

DRC Review at several meetings
Board Reviews on 7-20-2018 and 8-18-2018

Covenant References:

ARTICLE I: Purpose

It is the intention of the Declarants, expressed their execution of this instrument, that the real property above described be developed and maintained as a highly desirable, rural residential and recreational area. It is the purpose of these covenants that the present natural beauty, natural growth and native setting and surroundings of Arrowhead in Gunnison Country Subdivision, and the property values and amenities thereon shall always be protected insofar as is possible in connection with the uses and structures permitted by this instrument and that high standards of architectural quality be maintained.

ARTICLE II: Definitions

2. **ASSOCIATION:** The Arrowhead Improvements Association, Inc., a Colorado corporation organized to take title to the common areas and roads, to regulate the use of sites and common areas in conformity with this Declaration, **to adopt and enforce design guidelines** for implementation of ~~—~~these covenants and to assess members therefor.
10. **SINGLE FAMILY RESIDENCE:** A building used and designed exclusively for occupancy by one family and its guests except as set forth in Paragraph 7 hereof.
11. **SITE:** A lot within the subdivision reserved for sale to individual owners for use as a single family residence or single family camp site. Ownership of a site carries with it compulsory membership in the Association.
3. Number of Residences. Only one single family residence designed for the occupancy of one family and its guests shall be permitted on each site.
7. Camping or Recreational Vehicle Use. Camping in tents, camper trucks, recreational vehicles or camping trailers by owners shall be permitted. However, all camping equipment, including but not limited to, tents, motor homes, camp trailers, truck campers, self-contained RV's and related supporting equipment must be removed from the sites and the boundaries of Arrowhead in Gunnison Country Subdivision prior to the date designated each year by the Board of Directors, notice of which shall be provided to all owners at least 30 calendar days prior to such effective date. Any vehicle or equipment left within the Subdivision after said date shall be considered abandoned as set forth herein.

12. Permit Required. Prior to construction of any structure, installation of any driveway or utility service, or removal of any living trees, the site owner shall obtain a design review permit. This permit is required to obtain a Gunnison County Building Permit.[BS1]

25. Utilities. All utility lines must be placed underground. Individual site owners are responsible for connecting to such services in accordance with the provider's requirements[BS2].

ARTICLE V: Ownership and Use of Common Areas

6. Utility Easements. A perpetual easement for ingress and egress and for the installation and maintenance of water installations and lines, sewer lines, and other utilities is reserved and dedicated over and through the roads and street with in Arrowhead in Gunnison Country Subdivision subject to ownership by Gunnison County, provided such roads and streets are dedicated thereto and accepted thereby at any time in the future. There shall be a further easement upon all of the common area in that they shall likewise be available for use for drainage, driveway, electricity, gas lines, water lines or installations, telephone lines, sewer lines and other utilities to be furnished to the sites. The exact location of these must be approved by the Board of Directors, which may delegate this responsibility to the Design Review Committee. Both types of easements granted in this paragraph shall be utilized only in a reasonable and prudent manner and as approved by the Association and shall be reserved to the Developer, the Association, the site owners, the County of Gunnison and the person or persons owning or maintaining the utility or service in question.[BS3]

ARTICLE VI: The Association

The Association's powers and duties shall include but not be limited to:

- c. approving or disapproving any and all types of construction within Arrowhead in Gunnison Country subdivision (which authority may be delegated to the Design Review Committee);
- g. adopting reasonable rules and regulations to insure compliance with these Covenants and the Design Guidelines;
- h. interpreting any of the provisions of these Protective Covenants or the Design Guidelines;

Covenant References:

5. **DESIGN REVIEW COMMITTEE:** A committee appointed by the Board of Directors to exercise all the duties and responsibilities regarding design review set forth in this instrument and the Design Guidelines authorized herein.

7. **HOME OCCUPATION:** A use conducted totally within the confines of a single family residence which is incidental to and secondary to use of the residence for residential purposes and which does not change the residential character thereof nor the residential character of the neighborhood, and in which any noise or activity related to such incidental and secondary use does not interfere with the quiet and dignity of the neighborhood. No person other than the occupants may be employed for such home occupation use.

ARTICLE IV: Use of Sites

1. Residential Use Only. All sites within the subdivision shall be used exclusively for single family residential purposes; provided, however, that home occupations as defined herein shall be permitted so long as the same are conducted in keeping with the requirements hereof and no commercial advertising is conducted upon the site.

Design Regulation

USE OF SITES

The following rules, regulations, and restrictions are hereby established for the purpose of governing site usage within Arrowhead.

RESIDENTIAL USE ONLY

All sites within Arrowhead shall be used exclusively for single-family residential purposes; provided, however, that home occupations as defined in the Covenants shall be permitted so long as they are in keeping with the requirements therein and that no commercial advertising is conducted upon the site. Only one single-family residence designed for the occupancy of one family and their guests shall be permitted. ~~on each camping site. Review the camping regulations for any limitations and instructions for registering a 2nd guest RV.~~ [BS4]

STRUCTURE LIMITATIONS

(1) ~~Temporary - Trailers, motor homes, truck campers, tents, teepees, yurts, fabric~~ [BS5] ~~structures, modular home, manufactured or prefabricated home, mobile home~~ [BS6] ~~or other such structures of a temporary nature may not be placed on a site for use as a permanent building. Temporary structures used as a camping dwelling without adequate septic facilities shall have private, portable, or self- contained accommodation.~~ [WU7] ~~Pit toilet violations will require immediate removal and may be subject to a \$500 fine pursuant to the fine schedule~~ [BS8].

(2) ~~Permanent - Construction of permanent dwellings, sheds, and garages shall be in compliance with regulations set forth elsewhere in these Regulations. No pit toilets may be constructed or maintained on a site. Abandoned pit toilets must be removed by the lot owner or may be removed by the Association at the lot owner's expense. Temporary structures used as a camping dwelling without~~

~~adequate septic facilities shall have private, portable, or self-contained accommodation. Construction of permanent dwellings, driveways, sheds, decks, garages and solar panels shall be in compliance with the Design Regulations set forth elsewhere in these Regulations. Pit toilet violations will require immediate removal and may be subject to a \$500 fine pursuant to the fine schedule.~~

Covenant References:

5. Used Structures. No existing structures may be moved onto a site from another location. All construction must be new.

NEW PREFABRICATED OR USED STRUCTURES

No prefabricated, modular, cellular or existing structures are approved within Arrowhead. All construction on a site must be new. This includes, but is not limited to homes, garages, or parts thereof that could be transported from another location for purposes of installation upon a site.

