

Amendment to
Architectural Guidelines for Edgemont Highlands

THIS AMENDMENT TO ARCHITECTURAL GUIDELINES FOR EDMONT HIGHLANDS (the " Amendment") is made and entered into this 27th day of March, 2009, by **HIGHLANDS DEVELOPMENT II, LLC**, a Colorado Limited Liability Company and **HIGHLANDS DEVELOPMENT IV, LLC**, a Colorado Limited Liability Company, of La Plata County, Colorado (hereinafter referred to as the "Co-Declarants").

RECITALS

A. **Edgemont Highlands Governing Documents.** Co-Declarants are the successor declarants to Highlands Development I, LLC and Highlands Development II under the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded on the 11th day of May, 2004 as Reception No. 884350 (the "Amended and Restated Declaration"), First Supplement to the Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded November 3, 2004 as Reception No. 896541 (the "First Supplement"), Second Supplement to the Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded April 11, 2005 as Reception No. 906547 (the "Second Supplement"), First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Edgemont Highlands recorded January 10, 2006 as Reception No. 925868 (the "First Amendment"), the Third Supplement to the Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded January 10, 2006 as Reception No. 925870 (the "Third Supplement") and the Forth Supplement to the Declaration of Covenants, Conditions and Restrictions of Edgemont Highlands recorded January 26, 2007 as Reception No. 950576 and the Governing Documents of Edgemont Highlands.

B. **Plats of Edgemont Highlands - Phases 1, 2A, 2B, 2C and 4.** EDMONT HIGHLANDS, PHASE 1, Project No. 2003-290, was platted according to the plat thereof filed January 20, 2004 as Reception No. 877022, La Plata County, Colorado ("Phase 1"); EDMONT HIGHLANDS, PHASE 2A, Project No. 2004-221, was platted according to the plat thereof filed November 3, 2004 as Reception No. 896542, La Plata County, Colorado ("Phase 2A"); EDMONT HIGHLANDS, PHASE 2B, Project No. 2004-222, was platted according to the plat thereof filed April 11, 2005 as Reception No. 906548, La Plata County, Colorado ("Phase 2B"); EDMONT HIGHLANDS, PHASE 2C, Project No. 2004-261, was platted according to the plat thereof filed January 10, 2006 as Reception No. 925871, La Plata County, Colorado ("Phase 2C"); EDMONT HIGHLANDS, PHASE 4, Project No. 2006-340, was platted according to the plat thereof filed January 26, 2007 as Reception No. 950578, La Plata County, Colorado ("Phase 4"); collectively know as the "Plats of Edgemont Highlands".

C. **Declaration Definitions.** Except to the extent expressly defined otherwise herein, the terms used in this Amendment shall have the same meaning as set forth in the Amended and Restated Declaration. Specifically, the Amended and Restated Declaration provides the following pertinent rights in Article IV thereof:

"Declarant shall have sole and full authority to amend the Architectural Guidelines as long as it owns any portion of or has a right to expand Edgemont Highland pursuant to Section 9.1,..."

HIGHLANDS DEVELOPMENT
1201 MAIN AVENUE, SUITE 202
DURANGO, CO 81301

993084
1 of 10
3/27/2009 3:40 PM
AMD R\$51.00 D\$0.00
Linda Daley
Laplata County Clerk

D. **Amendment.** It is the desire and intent of the Co-Declarants to amend the Architectural Guidelines for Edgemont Highlands.

NOW, THEREFORE, Co- Declarants hereby amend the Architectural Guidelines for Edgemont Highlands as follows:

Those lots indentified on the Plats of Edgemont Highlands as **Future Residential** have been created as future multi-family project areas. These lots contain unique qualities that support density and the clustering of units in a manner substantially different from typical, single-family lots. Therefore, the Co-Declarants do hereby amend the Architectural Guidelines to include the following restrictions to apply to those parcels designated as **Future Residential**:

1. Architectural Character

While the density and clustering of units on the multi-family projects may differ from single-family lot development, many of the architectural characteristics described in the original Architectural Guidelines hold true. Therefore, the general architectural theme of “cabins’ or “cottages” in the woods remains. This theme is reflected in the general architectural styling of Colorado mining, ranching and American Cabin with limited influences from Craftsman, Log and Victorian Styles. Designs can reflect literal and contemporary interpretive aspects of these styles. As always, it is important to the visual quality of Edgemont Highlands that each home be designed with consideration to the overall sense of community, resulting in a positive and harmonious contribution to the landscape and surrounding community.

