

**SECOND AMENDED AND RESTATED
VAL MORITZ VILLAGE DESIGN GUIDELINES
AND ADDITIONAL REGULATIONS
APPLICABLE TO ALL LOTS WITHIN VAL MORITZ VILLAGE**
[Amending and Restating Val Moritz Village Design Guidelines
and
Additional Rules and Regulations including First Amendment]

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GENERAL INTENT

The intent of these Guidelines is to ensure that the build-out of Val Moritz Village results in a quality community, both in design and construction. They are not intended to unduly restrict creative design or cost efficient construction. If properly executed, these Guidelines will help to:

- minimize disturbance
- protect wildlife habitats
- blend buildings to their site and to each other

These Guidelines cover all new construction, alterations and additions. They will be enforced by the Board of Directors ("Board") of the Village Lot Owners Association, Inc.

These Guidelines are not static. It is expected that they will be amended from time to time by the Board.

Deviations from the Guidelines may be considered if the Owner is able to demonstrate to the Boards' satisfaction that the changes comply with the intent of the Guidelines. Such determination will be made in the sole discretion of the Board

ARCHITECTURAL REVIEW BOARD

Purpose

The Protective Covenants and Restrictions for Val Moritz Village (the "Covenants") provide that the Board must review all building plans for any structure, the proposed location thereof on any lot, any changes after approval and any proposed alterations or additions. (The complete requirements are set forth in the recorded Covenants.) The Board will review any proposal that is subject to the Covenants against the contents of these guidelines and, if deemed advisable in its sole discretion, may retain professional review services. The Board reserves the right to determine that what is appropriate for one site may not be appropriate for another. The goal is that all improvements will harmonize with their natural and man-made surroundings; not dominate them.

The Board will serve as the governing body throughout the Application Review Process as described later in this document. No proposal shall be deemed approved until it has been approved by the Board. The Board shall be the Board of Directors of the Village Lot Owners Association, Inc.

Meetings

The Board shall meet as often as necessary to properly perform its duties and not hinder the reasonable progression of construction.

Review Fees; Time Limits

The Board will require a fee for design review. Unless revised by resolution of the Board the fee is \$1,250.00, which is non-refundable. Upon design approval up to \$1,000.00 of the review fee will be credited towards the Refundable Construction Deposit (RCD). Should the Board determine that supplementary modifications, alterations, or delays caused by the owner have been excessive the Board may charge additional review fees in increments of \$100.00, which will be subtracted from the Review Fee credit requiring that the RCD be increased by the Owner in the same amount. Thus, if the Review Fee Credit was \$800 and \$200 is taken for additional

review fees then the Owner must increase the RCD by \$200.00. Design Approval is good for a period of two years from the date the Application Worksheet was signed finalizing said approval.

Refundable Construction Deposit (RCD)

A \$3,000 Construction Deposit for general construction compliance must be paid as set forth in the section below entitled "Actions to be Taken by Board." Should a contractor or owner fail to adequately address any of the following matters to the Board's satisfaction then all or a portion of the deposit amount may be used by the Board to have the work completed:

- Construction clean up.
- Revegetation, which should consist of nothing less than re-seeding with a native grass seed, which must be either raked in with top soil or with a soil conditioner, and erosion control, such as hay or mulch, applied. All revegetation must be accomplished within the first growing season after completion of the exterior of the house or buildings.
- Noxious weed extraction or spraying.
- Any contamination or disturbance to any road, ditches or shoulders, must be repaired regularly during construction, and returned to the same condition the road was in prior to commencement of construction. This may require applying an additional lift of road base material. Owners should inform all contractors, sub-contractors, etc. to not park on the soft shoulders. If the construction damage to any road exceeds the remaining construction deposit the Association may assess the owner for the cost of repairing the excess damage.
- Once construction has commenced the Construction Deposit is non-refundable until such time as the owner provides the Architectural Review Board with a copy of a certificate of occupancy issued by Grand County for the construction and has completed all items required by this Refundable Construction Deposit section. If no construction has commenced within two years of design approval then \$1,500.00 of the Construction Deposit will be refunded and the design approval previously granted will be void. Should the owner decide to proceed with construction after that then the review process will need to be started again and all fees repaid. If construction has commenced and is halted conditions stated in "Construction Schedule" will apply and the deposit will be used however the Board determines it will best address the site conditions.

For minor projects such as fencing, sheds and the like, which will be determined by the Board of Directors in the exercise of its sole discretion, there will be no design review fee or \$3,000.00 Construction Deposit. Owners will be required to submit a brief description including commencement and completion dates, a diagram of the proposal, and material samples, along with a \$500.00 Construction Deposit. This Construction Deposit is fully refundable at such time as the project is completed to the Boards satisfaction. If the project is not satisfactorily completed by the date provided the deposit will be forfeited by resolution of the Board and the Board may use the funds as allowed by its various governing documents and may also address the failure to complete as authorized by said documents.

Non-Liability

Neither the Board, nor any member thereof, shall be liable to the Association or to any Owner or other Person for any damage, loss or prejudice suffered or claimed on account of (a) the approval or disapproval of, or failure to approve, any plans, drawings and specifications, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development, or manner of development of any property within Val Moritz Village, or (d) the execution and filing of an estoppel certificate whether or not the facts therein are correct; provided, however, that such member has, with the actual knowledge possessed by him, acted in good faith. Every Owner and other Person who submits plans for

approval agrees, by submission of such plans and specifications, that he will not bring any action or suit against the Board or any member thereof, or any of its employees, agents, officers, directors, or any successor or assign of any of them, to recover damage. Approval by the Board or any member thereof or any employees, agents, officers, directors, or any successor or assign of any of them, shall not be deemed to be a representation or warranty that the Owner's plans or specifications or the actual construction of Residence or other Improvement comply with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and local building codes. It shall be the sole responsibility of the Owner or other Person submitting plans to the Board or performing any construction to comply therewith.