New prefabricated sheds, meeting all DRC specifications for size, snow load, exterior siding, roofing materials, may be approved for transport and installation from an offsite location with prior review of plans and issuance of a DRC permit^[EF9].

With prior approval, and a variance, the DRC may approve an existing shed (only previously approved construction permitted by the DRC) may be moved from one site to another within Arrowhead^[EF10].

Moving an existing structure onto a site, without a permit issued by DRC, may^[BS11] result in a fine of \$500.00, as well as removing the structure pursuant to the fine schedule^[BS12].

PURPOSE AND SCOPE OF THE DESIGN REVIEW COMMITTEE (DRC)

1. The purpose of the Design Review Committee (DRC) is to uphold the Declaration of Protective Covenants by assisting owners during development, construction or improvements on their site. Further the DRC ensures owners seek the proper approvals before and during the process. By doing so, the DRC will:

- ~~• To maintain the natural beauty, natural growth, and native settings and surroundings of Arrowhead^[BS13],~~
- ~~• To protect the property values and amenities in connection with the uses and structures permitted, and~~
- ~~• To maintain high standards of architectural and structural quality.~~

2. The DRC will act as a resource to guide homeowners in accordance with the AIA Declararion of Protective Covenants, Regulations and Restrictions and Design GuidelinesRegulations. The guidelinesDesign Regulations and standards established by the DRC help owners work with their professional team: architect, engineer, contractor and builder.

3. The DRC works together with property owners when they:

- establish driveways and access to a site,
- increase a parking or driveway area, [BS14]
- install utilities or solar panels,
- create an RV pad or RV deck,
- build a house,
- build a shed,
- build a deck,
- build a detached garage,
- make exterior changes to an existing house or site,
- establish screening, fences or dog run areas,
- other exterior modifications not outlined above.[BS15]

4. The DRC issues a signed permit prior to Gunnison County issuing a building permit for projects which require a permit from the Building Office in Gunnison County, except for an OWTS, which is handled directly by Gunnison County.

5. Members of the DRC are property owners in Arrowhead and have been appointed by the AIA Board of Directors under the guidance of the Design Review Manager.

- ~~• To maintain the natural beauty, natural growth, and native settings and surroundings of Arrowhead,~~
- ~~• To protect the property values and amenities in connection with the uses and structures permitted, and~~

~~To maintain high standards of architectural quality.~~

The Design Regulations are ~~more~~ specific and detailed and, in some cases, interpret and expand upon the language in the Covenants. In the event of any substantive conflict between the Covenants and these Design Regulations, the Covenants shall prevail.

Covenant References:

ARTICLE III: Design Review

1. The Design Review Committee shall be appointed from members of the Association or the Developer by the Board of Directors, who shall set the number of members thereof. The members shall perform services pursuant to this Declaration as directed by the Board of Directors. A majority vote of the members of the committee shall be sufficient for all decisions.

The members of the Committee shall be entitled to reimbursement for out-of-pocket expenses incurred in the performance of their duties and may use the services of a consultant and charge a reasonable, nonrefundable sum not exceeding \$100 for each set of plans submitted in order to defray such expenses. Any consultant used shall not have the power to vote upon any plan.

The Committee shall act upon any plans submitted to it within 60 days of receipt thereof unless it notifies the owner who submitted such plans that the information provided is insufficient for it to take action. Failure by the Committee to act on plans submitted to it within 60 days shall be deemed to be approval thereof, unless additional information was requested from the owner within 60 days of receipt of the plans. The Committee shall keep a written record of all actions taken and shall retain one copy of all plans submitted.

The Committee may meet in person, by telephone or by mail and may make such rules and regulations and adopt such procedures as are appropriate to govern its proceedings.

The committee and the Board of Directors shall not be liable for any damages to any person or entity submitting plans for approval or to any owner of land within Arrowhead in Gunnison Country Subdivision by any action, failure to act, approval, disapproval, or failure to approve or disapprove with regard to any plan.

Any person or entity acquiring title to any property in Arrowhead in Gunnison Country, or any person submitting plans to the Committee for approval, by so doing does agree and covenant that he or it will not bring any action or suit to recover damages against the Committee, its members as individuals, the Board of Directors, its members as individuals or its advisors, employees or agents.

DESIGN REVIEW COMMITTEE (DRC)

The Board charges the Design Review Committee (DRC) with the responsibility of enforcing the Design Regulations.

~~1. PURPOSE~~

~~The purpose of the Committee is to establish a harmonious design for the community and to protect and promote the ^[BS16] value of the properties in keeping with the Design Regulations.~~

~~COMMITTEE DRC RESPONSIBILITIES~~^[BS17]

- ~~(1) The Committee DRC members will be appointed by the Board of Directors, ~~which shall set the number of members.~~~~
- ~~(2) The number of members is based upon the administrative needs of the committee DRC and the community activity.~~
- ~~(3) The members shall perform services pursuant to the Design Regulations as directed by the Board.~~
- ~~(4) The Committee DRC may meet in person, by telephone, by email, or by mail for the purpose of conducting its business and will keep the Board advised as to Committee DRC actions regarding plans submittals, approvals, and disapprovals.~~
- ~~(5) At a consensus of at least three four (4) members ^[BS18] present at the Committee DRC meeting shall be sufficient for all decisions. If more members are present then when consensus cannot be achieved, a motion for approval is determined by the majority of members. The AIA Board's Design Review DRC Liaison may be consulted when consensus cannot be achieved or a decision is split.~~
- ~~(6) Permits issued by the DRC require a review of a minimum of 4 committee members for a house and a minimum of 2 signatures for all other permits~~^[BS19].
- ~~(7) A Committee DRC representative will present a report of the Committee's DRC's actions at each AIA Board meeting.~~

WRITTEN RECORDS

The Committee DRC shall keep and permanently safeguard all written records of all applications for approval submitted to it (including one set of all architectural plans), all actions of approval or disapproval and all other actions taken under the provisions of this Instrument. Record retention may be file copies or an electronic repository.