2. Compatibility and Project Identity

In addition to the requirement that these units be designed with consideration of the overall sense of community established at Edgemont Highlands, the units within a **Future Residential** lot shall also maintain a unique architectural theme that harmoniously blends within the project, but distinguishes it from the balance of the community. These units should maintain consistent design elements, harmonious colors, an appropriate material mix, height compatibility and a quality of construction consistent with the standards found throughout Edgemont Highlands. As an example of multi-family developments that have met this standard, Copperhead Camp 1 and Copperhead Camp 2A have incorporated these important elements and created a distinguishable project within Edgemont Highlands.

3. Unit Siting and Layout

The Owner/Builder of a proposed project within a lot designated as **Future Residential** shall submit a set of plans for all proposed units within said lot to be reviewed by the ARC as a whole. Said plans must include lot/unit lay out, grading plans, drainage plans, a tree survey, a detailed landscaping plan and any additional information requested by the ARC in order for ARC to conduct an informed review of said project.

The proper siting of the units/project is one of the most important components in its design. The following principles need to be adhered to:

- a. The unit footprint and layout needs to work with the existing topography. Large amounts of grading to “impose” a design on a site will not be allowed.
- b. The natural drainage needs to be considered, maintained and unchanged as much as possible.
- c. The protection and preservation of existing trees and vegetation are of the utmost importance. The design and siting of the unit needs to reflect this. The indiscriminate removal of trees to accommodate any design will not be allowed. The pre-design meeting will address this issue. Other requirements regarding tree and fire protection are contained in other areas of the Governing Documents.
- d. Multi-family units on **Future Residential** lots shall have setbacks as determined by the Owner and the La Plata County building department. As the proposal for the development of the **Future Residential** parcels are submitted, the massing of the units shall be evaluated using the same principles without specific restrictions.
- e. Attached multi-family units shall not have a footprint (including garage and fully enclosed decks or porches) greater than 1,600 square feet per unit and detached multi-family units shall not have a footprint greater than (including garage and fully enclosed decks or porches) 2,200 square feet or less than 900 square feet.
- f. Multi-family units may have, but are not required to have, a garage or carport. One objective of the Edgemont Highlands design guidelines is to discourage garages from facing the street. Therefore, owners are strongly encouraged to orient their garage doors in such a way that they do not face the street. Garages may be detached as long as the garage matches the architectural style of the house. A two-car garage is the maximum size allowed. If the garage faces the street, it is preferable that it be comprised of two one-car doors with a maximum width of ten feet per door, with an overall maximum width of twenty-six feet, and a maximum height of nine feet. The front facade of the house is encouraged to be at least four feet wider than the overall garage width. Minimization of snow shedding over garage doors is encouraged. The street face of the garage is encouraged to be recessed from the front façade of the house. If the garage is within ten feet of the front setback it is encouraged to have single width doors. Longer driveways are encouraged to be narrower. There is no predetermined limitation to the depth of a garage as long as the architectural element is proportional.
- g. Driveways: When driveways extend more than forty feet out toward the street from the garage entrance, driveways shall be tapered down to a maximum width of twelve feet (12’) at the entrance to the driveway from the street. Driveways with access points to two different streets are prohibited, however circular driveways with access points on one street may be allowed. Asphalt driveways must have a minimum structural section of 2-1/2” of hot-mixed asphalt over 4 inches of aggregate base. Concrete driveways must have 4” of concrete over 4” of aggregate base. Other permanent driveway surfaces will be considered upon submittal to the ARC.

