

Arrowhead in Gunnison Country Arrowhead Improvements Association



REGULATIONS

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The Arrowhead Improvements Association (“Association”), acting through its Board of Directors (“Board”), and subject to the provisions of the Declaration of Protective Covenants and Restrictions (“Covenants”), will adopt, maintain, and from time to time amend these Regulations consistent with the express or implied purposes of the Covenants and the Association.

SECTION I – ARROWHEAD IN GUNNISON COUNTRY – DESIGN REGULATIONS (DESIGN REQUIREMENTS AND GUIDELINES)

A. PURPOSE

It is the intent of the Board by their approval of this document, that the property known as Arrowhead in Gunnison Country (“Arrowhead”) be developed and maintained as a highly desirable, rural, residential, and recreational area. It is the purpose of these Design Regulations (1) to maintain the natural beauty, natural growth, and native settings and surroundings of Arrowhead, (2) to protect the property values and amenities in connection with the uses and structures permitted, and (3) 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.

B. SCOPE

The Design Regulations cover, but are not necessarily limited to, the following areas:

- Construction of single-family residences
- Construction of detached garages and sheds
- Construction of fences
- Improvements to residences, detached garages, and sheds
- Clearing of trees and vegetation
- Placing of driveways
- Placement of RV pads and decks

ARTICLE 1. – DESIGN REVIEW COMMITTEE

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

a. PURPOSE

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

b. COMMITTEE RESPONSIBILITIES

The Committee will be appointed by the Board, which shall set the number of members. The members shall perform services pursuant to the Design Regulations as directed by the Board. The Committee 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 actions regarding plans submittals, approvals, and disapprovals. At least three (3) members of the Committee shall be sufficient for all decisions. A Committee representative will present a report of the Committee’s actions at each Board Meeting.

(1.) Written Records

The Committee shall keep and safeguard for at least five (5) years complete permanent written records of all applications for approval submitted to it (including one set of all architectural plans) and all actions of approval or disapproval and all other actions taken under the provisions of this instrument.

(2.) Committee Not Liable

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

(3.) Committee Rules

The Committee shall make such rules and regulations and adopt such procedures, subject to approval by the Board, as are appropriate to govern its proceedings.

c. 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 for approval prior to the time any construction, clearing of live trees, or excavation is commenced. The request for approval by the Committee 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 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. Stone, rusted metal, and other materials as approved by the Design Review Committee may be used to cover foundations and stem walls. Roof surfaces will be constructed of steel. Both roofs and exterior walls will be of a color that harmonizes with the local environment and receives approval by the Committee.
- (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.

d. COMMITTEE CONSIDERATIONS

The Committee 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 the Committee to consider the proposed building or improvement, the owner must stake the site placement of the building or improvement.

e. REVIEW OF PLANS

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

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

(3.) The Committee 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 will indicate what additional information is needed and a new time period will commence when the required data is received with no additional fee required.

(4.) The Committee 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 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 specifications set forth in these Design Regulations, shall be resubmitted to the Committee for re-approval before construction is initiated or resumed. (Fine: Section III: Article 1.b)

(7.) The Committee will visit and inspect the building during construction until completion. Permission for the visits will be agreed upon on and signed on the building 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.).

f. DRIVEWAYS AND LOT ELEVATION

Driveway design and layout is subject to review by the Committee:

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 emergency vehicles,

to allow for shared driveways where feasible and appropriate,

to assure that the driveway is in character with the area, and
to assure that a culvert is installed by the owner, if necessary, to prevent erosion
of filing roads.

See the Fee Schedule, Section I, Article 2. d. Permits Required.

The following driveway standards are consistent with the driveway standards
established by Gunnison County for Arrowhead. Therefore, variances from these
standards must be approved by both the Board and Gunnison County.

1. All driveways shall have a minimum surface width of fourteen (14) feet at the edge of the filing road, and 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 forty-five (45) degrees, bordering trees should be at least fourteen (14) feet apart. Additional clearing may be required by the Committee to facilitate emergency vehicle access.
2. 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.
3. The maximum grades for driveways shall be fifteen (15) percent.
4. 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 move from common land to private lots.
5. No more than one driveway approach from a filing road shall be allowed on any lot.
6. Driveways into a lot shall have a loop design or a “Y” or “T” turnaround adequate to accommodate emergency service vehicles. Turnarounds shall be a minimum of twenty (20) feet from any flammable structure.
7. No overhead entry structures are allowed.
8. Common driveways on common areas owned by AIA are encouraged. There is no limitation on the number of lots served by a common driveway.
9. A driveway is defined as a private vehicular access for the exclusive use of the owner-occupants and their guests and is not considered a road or highway.
10. Once the Committee 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.
11. Upon completion of driveway construction, the owner should contact the Committee, so that a final inspection can be completed. Upon final approval, the Committee will provide written documentation of approval for submission to the Gunnison County Building Inspector at the framing inspection.
12. 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 to indicate a change of access road.