Records must be clear and include measurements, fixed property structures or markers such as electrical boxes, fire hydrants, specific details and fixed natural landscape markers for reference.

The records must be supported by photos, and/or drawings, to show marked tree removal and/or flagging and staking of the plan.

~~COMMITTEE DRC NOT LIABLE~~

The [Committee-DRC](#) and the Board shall not be liable for any damages to any person or entity submitting plans for failure to act, failure to approve, or failure to disapprove plans. Any person or entity acquiring the title to any property in Arrowhead, or any person or entity submitting plans to the [Committee-DRC](#) for approval, by so doing, does agree that he or it will not bring any action or suit to recover damages against the [Committee-DRC](#) or [the AIA](#) Board, their members as individuals, their advisors, employees or agents.

[COMMITTEE-DRC](#) RULES

The [Committee-DRC](#) shall make such rules and regulations and adopt such procedures, subject to approval by the [AIA](#) Board, as are appropriate to govern its proceedings.

[DRC CONFIDENTIALITY AGREEMENT](#)

All committee members agree to sign the “Design Review Committee – Confidentiality Statement & Agreement to Serve^[BS20]” upon appointment.

Covenant References:

9. PLANS: Documentation sufficient as determined by the Design Review Committee or set forth herein to enable the Committee to review proposed construction or improvements for the purpose of approval or denial thereof. The Design Review Committee may set reasonable standards with approval of the Board of Directors for plans submitted in keeping with this [Declaration^{\[BS21\]}](#).

2. Plan Submittal

No building or remodeling of any building, fence, wall or other structure, nor leveling and/or removal of dirt and rocks nor the cutting of living trees and other plant life shall be commenced, erected, or maintained until the plans and specifications therefor have been submitted to the Design Review Committee. Such submittal shall include but may not be limited to:

- a. A plot plan showing the location of any improvement whatsoever including but not limited to any building or structure, driveway, utilities, storage areas, dog runs, interior fences, etc.
- b. Plans and specifications of sufficient specificity for Committee review for any structure or improvement prepared by the site owner, _____a contractor, an architect or a professional engineer.
- c. Samples of the principal exterior walls and roof materials and color schemes for same.

The Committee shall review and act upon any plans before a building permit is sought from Gunnison County and a copy of the Design Review Permit shall be provided by the Committee to Gunnison County and the owner.

In acting upon plans submitted to it, the Committee shall require compliance with this Declaration and the Design Guidelines. The Committee will consider the suitability of the proposed plan and/or structure and the harmony thereof with the environment and character of the neighborhood, the effect of such structure on the utilization and view of the site upon which it will be built and any obvious interferences, impairment or restrictions of view of adjacent property as well as placement of structures with respect to topography, ground elevations and existing natural and terrain features.

The Association, acting through its Board of Directors, has adopted and, from time to time, may amend Design Guidelines consistent with the express provisions or implied purposes of this Declaration of Protective Covenants. Said Design Guidelines govern, but are not necessarily limited to, the following: Use of sites within Arrowhead in Gunnison Country subdivision; animal and pet control; noxious, offensive or dangerous activities; nuisances; maintenance; financial matters; procedures for enforcement of these Covenants and the Guidelines themselves; interpretation and clarification of the Covenants and Guidelines; building and vegetation control; and design and construction matters.

DESIGN REGULATIONS

PLANS

Owners who anticipate constructing new buildings, any structure, or making construction improvements including any changes which will alter the appearance or dimensions of an existing structure must first submit one (1) complete set of plans for construction, alterations, and/or improvements to the [Committee DRC](#) for approval prior to the time any construction, clearing of live trees, or excavation is commenced. The request for approval by the [Committee DRC](#) shall have attached the following documents:

- (1) A plot plan showing the location of any improvement, including but not limited to any building or structure or improvement. Said plot plan will identify the ~~Lot, Block, and~~ Filing, Block and [Lot_{\[BS22\]}](#) of the site where construction is anticipated.
- (2) One complete set of architectural plans and specifications for such building, structure, or addition. Such plans shall be as complete as possible with all dimensions noted and shall include a sketch of the building on the lot and exterior presentations of the building.
- (3) Descriptions of exterior materials for walls and roof and color schemes for building plans need to be presented, including samples and/or color charts of described materials. The exterior of buildings must be logs, natural wood siding, or a cement fireproof material that has all appearances of a natural wood product as approved by the [Design Review Committee DRC](#). Stone, rusted metal, and other materials as approved by the [Design Review Committee DRC](#) may be used to cover foundations and stem walls [to a maximum height of 4 feet. Walkout basement walls may be covered wuth rusted metal, stone or other materials approved by the DRC to the base of the main structure's first\(1st\) floor.](#)^[WU23] Roof surfaces will be constructed of steel or other materials pre-approved by

the committee. Roof considerations are dictated by fire retardancy as well as snow shedding capability^[BS24]. Both roofs and exterior walls will be of a color that harmonizes with the local environment and receives approval by the Committee DRC.

(4) Contractor's name, address, and telephone number must be submitted. ~~Plans will not be accepted if the contractor is in violation of Design Regulations~~^[BS25].

DRC COMMITTEE CONSIDERATIONS

The Committee DRC shall consider the suitability of the proposed building or improvement, the harmony thereof with the environment, the effect of such building upon the utilization and view of the lot upon which the same will be built and the obvious interferences, impairment and/or restriction of view, if any, of adjacent property and placement of the building with respect to topography, ground elevations, and existing natural and terrain features. In this regard, best efforts will be made to minimize the restriction, impairment and/or interference of view and solar access that any one building shall have upon that of all other existing buildings. ~~In order for~~ Before the Committee DRC ~~to~~ considers the proposed building or improvement, the owner must stake the site placement of the building or improvement.

REVIEW OF PLANS

The Committee DRC shall act on submitted plans for a proposed building or improvement within sixty (60) days and, upon the determination that all supporting data is sufficient, shall in writing approve, disapprove, or approve with conditions. The committee may ask for more information or supporting data.

(1) The Committee DRC shall review and act upon any plans before a building permit is sought from Gunnison County and two copies of the Design Review DRC Permit shall be provided by the Committee DRC to the owner for use of the owner and Gunnison County. The Committee DRC shall retain one set of plans.

