window casing are natural, stained, painted or clad. Exterior window trim should relate to other building materials, either wood or masonry. The use of headers and sills, designed integrally with the wall, is encouraged. Mirrored glass is not acceptable.
- D. Energy Conservation Suggestions
1. Roofs insulated to R-30
  2. Walls insulated to R-19
  3. Perimeter of slab on grade insulated to R-12 to a depth of 4 feet
  4. Openings in exterior walls and roofs caulked all around
  5. Windows double or triple glazed
  6. Windows and doors weather-stripped
- E. Foundations  
Foundation wall should not be exposed for more than 8” in a vertical direction, unless they are faced with wood, plaster or rock as delineated in the section on Exterior Walls, or unless written approval is obtained from the Board. Such visually exposed concrete or block masonry foundations should be stained or textured as required by the Board. Foundation construction should be consistent with the required soils report for the specific site.
- F. Fireplaces (As Amended 4/30/09)  
~~Currently, Must meet~~ Routt County Building Code regulations. ~~prohibit installation of an open wood burning fireplace.~~
- G. Solid Waste Removal (As Amended 4/30/09)  
Trash **and recycling** should not be stored outside the building unless contained in an area designed so that the waste is not exposed to the atmosphere except on trash removal days. Trash containers should be inaccessible to wildlife.

## 5. Site Plan

- A. Building Siting (As Amended 4/30/09)  
Each lot within Dakota Ridge has an approved building envelope which was established as part of the original plot plan when the development was approved by the County. The existing building envelope for each lot may be found on the plot drawing available at the County Planning Office. Any single family structure built upon any lot within the affected property must be ~~built~~ **built** entirely within the building envelope for such lot, **unless granted a variance by the ARC**. The purpose of the building envelope is to reduce uncertainty of neighbors as to which view corridors might be impacted in the future by construction and to help ~~insure~~ **ensure** that structures blend with the surrounding landscape, rather than being a dominating feature of the community.  
With prior written approval of the ARC, minor encroachments outside such building envelope to accommodate specific construction problems may be permitted. Approval of a site variance will be based on the potential detrimental impact on adjacent property owners and will require their ~~concurrence notification~~. ~~Variations will not be approved if an approval would place a structure closer than 50 feet to an adjoining lot line.~~
- B. Building Height Limitations (~~As Amended 2/7/97~~) (As Amended 4/30/09)  
The height limits shall be the same as those dictated in Routt County. ~~Any variance to the height limitations of Routt County shall also be required by the Committee of Dakota Ridge.~~
- C. Grading (As Amended 4/30/09)  
Grading requirements resulting from development will be designed to blend into the natural landscape. Cuts and fills should be feathered into the existing terrain, within the property boundary. Retaining walls and cribbing should utilize ~~natural~~ materials such as wood timbers, logs **and rocks** ~~and textured, board formed or color tinted concrete~~. Slope of cut and fill banks should be determined by soil characteristics for the specific site to avoid erosion and promote revegetation opportunities, but in any case should be limited to a maximum of 2:1 slope.