4. Size Requirements and Building Type

- a. Attached townhomes: No more than four (4) family residences shall be contained within any single residential building. No unit may consist of less than 700 square feet of heated livable space. While there is no stated maximum on attached townhomes size, larger units will be required to be grouped in smaller numbers (duplexes or triplexes) to avoid building being out of scale with the rest of the community.
- b. Detached multi-family: Patio homes, cottages or other detached multi-family homes are defined as detached single-family residences with a limited footprint, and are created by a specific plat with other units. These units shall be no less than 1,000 square feet of heated livable space and no more than 2,800 square feet of heated livable space.

An applicant may apply for a variance on the maximum square footage of up to 20% of the maximum by demonstrating that the additional space is created without adding bulk to the exterior. An example of this would be including an upstairs bedroom within the roof structure by use of dormers. Approval is at sole discretion of ARC.

5. Exterior Mass and Form

The foremost objective of a house's exterior elevation shall be to reflect the architectural style, using approved materials, and shall strive to be harmonious with other houses and the natural surroundings. House designs should attempt to be lower in scale, asymmetrical and should avoid unbroken two story elevations. Introduction of different materials to ground the structure, the use of proper proportion and careful detailing are encouraged. For units on **Future Residential** lots the following requirements must be met:

- a. As much as possible, buildings shall strive to bring the massing down to the ground. This can be accomplished by following the natural terrain, use of stepped floor levels, dropping roof eaves and other similar measures. No three-story elevations are allowed. This is defined as three levels (including garage) where the exterior walls of the third level exceed four feet at the eave line, provided the first level is partially below grade to offset the height appearance.
- b. Generally, the second story portion of a building, including the garage, if on that level, should not exceed 60% of the first floor area (not including garage).
- c. The use of "roof space" as upper level living is encouraged through the use of dormers.
- d. Unbroken two story elevations are discouraged and not allowed on front elevations. Two story elements should be softened through the use of alternate materials and/or colors.
- e. Each home must have a covered entry porch. While there are no size requirements it should be proportional to and in keeping with the general architecture. Generally decks above front porch or two story front porches are discouraged.
- f. Porches, verandas, courtyards, patios or other features that encourage a relationship with the outdoor environment are encouraged and need to be an integral part of the overall design.
- g. If the garage faces the street and its façade is within ten feet of the front elevation of the house then the architectural character of the garage shall be in keeping with that of the house.

6. Height

Height limitation shall be thirty-two feet (32') from the first floor level to the highest point on the ridge, provided that the average distance from finish floor to finish grade averages 2' or less, and that no areas are greater than 5'. The average grade shall be determined by measuring at each corner and at fifteen foot increments along wall lines, centered between corners if less than thirty feet. Chimneys and other minor architectural features may be exempted from this height limitation at the discretion of the Architectural Review Committee. In no event shall the distance from finish grade to the highest ridge exceed thirty-five feet (35').

7. Exterior Materials

The harmonious use of exterior materials will help provide both a sense of unity as well as individual expression. An important component in the architectural style is the inclusion of texture such as that provided by shingles, board and batten, stone and timbers. Exterior elevations must use a blend of two or

three of the four approved material types. If only two materials are used, then the architectural style shall incorporate an additional color. The four types with their use requirements are:

- a. Stucco: A hard coat or EIFS stucco can be used with a finish coat color selected from the approved color list or alternate color approved by the ARC. The stucco element must be used in conjunction with two other elements (with the stucco below) and cannot comprise more than 70% of the entire exterior wall surfaces and no more than 50% of elevation (or elevations) that face the street. Two story unbroken stucco elements are not allowed.
- b. Siding material: A variety of materials may be used within this category and are noted below. Siding Materials shall not exceed more than 70% of the entire exterior wall surfaces and no more than 60% of elevation or elevations that face the street. Note that large expanses of painted surfaces are not encouraged and may not be approved.
 - i. Wood siding: A variety of types may be used including T&G, vertical board and batt, shiplap, channel rustic and similar patterns. Wood must be stained for purposes of durability on all sides before installation from approved stain colors and must be touched up after installation.
 - ii. Synthetic wood: Synthetic wood materials, including, but not limited to hardiplank and masonite, are approved. Any synthetic wood product subject to shrinkage must be either painted or stained on all sides before installation from approved paint or stain colors and must be touched up after installation.
 - iii. Limited applications of non-shiny corrugated metal will be considered for approval in accent applications.
 - iv. Poured concrete walls if stained appropriate color and used as a limited accent.
 - v. These approved siding materials can qualify as two of the three required materials by using a combination of types and color applications, subject to the approval of the ARC.
- c. Stone: A variety of real and synthetic stone is approved for use. Its use should be to help “anchor” the home, provide material variety and meet the variety of materials requirements. Uses of stone work to “ground”, lend strength to chimneys and other pop outs, break up vertical features, strengthen columns and give street elevation richness are encouraged. The approved list of stones provides a palette of choices. Other stones that blend with the approved materials of the palette will be considered for approval. River rock is absent from the approved list as it is not indicative of the natural rock of the area. These guidelines apply only to exterior stone. In the proper application, masonry block or cast in place concrete could also be used.
- d. Timbers, logs and beams: Timbers, logs and beams are described as wood members 4x6 and larger. The use of timbers, logs and beams to support porches or entry roofs, form exposed trusses, embellish dormers, trim window features or other similar uses is highly encouraged. There is no % use requirement but their use is encouraged to promote richness of design, variety of material and community style. While not prohibited, the use of log accents will be given higher scrutiny and will mostly be allowed in conjunction with timbers, and as columns.
- e. Exterior Colors: Approved color palettes will be provided for surfaces that will receive stain or paint. These will be identified for “base” and “accent” application. At the discretion of the ARC colors can be added as the development warrants and subtracted from if the ARC determines, at its sole discretion, that particular colors are overused. An applicant should not assume that choosing an approved color for any application will be approved. The colors need to be used in proper

combinations and proportions. Color variation is required and can help create interest and provide required variety on larger architectural elements. The approval of colors will also be influenced by colors schemes of surrounding homes. Potential use of colors will be addressed in the pre-design meeting.

- f. Window Colors: Darker colors are encouraged. If approved, white or light colors will be limited in application.

8. Roofs

- a. Roof forms will be one of the most dominant architectural features. For this reason the roof design will be one of the most carefully considered elements of the ARC review. The guidelines put forth are intended only as a template for neighborhood continuity. Each roof will be considered on its own merits as it relates to the entire design.
- i. Large, unbroken expanses of a single pitch are not encouraged. Ideally a roof will have several different planes and pitches to create interest. Simpler roof forms can be approved with more scrutiny to proportions and fascia details.
 - ii. The main roof pitch area shall have a pitch from 8/12 to 12/12. Porches, dormers and other small areas can be as shallow as 2/12.
 - iii. Pitches less than 2/12 or flat areas are approvable if they comprise no more than 10% of roof area.
 - iv. The use of gabled, hipped or shed dormers is encouraged.
 - v. At least 60% of the roof eaves shall be within 15' from natural grade.
 - vi. Generally more typical roof forms such as hip, gable, shed and combinations thereof are encouraged. Gabled main roofs are encouraged. Hips and sheds will be considered. Forms such as mansard, flat and a-frame are not allowed. Turret type roofs will be considered if used in small areas.
- b. Roof materials: All roofs must be class A fire rated. A variety of roof materials are approved with more stringent consideration given to the harmoniousness within the community and the surrounding houses.
- i. Composition shingles: Composition shingles are approved as long as they are "architectural" grade and from the approved colors. As new colors and styles are introduced and accepted, they will be added to the approved list. No "three tab" (flat) shingles or 90 lb. rolled composition paper are allowed.
 - ii. Metal roofs: Metal roofs are approvable but with more restrictions and guidelines.
 - No shiny, reflective or brightly colored roofs are approved.
 - The use of approved metal is encouraged for accent in conjunction with other roofing material.
 - Rusty metal such as Korten steel, etched galvanized, black iron or other naturally rusty color is an approvable material.
 - Standard "pro-panel" type roofs are discouraged unless roofline is less prominent, only approved colors will be considered.
 - Alternate metal type or designs will be considered if submitted.
 - iii. Wood roofs: Because of the fire danger and generally inferior longevity of wood roofs in our climate, wood shake or shingle roofs are prohibited.
 - iv. Other materials: There is a wide variety of other more exotic roof materials available. These include synthetic shakes, real and imitation slate, concrete tiles, copper and many others. These will

be reviewed individually on the basis of appropriateness to architectural style, color and harmony of texture to other roofs.