(2) All applications for Committee DRC action shall be accompanied by a non-refundable application fee. ~~See the fee schedule in Section I: Article 2.5. (2). Permits Required.~~

(3) The Committee DRC shall disapprove any architectural plans submitted which are not sufficient for it to exercise the judgment required of it by these Design Regulations. The Committee DRC will indicate what additional information is needed, and a new time period (60-days) will commence when the required data is received with no additional fee required.

(4) The Committee DRC may use the services of a consultant, but any such consultant used shall not have the power to vote upon any plan.

- (5) The members of the [Committee-DRC](#) shall be entitled to reimbursement for out-of-pocket expenses incurred in the performance of their duties as the budget dictates.
- (6) Changes in building plans, which would result in construction differing from original plans ~~with regard to the~~ and specifications set forth in these Design Regulations, shall be resubmitted to the [Committee-DRC](#) for re-approval before construction is initiated or resumed. ~~(Fine: Section III: Article 2.3.a.(ii) Failure to obtain approval or failure to follow approved plans may result in a fine of \$1,000.00 pursuant to the fine schedule^[BS26].~~
- (7) The [Committee-DRC](#) will visit and inspect the building during construction until completion. Permission for the visits will be agreed upon and signed on the [design-DRC review P](#) permit.
- (8) A building must be dried-in within three (3) years of approval. The term “dried-in” means that all exterior surfaces are completely finished (i.e., foundation, floor, framing, windows, doors, siding, stained or painted, roofing, decks, steps, etc.). Failure to complete ‘Dry-In’ with the 3 years may result in a fine of \$~~500~~1,000^[EF27].00 pursuant to the fine schedule^[BS28]. This fine may be reassessed annually until completion.
- (9) When unforeseen circumstances prevent timely completion the property owner may request a reasonable extension period to be granted by the DRC on a case by case basis.

Covenant References:

3. Driveways

Driveway design and layout is subject to review by the Design Review Committee or its appointee to minimize costs for installation of driveways or connection to utilities located along them, to minimize the number of trees that need to be removed, to permit a width that will allow passage of fire equipment, to allow for shared driveways where feasible and appropriate, and to assure that the driveway is in character with the area. A reasonable fee for performance of this service shall be assessed.

DRIVEWAYS AND LOT ELEVATION

- (1) Driveway design and layout is subject to review by the [CommitteeDRC](#),
- a. To [help property owners](#) minimize costs for installation of driveways or connection to utilities located along them,
 - b. To minimize the number of trees ~~that need requiring to be removed~~, reduce disturbance to the natural beauty of the area and any necessary revegetation requirements^[BS29].
 - c. To permit a ~~width design that will allow~~ which allows passage or turn-around of emergency vehicles; whenever possible.

- d. To allow for shared driveways where feasible and appropriate,
- e. To assure ~~that~~ the driveway is in character with the area, and to ~~assure-ensure that~~ a culvert is installed by the owner, as if necessary, to prevent erosion of filing roads.
- (2) ~~See the Fee Schedule, Section I: Article 2.5. (2) a. Permits Required.~~ The issuance of a driveway permit automatically grants the Committee-DRC access to the driveway for final inspection. See the Fee Schedule, Section I: Article 2.5. (2) a. Permits Required.
- (3) The following driveway standards are ~~consistent with the driveway standards~~ established by Gunnison County, and specific, for Arrowhead. Therefore, variances from these standards must be approved by ~~both the Board and Gunnison County~~ the DRC.
- a. All driveways shall have a minimum surface width of fourteen (14) feet at the edge of the filing road, taper to a minimum surface width of twelve (12) feet at a distance of six (6) feet from the edge of the filing road, and maintain this surface width to the end of the driveway. Additionally, ~~on~~ any driveway curve ~~over-greater than~~ forty-five (45) degrees, with bordering trees, should be at least fourteen (14) ~~feet apartwide~~. Additional clearing may be required ~~by the Committee~~ to facilitate emergency vehicle access.
- b. Since most of the surface is rock and it is generally dry when the roads are open, driveway surfaces may be of native material ~~as long as they are~~ sufficiently smooth to accommodate a two (2) wheel drive car. If a driveway passes through a boggy area, gravel will be required.
- c. The maximum grades for driveways shall be fifteen (15) percent, whenever possible^[BS30].
- d. The horizontal axis of an approach to a filing road shall be at a right angle (90 degrees) to the center line of the roadway where possible. An angle between ninety (90) and forty-five (45) degrees shall be permitted if it can be shown that physical constraints exist that require an approach angle of less than ninety (90) degrees. Curved driveways will often be required to meet approach and/or grade requirements, to move from common land to private lots.^[BS31]
- e. ~~No more than one~~One driveway approach, or common driveway to service several lots, from a filing road shall be allowed on any lot. Secondary accesses variances from a common driveway may also be considered and approved by the DRC on a case-by-case basis
- f. Driveway development design and approval must also consider neighboring lots and the future access required for those lots as well as the ease of access for emergency vehicles.^[BS32]
- f. ~~Driveways into a lot shall have a loop design or a "Y" or "T" turnaround adequate to accommodate emergency service vehicles~~^[BS33]. ~~Turnarounds shall be a minimum of twenty (20) feet from any flammable structure.~~
- g. No overhead entry structures are allowed.
- h. Common-Shared driveways ~~on common areas owned by the Association are~~ will be encouraged established, whenever possible. There is no limitation on the number of lots served by a common driveway.