13. Driveway culverts shall be a minimum of 12 inches in diameter (or an equivalent cross-sectional area) and shall be constructed from corrugated steel 16 gauge or thicker or reinforced concrete. Culverts shall be bedded and backfilled with Class 6 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 AIA road crew will provide installation advice and answer questions if needed.

g. 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. The Association must keep a record of all variances granted and the reasons therefore.

ARTICLE 2. – USE OF SITES

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

a. 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 site. (Section III: Article 1, Category 2, b.)

b. STRUCTURE LIMITATIONS

Trailers, motor homes, truck campers, tents, teepees, fabric structures, including yurts, 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, which are used as a dwelling without adequate septic facilities shall have private, portable, or self-contained accommodation.

c. USED STRUCTURES

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.

d. PERMITS REQUIRED

Prior to construction of any permanent structure, installation of any driveway or utility service, or excavation for any building, RV pad, deck, or septic system, or removal of any living trees, the property owner shall obtain a design review permit(s). There are five (5) types of permits that are required by the Association. They are:

- (1.) a driveway and lot survey permit before commencing driveway construction with a fee of \$75,
- (2.) a utility permit before commencing any utility installation with a fee of \$250,

- (3.) a building permit for house with or without attached garage with a fee of \$250
- (4.) a building permit for detached garage, built after initial construction with a fee of \$100
- (5.) a permit for RV pad, deck, shed, structural remodeling or repair with a fee of \$50.

The owner applies for these permits through the Design Review Committee. These permits are required to obtain a Gunnison County building permit.

e. COMPLIANCE WITH CODES

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

f. SETBACK REQUIREMENTS

No structure or RV shall be placed within ten (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, 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. All sites within Arrowhead are circular in shape and comprise an area of either .72 acre or 1.00 acre. Radius measurement from the center stake to the perimeter of a .72-acre site is 100 feet. Radius measurement from the center stake to the perimeter of a 1.00-acre site is 117.75 feet.

g. ACCESSORY BUILDINGS

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. The minimum size of a shed is eighty (80) square feet to a maximum of two hundred (200) square feet. The addition of roof extensions to the sides of a shed must be approved by design review and the county. A county permit is required for any shed exceeding one hundred twenty (120) square feet in size. A garage shall not be larger than one thousand (1,000) square feet either attached to the house or detached. Detached garages shall not be constructed prior to a house. Sheds and detached garages may have only electricity and/or propane utilities. An owner is limited to a maximum of one (1) detached garage, and one (1) shed.

h. 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 eight hundred (800) square feet, outside measurement. "Ground floor area" shall be interpreted as the main living story of a residence.

i. 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 thirty-two (32) feet. The maximum height of a shed shall not exceed twenty (20) feet.

j. SCREENING

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

k. ANTENNAS 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 regulations, and manufacturer's instructions shall be complied with regarding installation, grounding, and reinforcing guide wiring of all antennae. However, the location of all satellite dishes and any communication installations that are attached to a structure or building and which exceed twenty-five (25) feet above the highest point of the roof of such structure or building must have approval of the Committee prior to such installation.

l. SIGNS

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

1. REQUIRED

- a. A sign on common ground at the entrance to each driveway (from filing road).
 - 1. Be visible from the filing road.
 - 2. Not exceed two (2) square feet (e.g. 1 foot x 2 feet) or nineteen (19) inches in diameter.
 - 3. Contains the street number.
 - 4. Be high enough to be seen over the snow (minimum height, four (4) feet).
- b. When common drives 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 a tree.
- c. On common driveways, owners work together to coordinate signs.

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

No signs or advertising structures or devices of any nature shall be erected, constructed, or maintained on any site, except for an individual identification sign in character with the area to identify the property owner. Political signs no larger than two (2) square feet may be placed on private property no more than four (4) weeks before an election, to be removed within one (1) week after the election.

m. WATER WELLS

No wells may be drilled on any site. Arrowhead is served by a central water system. Individual property owners are responsible for maintaining underground extension of water lines to their site or structure in compliance with the provider's requirements. 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 fire fighting purposes.

n. UTILITIES

All utility lines must be placed underground. Individual property owners are responsible for connecting to such services in accordance with the provider's requirements. During construction, temporary electrical stanchions (pedestals) may be used, but upon completion of construction, electrical lines must be buried underground and said stanchions removed. It is the property owner's responsibility to make sure utilities are placed where approved.