- D. Drainage  
Drainage patterns within the site may be modified only with the approval of the Board. There may not be curbs and gutters, without written approval of the Board. Runoff from impervious surfaces such as roofs and pavement areas must be directed to natural or improved drainage channels or dispersed into shallow sloping vegetated areas.
- E. Exterior Service and Storage Areas (As Amended 4/30/09)  
~~Areas should be provided for trash containers and storage of patio furniture. These areas should be screened from the view of the public and adjacent property owners and should be attached to the main building. Walls enclosing these areas should be compatible with the materials and integral with the forms of the residence. All utility tanks must be placed below ground. No detached storage buildings or sheds may be erected on any lot.~~
- F. Utilities (As Amended 4/30/09)  
All trunk utility lines and pipes at Dakota Ridge are underground. Connections from trunk lines to individual structures must also be underground. Sewage disposal systems must be installed pursuant to the regulations of Rouff County. ~~No exterior antenna or satellite dishes may be erected without specific written approval by the Board.~~
- G. Driveways (As Amended 4/30/09)  
Driveways within site boundaries and connecting to the paved portion of any street including the Construction of any culverts, landscaping, maintenance and snowplowing that may be necessary are the responsibility of the owner. ~~Maximum Driveway grades must follow County requirements not exceed 5% for the first 20 feet from the roadway, and 10% elsewhere without written approval of the Board. Driveway and parking surfaces may be asphalt, gravel, concrete, unit pavers, or cobbles. Driveways going up slope prior to reaching the road must go below road grade.~~
- H. Parking (As Amended 4/30/09)  
No parking on roads in Dakota Ridge is allowed except during the construction period and then parking will be allowed on one side of the road only. At such time as any building improvements are completed on any lot within the affected property, such building improvements must provide a minimum of two parking spaces per lot. No parking of motor homes or recreational vehicles in the driveways is allowed. (As Amended 9/18/95) Members shall be permitted to park vehicles of this type (i.e., Motor homes and other recreational vehicles) for a period not to exceed three days before or after their use. A Member may need access to his motor home, boat or other type of recreational vehicle either before or after taking it on a trip. This provision allows for same so long as this practice does not result in what amounts to storage interrupted by short periods of removal of the vehicle.  
RV's or similar type vehicles belonging to guests of Members may be stored on the Member's property for a period of up to two weeks. If a longer period for storage is required the Member must make request of the Board for a variance. **Commercial vehicles parked for more than 3 days must have prior written approval from the Board of Directors.**  
All exceptions to the foregoing provisions must be obtained in advance and in writing from the Board of Directors.
- I. ~~Fences  
Fences will be rock walls or a horizontal see-through wood such as split rail or buck fences except for screening service areas where fences may be solid and compatible with the structure. All wood fences should be left natural, stained, or oiled, but not painted. No fence may be erected without approval of the Board. No dog pens, fences or other enclosures are allowed without approval of the board.~~

## 6. Road Protection Requirements

- A. Construction Dates (As Amended 2/7/97) (As Amended 4/30/09)  
Construction may be conducted throughout the year; however, in the event damage is prevalent in the springtime due to weather conditions, weight restrictions may be implemented at the discretion of the Board.
- B. Routing of Construction Traffic  
Due to the road grade and sharp turns near the north entrance, all construction traffic for lots south of lots 41 and 45 inclusive, must use the south entrance for access to the development.

C. Drainage and Culverts (As Amended 4/30/09)

The homeowner is responsible for the construction and maintenance of adequate drainage to ~~insure~~ ensure water does not damage the roads. All driveways, including drainage and culverts, must be in accordance with the Routt County building code.

1. The bottom of the roadside ditch should be no less than 24 in. below the road surface with adequate cross section to accommodate drainage from spring melt.
2. All driveway culverts in Dakota Ridge must be 18" in diameter in accordance with the Routt County building code.
3. Driveways must not be constructed so as to allow drainage of water from the driveway onto the road. The driveway for any lot situated above the road must be constructed such that the driveway section adjacent to the road is below the road surface and with adequate drainage to insure water does not flow onto the road.

D. Penetration of the Road Surface

Penetration of the road surface will be necessary to obtain utility access for some lots. To insure the continued integrity of the roads, the following requirements are imposed for re-construction

1. Road Base Material

- a. Pit run gravel – natural sand and stone; free of shale, clay, friable material, sand or debris; graded in accordance with ANSI/ASTM C136.

<u>1. Sieve Size</u>	<u>Percent Passing</u>
1 inches	100
2 No. 4	50
3 No. 200	10 to 15

- b. Washed Gravel – Natural stone; washed, free of clay, shale organic matter; graded in accordance with ANSI/ASTM C136 to the following:

1. Minimum Size: 3/8 inch
2. Maximum Size: 3/4 inch

- c. Sand – Natural river or bank sand; free of silt, clay, loam, friable or soluble materials, or organic matter; graded in accordance with ANSI/ASTM C136, within the following limits:

<u>Sieve Size</u>	<u>Percent Passing</u>
No. 4	100
No. 14	10 to 100
No. 50	5 to 90
No. 100	4 to 30
No. 200	0

- d. Free Draining Granular Base: A Mixture of clean sands and gravel; graded in accordance with ANSI/ASTM C-136, within the following limits:

<u>Sieve Size</u>	<u>Percent Passing</u>
3/4 inch	50 to 100
No. 4	5 to 50
No. 200	5 to max.