~~Driveway entrances and exits may lead to an established common driveway, to present a drive-through, as long as there is no more than one driveway approach from the filing road.~~

i. ~~A driveway~~Driveways and common, or shared, driveways are ~~is~~ defined as a private vehicular access for the exclusive use of the owner-occupants and their guests and ~~is are~~ not considered an AIA filing road ~~or highway and are, not maintained by the Association~~AIA and all maintenance is the ~~sole~~^[BS34] responsibility of the owner(s).~~:-~~

~~i.~~ Once the ~~Committee~~DRC approves the driveway plan, the owner has two (2) years to complete construction of the driveway, or the approval is void and the owner must reapply. ~~A new fee will~~may also be required. ~~See the Fee Schedule, Section I: Article 2.5. (2)~~
a. ~~Permits Required.~~

k. Upon completion of driveway construction, the owner should contact the ~~Committee~~DRC so that a final inspection can be completed. Upon final approval, the ~~Committee~~DRC will provide written documentation of approval, ~~to the owner,~~ for submission to the Gunnison County Building ~~Inspector at the framing~~during their inspection^[BS35] ~~process~~ Department^[BS36].

l. Every address should reflect the filing road used to access the property. Property address numbers should be in sequence with the surrounding address numbers on the same filing road. When necessary, existing addresses will be changed by the ~~Design Review Committee~~DRC to indicate a change of access road, and this information will be provided to Gunnison County.

m. Driveway culverts shall be a minimum of ~~12-10~~ inches in diameter, ~~whenever possible,~~ (or an equivalent cross-sectional area) and shall be constructed from corrugated steel 16 gauge or thicker. ~~or Properly designed, engineered and installed products of equivalent strength, durability and weight bearing capability will also be considered and evaluated for approval~~^[BS37]. ~~or reinforced concrete.~~ Culverts shall be bedded and backfilled with ~~Class 6 excavated material and/or~~ road base gravel. Back fill will usually extend below the culvert to solid, undisturbed native soil, extend the full width of the pipe, and extend above the pipe to meet grade. ~~Members of the Association~~The DRC may refer property owners/contractors to the AIA road crew ~~will provide for~~ installation advice and answer questions if needed.

Covenant References:

4. Variances

The Board of Directors shall have the authority to grant a variance from the design requirements of this Declaration or the Design Guidelines so long as such variance is in compliance with the purposes of these Protective Covenants. The Board of Directors may delegate this responsibility to the Design Review Committee.

VARIANCES

The Board shall have the authority to grant a variance from the requirements of the Design Regulations as long as such variance is in compliance with the purpose of the Covenants. The Board may delegate this responsibility to the Committee^[BS39] DRC. The Association must keep a permanent record of all variances granted and the reasons therefor^[EF39] e.

Variances shall be documented clearly on the permit with all rationale and back-up materials to support the decision.

USE OF SITES

~~The following rules, regulations, and restrictions are hereby established for the purpose of governing site usage within Arrowhead.~~

RESIDENTIAL USE ONLY

~~All sites within Arrowhead shall be used exclusively for single family residential purposes; provided, however, that home occupations as defined in the Covenants shall be permitted so long as they are in keeping with the requirements therein and that no commercial advertising is conducted upon the site. Only one single family residence designed for the occupancy of one family and their guests shall be permitted on each camping site. (Covenants, Article IV, ¶ 1) Review the camping regulations for limitations and instructions for registering a 2nd guest RV^[BS40].~~

Covenant References:

4. Temporary Structures. No trailer, modular home, manufactured or prefabricated home, mobile home^[BS41] or other structure of a temporary nature may be placed on a site for use as a dwelling.

STRUCTURE LIMITATIONS^[BS42]

~~Trailers, motor homes, truck campers, tents, teepees, yurts, fabric structures, or other such structures of a temporary nature may not be placed on a site for use as a permanent building. Construction of permanent dwellings, sheds, and garages shall be in compliance with regulations set forth elsewhere in these Regulations. No pit toilets may be constructed or maintained on a site. Abandoned pit toilets must be removed by the lot owner or may be removed by the Association at the lot owner's expense. Temporary structures~~

~~used as a camping dwelling without adequate septic facilities shall have private, portable, or self-contained accommodation. Pit toilet violations will require immediate removal and may be subject to a \$500 fine pursuant to the fine schedule.~~

Covenant References:

~~5. Used Structures. No existing structures may be moved onto a site from another location. All construction must be new.~~

NEW PREFABRICATED OR USED STRUCTURES^[BS43]

~~No existing structures may be moved onto a site from another location. All construction on a site must be new. This includes, but is not limited to homes, garages, sheds, or parts thereof that could be transported from another location for purposes of installation upon a site. Moving an existing structure onto a site may result in a fine of \$500.00 as well as removing the structure pursuant to the fine schedule.~~

Covenant References:

12. Permit Required. Prior to construction of any structure, installation of any driveway or utility service, or removal of any living trees, the site owner shall obtain a design review permit. This permit is required to obtain a Gunnison County Building Permit.

21. Repairs. All buildings and structures shall at all times be kept in good and proper repair and in a safe and attractive condition by the owner thereof.

PERMITS AND FEES REQUIRED

(1) Prior to construction of any permanent structure, shed, installation of any driveway or utility service, installation of solar panels, excavation for any building, RV pad, deck, or septic system, or removal of any living trees, the property owner shall obtain a design review DRC Permit(s). NOTE: Property Owners are responsible for obtaining all permits and licenses for any new construction, septic installation OWTS or inspections, structural repairs or remodeling as required by- the DRC and the County of Gunnison^[BS44] Gunnison County. Failure to obtain a prior permit may result in a fine of \$1,000.00 pursuant to the fine schedule^[BS45].

(2) There are five (65) types of permits that are required by the Association. They are:

a. A.d Driveway and lot survey permit before commencing driveway construction has with a fee of \$100.0075^[BS46],

b. A utility permit before commencing any utility installation with has a fee of \$100^[BS47].00, whereby it impacts common ground and/or a filing road^[BS48].

- c. A building permit for a house with or without attached garage ~~with has~~ a fee of \$~~3400.00250~~^[BS49],
- d. A building permit for a ~~detached~~ garage^[BS50], built after initial construction ~~with has~~ a fee of \$~~125200.00100~~^[BS51],
- e. A permit for a RV pad, deck, shed, ~~or structural remodeling or repair with~~^[BS52] has a fee of \$~~5100~~.
- f. ~~A permit for the Installation of solar panels, whether roof or ground mounted has a fee of \$100.00~~^[WU53]

~~(3) Structural (interior) remodeling, which does not impact the building footprint, square footage, roofline or exterior materials, does not require a Design-Review DRC Permit, however exterior color changes or material type changes do require a DRC review and approval. No fee is required. Reminder:- Property Owners are responsible for obtaining all permits and licenses for any construction, electrical, plumbing, inspections for structural repairs or remodeling as required by the the County of Gunnison~~^[BS54] Gunnison County.

~~(43)~~ The Board reserves the right to change the above fees as it deems appropriate.