All road cuts made during utility installations shall be back filled with Class 6 or ¾ inch crushed road base gravel in six (6) inch lifts compacted to ninety-five (95) percent and will be done with introduced moisture. Members of the AIA road crew will provide installation advice and answer questions if needed.

o. SEPTIC SYSTEMS

Septic systems serving each site shall be installed after 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 Health. Each individual site must utilize its own septic system, which must be totally located within the property boundaries observing a 10 foot setback, solely for that site. It is not permissible to attach to a septic system installed on any other site.

p. 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. 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.

q. 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.

r. TREES

No living trees greater than 2 inches in diameter shall be cut down on any site without the prior approval of the Association, which may grant such approval through the Forest Manager or certified designee. If an owner desires to mitigate their property, they must develop a plan with the Forest Manager or certified 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.

When an existing house or RV pad is purchased or a structure is built, a defensible space plan will be initiated by the Forest Manager or certified designee. The plan must be completed in one (1) year. This is the responsibility of the property owner.

s. 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 by October 15th of each year.

t. RV PAD AND DECK

The development of a site for use by an RV must be approved by the Design Review 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. d. Permits Required.

SECTION II – ARROWHEAD IN GUNNISON COUNTRY – GENERAL REGULATIONS

These General Regulations govern the listed items. It is the intent of the Board, expressed by their execution of this instrument, that the property known as Arrowhead be maintained as a highly desirable, rural residential and recreational area. It is the purpose of these General Regulations (1) to maintain the natural beauty, natural growth, and native settings and surroundings of Arrowhead, (2) to protect the property values and amenities in connection with the uses and structures permitted, and (3) to maintain high standards of appearance and neighborly conduct.

ARTICLE 1. – SECURITY ENFORCEMENT

The Association acting through its Board has delegated to Security Personnel the power to monitor the rules and regulations of Arrowhead as contained in the Covenants and General Regulations. Security Personnel may issue verbal warnings and/or violation notification notices to violators as required. All such actions shall be reported to the Board. Security Personnel have the authority to request assistance from law enforcement authorities when issues warrant. Security Personnel shall have the right to go on any site, private property, or common areas for the purpose of checking buildings, property, or construction in progress for security purposes to assure their safety.

a. CAMPING AND RECREATIONAL VEHICLE (RV) USE

Camping in tents, camper trucks, recreational vehicles (travel trailers, 5th wheel trailers, motorhomes, pickup campers (on or off a truck), pop up trailers) by property owners and guests will be permitted.

For lots without a house, 1 RV as a residence for the camping season with a 2nd RV allowed (occupied or unoccupied) with one 14 day permit.

For lots with a house, 1 RV (occupied or unoccupied) is allowed with one 14 day permit. Periods up to 72 hours are allowed for loading and unloading, which does not count against the one 14 day permit.

Exceptions can be approved for longer periods or additional RVs, for example, for Family reunions, needs during construction, etc. by making a request to the Board. Additional 14 day permits may be issued on a case by case basis also by making a request to the Board.

Additional permits will not be approved if there have been violations of the covenants and regulations.

All camping equipment, including but not limited to, tents, motor homes, camp trailers, truck campers, self contained RVs, and related supporting equipment must be removed from the site and boundaries of Arrowhead prior to the date designated each year by the Board, notice of which shall be provided to all owners at least thirty (30) days prior to such effective date. Any vehicle or equipment left within Arrowhead after said date shall be considered abandoned. The reason for removal of such vehicle and equipment by the designated date is to prevent such vehicle and equipment from becoming entrapped by winter snowfall or road closure. Any such vehicle or equipment remaining within the boundaries of Arrowhead after the

designated date may be towed away or removed and stored at the owner's expense. The Board will designate an appropriate towing and impound authority for this purpose. The Board, employees, or agents of the Association will not be held liable for any damages incurred in the removal or storage of such vehicle or equipment.

b. ANIMALS AND HOUSEHOLD PETS

Dangerous or wild animals may not be captured, trapped, or maintained on any site except when necessary to control vermin. Livestock (including but not limited to cattle, sheep, horses, or pigs), riding horses, 4-H animals or poultry shall not be maintained on any site. Domesticated household pets such as dogs and cats shall be permitted; provided that, when off the owner's site, they must be restrained by a leash, appropriate tether, or accompanied by the owner and under control at all times. Under no conditions shall household pets be permitted to run at large off the owner's site. It is not permissible to leave a household pet on any site when the site is unoccupied unless the animal is contained in an approved enclosure. Pets found running at large or pets subject to a written complaint by other persons may be placed in a temporary foster care and all associated costs incurred by this action including fines will be the responsibility of the pet's owner. If, for any reason, the owner of the pet does not claim the animal within 72 hours, the Arrowhead community will decide on an adoption process to find a good home for the animal. Owners will be responsible for the actions of their pets and must bear in mind that pets running at large constitute a danger to wildlife and other residents and guests.

c. NUISANCES

No obnoxious, offensive, or disruptive activity, or situation which would constitute a public or private nuisance to other residents or guests, will be permitted.

d. FIREARMS

No firearms, fireworks, explosives, air rifles, BB guns, paintball guns/rifles, crossbows, or destructive devices shall be discharged within the boundaries of Arrowhead. Archery practice, using other than live targets and considering the safety of neighbors, may be permitted with prior approval of Security Personnel.