Enforcement

These Guidelines shall be enforced by the Board. Depending on future events that may or may not occur they may also be enforced by Granby Ranch and/or the Master Homeowners Association of Silvercreek.

Other Governing Documents

These Guidelines are primarily intended to guide the development of the buildings and site in an aesthetic manner. They shall not be construed to be the only standards that must be followed. In the event of any conflict among governing documents the more stringent shall control. The Owner is responsible for obtaining and reviewing all current governing regulations that apply to their particular construction. The following is a partial list of such regulations to review:

Protective Covenants and Restrictions for Val Moritz Village
Rule #1 of the Village Lot Owners Association, Inc.
Rules, Regulations and Good Governance Policies of Val Moritz Village
Grand County Zoning Regulations
Grand County Subdivision Regulations

All applicable local, state and federal codes and regulations including but not limited to:
Uniform Building Code
Uniform Mechanical Code
Uniform Plumbing Code
Uniform Fire Code
National Electrical Code

SINGLE FAMILY RESIDENTIAL GUIDELINES

Siting

The proper placement of the home and other improvements within the site is crucial. There are several main goals and cutting trees to obtain a view is prohibited:

- Minimize disturbance to the site, including reducing the dwelling footprint, by items such as opting for a walkout or two-story house rather than a single story house on heavily treed lots.
- Utilize the open areas of treed lots, placing driveways in such areas if possible.
- Protect special site features
- Orient the building to take best advantage of solar access so long as doing so does not require unnecessary tree removal.

All building setbacks shall be maintained and all platted easements, including the 20 foot recreational easements at all rear lot lines, will be kept clear of construction. Building setbacks are as follows:

Front	forty feet
Rear	twenty feet
Sides	ten feet

Be aware that Grand County's front setback for Val Moritz Village is 30 feet whereas the Association's Covenants require forty feet and the covenant requirement is the one that is controlling.

Grand County may not consider corner lots (lots bordering two roads) as needing to meet a minimum front setback from both roads whereas the Association's policy is to require corner lots to meet the minimum front setback from both roads. The Board will consider a front setback variance for corner lots from one of the two roads in question so long as such a variance is in line with the County's interpretation of the setbacks and will reduce site disturbance. The Board may also consider granting a front setback variance from 40' to 30' should doing so reduce site disturbance and it may also consider other relevant factors but whether to grant same is within the Board's sole discretion.

Buildings must comply with the stricter of the covenant requirements or Grand County requirements. All improvements must occur within the allowable building area.

Buildings that step with the site, as opposed to sitting on the site, are highly recommended. The building should appear to grow out of the land. This will not only minimize site disturbance, it will also create architectural interest by breaking up the mass of the building. The owner of a lot that is steeply sloped may apply to the Board for a variance allowing the front setback to be 30 feet. The Board may consider whether granting a variance will result in a significant reduction in site disturbance and other relevant factors but whether to grant same is within the Board's sole discretion.

Building Massing

Building massing correlates closely to the siting of the building. Building forms that are asymmetric will be favored over buildings that are symmetric and unified in form. Creating a complex form with overhangs, recesses, and additive architecture will be preferred over simple, monolithic forms. The roof form, given its dominance, will benefit from elements such as gable ends and dormers.

Mass can also be reduced in scale by breaking up the building into smaller parts. This will also give the illusion that the building has been altered and added to over the years; very much like a ranch. Outdoor spaces (loggias, arcades, breeze ways) can be used to connect separate buildings, creating a complex of spaces under one roof. Large expanses of continuous vertical walls shall be avoided.

Exterior color and Stain

A primary goal of architectural vision is to blend the buildings into the landscape. Therefore, the colors of the exterior wood, structural members and wall materials are to be subdued and blend with the colors in the forest, meadows and earth found on the site itself. All proposed exterior building materials and colors must be submitted for review and approval.

Grading and Drainage

Grading of the site shall be kept to the minimum necessary to fit the improvements into the site. Proposed contours shall transition smoothly into existing contours. All contour reshaping must occur within the Building Envelope (as described below.) Road cuts will not be permitted between October 31st, of any year and April 1st of the following year. The upper 12 inches of all road cuts for the installation of utilities are to be filled with road base material following compaction of the lower portion of the trench.

Avoid retaining walls. However, when they are required, they shall appear as a continuation of the building or, if separated from the building, shall be of similar materials.

Any grading that takes place within the dripline of existing trees that are to remain in place shall be kept to a minimum.

Topsoil shall be removed and stored for reuse on the same project.

Existing primary drainage patterns shall not be altered or interrupted. It is recommended that secondary drainage patterns not be altered or interrupted as well.

Preferably, runoff shall be directed into grass swales. The grass will clean the runoff before it enters the groundwater system. Open grassed swales are preferred over culverts and piping for this reason.

Headwalls, ditches and similar drainage structures are to be built of a similar material as the building's foundation. Ends of metal or concrete pipes are to be concealed.

Building Envelope

The intent of creating a building envelope is to preserve the maximum amount of natural area on each site. The building envelope shall be the minimum area necessary in which to complete the proposed building(s), landscape, and utility improvements. All accessory uses shall be kept as close to the house as possible to maximize surrounding natural area.

