

**FOURTH AMENDED AND RESTATED
CERISE RANCH DESIGN GUIDELINES**

Revised January 2008

**CERISE RANCH
PROPERTY OWNERS ASSOCIATION**

TABLE OF CONTENTS

1. Design Philosophy
2. Site and Landscape Design Guidelines
 - 2.1 Lot Characteristics
 - 2.2 Building Site
 - 2.3 Grading
 - 2.4 Retaining Walls, Landscape Walls and Fences
 - 2.5 Drainage
 - 2.6 Driveways and Garages
 - 2.7 Outdoor Living Spaces
 - 2.8 Landscape Design and Materials
 - 2.9 Lighting
 - 2.10 Easements, Utilities, Service Areas and Satellite Dishes
 - 2.11 Signs
3. Architectural Design Guidelines
 - 3.1 Building Height and Mass
 - 3.2 Building Forms and Materials
 - 3.3 Building Structure
 - 3.4 Windows and Doors
 - 3.5 Colors
 - 3.6 Fireplaces, Chimneys, Vents, Flues, and Gutters
 - 3.7 Porches, Balconies and Decks
 - 3.8 Dormers
 - 3.9 Skylights and Solar Panels
 - 3.10 Automatic Fire Sprinklers
 - 3.11 Accessory Dwelling Units and Auxiliary Units
4. Submission Requirements and Fees
 - 4.1 Preliminary Review
 - 4.2 Final Review
 - 4.3 Construction
5. Variances
6. Mid Valley Metropolitan District
7. Covenant Enforcement
 - 7.1 Enforcement
 - 7.2 Notice
 - 7.3 Right to Cure
 - 7.4 Right to Fine
 - 7.5 Right to Injunctive Relief
 - 7.6 Right to Damages
 - 7.7 Lien
 - 7.8 Other Rights and Remedies
 - 7.9 Appeal of Fines

EXHIBITS

- Exhibit A – Approved Plant Materials

Exhibit B – Cerise Ranch Design Review Checklists and Submittal Requirements
Preliminary Review Checklist
Final Review Checklist
Cerise Ranch Transmittal Letter

Exhibit C – Domestic Water, Irrigation Water, and Wastewater Rules and Regulations
Attachment A Cerise Ranch Fees Schedule
Attachment B Driveway Crossing at Irrigation Ditch
Attachment C PIP Pipe Irrigation Tapping Detail
Attachment D Open Channel Irrigation Ditch Tapping Detail

FOURTH AMENDED AND RESTATED CERISE RANCH DESIGN GUIDELINES

These Fourth Amended and Restated Design Guidelines (“Guidelines”) have been prepared to provide a framework to guide the design and construction of all improvements in Cerise Ranch Subdivision (“Cerise Ranch”) and to assist each buyer of a home site in Cerise Ranch to maximize the quality of the living experience in the neighborhood. The purpose of these Guidelines is to enhance the aesthetic experience in Cerise Ranch, promote harmonious residential design and to protect and enhance property values. These Fourth Amended and Restated Design Guidelines amend, restate and replace in their entirety the Cerise Ranch Design Guidelines, the First Amendment to Cerise Ranch Design Guidelines, the Second Amendment to Cerise Ranch Design Guidelines, and the Third Amendment to Cerise Ranch Design Guidelines.

All development within Cerise Ranch shall conform with these Guidelines and all applicable subdivision and other approvals issued for the Cerise Ranch Subdivision by the Board of County Commissioners for Garfield County, Colorado. The Design Review Board (“DRB”) of The Cerise Ranch Property Owners Association, Inc. (“Association”) has adopted these Guidelines to be the General Development Guidelines as referred to in, and in accordance with, the Declaration of Covenants, Conditions, Restrictions and Easements for the Cerise Ranch Subdivision, Phase 1, recorded December 12, 2000, as Reception No. 573540 in the records of the Clerk and Recorder of Garfield County, Colorado, and all supplemental declarations thereof and amendments thereto (collectively, the “Covenants”). The DRB’s role is to provide assistance to all homeowners and their chosen design professionals and to ensure that the design process is a smooth and satisfying experience. These Guidelines may be amended from time to time by the DRB and it is the responsibility of buyers or their representatives to obtain and review a copy of the most recently revised Guidelines. Where there are conflicts between these Guidelines and Garfield County codes and approvals, the most restrictive will govern. Where there are conflicts between these Guidelines and the Covenants, the Covenants will govern.