~~(54)~~ The owner applies for these permits through the ~~Committee~~ DRC.

~~(65)~~ These permits are required in order to obtain a Gunnison County building permit.

~~(7) Septic permits On-Site Wastewater Treatment Systems (OWTS) permits, formerly known as a septic system permit are issued by Gunnison County based on current county requirements. Location of septic-a OWTS is based upon the septic-system engineer's recommendation and county requirements. Septic systems-OWTS must be located within the property lines, observing a 10 feet setback from the site perimeter. SepticOWTS location must be determined prior to the determination of the any -construction location.~~

Covenant References:

13. Compliance with Codes. Any building to be erected upon a site must conform to the Gunnison County building, plumbing and electrical codes in effect and all other applicable Gunnison county regulations.

COMPLIANCE WITH CODES

Any building or construction addition to be erected upon a site must conform to the Gunnison County building codes and the State of Colorado plumbing, and electrical codes in effect at the time such construction is commenced and all other applicable Gunnison County and State of Colorado regulations in effect at that time.

Covenant References:

6. Setback. No structure shall be placed within 10 feet of the property line of the site. Upon construction of a residence or other structure where the center survey stake of the site is removed or covered by the structure, the owner must place four survey stakes equal distance apart on the perimeter of the site.

SETBACK REQUIREMENTS

- (1) No structure [WU55] or RV shall be placed within ten (10) feet of the property line of the site.
- (2) Upon construction of a residence or other structure where the center survey stake of the site is removed or covered, the owner must place four survey stakes equal distance apart on the perimeter of the site. Center stakes must be clearly marked and may not be removed without approval of the [Committee-DRC](#).
- (3) All sites within Arrowhead are circular in shape and comprise an area of either .721 acre or 1.00 acre.
 - a. Radius measurement from the center stake to the perimeter of a .721-acre site is 1001 feet 11 ¾ inches.
 - b. Radius measurement from the center stake to the perimeter of a 1.00-acre site is 117.75 [EF56] feet 9 1/32 inches.
3. There is 43,560 square feet in an acre and 32,670 Square feet in ¾ of an acre

Covenant References:

2. Accessory Buildings. Any accessory building or garage must comply with the same design review as does a single family structure and no accessory building or garage may be occupied as a dwelling.

BUILDINGS

- (1) Any shed or detached garage must comply with the same Design Regulations as a single-family structure, ~~except that NO shed or detached garage may be occupied as a dwelling.~~ Sheds or detached garages used are not to be constructed for use as a dwelling, or with utilities other than electricity and/or propane, may be fined \$1,000.00 pursuant to the fine schedule.
- (2) The minimum size of a shed is eighty (80) square feet footprint to a maximum of two hundred (200) square feet footprint. The addition of roof extensions to the sides of a shed must be approved by the [Committee-DRC](#), ~~and the County.~~ NOTE: The county Gunnison County does not require a building permit for sheds under 200 square feet footprint, however, all sheds with any electrical, wood burning stoves or propane plumbing must be properly permitted and inspected by the county [BS57] Gunnison County.
- ~~(3) A county permit is required for any shed exceeding one hundred twenty (120) square feet in size.~~
- (4) A garage footprint shall not be larger than one thousand (1,000) square feet either attached to the house or detached.
- (5) Detached garages shall not be constructed prior to a house.
- (6) Sheds and detached garages may have only electricity, wood burning stoves and/or propane utilities.
- (7) No plumbing for water or septic-OWTS is permitted in a detached garage or shed.

(8) An owner is limited to a maximum of one (1) detached garage, ~~and one (1) shed~~, (and one roofed screening structure, with a maximum of three sides, dirt or wood floor, for wood storage and protection. The maximum height^[BS58] is eight (8) feet)

9) Sheds and garages must match the exterior color and roofing materials of the existing dwelling. A review of materials by the DRC is required.

10) The maximum roof overhang of a shed with a footprint of 200 square foot is 2 feet from the exterior walls of the structure^[BS59] per Gunnison County specifications.

Covenant References:

8. Minimum Size. Each single family residence shall have a minimum fully enclosed ground floor area devoted to living purposes, exclusive of porches, decks and garages, of 800 square feet, outside measurement.

MINIMUM SIZE

Each single-family residence shall have a minimum fully enclosed ground floor area (footprint) devoted to living purposes, exclusive of porches, decks, and garages, of eight hundred (800) square feet, outside measurement. "Ground floor area" shall be interpreted as the main living story of a residence (footprint).

Covenant References:

10. Maximum Height. The maximum height of a building as measured vertically from the average finished grade line to the highest point of the roof of the structure shall not exceed 32 feet. The Design Review Committee may alter this maximum height in certain circumstances in exercising its authority under Article III of this Declaration.

MAXIMUM HEIGHT

(1) The maximum height of a building as measured vertically from the average finished grade line to the highest point of the roof of the structure shall not exceed thirty-two (32) feet.

(2) The maximum height of a shed shall not exceed twenty (20) feet.

Covenant References:

9. Screening. Service yards, storage, clothes lines, equipment, garbage cans, areas, etc., shall be adequately screened to conceal the same from view of neighboring sites and roads.

SCREENING

Garbage cans, clotheslines, service yards, storage areas, equipment, etc., shall be adequately screened to conceal the same from view of neighboring sites and [filing](#) roads. Screening may be of structural material or vegetation with the approval of the [Committee-DRC](#).

Covenant References:

11. Antennae and Satellite Dishes. Radio, short wave, television or communication antennae (including satellite dishes) may be erected of a height necessary to achieve communication reception and transmission. Appropriate FCC regulations, safety guidelines, and manufacturer's instructions shall be complied with regarding installation, grounding and reinforcing guy wiring of all antennae. The location of all satellite dishes and any communication installations whatsoever over 25 feet above the highest point of the roof must be approved by the Design Review Committee prior to installation.

ANTENNAS AND SATELLITE DISHES AND SOLAR PANELS [BS60]

(1) — Radio, short wave, television, or communication antennae (including satellite dishes) may be erected of a height necessary to achieve communication reception and transmission. Appropriate FCC regulations, safety regulations, and manufacturer's instructions shall be complied with regarding installation, grounding, and reinforcing guide wiring of all antennae.