9. Exterior Detailing

Exterior details such as fascia, soffit, windows, window trim, vents etc. are important features and should be given careful consideration. Special attention should be given to the consistency of materials, proportions and execution details.

Homes shall have address identification of a contrasting color but shall be consistent with the home's materials, finishes and color palette. Letters and numerals may be no larger than 4 inches in width and 6 inches in height and no smaller than 4 inches in height.

10. Foundations and Foundation Vents

Owners are required to perform a subsurface soils investigation prior to foundation design and approval. Care should be taken to avoid large areas of untreated gray concrete stem walls showing. This is especially critical on sloped sites. Generally any continuously exposed stem wall that shows more than one foot and especially stepped stem walls should be treated. This includes but is not limited to: use of colored concrete in pour, staining or painting concrete, stucco color coat or extending stucco or siding down. Foundation Vents and other miscellaneous exterior metals shall be a matte or dull finish. Shiny and reflective metal shall be avoided.

11. Chimneys

Chimneys are often strong visual elements since they are required to extend above a roof. Chimneys, whether full masonry or "zero-clearance" inserts, shall be of proper proportion and finished to match or compliment other features. Exposed metal flues are not allowed except termination caps or spark screens. County approved spark arrestors must be used and shall be architecturally acceptable to the overall form of the chimney. It is preferred that chimneys be clad in stucco or stone.

12. Roof and Wall Penetrations

Care should be taken to locate all plumbing vents, exhaust vents or other roof or wall penetrations in the least visible location from the street view and as close to ridge as possible. They need to be painted a color to reasonably match the roof color.

13. Detached Structures

Site conditions and good architectural practices in avoiding overly large massing will sometimes suggest detaching the garage or other element from the main structure. The thoughtful exercise of this practice is encouraged where it is accomplished by creating a feeling of being an integrated, necessary part of the whole structure. This principal extends to any connecting breezeways or covered walks.

14. Accessory Structures

Patios, decks, trellises, gazebos, attached storage sheds and other approved appurtenant improvements shall be integrally consistent with colors, materials and architectural forms of the house and must be approved by the ARC prior to construction.

15. Antennas

Antennas, dishes or other communication or transmission devices, if allowed by the Rules and Regulations, must be installed in the least conspicuous location.

16. Awnings

Awnings are allowed to provide shade over windows. Full extension awnings that become covered porches are not allowed. Materials and colors must be approved by ARC.

17. Mechanical Equipment

All mechanical equipment shall be installed inside the house whenever possible. Air conditioning equipment or other equipment that must be installed outside shall be located away from view as is reasonably possible and in all cases screened from view.

18. Solar Equipment

Solar panels for electricity, heat or hot water are encouraged if carefully integrated into the architectural design.

19. Exterior Lighting

In order to ensure the rural character and to preserve views of the night sky, exterior lighting shall be kept to a minimum and used to provide safe entry at doors, decks, porches and walks. Shielded bulbs shall be used. Landscaping lighting is limited to low shielded lights on walks, and limited areas of entry on decks. The primary consideration once safety and access are satisfied shall be to make sure lighting does not infringe on neighbors. These regulations may be added to if La Plata County adopts a formal "dark skies" ordinance.

20. Fireplaces

Wood burning stoves and fireplaces are not allowed as the primary source of heat within Edgemont Highlands. As part of being an ecologically responsible community, we promote clean air practices. To further this mission, community members are encouraged to choose EPA approved wood burning or gas stoves with glass fronts or EPA approved wood burning or gas fireplaces with glass fronts. Owners choosing to install non-EPA approved stove or fireplace units, or EPA approved units that do not have glass fronts will be charged \$500, with \$250 of the fee going to San Juan Basin Health for ongoing public education and the balance going to the Edgemont Highlands Community Association, Inc. to be used as the Association sees fit to promote ecological practices and education within the community. Full masonry fireplace are considered to be non-EPA approved. A maximum of one (1) non-glass fronted EPA approved stove or fireplace, one non-EPA approved stove or fireplace or one (1) full masonry fireplace is allowed per home.

