

**RIVER ROCK ESTATES
PROPERTY IMPROVEMENT
PROCEDURES**

The Architectural Review Committee (ARC), shall review each new residential plan or property improvement in terms of its compatibility of exterior design in relation to surrounding properties and structures. The Committee may also, at its discretion, evaluate the impact on property values including the nature, kind, shape, height, color, materials, and location of the structure and may offer suggestions to lot owner(s) accordingly.

According to River Rock Estates protective covenants, "Improvement" shall mean "every structure of every type and kind including, but not limited to, buildings, outbuildings, fixtures, utilities, patios, tennis courts, swimming pools, garages, doghouses, mailboxes, aerials, antennas, roads, driveways, parking areas, fences, screening walls, retaining walls, stairs, decks, landscaping, windbreaks, plantings, planted trees and shrubs, poles, signs, exterior air conditioning units, pumps, wells, tanks, solar collectors, reservoirs, pipes, lines, meters, towers and other facilities used in connection with water sewer, gas, electricity, solar energy, telephone, regular or cable television or other utilities."

All property owners are responsible for reading the Declaration of Protective Covenants, in its entirety, prior to commencing the application process for improvements to their property. All property owners are welcome to contact the Committee with questions or to discuss their building and improvement plans for their property. Under no conditions may any improvement to an owner's property take place without a permit issued by River Rock Estates ARC.

APPLICATION FOR APPROVAL OF IMPROVEMENTS:

Each Owner, who proposes to make any improvements (including tree removal and culvert/driveway installation) which require the prior approval of the ARC, as described in the protective covenants, shall apply to the ARC for approval of the proposed improvement(s). The ARC will provide application forms by direct pickup from a committee member. The completed application forms shall be delivered to the ARC chairman or designated committee member, together with the following:

1. A Colorado Licensed Surveyor is to prepare an ILC (Improvement Location Certificate) of the Lot drawn to a minimum scale of 1" = 50' and printed on 11" X 14" min. size paper, showing the location of all existing and proposed improvements and existing trees with a trunk diameter of five inches (5") or more when measured four and one half foot (4'6") above natural grade. Native scrub oak is not required to be shown on the site plan. Any set-back variance request should be submitted prior to the completion of the ILC. The Colorado Licensed Surveyor should stake the outline of the proposed structure and the driveway to assist the ARC in evaluating the application.
 - a. A reasonable set-back variance may be granted by the ARC to overcome practical difficulties and prevent unnecessary hardships. Such variances or adjustments may be granted only if doing so is not materially detrimental or injurious to other property owners and conforms to the general intent and purpose of the protective covenants of River Rock Estates. All must be submitted, in writing, and approved by a majority of the committee. As a courtesy, variance requests may be discussed with adjoining property owners.

2. Two sets of professionally drawn building plans for the proposed improvements drawn to 1/4"=1' scale. Such plans shall be accurate and complete in construction detail. Plans must fully describe the residential structure, including inside floor plans and all exterior elevations. Any additional improvements to the property, such as driveway, fencing, landscaped areas, and any outbuildings (including constructed dog runs) must also be included.
3. A description/identification (manufacturer, color, name, and number) of all exterior materials to be used together *with color samples* attached to 8 1/2" x 11" heavy card stock evidencing the exterior wall materials, roofs and Chimney Materials shall comply with the Declaration of protective covenants and all applicable guidelines and regulations (e.g. ARC Guidelines).
4. The proposed construction schedule.
5. \$200 fee with submission of a Construction Application.
6. The improvement plans submitted to the ARC shall meet all applicable local government building and zoning codes and include full construction details sufficient to obtain a building permit from the Town of Pagosa Springs, whether or not such a permit is required for the improvement.
7. Construction Security Deposit. Along with the submittal of plans, the Owner or Contractor shall submit a Construction Security Deposit, payable to the River Rock Estates Homeowners Association (RREHOA) in the amount of \$2,500 for the benefit of the Association. The deposit is held to ensure satisfactory compliance of the Guidelines and completion of the Improvements in accordance with the approved plans, including but not limited to cleaning/reclamation of the Lot and roads, erosion control, and debris & trash removal. The Owner or Contractor will be reimbursed the deposit upon approval of satisfactory completion from the Committee, unless it is necessary to use all or part of the deposit for satisfactory completion.