SOLAR PANELS [WU61]

(2) — Solar panel installation is permitted after a review and approval by Design Review is completed. The following information is required to complete the review:

- a) Completed Design Review Plot Plan outlining proposed solar panel(s) location(s). (Example: Ground mounted or roof mounted. Please identify buildings and proposed installation location in the plot plan.)
- b) Solar panels, if ground mounted must be within the 10' setback of the property
- c) Solar panels, if roof mounted, may not be taller than the maximum allowable peak building height of 32 feet. Inclusive of all panels, brackets and hardware.
- d) Any tree removal must be pre-approved by Design Review and will be noted on the permit.
- e) Tree removal is limited to ground installation location only.
- f) Any tree removal considered for increased sunlight is limited to the owner's property.
- g) Owner must provide copies of the solar panel company's proposal, specifications and installation plans.

(1) Colorado Revised Statutes 38-30-168 is amended to allow owners to install renewable energy devices such as solar panels but provides that homeowner associations (HOAs) are permitted to adopt aesthetic provisions and impose reasonable restrictions on the dimensions, placement and external appearance of solar panels. Additionally, HOAs are permitted to adopt bona fide safety requirements.

(2) Solar panel installation is permitted after a review and approval by the DRC.

(a) Owners are entirely and solely responsible for knowing what permits are required from Gunnison County and for obtaining such permits before installation begins. Copies of all permits are to be given to the DRC and will be maintained in the owner's file.

(3) As each site is different in location and topography, additional requirements or documentation may be requested by the DRC other than what is stated below. The following information is required to complete the DRC review for solar installation:

a. Owners must provide detailed plans for installation and placement of any solar panels, whether placed on a roof or a ground installation and must complete the Design Review Plot Plan outlining the location of the proposed solar panel(s) and identifying all buildings.

b. An illustrated brochure of the proposed system, which depicts the materials to be used, the number of collectors, the method of attachment to a roof structure or a ground structure and the location on all exterior system components must be provided to DRC.

(4) General requirements.

a. No solar collectors may be placed on common ground.

b. Solar panels, inclusive of all panels, brackets and hardware, if ground mounted may not be located within the 10 foot setback of the property and may not be higher than the existing or proposed roof line. There may be restrictions on the height of the installation depending on the location and proximity to surrounding properties.

c. Solar panels must be of the non-reflective type to minimize the reflection of the sun unless a variance is granted by the DRC.

d. The back structure of a ground mounted solar panel installation must have screening so the sub-structure of the solar panel installation is not left exposed and does not take away from the aesthetics of the surrounding and neighboring properties. Since there are a variety of screening options, all screening must be approved by the DRC.

e. Any tree removal must be pre-approved by the DRC and will be noted on the DRC Permit.

f. Any tree removable considered for increased sunlight is limited to the owner's property only.

Covenant References:

17. Signs. No signs or advertising structures or devices of any nature shall be erected, constructed or maintained on any site, except an individual identification sign in character with the area to identify the site owner, property name, or address.

SIGNS

Regulations allow an individual identification sign in character with the area to identify the property owner, road, and street number^[BS62].

(1) REQUIRED:

a. A sign on common ground at the entrance from filing road to each driveway must

- Be visible from the filing road,
- Not exceed ~~two-four~~ (24) square feet (e.g., ~~1-2~~ foot x 2 feet) or nineteen (~~19-27~~) inches in diameter^[BS63].
- Contain the street number.
- Be high enough to be seen over the snow (minimum height - four (4) feet).

b. When common driveways divide, additional address signs are needed to indicate each lot driveway.

(2) RECOMMENDED:

a. Contain the owner's name and street.

b. Be placed on a post and not on a tree.

c. On common driveways, owners work together to coordinate signs.

(3) Additionally, owners may place a sign on their lot (within the 10 foot setback) as long as it is in character with the surrounding area and does not advertise a product or service.

(4) No signs or advertising structures or devices of any nature shall be erected, constructed, or maintained on any site, except for an individual identification sign₂ in character with the area₂ to identify the property owner.

(5) Political signs no larger than two (2) square feet may be placed on private property no more than 45 days before an election, to be removed within one (1) week after the election, or such greater duration and size as may be dictated by Colorado law in effect at the time the sign is placed, if any.

~~WATER WELLS~~

~~(1) No wells may be drilled or cisterns placed on any site. Arrowhead is served by a central water system.~~

~~(2) Individual property owners are responsible for maintaining underground extension of water lines to their site or structure in compliance with the provider's requirements.~~

~~(3) It is recommended that outside frost-free, drain-back water valves be located close to the living structure and marked so as to be visible in deep snow and where they may be utilized for firefighting purposes [BS64].~~

Covenant References:

25. Utilities. All utility lines must be placed underground. Individual site owners are responsible for connecting to such services in accordance with the provider's requirements.

ARTICLE V: Ownership and Use of Common Areas

6. Utility Easements. A perpetual easement for ingress and egress and for the installation and maintenance of water installations and lines, sewer lines, and other utilities is reserved and dedicated over and through the roads and street with in Arrowhead in Gunnison Country Subdivision subject to ownership by Gunnison County, provided such roads and streets are dedicated thereto and accepted thereby at any time in the future. There shall be a further easement upon all of the common area in that they shall likewise be available for use for drainage, driveway, electricity, gas lines, water lines or installations, telephone lines, sewer lines and other utilities to be furnished to the sites. The exact location of these must be approved by the Board of Directors, which may delegate this responsibility to the Design Review Committee. Both types of easements granted in this paragraph shall be utilized only in a reasonable and prudent manner and as approved by the Association and shall be reserved to the Developer, the Association, the site owners, the County of Gunnison and the person or persons owning or maintaining the utility or service in question.

UTILITIES

(1) All utility lines must be placed underground.

(2) Individual property owners are responsible for connecting to such services in accordance with the provider's requirements.

(3) During construction, temporary electrical stanchions (pedestals) may be used, but upon completion of construction, electrical lines must be buried underground and said stanchions removed.

(4) It is the property owner's responsibility to make sure utilities are placed exactly where approved and designated Approved and designated by the DRC.

(5) All road cuts on filing roads and/or common land made for installing utilities shall be restored to original or better condition. Members of the Association road crew will provide installation advice and answer questions as needed.