e. USE OF CHEMICALS

The use of poisons or pesticides outside of a residence to control pests or vermin is prohibited. This is not to be construed to prohibit the use of Association approved herbicides or insecticides outside a residence to control noxious weeds or insects.

f. FIRES

No fires are permitted outside a residence except for cooking or campfires, and then only if properly and safely contained in an appropriate fire pit or barbecue grill. Annual approval of fire pits must be obtained from Security Personnel. Outdoor Fire Permits are required for a camp fire, and Chimeneas and other device for containing fires. When weather conditions and fire danger dictate, the Board and the Fire Chief may impose fire bans, which shall be complied with by all owners and their guests. Property owners will abide by the requirements of fire bans issued for this area by governmental agencies.

g. TRASH

Household trash or garbage must be kept in bear-proof containers or in secure buildings. No junk or trash shall be permitted to accumulate and must be regularly removed to an approved disposal site. The Association may provide a dumpster for household trash only for a nominal monthly fee. No corrugated cardboard, toxic materials (paint, herbicides, pesticides, electronics), building materials, construction debris, appliances, furniture, bikes, or noxious weeds are allowed to be disposed of in the association dumpster. Trash or garbage may not be burned on any site or within the boundaries of Arrowhead.

h. HUNTING

No hunting or trapping will be permitted on the sites or within the boundaries of Arrowhead.

i. LAWN WATERING

No lawn watering is permitted as it may impede fire-fighting capabilities and alter the rural natural character of the area.

j. CONSTRUCTION VEHICLES

A property owner shall not permit any construction vehicle including but not limited to front end loaders, bulldozers, dump trucks, back-hoes, compressors, trailers, and related equipment to be parked on his/her site except during active on-site construction. Construction equipment is not permitted to be parked or stored on filing roads or in common areas except while work is in progress and only in a manner approved by Security Personnel. This shall not preclude parking of Association or utility company equipment in an area approved by the Association.

k. FESTIVALS AND CORPORATE GATHERINGS

Gatherings such as religious gatherings, corporate gatherings, family reunions and similar activities require an advance written request by the property owner and approval of the Board. Included with this request should be a site map showing the location of trailers, tents, and vehicle parking. Parking vehicles on filing roads is not permitted without prior approval of Security Personnel.

l. SITE MAINTENANCE

The Association, upon the failure of the owner of any site to maintain the site and improvements, or the failure to make payment of any taxes assessed thereon, in a reasonably satisfactory manner as determined by the Association, or the failure by the owner to use their property in a manner consistent with the Covenants and these Regulations, after notice to the owner, may enter upon the site and repair, maintain, rehabilitate, and restore the premises and/or improvements or abate the improper use or pay the taxes thereon. Any costs including reasonable attorney fees shall be charged against the owner of said site and collected in accordance with normal Association collection procedures.

m. TREES – LOT CLEAN UP

Property owners are encouraged to remove dead and down trees from their property. This material can be used as firewood in approved fire pits or hauled to the Forest Refuse Site that is provided near Arrowhead for disposal of forest refuse. No stumps are permitted. Burning piles of forest refuse is NOT permitted on individual lots.

Clearing trees for construction of buildings and driveways must be approved in writing by the Design Review Committee. Hazard trees identified after construction is complete can be approved for removal by the Forest Manager. Removal of additional live trees must follow a defensible space or mitigation plan written for the individual property by the Arrowhead Forest Manager in consultation with the property owner. Owners are encouraged to remove dead and down trees from common land particularly adjacent to their property. Removal of live trees from common land can only be done with written permission from the Forest Manager.

n. ABANDONED OR INOPERATIVE VEHICLES

No abandoned vehicle shall be permitted on any site or the common areas. An unregistered or inoperative vehicle will be considered abandoned. This will include excessive vehicles on a lot that are not used by the lot owner.

o. UNDER AGED DRIVERS

No person under the age of ten (10) years may operate an off-highway vehicle within the boundaries of the Arrowhead in Gunnison Country Subdivision. No person ten (10) years of age or older may operate an off-highway vehicle within the boundaries of the Arrowhead in Gunnison Country Subdivision, unless:

- 1) The person has in his possession a valid driver's license issued by the State of Colorado or another state; or
- 2) The person is accompanied by and under the immediate supervision of a person who has in his possession a valid driver's license issued by the State of Colorado or another state. The phrase "under immediate supervision" shall mean that, at a minimum, the unlicensed operator is within direct visual contact of the licensed supervisor.

p. VEHICLE REGISTRATION

All vehicles including but not limited to cars, trucks, ATVs, UTVs, snowmobiles, and trailers are to be registered and display the numbered yellow Arrowhead stickers. Registration forms are available from Security Personnel or on the Arrowhead website. Stickers are available from Security Personnel. Visitors and contractors are required to have temporary vehicle passes.