The Owner shall designate a building envelope. The building envelope shall also: 1) protect special site features such as ridge lines and rock outcrops, 2) not interrupt existing drainage patterns, 3) preserve existing stands of trees, 4) take into consideration the best orientation for sun and wind, 5) minimize visual impact to neighboring properties, and 6) take advantage of existing views with as little site modification and tree removal as possible.

All site improvements must fall within the Building Envelope including parking, free -standing storage, patios, decks, accessory buildings, and cut/fill areas. The Building Envelope must be shown on the plans (refer to Section - Construction Management). The Board reserves the right to reduce or reconfigure the proposed building envelope if doing so would protect, reserve or enhance the site without unduly impeding construction or restricting impending views.

Minimum/Maximum Building Requirements

The primary dwelling unit shall be a minimum of 1,000 square feet excluding basement, garage and any accessory housing units. If two or more stories are designed, the floors shall not be of equal square footage. The square footage from floor to floor shall vary to favor an asymmetrical building mass. This will strengthen the ranch character appearance.

Detached or freestanding garages must be at least 500 square feet but may not exceed 1000 square feet, nor exceed the height of the primary main dwelling.

In no circumstances may the total area of all garages exceed 2,000 square feet.

The Maximum area which may be contained in all floors of all buildings on any lot, including any garage and outbuildings, is 4,200 square feet, no more than 3,500 of which may be included in the dwelling (as defined by the zoning regulations of Grand County). See Rule One for additional building limitations and septic system requirements.

If the area of the lot in question has increased in size from the original plat via the Amended Plat process, the Committee will, upon application, grant a variance to the maximum allowable area of the primary dwelling, accessory building, and/or garages. If the lot has increased by one-half acre but less than one acre then the maximum area will be increased by 30%. If an additional one-acre or more of land is added the maximum area will be increased by 50%.

Manufactured Housing

Allowances may be given for panelization, panelized construction or component manufacturing. This type of construction where components such as trusses or wall panels are delivered, already assembled, to the site can save construction time. Submit product or manufacturer information to the Board for consideration. Allowances may be given to factory built sectional housing on a case by case basis.

Open Space

The undisturbed portion of the site acts as a buffer between adjacent properties and helps to maintain a unifying, natural landscape throughout the Villages. The undisturbed open space shall be left natural. Some maintenance may be needed such as litter removal, tree trimming, and weed control.

Building Height

Building height is limited to the heights set forth in the Grand County Zoning Regulations.

Solar Design

Solar orientation is very important in high country snow climates.

Passive solar design features should be integrated into the design of the building. South facing, glassed 'sun' rooms are an example. Another might be the paving used on an outdoor patio. A high thermal density product will re-radiate heat absorbed during the day, making these patios comfortable during the cool evenings.

Active solar systems are encouraged but are to be reviewed by the Board on a case by case basis. Panel solar collectors can be placed to gain maximum solar exposure but still not create a visual impact. They are to be located or screened in such a manner that the off site visibility of reflective surfaces is minimized to the extent practicable. Systems may not have a reflective frame or border and should utilize modern technology employing minimally reflective surfaces. To the extent, if any, that local, state or federal law may control these requirements, such law will have priority. It will be the responsibility of any applicant claiming such legal priority to advise the board of the provisions deemed to apply.

Building design is encouraged that creates solar traps or courtyards.

Roofs

Primary roof pitch shall be a minimum of 4:12 to a maximum of 12:12, except that a pitch down to 2:12 is allowed for accent and shed roofs. Elements such as gable or shed roof accents and gable or shed style dormers should be utilized to break up an otherwise monolithic roof design. Roof materials allowed include non-reflective metal, pre-baked enamel in limited situations, asphalt, concrete, and artificial shake shingles. Copper, if used, shall be "aged" to a matte finish. It is recommended that copper be used as an accent rather than as the entire roof. Roof overhangs of at least 16 inches on all sides of a roof are required. Overhangs are to be measured at a 90 degree angle from the face of the siding to the outer edge of the roofing material.

Buildings shall be designed to carry the seasonal maximum snow load as set forth in the applicable building code.

Large roof overhangs are encouraged but shall not have soffits of plywood or masonite.

The roof flashing color must match or blend with the color of the roof.

Snow diverters and retainers shall be integral to the building design and can be decorative. Roofs can be designed to shed snow if the total snow load is deposited within the property lines and does not endanger pedestrian's or property. All entrances, exits, walkways and driveways shall be protected from snow loading.

Eaves shall be designed to insulate and isolate snow pack to prevent melting and formation of ice dams.

The use of skylights is discouraged except where they are clearly part of the basic Architectural composition; not an 'applied' appearance. The Board will review the use of skylights on a case by case basis. They are to be located and detailed so that their surfaces are not visible from adjacent properties.

Gutters and Downspouts

Gutters and downspouts are to be located to avoid long exposed sections. They should be concealed with eaves and structural columns or trim. Gutters shall be designed integral with the building so as not to impact snow shedding. Unfinished gutters and downspouts are unacceptable.

Foundations

No more than 6 inches of foundation shall be visible that is not in some way incorporated into the building design. Foundation walls shall be integrally designed so as to appear as part of the entire elevation. Preferably there would not be a visible demarcation line between the top of the foundation and the bottom of the wall.

Foundation walls above grade must be faced with smooth plaster or stone. Natural stone foundations are recommended. Stone provides a solid visual base for the building, accommodates steps in building foundations on sloping sites and provides the opportunity to extend Architecture into the landscape through the use of retaining walls.