~~FILLING:~~

- a. Subsoil Fill: Place and compact material in continuous layers not exceeding 8 inches compacted depth, compacted to 95 percent.
- b. Bedding Fill: Minimum 12 inches thick clean sand, 6 inch (=/-) bed with 6 inches cover, compacted to 95 percent.
- c. Base Fill: Minimum 36 inches Pit Run Gravel, as necessary to within 6 inches below finished elevation, compacted to 95 percent.
- d. Granular Fill: Cover with Free Draining Granular base, 6 inches thick, to finish elevation, compacted to 95 percent.

~~COMPACTION: Place all materials in continuous layers not exceeding 8 inches compacted depth, compacted by surface or internal vibrating equipment to a relative density not less than 95 percent of maximum standard Proctor density for backfill around a structure and beneath slabs.~~

~~Maintain optimum moisture content of backfill materials to attain required compaction density. Moisten backfill prior too placing to insure maximum compaction. The~~

~~moisture content shall be uniform throughout the layers. Puddling or water flooding for consolidation of the backfill will not be permitted. Test and analysis of fill material shall be performed in accordance with ANSI/ASTM D698 D1557. Compaction testing shall be performed in accordance with ANSI/ASTM D1556 D1557 D698. If tests indicate work does not meet specified requirements, remove work, replace and retest.~~

**D. Road Damage (As Amended 4/30/09)**

~~Any road damage during construction will be the responsibility of the homeowner to remedy. The financial burden shall be the sole responsibility of the homeowner. Damage assessment to be contracted to a third party knowledgeable with such repairs, chosen by the ARC.~~

**E. Road Damage Fees and Assessments (As Amended 2/7/97)**

~~The increased traffic due to construction will cause abnormal maintenance costs for the roads, even if all reasonable precautions are taken. To offset those costs, a non-refundable Building Fee of \$2000.00 has been established for all homes under construction. If a home is completed within a 12 month period, then \$1,000 of this fee will be returned to the homeowner in appreciation of minimizing road wear and associated construction noise.~~

~~Any damage beyond the normal wear and tear including that caused by improper reconstruction after penetration of the road surface will be the responsibility of the home owner causing the damage and the costs of repairing such damage will be assessed that home in addition to the Building Fee.~~

**Suggestion:**

~~To insure your builder has an incentive to minimize road damage, it is suggested that responsibility for any damage be specified as part of your contract with the builder.~~

**7. Water System Protection Requirements**

**A. Water System**

~~A well located adjacent to and extracting water from the Yampa River is the water source for Dakota Ridge. To help insure an adequate supply of water in times of drought, the Dakota Ridge Homeowner's Association has purchased water rights from the Stagecoach Reservoir.~~

~~The water is filtered through several hundred feet of alluvial gravel between the river and the well and, in addition, is treated with chlorine as the well head.~~

~~Two electric pumps are located at the well head, each with a capacity of 75 gallons per minute. The maximum capacity is then 150 gpm or a total of 216,000 gallons per day. Water is pumped to and stored in a 75,000 gallon tank. Water is distributed throughout the subdivision through 4" mains, connected in closed loops.~~

**A. Water Meters (As Amended 4/30/09)**

~~Water meters are required and must be certified by the Homeowners Association.~~

**B. Recertification (As Amended 4/30/09)**

~~Annually, up to 5 lots will be required to re-certify their water meters. The intent is to ensure accurate meter readings and that all water used is being metered. Owners will be notified and there will be a credit on water billings upon completion of the recertification process.~~

**B. Water Usage**

~~With approximately 216,000 gallons of water deliverable by the system per day, each of the 73 lots has a maximum allocation of 2958 gallons per day, assuming the pumps run 24 hours per day. It is recommended that each home owner restrict usage to no more than 60% (1775 gallons per day) of this to allow a reserve for peak usage periods and fire protection. One major element in water usage is in or sprinkler systems for your landscaping. The Covenants specify that no more than 1/8 acre be irrigated. Systems that require excessive amounts of water will not be approved.~~

**C. Water Meters (As Amended 2/7/97)**

~~All homes beginning construction January 1, 1996 will be required to install the Badger Readomatic Model 70 water meter. The distributor is Mountain States Pipe & Supply with a phone number of (800) 777-7173. All existing homes will be required to install this meter within 90 days of Board approval to begin metering all homes in Dakota Ridge.~~

~~D. Tapping into the Water Mains~~

~~Since curb stops do not exist, approximately half of all new home construction will require trenching across the road to gain access to the water mains. (Please refer to Section 6, Road Protection Requirements) Tapping into the water mains and the costs thereof are the responsibility of the home owner, however, since it is important that good practices be followed to insure the continued integrity of the roads and the water mains, the following requirements have been imposed:~~