ARTICLE 2. – COMMON AREAS

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

a. RESTRICTIONS ON USE

The use of the common areas will be determined and regulated by the Association according to the Covenants and these Regulations. Use may be limited to such recreational and other activities as will preserve the character of the land within Arrowhead. Restrictions may be made on use:

1. By those other than the immediate families of property owners,
2. By temporary limitation on use or access to portions thereof in order that improvements or repairs may be accomplished,
3. By horseback riding or access by household pets or motorized vehicles.

b. TRAFFIC CONTROL

The Board established a speed limit for the roads in Arrowhead of twenty (20) miles per hour. All motorized vehicles shall be operated in a manner deemed reasonable and prudent for existing road conditions and pedestrian traffic. Snowmobiles shall be utilized in a safe manner at posted speed limits and in conformance with the applicable Federal and State laws and regulations. Vehicle parking on Arrowhead filing roads is prohibited except with the permission of Security Personnel. The Board will annually establish a date to close Arrowhead roads to all motorized vehicle traffic except snowmobiles and all terrain vehicles (ATVs) with snow tracks that leave a light footprint. The maximum weight of the tracked vehicle and load capacity will not be more than 2,500 pounds. The maximum width will not be more than seventy-two (72) inches. Prior approval from Security is required before utilizing the above snow tracked vehicle at Arrowhead. Tracked vehicles that weigh more than 2,500 pounds must only be transported on a trailer throughout the subdivision. After the established closing date, it will not be permissible to operate cars, trucks, or any other motorized vehicles, except snowmobiles and the approved tracked ATVs, on the roads. Snowmobiles and tracked ATVs must stay on marked trails within the filings. This does not preclude Association vehicles or utility maintenance vehicles from entering on the roads to make emergency repairs on water or utility systems. Pedestrian traffic has the right of way over vehicular traffic at all times.

Operators of ATVs are subject to the same traffic regulations and rules for safe operation as those required for larger vehicles. All motorized vehicles such as cars, trucks, vans, ATVs, motorcycles, dirt bikes, and like type vehicles shall not be operated off the filing roads or approved parking areas. Appropriate traffic control signs will be posted at the direction of the Board for the safety of all property owners and their guests.

c. CAMPER DUMP STATION

Discharge of black and gray water from RVs, motor homes, tents, trailers, or camping vehicles onto sites, common areas, into lakes or streams, onto roads, or anywhere within the boundaries of Arrowhead is prohibited. A Camper Dump Station located adjacent to the AIA maintenance building is provided and maintained by the Association for the use of property owners and shall be used to dispose of sewage.

d. LAKES AND FISHING

The Association shall maintain the lakes and regulate the stocking, fishing limits, improvements, posting, and access to the lakes made available for the use of property owners and their guests. Parking of vehicles at the lakes shall be in conformance with posted signs and Security Personnel direction. Fishing limits for the Flint Lakes, Hazel Lake, and Evergreen Lake are three (3) fish per day, per person unless otherwise determined by the Board. The Flint Lakes and Evergreen Lake are located on private property; however, Arrowhead property owners are authorized to fish in these lakes. The Association is not liable in the event of damage to property owner vehicles while they are on private property. Guests of property owners must be accompanied by property owner or member of owners' family or must have a Guest Fishing Permit while fishing on any of the lakes. Guest permits are available from Security Personnel. Daily Fishing Permits shall be required for guests at the Inn at Arrowhead. Disposing of any litter, trash, fishing line, etc., in or around the fishing lakes is prohibited and can endanger the horses. Cleaning fish in or around the lakes is also prohibited as it can attract bears. Fish feeders or aerators located at the lakes must not be tampered with. Property owners shall be responsible for assuring the safe activities of their children and guests while at the lakes. AIA is not liable for damages or injuries at any of the fishing areas.

e. WINTER PARKING LOT – See Appendix B

The winter parking lot is located south of the Inn at Arrowhead on the west side of Alpine Road. It is for the use of owners and their guests only. Every parked vehicle and snowmobile should have either an Arrowhead vehicle sticker or a guest pass. Both are available from Security Personnel. A master timer controls the lights. The electrical outlets at the base of each light may be used for emergencies only. The lot is closed during the summer. All private vehicles, trailers, and snowmobiles must be removed by a date specified by the Board each year.

SECTION III – ARROWHEAD IN GUNNISON COUNTRY – COMPLIANCE ASSESSMENTS REGULATIONS

A. PURPOSE

These non-compliance assessments are established to ensure compliance with the Covenants, Design Regulations, and General Regulations as provided in Article III Section 1.c of the Covenants.