Exposed concrete that is integrally colored, specialty board formed finished concrete, and split face block may be considered by the Board on a case by case basis.

Stone foundation treatments must be designed to incorporate moisture protection features to prevent spalling or staining.

It is the responsibility of the Owner to have radon testing conducted on their site and take the proper steps to protect the structures.

Walls

Walls should reflect what they are doing – supporting the building. The visual appearance should be that of strength and support. This can be achieved by using strong materials at the base, such as rock, masonry, heavy timber or corrugated metal panels. Given the elements that exist in the Rocky Mountains a protective exterior wainscot is highly recommended and may be required on some elevations.

Stone may be natural river rock or field stone. It may also be a simulated product such as Clonestone™. The preferred simulated products are a ledgerstone or a large diameter drystack. Small diameter stones or unnatural coloring will not be approved.

The upper portions of the walls can appear 'lighter' in weight. Various types of wood siding are appropriate. Wood siding shall be treated with preservatives, stains, or pigmented stains. Wood shall not be painted but fiber cement board and other approved composite materials may be.

Various wood, composite and engineered siding materials are appropriate in various styles such as log, tongue and groove, board and batten, plank, lap, and shingle. If logs are used they shall not be more than 80 percent of the total materials used for walls, doors and windows. They may be peeled or non-peeled, preferably with a weathered look. All composite and engineered materials shall have the raised grain appearance of natural wood. No smooth faced surfaces are allowed. All exterior colors shall be natural earth tones and color selection should complement, not clash with the natural surroundings tones in the area the dwelling is be constructed, with the exception of white, which is not allowed.

Glass walled sun rooms are acceptable, and encouraged, on southern exposures for passive solar gain but shall not be more than 30 percent of the elevation surface area.

If stucco is used, no more than 50 percent of the elevation surface area (excluding roof sections) shall be stucco and if it turns the corner it shall have rounded edges. Stucco surfaces provide an opportunity for inserting accents since they may be painted.

Retaining Walls

Retaining walls, if required, should be an Architectural extension of the house. The maximum height shall be 4 feet. If more than 4 feet must be retained, it can be done by terracing, using two or three 4 foot walls with planted areas in between of at least 2 feet in depth.

Windows and Doors

Openings for windows and doors that are rectangular, more vertical than horizontal, and multi-paned are encouraged. This type of opening expresses a western mountain ranch theme. In addition, windows shall be varied in size and placed randomly. The exception to this is the

creation of solar rooms on southern exposures and picture windows that take advantage of scenic vistas.

Large single panes are acceptable provided they are recessed and shaded. It is also encouraged that when large panes are used that a variety of large scale vertical and horizontal structural members are incorporated as well as multiple, smaller size panels to minimize the monolithic glass effect.

Window and door casings shall be wood, quality-grade vinyl, vinyl/wood or metal/wood.

Double paned windows are required. Optional energy saving features such as low E are encouraged.

Mirrored or reflective window materials are not allowed.

Chimneys and Vents

Chimneys are often the strongest vertical element and should be emphasized. Use 'strong' material such as rock (vener is acceptable) to further enhance the vertical character. Chimneys shall be designed with chimney caps and to promote, not inhibit, snow shedding.

Vents shall be grouped, with chimneys where possible, to reduce the cluttered appearance of the roof line. Galvanized or unpainted vents or flues are not permitted. Vents shall be painted a color to match the house or painted black.

Chimneys must have down-draft deflectors, spark arresters and roof saddles.

Fireplaces/Wood Stoves

All wood burning stoves shall be EPA rated high efficiencies. No wood burning fireplaces will be allowed for air quality reasons. All fireplaces must be natural gas due to air quality issues.

Patios, Balconies and Decks

Patios, balconies and decks are encouraged for two reasons—to help break up building elevation and to provide spaces that encourage outdoor activities and enjoyment.

Patios, balconies and decks shall be incorporated into the building. Avoid very long, linear uninterrupted stretches of railing. Like other Architectural elements, patios, balconies and decks should help to break up the building mass.

Railings for these elements shall be integrally designed to blend with architecture of the entire building. Reflective materials will not be approved.

Accessory Buildings

Accessory buildings such as barns and freestanding storage buildings or garages shall reflect the architecture of the main house and use similar materials, color and form. (While the 1971 Covenants state guest houses may be permitted the developer did not extend central water or sewer as contemplated and the limitations of well permits and septic systems are not conducive to permitting guest houses.)

Driveways, Ditches and Culverts

Driveways, ditches, and culverts must be maintained by the owner in perpetuity including grading, crowning, cleanout, reshaping and thawing culverts as needed. Owners with driveways sloping towards the road must be vigilant in preventing runoff from being directed onto the roadway and washing out the road or they may be charged for the resulting damage to the road. This maintenance requirement applies to all ditches and culverts adjacent to or on the owned lot.

Driveway width must be a minimum of 12 feet and must contain at least six inches of road gravel. At least half (3") of the material needs to consist of a base lift of either Pit Run, or Class 4 material, a.k.a. 1 ½ minus or Select Pit Run, prior to the top lift of Class C, a.k.a. Class 6. The only approved access for construction of a residence will be over the driveway approved for the lot. All culverts for driveways must be a minimum of 30 feet wide and 15 inches in diameter, with the exception of areas with extremely low runoff potential where utilizing a 15 inch culvert will create an unnecessary protrusion. In such areas, in the sole discretion of the Board, 12 inch diameter culvert may be approved. Any one wishing to utilize a 12 inch culvert will bear the burden of convincing the Board that it should be approved. Culverts are to be installed and ditches are to be defined and excavated and at least one solid lift of appropriate driveway base is to be established prior to the commencement of any other construction. Any impact to or disturbance of an access road during the construction period shall be returned to the same or better condition prior to the refunding of the Construction/Revegetation Deposit.