Covenant References:

27. Septic Systems. Septic systems serving each site shall be installed after owner has obtained a permit issued by the Gunnison County Sanitation. Such systems shall be maintained in good operating order by the owner and operated in accordance with all applicable rules and regulations of Gunnison County and the Colorado Department of Health.

On-site Wastewater Treatment Systems (SEPTIC SYSTEMS)

(1) All elements and construction of an On-site Wastewater Treatment System (OWTS) is strictly a decision made by the property owner's system engineer to match Gunnison County's requirements and regulations. The DRC does not regulate the location, installation or maintenance of an OWTS.

In addition, an OWTS is a placement decision made prior to construction and must be determined BEFORE the home location on the lot. The placement of an OWTS takes priority over where you may place any structure on a lot so when developing properties for camping use please keep this in mind for your possible future home building plans. If it's later determined the best location for the OWTS is where you are proposing to build a shed, for example, you may have to remove the shed at some time in the future.

Owners should contact their system engineer or Gunnison County at (970)-641-0360 with any questions.

^{WU65]}(21) ~~Septic systems~~OWTS serving each site shall be installed after the owner has obtained a permit issued by Gunnison County. Such systems shall be maintained in good operating order by the owner and operated in accordance with all applicable rules and regulations of Gunnison County and the Colorado Department of Public Health and Environment.

(23) Each individual site must utilize its own ~~septic system~~OWTS built solely for that site, which must be totally located within the property boundaries observing a 10 foot setback from the site perimeter. It is not permissible to attach to a septic system installed on any other site.

Covenant References:

26. Perimeter fences. In order to preserve the natural, rural character of the area, no perimeter or boundary fences are permitted around sites other types of interior fences or those used for dog runs or pens are subject to prior approval by the Design Review Committee.

PERIMETER FENCES

In order to preserve the natural, rural character of the area, no perimeter or boundary fences are permitted around sites. ~~Other types of interior fences are permissible such as decorative fences or railings, or fences used for dog runs or pens, upon approval by the Committee. Dog run fences must blend in with native, rustic setting and surroundings of Arrowhead. Effective in 2019 galvanized chain link dog run fences are not permitted unless they are powder-coated with a color matching the natural terrain of the area.~~

~~Rock walls lining driveways are acceptable as long as they are on a private lot, not closer than ten (10) feet from the edge of the filing road, and not more than one (1) foot high.~~

DOG RUNS

(1) A 100 square foot portable dog run made of the standard galvanized chain link fencing is acceptable for placement on a site without the approval of the DRC as long as it is not attached to a structure. Owners are asked to be considerate of their neighbors and the street-view from the filing road when selecting the location for the dog run.

(2) Dog runs in excess of 100 square feet:

(a) require approval from the DRC for the type of structure, the type of fencing and the location. Effective in 2019 there may be restrictions on the size of the dog run greater than 100 square feet, which would require a variance from the DRC, which approval may not always be granted.

(b) must blend in with the native rustic setting and surroundings of Arrowhead. Effective in 2019 galvanized chain link fences are not permitted unless they are powder-coated or vinyl coated with a color matching the natural terrain of the area.

(3) Owners are responsible for the proper maintenance of the dog run and will be responsible for picking up dog waste and ensuring the area is kept in a sanitary condition.

(4) As per the Regulations, dogs are not to be a nuisance to their neighbors by barking or exhibiting any type of aggressive behavior.

ADDITIONAL FENCING TYPES

1) Interior fences are permissible such as decorative fences and railings upon approval by the DRC

2) Rock walls lining driveways are acceptable as long as they are on a private lot and not closer than ten (10) feet from the edge of the filing road and not more than one (1) foot high.

Covenant References:

28. Elevated Fuel Tanks. Any elevated fuel tank cannot exceed 12 feet in height and must be at least ten feet from any road, ten feet inside the property line, and five feet from any building, or to comply with the Fire Code in effect in Gunnison County.

FUEL TANKS

Any elevated fuel tank cannot exceed twelve (12) feet in height and must be located at least ten (10) feet from any road, ten (10) feet inside the site boundary, and five (5) feet from any building or shall comply with the fire code in effect in Gunnison County. Painting fuel tanks to harmonize with the environment is recommended. Propane tanks are permitted but must be installed by the provider in a safe and secure manner. It is recommended that propane and fuel tanks be screened from public view.

[WU67]

TREES-CONSTRUCTION SITE PREP AND TREE REMOVAL - DRC

No [WU68] living trees greater than 2 inches in diameter shall be cut down on any site without the prior approval of the Association AIA, which may grant such approval through the Forest Manager or certified designee Designee or as part of the dDesign Review eCommitteeDRC review review and approval process for purposes of construction, driveways, utility lines, solar panels, septic tanks, leach fields OWTS, and /or an an approved structure. If the owner desires to mitigate their property, they must develop a plan with the Forest Manager or Designee.

Likewise if an owner desires to create a defensible space around property improvements, the owner must first obtain a plan from the Forest Manager or Designee. It is recommended that the property owner coordinate the construction location with the DRC, in conjunction with the Forestry Manager, to plan removal of trees for both construction site prep and mitigation purposes. Removal of unapproved trees, greater than 2 inches in diameter, may result in a fine of \$1000 per tree pursuant to the fine schedule [BS69].

REMOVAL OF CONSTRUCTION DEBRIS

It shall be the responsibility of the property owner to see that all construction waste, stumps, logs, trees, limbs, and associated debris that were moved to give access to the building site, driveway, and utility lines are removed from the building site and taken to an approved disposal site. The property owner should complete this task at the time of site clearing or construction no later than October 15th of each year.

~~RV PAD AND DECK~~

~~The development of a site for use by an RV must be approved by the Committee. Plans for a site pad and or a deck and their location must be submitted to the Committee. See the fee schedule in Section I: Article 2.5. (2). Permits Required.~~

WU70] SITE MAINTENANCE – Design Review Responsibilities

~~The Association, upon the failure of the owner of any site to maintain the site and improvements, in a reasonable satisfactory manner as determined by the Association, after notice to the owner, may enter upon the site and repair, maintain, rehabilitate, and restore the premises and/or improvements. Any costs construction, materials and labor costs, including reasonable attorney fees, shall be charged against the owner of said site and collected in accordance with normal Association collection procedures.~~ WU71]