B. PROCEDURES

Non-compliance procedures for General Regulation and safety violations are as follows:

1. If the severity of the violation is minor, the owner shall be notified with a written warning. The written warning shall state the violation and the timetable for correcting or appealing the violation. If the owner fails to respond within 30 days, refer to the process outlined in Paragraph 2., c. below.
2. For severe violations, follow the process outlined below.
 - a. Filing a Complaint via a “Violation and Non Compliance” Form or letter:
 - 1) All complaints pertaining to infractions of the Covenants, Bylaws and Regulations must be in writing and addressed to the Board.
 - 2) The complaint must state the following:
 - a. Name or identity of individual(s) committing the infraction;
 - b. The lot address of the individual associated with the infraction and some description of the nature of the relationship, i.e. Visitor, Owner, Resident, Tenant, etc., if known;
 - c. The date, time and place of the infraction;
 - d. The nature of the violation
 - e. The name, address, and telephone number of the person making the complaint
 - b. Action Upon Receipt of Complaint via a “Violation and Non Compliance” Form or letter:

If a violation is found to exist, issue a “Violation and Non Compliance Form” or "Non Compliance Letter" to the offender containing:

 - 1) Notice of the alleged violation;
 - 2) The nature of the violation;
 - 3) Notice of fine;
 - 4) Consequences if the violation is not corrected;
 - 5) The action required to end the violation;
 - 6) A time in which to correct the violation;
 - c. If the violation is not corrected within the given time, fine not paid or no written response is made back to the Board regarding an intent to correct the violation in a timely manner, Issue a "Notice of Hearing" containing:
 - 1) Notice that the violation has not been corrected;
 - 2) Notice of fine;

3) Notice informing the owner of the right to have a hearing before an impartial decision maker.

4) A date to respond by (in writing) to appeal and be scheduled for a hearing;

5) The action that will be taken if no response is received;

d. Conduct a "fair and impartial" fact finding hearing process concerning whether the alleged violation actually occurred and whether the owner is the one who should be held responsible for the violation. This process may be informal but shall, at a minimum, guarantee the owner notice and an opportunity to be heard before an impartial decision maker as mutually agreed upon between the Board and the party.

(An Impartial Decision maker is defined under Colorado law as "a person or group of persons who have the authority to make a decision regarding the enforcement of the association's covenants, conditions, and restrictions including architectural requirements and other rules and regulations of the association and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the association." Unless otherwise disqualified pursuant to the definition of Impartial Decision Maker, the Board may appoint to act as the Impartial Decision Maker the entire Board, specified members of the Board, and other individual or group of individuals.)

1) Failure of the owner to attend a scheduled hearing shall be considered a default and shall be subject to the sanctions already determined above.

2) Issue a "Result of Hearing" letter, informing the owner of the finding of the Board regarding the alleged violation.

e. Other:

1) Owners are responsible for ensuring that their tenants are aware and in compliance with the Association's governing documents. All fines for infractions are the responsibility of the owner.

2) If the Association brings action against an owner due to non-compliance, the Association shall be entitled to reimbursement for any costs or attorneys fees.

C. GENERAL PROVISIONS

1. Failure by the Association, the Board of Directors or any person to enforce any provision of these Rules and Regulations shall in no event be deemed to be a waiver of the right to do so thereafter.

2. Unless the context provides or requires to the contrary, the use of the singular herein shall include the plural, the use of the plural shall include the singular, and the use of any gender shall include all genders.

3. The Association shall offer to resolve disputes with owners by alternative dispute resolution procedures prior to instituting legal action through the court system.

D. ASSESSMENTS

1. Violations of General Regulations are identified with a single asterisk. These violations will be issued a verbal or written warning as described in paragraph B. 1. above. A second (2nd) violation or continual violations following the resolution of the first occurrence will result in an assessment as identified below. Repeat or continual violations will result in double the assessment amount of the previous violation. Continual violations will be assessed on a daily basis.

2. Violations of safety regulations or irreversible damage are identified with a double asterisk and will result in immediate assessment. Repeat safety violations will result in double the previous assessment.

ARTICLE 1. VIOLATIONS AND NON-COMPLIANCE ASSESSMENTS

Category 1. \$1000

- a. Shed or detached garage used as dwelling or with utilities other than electricity and/or propane. (Section I: Article 2.g)
- b. Failure to obtain approval of plan changes or failure to follow approved plan. (Section I: Article 1. e. 6.)
- ** c. Removing a living tree over 2 inches in diameter without approval from the appropriate authority. (Section I: Article 2.r)
- d. Failure to complete Dry-In within 3 years. (Section 1, Article 1.e.8.)