All lots adjacent to both a Primary Road, which are Zermatt Street, Val Moritz Drive and Grenoble Street, and any other road shall access from the other road if reasonably practicable. The decision of what is reasonably practicable shall be made by the Board in the exercise of reasonable discretion.

No earth may be moved nor shall any other work on a driveway be commenced prior to obtaining approval from the Board. Where practicable, adjacent lots shall share a driveway or shall construct their driveways adjacent to one another so as to minimize the individual points of access from lots to a Primary Road.

Notwithstanding the foregoing, for the purpose of access for construction of a well or for other activities related to site investigation the Board may approve the construction of a driveway prior to an owner submitting the requisite materials for design review approval. The owner shall make this request in writing, and stake the driveway and future dwelling location. If such request is approved the driveway must be constructed in its permanent location.

Screening/Trash Removal

So long as there is a community central trash and recycling area no curb side trash or recycling pick up is allowed. All owners must either use the central trash and recycling area or haul their own trash and recycling to an appropriate off-site location. Should the central trash and recycling operation cease then any trash or recycling storage containers must be screened from view from neighboring properties or the street and shall be bear proof. No antennas are permitted. Satellite receivers (dishes) may not exceed the size of the standard residential dish provided by such as Direct TV and Dish Network and roof mounted equipment is not allowed.

Fencing

Fencing shall be used for privacy, screening, and containment, and not to outline the property boundary. Fencing should appear as an extension of the building and should resemble the style of the home. A more rustic appearance is preferred such as split rail, western rail, board horse, and buck fencing. Hog fence and other wire materials used as panels within wood frames may be approved but must immediately have a dull or weathered appearance; reliance on the natural weathering process to provide weathering is not allowed. No reflective products shall be used. Snow fencing is permitted beginning on October 15th and must be removed by April 1st.

Maintenance

Maintenance of the house and landscape shall be the responsibility of the Owner. Building damage shall be repaired immediately, dead or dying plants replaced immediately, and weed and litter control done continuously.

Outdoor Elements

Jacuzzis are allowed but must be screened from view. The screening must be compatible with architecture of the house.

Tennis and basketball courts are not allowed on single family properties. Portable basketball ball hoops may be used in driveway areas so long as they are concealed from view when not in use. Play equipment is allowed if it is constructed of natural materials that complement the house. Standard metal swing sets will not be allowed.

Gazebos are allowed but shall blend with the architecture of the house. Yard art will be allowed on a case by case basis by the Board.

All outdoor fire pits shall have a noncombustible perimeter and no burning shall take place without the presence of a working garden hose or fire extinguisher. All local burn bans are to be obeyed.

Exterior Lighting

Exterior lighting is a very important element of architecture and landscape. The fixtures shall complement the building materials. The light source should add to the aesthetics, accent unique architectural and landscape features, provide a level of security and provide a safe but not an overly bright environment.

Lighting shall be low level, the illumination must be directed predominantly downward and the top of the fixture may not be open so as to allow light to escape upwards. The light source shall be obscured so as to minimize visibility from neighboring properties. If frosted glass is used it shall be obscure enough so that the actual bulb cannot be seen through the glass when the fixture is turned on during daylight hours. Cut-offs may be required to reduce excessive glare. Decorative up-lighting may be permitted on a case by case basis so long as it is used sparingly and is used to accent architectural features. Under no circumstances shall any lighting create a brightly lit environment.

The light source shall be white or pale yellow. Sodium, mercury vapor or bare bulbs are not allowed. Colored lights are not allowed except for seasonal ornamental lighting permitted from November 15th through January 15th.

Exterior fixtures can be, but are not limited to bollards, wall sconces, recessed wall lights and landscape lighting. All such fixtures throughout the homesite shall be of a similar character.

There are constantly new fixtures, light bulbs and replacement bulb variations coming to the market. It is ultimately the responsibility of the owner to research all the options, choose, and install fixtures and bulbs, or subsequent replacement bulbs that do not create an overly bright environment. If the Board, in the exercise of its sole discretion, determines any lighting is creating an overly bright environment, the Board may require the owner to change out the bulbs and/or fixtures. The Board may request a nighttime inspection of exterior lighting prior to refunding the construction deposit.

No motion detectors are permitted. Security and safety lighting may be incorporated but must be switched manually.

In order to reduce light pollution and energy consumption exterior lights should be turned off unless actually needed for the arrival of guests and so forth.

All exterior lighting must be approved by the Board.

Wildfire Management

The threat of wildfire can be greatly reduced with a few, simple site plan changes. Keep a 30 foot safety zone around the building in all directions. Within this zone, keep all debris removed and mow down dry grasses. Large specimen trees can remain but shall have all dead branches limbed up to 12 feet near buildings and walkways. Pre-treat roofs and exterior with resistant material. Chimneys shall have spark arresters and non-flammable screens. Contact the Colorado State Forest Service or other governing agency for Wildfire Management recommendations.

Snow Management

Snow storage areas must be provided and shown diagrammatically in a Snow Management Diagram. Snow storage areas must be provided for driveways, walkways, parking, and roofs. Snow storage should also be provided for patios and decks. Snow storage areas should hold a minimum of 25 percent of the areas to be cleared of snow. Snow must not be directed to where it can endanger pedestrians or property.