21. Manufactured Homes

Partially pre-manufactured, kit or modular homes are not specifically prohibited in Edgemont Highlands. These homes must meet the Architectural Guidelines in all respects and not be visibly different because of their being a modular, kit or partially pre-manufactured. Mobile homes are strictly prohibited even if installed on a permanent foundation. The determination of what constitutes a mobile home is left to the discretion of the Declarant and/or Architectural Review Committee.

22. Wildfire Mitigation

As outlined in the Amended and Restated Declaration, homeowners are required to install and maintain defensible space around their home.

23. Sheds

Sheds may be allowed by the ARC, provided plans are submitted and approved, sizing is appropriate, materials and colors are compatible with the home and the shed does not pose a negative visual impact to neighboring properties.

24. Construction Guidelines

Owner/Builders of units on **Future Residential** lots must follow the same construction guidelines set forth in the Architectural Guidelines for Edgemont Highlands as exhibited in the Amended and Restated Declaration.

25. Builder and Quality Requirements

Owner/Builders of units on **Future Residential** lots must meet the same builder and quality requirements set forth in the Architectural Guidelines for Edgemont Highlands as exhibited in the Amended and Restated Declaration.

26. Project Submittal

The Developer/Builder of a **Future Residential** parcel shall submit a construction schedule detailing the timely and orderly build-out of the project to the ARC. The ARC may advise Developer/Builder as to a minimum and/or maximum number of units to be constructed at one time.

27. Single Family Re-Development

Should the Owner/Developer/Builder of a lot designated as **Future Residential** wish to develop said lot as single-family parcels, the Owner/Developer/Builder shall be required to submit a subdivision plan that meets the same single-family standards of development achieved in prior phases of Edgemont Highlands. These standards include, but are not limited to, lot size, open space contiguity, setbacks, trail access and trail connectivity.

28. General Provisions

If any of the provisions of this Amendment or any paragraph, sentence, clause, phrase or word, or the application therein in any circumstance be invalidated, such invalidity shall not affect the validity of the remainder of this Amendment, and the application of any such provisions, paragraph, sentence, clause, phrase or word in any other circumstances shall not be affected thereby. Except to the extent expressly defined otherwise herein, the terms used in this instrument shall have the same meaning as set forth in Amended and Restated Declaration and/or Governing Documents of Edgemont Highlands. Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

IN WITNESS WHEREOF, the undersigned, being the Co-Declarants herein, have hereunto set its hand and seal on the dates set forth opposite its signature.

HIGHLANDS DEVELOPMENT II, LLC, a Colorado Limited Liability Company

By: Tom D. Gorton, Inc., a Colorado corporation, Manager

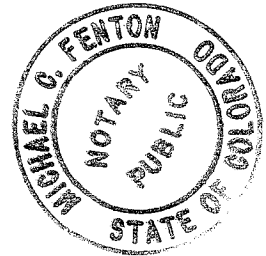
By *Tom D. Gorton*
Tom D. Gorton, President

HIGHLANDS DEVELOPMENT IV, LLC, a Colorado Limited Liability Company

By: Tom D. Gorton, Inc., a Colorado corporation, Manager

By *Tom D. Gorton*
Tom D. Gorton, President

STATE OF COLORADO)
) ss.
County of La Plata)



The foregoing instrument was acknowledged before me this 27th day of March, 2009, by Tom D. Gorton as President of Tom D. Gorton, Inc., a Colorado corporation, as Manager of HIGHLANDS DEVELOPMENT II, LLC, a Colorado Limited Liability Company and HIGHLANDS DEVELOPMENT IV, LLC, a Colorado Limited Liability Company.

My commission expires: 2-3-2013

Witness my hand and official seal.

Michael C. Fenton
Notary Public