Category 2. \$500

- a. Moving an existing structure onto a site. (Section I: Article 2.c)
- * b. Use of a site for other than a single-family residence or campsite. (Section I: Article 2.a)
- c. Failure of an owner to maintain his/her site. (Section II: Article 1. 1.)
- d. Use of unapproved materials in building. (Section I: Article 1.c.3.)
- * e. Existence of a pit toilet. (Section I: Article 2.b)
- f. Building a fence without approval. (Section I: Article 2.p)
- g. Failure to comply with ten-foot setbacks. (Section I: Article 2. f.)
- ** h. Hunting or trapping on private lots or common area. (Section II: Article 1.h)
- ** i. Violating a fire ban or starting a fire outside an approved fire pit. (Section II: Article 1.f)
- * j. All motorized vehicles being operated off the filing roads or approved parking areas. The assessment will range from \$100 to \$500 according to the amount of damage incurred. (Section II: Article 2.b)
- k. Not getting necessary design review permits. (Section I: Article 2. d.)

Category 3. \$200

- * a. Lawn Watering. (Section II: Article 1.i)
- b. Elevated fuel tanks that violate size and placement requirements. (Section I: Article 2.q)
- * c. Advertising signs installed on a site. (Section I: Article 2.l)

- * d. Construction vehicles parked on a site without active construction. (Section II: Article 1.j)
- ** e. Discharging firearms or setting off fireworks. (Section II: Article 1.d)

Category 4. \$100

- * a. Animals off site not under control. (Section II: Article 1.b)
- b. Vehicle abandoned on common areas, roads, or parking lot. (Section II: Article 1.n)
- c. Inadequate screening of garbage cans or storage areas. (Section I: Article 2.j)
- d. Installing satellite dishes or antennas, which extend beyond 25 feet, without approval. (Section I: Article 2.k)
- * e. Not removing camping equipment including RVs by designated date. (Section II: Article 1.a)
- * f. Not having a valid RV use permit or violating the 14 day limit. (Section II Article 1, a)
- * g. Failure to remove vehicles, trailers, snowmobiles, and sleds from the winter parking lot by designated date. (Section II: Article 2. e. and Appendix B, 6.)
- ** h. Discharging black and gray water within Arrowhead. (Section I: Article 2.b and Section II: Article 2.c)
 - i. Not completing defensible space action steps or not cleaning lot. (Section I: Article 1.c (5) and Section II: Article 1.m)
- * j. Horseback riding in prohibited areas or maintaining a horse on a site. (AIA Covenants, Article 5, 3.)

Category 5. \$50

- * a. Speeding in excess of the posted speed limit. (Section II: Article 2.b)
- * b. Trash or garbage not properly stored or removed. (Section II: Article 1.g)
- * c. Creating a public nuisance. (Section II: Article 1.c)
- * d. Using unapproved poisons or pesticides outside of buildings. (Section II: Article 1.e)
- * e. Fishing violations. (Section II: Article 2.d)
- * f. Operation of off-highway vehicles by persons under the age of ten (10), or failure to provide immediate supervision of underage drivers of off-highway vehicles. (Section II: Article 1. o)
- * g. Failure to register their vehicles, snowmobiles, ATVs, UTVs, and trailers. (Section II: Article 1. p)

* Violations of General Regulations are identified with a single asterisk.

** Violations of safety regulations or irreversible damage are identified with a double asterisk and will result in immediate assessment.

Appendix A: Mitigation and Defensible Space Standards

Foresters classify much of the Arrowhead forest as overgrown. According to the Colorado State Forest Service (CSFS), in our environment we should be averaging about 150-170 stems per acre. A casual glance at the community shows that we exceed that.

The primary cause of the overgrowth is a century's worth of aggressive fire suppression. Prior to the turn of the 20th century periodic lightning strikes would ignite low intensity fires that cleared up much of the understory – and what nature didn't do, the Utes did in order to facilitate hunting. In addition to the density that contributes to intense wildland fires, overgrowth forces our trees to compete for water, sun and nourishment leaving many weakened. Weak trees die early, contributing to the volatility of fuels. Weak trees are also susceptible to disease and insect attack.

At the urging of the CSFS, in 2000 Arrowhead began a systematic program of wildfire fuel reduction. Our effort has two components: mitigation (what foresters call thinning) and defensible space.

MITIGATION

At Arrowhead, mitigation refers to what is done on the common land and on lots with neither a structure nor a developed RV site. It has four basic elements:

1. Removal of ladder fuels. A ladder fuel is defined as an evergreen 6" DBH (diameter at breast height) or smaller 10' or closer to the drip line of a larger evergreen. If the sapling is beyond 10' of a drip line, it is a replacement sapling.
2. Limbing of keeper evergreens so that the tips of the branches are at least 6' from the ground.
3. Removal of standing dead 6"DBH or smaller. Limbing of branches to 6' on larger dead.
4. Removal of sound down dead. Sound down is defined as down dead that does not crumble when stepped on.

The intent of these steps is: 1) In the event of a wildland fire, to keep it on the ground and of low to moderate intensity in the hope that control and suppression efforts will be successful; and 2) to thin the forest so that the remaining trees will thrive.

Note: These are basic parameters. However, since each lot is different, they should be modified to fit – as long as the two goals are achieved.