Provide snow storage areas strategically within the landscape for easiest snow clearing activities. Snow storage areas should not have delicate plants.

LANDSCAPE GUIDELINES

The regional landscape is semi-arid alpine, which is a harsh climate condition for growing plants. The landscape palette in Val Moritz Village shall be predominantly native plants. Owners should consider the practice of xeriscape.

The Household Only well permits issued by the State of Colorado for Val Moritz Village do not permit irrigation and thus no turf or sod are allowed. There are native blends of grass seed that if applied in the fall and raked in just prior to the first snow sticking will flourish come spring, and with a normal monsoonal season can stay fairly green most of the summer. The State of Colorado may have rules and regulations regarding utilizing household only well water to establish trees, planets and bushes and it is the responsibility of the owner to determine what

those applicable laws are and to adhere to those laws when implementing any landscaping. The use of well water to sustain any vegetation is prohibited and the fines from the state can be substantial.

CONSTRUCTION MANAGEMENT

The goals of construction management are to minimize site disturbance, retain the largest amount of undisturbed area possible, and to protect adjacent properties. All Contractors, Owners and Developers shall abide by these regulations.

Order of Construction

The primary dwelling must be constructed or under construction on a lot before the construction of any detached garage or outbuilding is permitted. This does not prevent the drilling of a well.

Construction Zone

The Owner or Developer shall provide the Board with a Construction Management Plan as part of the Design Review Package. The Construction Management Plan shall consist of narrative and graphic material (plans drawn at the same scale as the project site plan) in sufficient detail to address the following considerations:

Limits of Construction

The physical limits of all construction and all construction-related activity shall be indicated on the Construction Management Plan. Prior to initiating construction, grading or any modifications to the site, the limits of construction shall be delineated. All construction activity, storage of all construction materials, temporary construction trailer and sanitary facilities, vehicle parking, dumpsters and any other construction equipment or facilities shall be located within the limits of the Construction Zone.

Protection of Existing Vegetation

Methods for protecting existing vegetation, particularly vegetation within the Limits of Construction, shall be indicated in the Construction Management Plan. All protective measures shall be implemented prior to initiating construction. It is the responsibility of owners to control noxious weeds during and following construction.

Construction Trailer

No more than one primary construction trailer or container of 24 feet or less is permitted on a job site. Secondary sub-contractor trailers such as spray foam insulators, HVAC, etc. may be permitted on the job site overnight during that contractor's phase of construction. All trailers must be located within the designated limits of construction and no trailer may be placed on the job site until the owner has a building permit from Grand County, which is in effect at that time. All trailers must be removed within thirty days of issuance of a Certificate of Occupancy.

Temporary Sanitary Facilities

Job sites shall be equipped with sanitary facilities. Such facilities shall be situated in the construction area so as to minimize visual impact to adjacent properties and roadways. All temporary structures shall be removed after the occupancy permit is issued.

Wells and Flowing wells

Any flowing (artesian) well drilled shall be capped and the flow stopped immediately. If such is not accomplished within 24 hours from the onset of the flow, the Board may contract with a well driller, pump specialist, or other qualified person to cap the well and assess the owner for the costs. Well permits in Val Moritz Village are issued by the State of Colorado and are Household Only Permits which do not permit irrigation.

Permits

The Owner or Contractor is responsible for obtaining all required permits.

Construction Schedule

The Contractor shall provide a construction schedule with start, end and major milestones identified. In order to avoid damage to the terrain and the access road, construction may not commence until the ground is no longer saturated from the spring runoff. The appropriate timing will change from year to year and from lot to lot. The Association maintains the roads in Val Moritz Village and any damage to the road will either be repaired by the owner to the satisfaction of the Association, or be repaired by the Association and the cost charged to the owner. The schedule must be updated if there are major delays.

The entire exterior of any building shall be substantially completed within eighteen months from ground breaking. The Board may grant an extension only if justified by extenuating circumstances, which were not reasonably foreseeable. In the event there is a violation of this requirement, the Board may assess a non-compliance assessment against the Owner in an amount not to exceed \$25 per day.

Tree Clearing

The Construction Management plan shall include identifying those trees that must be removed to allow for development, include any tree thinning for forest management. No trees shall be removed from the site until the Construction Management plan is approved. Clear cutting of part or all of a site will not be permitted. Final approval for tree cutting will be made by the Board in the field.

Storage of construction Materials and Equipment

Storage areas shall be designated according to the approved Construction Management Plan prior to commencing construction. The Contractor will be responsible for the maintenance of these areas.

Daily Operation

Normal working hours for each construction site shall be 7:00 am to 7:00 p.m. unless otherwise restricted by the Board.

Blasting

Prior to commencing any blast the Board will be notified. Proper safety and protective actions shall be used according to Grand County standards and regulations. The blasting contractor is

responsible for all blasting damage to any pre-existing structures within a half-mile of the site. All applicable OSHA regulations and guidelines must be strictly observed at all times.

Restoration and Repair

Damage to any property, other than the Owner's, by contractors shall be promptly repaired at the expense of the Owner employing the person or entity causing the damage.

Dust and Noise Control

Every effort shall be made to control dust and noise emitted from a construction area. The Contractor shall be responsible for controlling excessive dust and noise. Regular watering of the site is required.