- ~~1. Construction Dates: Due to the extremely wet conditions in both spring and fall, all trenching across the roads to gain access to the water mains must be confined to the period between May 15 and October 15. Extensions may be approved by the ARC based on weather conditions.~~
- ~~2. Service Lines:  
All water service lines must be of type K copper buried to a minimum depth of six feet. The curb valve is to be located on the property line and the owner will be responsible for marking and knowing its location at all times. In addition:
  - ~~a. Corporation stop for ductile water mains will be FORD FB-600 with AWWA taper threads and flared copper connections, or Ford FB-1000 with pack joint connections.~~
  - ~~b. Corporation stop for PVC water main will be FORD FM-700 with iron pipe threads and flared copper connections, or FORD FB-1100 with iron pipe threads and pack joint connections.~~
  - ~~c. Tapping saddles for PVC water mains will be FORD S70 brass, single strap saddle for standard PVC pipe, 4 inch main x tap S71-404 or 6 inch main x 1 inch tap S71-604.~~
  - ~~d. Curb stop will be FORD B044 series ball valve or MUELLER 110 with a stop permitting a 90 degree turn only, with pack joint connections at both ends. Inlet, outlet and valve size will all be identical.~~
  - ~~e. Curb boxes will have 1 inch diameter upper shaft. 7 1/2 foot box, arch base, plug style lid and stationery operating rod extending to within 1 foot of the surface.~~
  - ~~f. Coupling will be FORD or MUELLER pack joint.~~
  - ~~g. A pressure test at system pressure is required of all lines prior to burying.~~~~

~~C. Damage Assessments (As Amended 4/30/09)~~

~~Any damage to the water mains or improper reconstruction of the road after trenching construction will be the responsibility of the home owner causing the damage and the costs of repairing such damage will be assessed that home owner.~~

~~F. Water Tap Procedure (As Amended 2/7/97)~~

~~There are no tap fees in Dakota Ridge. Any trenching in a Dakota Ridge road must be refilled and compacted according to AASHTO standards: 95% compaction; lifts not to exceed 6"; the top 1 foot of the trench will be replaced with new material of 3/4" road base gravel (Please refer to Section 6.D – Penetration of the Road Surface): the Board must be notified of time of work so that an inspector can be present during refilling and compaction.~~

~~Suggestion:~~

~~To insure your contractor has an incentive to minimize such damage, it is suggested that you make the contractor responsible for any such damage as part of your contract.~~

~~Disclaimer:~~

~~Nothing in the above is to be construed as representing or guaranteeing the supply of water or the integrity of the design or state of repair of the water system. It is provided for the sole purpose of providing an understanding of the purpose and intent of the Home Owner's Association and the ARC in imposing the included requirements.~~

**8. Landscape**

**A. Signs (As Amended 4/30/09)**

~~All signs must have written approval of the Board. Permanent signage is not allowed, except all residential units must have street number signs located at the driveway entry.~~

B. Exterior Lighting (As Amended 4/30/09)

~~The key to exterior lighting is understatement.~~ Lighting may be used only in areas of pedestrian activity or vehicular traffic. Indirect lighting should be used wherever possible. Exterior lighting should not be installed where its direct source is visible from neighboring properties, or where it produces excessive glare to pedestrian or vehicular traffic. The use of other than white or pale yellow exterior lights ~~will require written approval of the Board is prohibited~~, except for colored lighting used as Christmas seasonal decoration. ~~Seasonal lighting shall not be lit for more than a 60 day period. It is recommended that a professional lighting designer be consulted.~~ The lighting plan and exterior lighting cut sheet must be submitted with ~~house plans~~ construction documents. Security lights ~~should~~ must not be left on for long periods of time or overnight.

C. Erosion Control and Revegetation (As Amended 4/30/09)

An initial Erosion Control and Temporary Site Stabilization Plan is required for each project prior to ~~Sketch Plan Approval~~ breaking ground. A detailed permanent Erosion Control and Revegetation Plan is required prior to Final Plan Approval. These plans must explain in detail the following:

1. Measures to control both ground water and surface water runoff
2. Temporary measures to retain all eroded soil material on site during construction
3. Measures to permanently stabilize all disturbed slopes and drainage features upon completion of construction.