Note also: Privacy screens and dust barriers on the periphery of a lot are permitted (if not encouraged).

Final note: Live Aspens are not a fire danger and, as they are a self-thinning, self-pruning tree, should not be cut or limbed. The shortest-lived, most fire, disease and insect prone evergreens at Arrowhead are the sub-alpine fir (commonly called balsam). They are the trees causing most of our problems; they should be the first to go.

DEFENSIBLE SPACE

In addition to promoting forest health and reducing fuels, defensible space has two other goals: 1) In the event of a wildland fire, keeping it on the ground so it will burn passed the structure or RV; and 2) in the event of either a wildland or structure fire, providing enough access so that firefighters can work and can escape if need be.

Defensible space consists of 4 circular (or elliptical) zones with the structure or RV site at the center.

Zone #1. This is the first 5' out (beginning with steps or decks posts). It should be as non-flammable possible – concrete, gravel or dirt, especially steps and decks posts. Much of what has to be done in this area is seasonal – no wood, gasoline, etc. under or on decks. Firewood should be moved a minimum of 25' from structure or RV, preferably up hill. Any grass should be trimmed to a height of 4" or less to keep flame length low.

Zone #2. Assuming a level lot, this zone extends the next 35' (40' from structure or RV) – more on the down slope side. It is the area of most aggressive treatment. All ladder fuels should be removed. Keeper evergreens thinned so that the crowns (limb tip to limb tip) are 8' apart to minimize torching. Keeper evergreens limbed to 8'. Grass trimmed to 4". Standing dead and sound down dead removed.

Zone #3. This is the next 30'. It is identical to mitigation standards – ladder fuels, limb to 6', etc., except some crown separation of larger evergreens – especially balsam – is encouraged.

Zone #4. The same as mitigation. Again, privacy screens and dust barriers are permitted.

Note: The above are basic principles that can be adjusted to fit the characteristics of individual lots.

CAVEAT. These steps are not a guarantee of 100% protection in the event of a wildland fire. However, as the West has a growing number of urban/wildland interface communities such as Arrowhead, and as many have been threatened by wildland fires over the past decades, experience shows that taking these steps markedly improves the odds of survival for both dwellings and their residents.

Appendix B: Winter Parking Rules

1. **You must have a yellow numbered sticker on your motor vehicles, trailers, snowmobiles, ATV's and UTV's in order to use the winter parking lot.** There is a sign in the parking lot, "Vehicles without an AIA numbered sticker will be towed at the owner's expense". Security personnel will patrol the lot for rule infractions and take appropriate action. Do not leave a vehicle in the main parking lot for an extended period of time that cannot be moved if the lot needs plowed. Leave a spare key(s) with Security for vehicles remaining in parking lot for any extended period. Each owner is allowed two (2) non-paid spaces in the parking lot.
2. Paid spaces will be provided for open/enclosed trailers. Enclosed trailers will park in the designated far West side. Snow removal will not be provided to this area thus these trailers will not be required to move when the lot is plowed. Open trailers will park on the North/West corner of the main parking lot. Spaces are available for a fee of \$50.00 per space and see Security personnel to secure a long-term trailer space.
3. Snowmobiles will be parked on the elevated West side area of the parking lot. Short-term parking of snowmobiles and UTV's will be allowed for a maximum of three (3) nights in the main area of the parking lot. Chaining multiple snowmobiles together in the vehicle parking area is not allowed.
4. Guests parking will be provided on a limited basis. Two (2) guest passes will be provided to each lot owner and are available from Security personnel. Guest passes are to be placed on the dashboard of the guest vehicles. Property owners are responsible for their guests. Please inform your guests that a telephone is available in the warming hut for local calls only.
5. Weekend vehicles with trailers are to park in the designated area, which is the first row South of the diesel parking. The vehicle and trailer both must have an AIA numbered sticker or guest pass. No parking will be allowed on the East side of the parking lot. The snowplow must have clear access through this area to dispose of snow during routine grooming and to provide emergency egress.
6. Vehicles, snowmobiles and trailers may be parked in the parking lot no earlier than October 15th and must be removed from the parking lot no later than May 31st each year (Per our County Use Permit). Vehicles, trailers, snowmobiles, ATV's & UTV's left in the parking lot after May 31st will be impounded and charged a \$100 fee; unless other arrangements have been made. Vehicles remaining past 90 days in the impound area will be removed at the owner's expense.
7. Vehicles with diesel engines have priority for diesel parking spaces. There are now 30 diesel parking spaces. Assignment of a parking space to a diesel vehicle must be reserved and paid for by October 1st. After Oct. 1st, if space is available, assignments will be made on a first come basis. The fee is \$200 for the season, \$50 per week or \$10.00 for the weekend (if space is still available). See Security personnel to reserve a space and pay your fee.
8. When leaving the lot on snowmobile **please stay on marked trails and observe traffic regulations.**