Excavation

The design should encourage a balanced site excavation whereas any material generated from excavating be utilized on the same lot for backfill or landscaping. If excess material is unavoidable, prior to transporting it from Val Moritz Village owners should contact the Board and inquire as to whether or not another location in Val Moritz Village could utilize the material.

Debris and Trash Removal

Owners and Developers shall clean up all trash and debris on the construction site at the end of each day. If a rolloff or comparable trash receptacle is not being utilized, trash and debris shall be removed from the site at least once a week to a dumping site located outside Val Moritz Village. Lightweight material, packaging, and other items, shall be covered or weighted down to prevent wind from blowing such materials off the construction site. Owners and Developers are prohibited from dumping, burying, or burning trash anywhere on the site or in Val Moritz Village. Construction burning may be allowed in 55 gallon drums or the equivalent if permission has been obtained from local government authorities.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore, or affecting other sites or common areas. Any cleanup costs incurred by the Board in enforcing these requirements will be billed to the Owner or Builder. Dirt, mud or debris resulting from activity on each construction site shall be promptly removed from public or private roads.

Each construction site must have a designated wash out area within the Construction Zone or Building Envelope for contractors and suppliers to clean their equipment. The cleaning of equipment and the effluent must remain within that specific area. Equipment cleaned in any area other than the designated area will result in the Board imposing a fine to repair damage resulting from such equipment cleaning in improper areas.

Fast or Careless Driving

The Board may levy one or more special assessments against the Owner of any lot to discourage fast or careless driving by contractors, sub-contractors or their employees involved with construction on the owner's lot. Prior to such an assessment a warning shall be issued. Owners are encouraged to insert appropriate provisions in their construction contracts so that the owner may obtain reimbursement of any such assessment from the guilty party.

Signage

Temporary construction, and "For Sale" signage shall be limited to one of each per site, each is not to exceed 6 square feet of total surface area.

Fire Extinguisher

A minimum of one serviceable 1016 ABC-rated dry chemical fire extinguisher shall be located on each construction site in a conspicuous location.

Flammable Items

Careless use or storage of cigarettes and flammable items is not allowed.

Inspection

Members of the Board are permitted to inspect the job site at any time to ensure that construction is consistent with plans and that the construction site is clean. The Board can issue a stop work order if deemed necessary.

Utilities

Utilities should be designed and constructed for the most intensive use that can reasonably be foreseen.

All utilities should be designed and installed according to utility company regulations.

In order to avoid damage from rocky sub-soils in the area, all pipe and wiring should be bedded over and under using Grand County or Utility Company regulations. A separate location tape for each pipe or wire should also be provided as regulations specify. Following trenching within any roadway for any reason the trench must be compacted and the upper 12 inches filled with road base. Scraping adjacent road base from the roads and using it to fill the trench is prohibited. Failure to adhere to these conditions will result in the Association using construction deposit funds to repair the road to its satisfaction

Occupancy

Occupancy of a structure is prohibited until receipt of a letter or certificate of occupancy from the Grand County Building Department.

DESIGN AND REVIEW PROCESS

Preliminary Actions to be Taken by Owner

1. Observe finished homes within the development with your design and construction team. Review the requirements of these Design Guidelines and of the governing documents. While doing so realize that many items change, such as materials and requirements, so a house approved in the past may not receive current approval.
2. Give your design and construction team all information regarding Covenants and Design Guidelines including, but not limited to:

- any amendments to these guidelines
- site issues including the location of any driveways on adjacent lots
- building sizes
- setback requirements
- height limits
- construction requirements

3. Complete the Design Review Application on the form provided by the Board and submit two full paper sets to the Board along with one digital set. Submission should be by certified mail, return receipt requested, or by some equivalent means which provides proof of delivery. Include a copy of the following drawings and documents in each set. The digital set should be delivered by e-mail.

- Site Plan including driveway location, the location of any driveways on adjacent lots, snow management, utility locations and routes, and if applicable, a site lighting layout at 1" = 20' or greater.

- If required by Grand County a Grading and Erosion Control Plan meeting Grand County specifications.

- Building Construction Plans for all proposed buildings at 1/8" or 1/4" = 1' or greater.

- All building (s) elevations and sections at 1/8 or 1/4 scale.

- If other than native materials are to be used, a conceptual landscape plan and list of plant materials.

- List of building materials and colors.

- The proposed building shall be staked at time of application submittal including building corners, lot corners, driveway centerline, well, septic system components and drain-field. Tag all trees that will be removed.

- Any other drawings, materials or information requested by the Board.

- Review application fee as established by the Board.

All drawings are to be appropriately scaled and denoted using standard engineering and Architectural graphics.

Actions to be Taken by Board

The Board shall review and respond within thirty days from its receipt of a complete Design Review Application. If the Application is incomplete the Board may, in writing, specify the missing items and request that they be supplied. If such a request is made the thirty days provided for review by the Board shall not start until the application has been completed.

The decision of the Board and the reasons therefor, if denied, shall be transmitted to the applicant at the address set forth in the application following receipt by the Board of all materials required, as set forth above. If the Board fails to respond within the time allowed the application shall be deemed approved by the Board. Upon the disapproval of any application and a re-submission by the applicant the Board shall have 15 days to respond.

Following the review the Board will issue the owner a copy of an Architectural Review Board Application Worksheet, or similar documentation. The Worksheet may set forth any remaining items or conditions that need to be resolved for final approval. It may also contain conditions of approval, or final approval.

If additional items are requested, once all of those items are received and approved the Board will reissue the owner an updated Worksheet that may contain conditions of approval.