The Owner/developer must, for ~~Sketch Plan Final~~ Final Approval, list and describe those techniques he plans to use during excavation and construction, and indicate on his Site Plan drawings their location, construction details, and time of installation. The Owner/developer must, for Final Plan Approval, list and describe on his Landscape and Planting Plan those techniques he plans to use upon completion of the project to permanently re vegetate and stabilize all disturbed areas and drainage features. The major concerns addressed by both plans will be the reduction of erosive potential and control of transported sediments.

D. Landscaping and Plant Materials (As Amended 4/30/09)

Landscape scale and overall landscape design should be ~~developed so that one senses that new vegetation is~~ integral with the natural mountain landscape and the inherent form, line, color and texture of the local plant communities. New planting should use plants that are indigenous to the Rocky Mountain alpine and sub-alpine zones and should be located to extend existing canopy edges or planted in natural-looking groups. Ornamental plants are recommended only for locations directly adjacent to building masses or in courtyards. ~~Manicured or groomed yards should be within areas defined by buildings, fences, walls or other defined edge modification so that the visibility of these yards is limited to the adjacent building. Opaque plantings at traffic intersections are not permitted.~~ Plans are to be submitted to the Architectural Review Committee for approval.

Plant materials used for erosion control should establish immediate surface stabilization to prevent soil erosion. Diverse, self-sustaining plant species will be used to provide 80% surface cover within one growing season.

Irrigation Systems are limited ~~as provided in the Covenants of Dakota Ridge.~~ to 1/8 of an acre in size. ~~Additional drip irrigation is allowed for one year to establish landscaping.~~

9. Construction Regulations ~~(As Amended 2/7/97)~~ (As Amended 4/30/09)

**NO ROADS, EXCAVATION, RETAINING WALLS, FOUNDATIONS, PATHS, FILL DIRTY OR ANY OTHER CONSTRUCTION WHATSOEVER SHALL BE STARTED PRIOR TO COMMITTEE WRITTEN APPROVAL** and a building permit has been obtained from Routt County. Final Plan approval will not be issued by the Board until all Homeowner Association assessments are current and the Building Fee have been paid. Once begun, construction must be completed within ~~eighteen (18)~~ **twenty-four (24)** months after commencement, strictly in accordance with the approved Final Plan. ~~A Certificate of Occupancy will be issued by Routt County after completion of all construction, including landscaping. A copy of the Certificate of Occupancy must be filed with the Board within 60 days of occupancy.~~

A. Building Permit

Upon Board approval of Final Plans, a building permit must be obtained from Routt County prior to commencement of construction.

- B. Excavation and Grading (As Amended 4/30/09)  
 Extreme care must be taken during excavation to assure that trees not authorized for removal are not damaged. Also Brush, surplus soil and other excavated debris must promptly be removed from the building site. Blowing dust from grading must be controlled.
- C. ~~Noise (As Amended 2/7/97)~~ Construction Activity (As Amended 4/30/09)  
~~Although construction hours will not be controlled, loud noise such as~~ Heavy equipment operation is prohibited between 6:00 p.m. and 7:00 a.m. and at all times on weekends. Loud music is prohibited at all times. No dogs shall be allowed on construction sites.
- D. Protection of Property (As Amended 4/30/09)  
 All construction activity must be contained on the lot for which a building permit has been issued unless specific authorization has been issued in writing from the Board. Access to the lot will only be from the approved road adjoining the site. Any common ground, adjacent lots or roads damaged during construction will be promptly restored to their original condition to the satisfaction of the Board. Roads must be kept clean of construction dirt and debris at owner's expense. If restoration is not accomplished by the end of the growing season following completion of construction, all required repairs will be performed by the Dakota Ridge Homeowner's Association with all costs thereof charged to the person in whose name the building permit was issued.
- E. Tree Removal ~~(As Amended 2/7/97)~~ (As Amended 4/30/09)  
 Removal of live trees, excluding those required to construct the road and home site, ~~as presented and approved by the Committee, including but not limited to scrub oak, aspen, pine and cottonwoods is not permitted without prior approval by the Board.~~ requires approval by the ARC. Dead and dying trees may be removed to avoid fire hazard.
- F. Water Connections and Temporary Toilets ~~and Water Conservation~~ (As Amended 4/30/09)  
 Permanent water connection and temporary enclosed chemical toilets must be available during all of construction. Chemical toilets should, if possible, be screened from view and be located away from the neighbors. ~~The Board may adopt water conservation measures including limitations on irrigation or lawn sprinkling when deemed reasonably necessary by the Board.~~
- G. Blasting Restrictions  
 Blasting must be done between the hours of 9:00 a.m. and 6:00 p.m. with prior notification to the Board.
- H. Inspections ~~(As Amended 2/7/97)~~ (As Amended 4/30/09)  
 In addition to the inspections required by the Routt County Building Department, the Board has the right to inspect the ~~location of lot survey points, driveway location, building corners, cut and fill areas and protected vegetation~~ project during all phases of construction.
- I. Erosion and Sediment Control  
 During construction, erosion must be minimized through proper soil stabilization, water control, and timely revegetation. The contractor will implement all control techniques outlined in the owner/developer's approved Erosion Control and Revegetation Plans.
- J. Construction Signs (As Amended 4/30/09)  
 Construction signs are limited to a maximum of two (2) signs ~~provided the same do not to exceed 18 inches by 32 inches for each sign. and that the style, color and material is first approved by the Board and meets all sign requirements and limitations contained in the covenants for Dakota Ridge.~~ Signs must be removed at completion of construction.
- K. Architectural Review – Fee Schedule ~~(As Amended 2/7/97)~~ (As Amended 4/30/09)  
 The following non-refundable fees must be paid to the ~~Board by Each Owner of a lot Association~~ for construction or remodeling, at the time building plans are submitted for review:
1. New Construction: (As Amended 4/30/09)
    - (a) architectural review fee ~~-\$250.00~~ \$5,500.00
    - (b) ~~road repair fee~~ ~~-\$2,000.00\*~~~~-\$1,000 will be refunded if the home is completed within 12 months~~