In the event the Improvements are not satisfactorily completed, the Committee shall notify the Owner or Contractor of the needed action. If the needed action is not completed by the Owner or Contractor within 45 days of mailing of said notice, the Committee, at its option, may contract with a third party for the needed work, use the deposit towards expenses incurred, and assess any costs exceeding \$2,500.00 against the Owner.

BASIS FOR APPROVAL OF ALL IMPROVEMENTS:

The ARC shall grant the requested approval provided the Owner has fully complied with the submittal requirements set forth above, and:

1. The ARC determines that: (a) the improvement conforms to the terms, purposes, and intent of these ARC rules and the Declaration of Protective Covenants and (b) the improvement otherwise is of a quality of design, materials, and color compatible with other improvements within River Rock Estates, and all other criteria which are to be evaluated in making such a determination.
2. Approval by the ARC shall not be construed as an approval, verification or determination of compliance by the ARC regarding the structural integrity or engineering of the proposed structure or the compliance of the proposed plans with applicable provisions of the building ordinances of the Town of Pagosa Springs or the terms and provisions of any applicable building code.
3. The ARC shall endeavor to review and approve, conditionally approve, or disapprove each application within 45 days after the *complete* submission of all plans, specifications, and other materials and information the ARC requires. Applications are deemed to have been submitted on

the day the complete request for approval package is submitted to the chair of the ARC or his/her representative on the committee. If the ARC fails to approve, conditionally approve, or disapprove plans within this time frame, the plans shall be deemed approved.

4. Apart from the \$200 approval process application fee, the ARC may require that the applicant reimburse the Association for the actual expenses incurred by the Committee or the Board in the review and approval process. The ARC may obtain the services of an architect, engineer, attorney or other professional in its review process, as it may deem appropriate not to exceed Five Thousand Dollars and No Cents (\$5,000.00).
5. All changes, modifications and improvements approved by ARC must be completed within 12 months of commencement of construction. If the construction is not completed within the 12 months after commencement, an Owner may apply to the ARC for a one-time 6 month extension, providing proper substantiation as to why such an extension is required. All approved changes, modifications and improvements must be completed in their entirety. An Owner may not construct only a portion or part of an approved change, modification, or improvement.
6. A majority vote of the ARC is required to approve an application or an extension of construction time.
7. Upon approval of the property improvement, a River Rock Estates building permit will be issued by the ARC to the lot owner which must be posted in plain view. Once the River Rock Estates building permit and the Town of Pagosa Springs Building permit are posted work may commence onsite.
8. It is the responsibility of the owner, not the ARC, to ensure that the improvement is per the ARC approved permit.
9. The lot owner or their representative (builder) shall be responsible for complying with the requirements, rules, regulations, and building codes of the Town of Pagosa Springs and any other state or federal agencies, *including* maintenance of driveway swales after the Certificate of Occupancy is issued by the County. The owner must obtain all approvals, licenses, and permits, including the River Rock Estates permit, prior to the commencement of construction. The owner must also comply with all building guidelines and covenants of River Rock Estates.

FAILURE TO COMPLY

Every violation of the protective covenants and property improvement guidelines will be subject to the imposition of a reasonable fine by the Association.

Signature Page to Follow:

SIGNATURES:

My signature below acknowledges that I have reviewed and accepted all terms and conditions presented in this document.

RIVER ROCK ESTATES PROPERTY IMPROVEMENT PROCEDURES

Owners(s) signature: _____ Date _____

Owner(s) signature: _____ Date _____

Builders signature: _____ Date _____