Once the Board notifies an owner that a Worksheet has final approval the owner is to sign the Worksheet and return it to the Board. Once the owner has signed the worksheet the owner will be deemed to have accepted and agreed to all changes, conditions, and any notes of approval. The Board will then sign and return the Worksheet to the owner at which point the owner may commence with construction.

Procedural Matters

Records shall be maintained by the Board of all actions.

As used in these guidelines, when a period of time is provided for completion of any action and the final day falls on a weekend or legal holiday, the period shall be deemed to end on the workday next following the weekend or legal holiday.

The period provided for review by the Board shall begin on the day of receipt of the application or supplemental items to be reviewed. Notification by the Board shall be deemed given on the day of mailing or transmission by fax or e-mail.

Written approval from the Board may be required by Grand County prior to issuance of a building permit; whether or not required by Grand County, Owners must obtain written approval from the Board. Owners are responsible for obtaining a building permit from Grand County.

Any and all construction changes to the originally approved plans must be resubmitted to the Board. The owner/builder shall submit any exterior changes in writing prior to commencing the work. If changes are made without approval, the Board may demand a halt to construction until approval has been requested and granted. Should the owner refuse such demand then the Board may seek injunctive or other relief in court and if such relief is granted then the Board shall be entitled to recover costs and attorneys fees from owner.

Animals/Pets

Contractors, subcontractors and their employees are prohibited from bringing dogs and other pets to the construction site unless they remain in a vehicle or trailer or are tied up.

Residents are permitted to have dog kennels but they must be adjacent to and compatible in design with the house. Chain link fencing is not allowed to enclose dog runs. Any other type of animal that requires a fenced area is not permitted.

Owners may have no more than two dogs provided they are not vicious, noisy or a menace to other property owners or other pets. It is the responsibility of all dog owners to pick up and dispose of all dog waste.

As per Grand County Animal Control policy, a dog's owner must have voice command at all times. Dogs are not be left unattended. Animal Control will capture free roaming dogs and transport them to the pound and the owner will receive a fine.

Grand County regulations and the law of the State of Colorado make it illegal for dogs to chase wildlife and the owner of the dog can be fined. In addition state law permits the appropriate authorities to capture, or kill a dog harassing wildlife if said dog is not in "direct personal control of a person."

The Association will cooperate with the appropriate authorities to insure dogs do not become a nuisance or chase wildlife.

Additional Regulations

The discharging of firearms is prohibited.

No loud noises such as large power tools or large power equipment are permitted except that during any construction the usual noises of the equipment used in such construction are allowed.

No unlicensed off-road motor vehicles or noisy or smoky vehicles are allowed. This includes all snowmobiles, four wheelers, golf carts, ATVs, UTV's and similar vehicles. Notwithstanding the preceding sentence, ATVs and UTV's may be used for the direct performance of chores, such as transporting trash, the spraying of weeds, road repair, and snow plowing but may NOT be used for transportation or joyriding. All ATV or UTV usage must minimize noise and dust and must observe the posted speed limits. Any violation of the aforementioned rules may result in the Association levying a fine or assessment against the owner in violation, and/or the potential loss of the privilege of using same.

The exterior of all homes must be maintained and kept in repair. It is the responsibility of all owners to control noxious weeds on their lots.

All power and utility improvements shall be constructed underground.


No camping is allowed.

Other than for use during construction and power outages, generators will only be allowed when approved in writing by the Board.

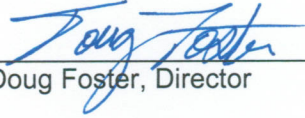
No owner shall park, store or keep on any lot for over forty eight hours any large commercial type vehicle, including but not limited to, any dump truck, cement mixer truck, oil or gas truck or delivery truck; any bus, trailer, trailer coach, camp trailer, boat, aircraft, mobile home, RV; or any inoperable vehicle or any other similar vehicle. This 48 hour period is provided to allow owners to load or unload, to clean, or attend to their vehicle, trailer, or boat but is not meant for frequent or continuous practice which shall be determined in by sole discretion of the Board. Nor shall any of the aforementioned be parked or stored on any roads in Val Moritz Village.

In addition, no owner shall park, store or keep anywhere within the property any vehicle or vehicular equipment, mobile or otherwise, deemed to be a nuisance by the Board, upon any unenclosed parking space, so as to be visible from anywhere on the property. All trailers, campers, motor homes, boats, off-road vehicles, and similar recreational vehicles shall either be parked within an enclosed building, stored in areas designated by the Board, or otherwise adequately screened from view by a structure or improvement such as, fencing, planting or other suitable means approved by the Architectural Committee; provided, however, that the term "recreational vehicle" shall exclude camper trucks and similar vehicles up to and including three quarter ton when used for every day type transportation and subject to approval by the Board. No owner of a lot shall conduct major repairs or major restorations of any motor vehicle, boat, trailer, aircraft or other vehicle upon any portion of any lot or elsewhere within the property, except wholly within the owner's garage or otherwise adequately screened from view by way of a structure or improvement; provided, however, that such activity shall at no time be permitted if it is determined by the Board to be a nuisance. Notwithstanding the foregoing, these restrictions shall not be interpreted in such manner so as to interfere with the development or maintenance of the subdivision, or the development and/or construction of the residences or commercial areas in the subdivision.

Approved as of the 1st day of June, 2021



Steve Matteson, Director



Doug Foster, Director



Cliff Foster, Director



Stephan Playter, Director



Bruce Thomasson, Director

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APPROVED BY BOARD
JUNE 1, 2021