2. Remodeling\*\*~~: (As Amended 4/30/09)~~
  - (a) architectural review fee ~~-\$100.00~~ \$500.00

~~\*\*Remodeling is defined as any structural change to a home or garage, accessory building that alters total square footage or the exterior appearance (excluding cosmetic changes). or in the addition of a pool. If a structural change, as defined above, requires a building permit (see 1991 Uniform Building Code, Chapter 3, Permits and Exemptions from Permits) plans must be submitted to the ARC for review and approval prior to obtaining a building permit.~~

3. Landscape Alterations (As Amended 4/30/09) \$250.00

L. Change of Ownership During Construction ~~(As Amended 2/7/97)~~ (As Amended 4/30/09)

A change of ownership during construction shall not change the start date of the ~~18-24~~ month completion obligation.

M. Compliance Deposit (As Amended 4/30/09)

A compliance deposit in the amount of \$10,000 cash will be required prior to commencing construction. Upon approval of the completion of the project, the compliance deposit will be returned to the homeowner. In the event there are unresolved violations of construction requirements or covenants, the deposit shall be used to rectify the situation. Any remaining balance will be returned to the homeowner.

N. Construction Completion (As Amended 4/30/09)

Owners are responsible to contact the ARC representative upon completion of construction for a final site inspection and approval letter.

10. Fine Schedule ~~(As Amended 2/7/97)~~ (As Amended 4/30/09)

The following fines may be imposed by the Board against the owner of any lot in Dakota Ridge for violation of the Covenants of Dakota Ridge or these Regulations pertaining to the construction phase. Such fine imposed will be a special assessment against the Owner and the Owner's lot, for which the Association will have a lien and other collection rights and remedies as are provided in Article V – ASSESSMENTS – Declaration of Covenants.

1. Littering - \$500 per occurrence
2. Vehicles parked on roads overnight ~~on site~~ - \$500 per occurrence
- ~~3. Construction vehicles parked overnight on site - \$500 per occurrence~~
3. Failure to complete construction within ~~18~~ 24 months without written permission: \$5,000 per month beginning at the end of the ~~19<sup>th</sup>~~ 25<sup>th</sup> month until ~~\$25,000~~ \$50,000 has accrued or the house is completed, whichever occurs first.
4. Any material deviation from plans approved by the Board - ~~\$25,000~~ \$50,000
5. ~~Construction or remodel~~ Any exterior alteration without approval of plans by the Board - \$25,000 ~~\$50,000~~
6. Dogs on job site during construction - \$500 per occurrence
7. Dogs off property and not on leash ~~or under voice command~~ - \$500 per occurrence
8. Violation of any other covenants or regulation - ~~\$500~~ up to \$10,000 per occurrence