1. DESIGN PHILOSOPHY

The design philosophy at Cerise Ranch is to create a contemporary neighborhood based upon the traditional design vocabulary of Garfield County and other western communities in the first half of the twentieth century. Within that architectural focus, a diversity of architectural designs and creativity will be encouraged. While these Guidelines do not dictate one specific architectural style, all buildings should share a number of common design elements. These design elements include site design solutions based upon lot sizes, grades, etc., a residential scale of buildings, traditional roof forms, consideration of surrounding architecture, and compatible materials and colors.

2. SITE AND LANDSCAPE DESIGN GUIDELINES

The goal of the site and landscape design is to assure the sensitive integration of a building with its site and surroundings.

2.1 LOT CHARACTERISTICS

2.1.1 Lots range in size from approximately 2 to 10 acres with Lot 52 being approximately 40 acres.

2.1.2 The lots toward the north, including Lots 28 - 36 and 43 - 48 are along the base of the hillside and provide excellent opportunity for walk out basements. Lots 1 - 25, 37 - 42, and 48 - 63 have a more gradual slope.

2.2 BUILDING SITE

Buildings and improvements should be sited and designed as an integral element of the lot and should adapt to adjacent lot conditions.

2.3 GRADING

Site grading should integrate the home with the site and adjacent lots. Grading should be designed as a combination of cuts and fills designed as an extension of existing topography on the site and retaining walls may be necessary. Re-graded slopes shall not exceed 2:1. Berms shall not exceed 5 feet in height nor exceed a 2:1 grade.

2.4 RETAINING WALLS, LANDSCAPE WALLS AND FENCES

2.4.1 When feasible, retaining and landscape walls should be designed as an extension of the home or as an extension of the natural landscape.

2.4.2 The top and ends of walls should be designed to blend with natural contours to visually tie the wall to the surrounding landforms. Walls are to be constructed of boulders or laid stone, logs, timbers or interlocking blocks. Railroad ties are not acceptable for use as landscape or retaining wall materials.

2.4.3 Where retaining walls exceed 4 feet in height, they shall be stepped to form a series of landscaped terraces. The vertical wall of each terrace shall not exceed 4 feet in height and the horizontal distance of the bench between the vertical walls shall be at least 2 feet. The horizontal benches shall include landscape plantings to soften the appearance of the wall.

2.4.4 Fence materials shall be compatible with materials used on the home. Chain link, aluminum or vinyl-fencing materials are not permitted. All fences require Design Review approval prior to construction.

2.4.5 Fencing will be restricted throughout Cerise Ranch to facilitate wildlife movements, optimize habitat availability, and reduce wildlife mortality.

2.4.6 Fencing within utility easements is discouraged. Utility companies are not responsible for the restoration or repair of any fence constructed within a utility easement.

2.5 DRAINAGE

Grading for conveyance of storm water and debris flow away from structures on each lot shall be the responsibility of the lot Owner, including the construction of debris flow mitigation structures as necessary to allow for conveyance of storm water and debris flow through such Owner's lot to an appropriate street drainage swale or culvert. Drainage solutions should not cross property lines.

2.6 DRIVEWAYS AND GARAGES

2.6.1 Driveway grades must not exceed 12%. Driveway width at the curb cuts must not exceed 24 feet but may thereafter fan to access wider garages. Driveways must be surfaced and may be constructed of asphalt, concrete, stone pavers or brick.

2.6.2 Each lot must contain a minimum of three parking spaces, any of which may be enclosed within a garage. Unenclosed spaces must be located within the lot boundaries. The minimum size for a parking space is 9 feet x 19 feet. Tandem spaces are allowed.

2.6.3 Garage doors are not intended to dominate the streetscapes. When garage doors face the street, garage doors must be set back a minimum of 10 feet from the front of the building or the entry porch projection. At least a two car garage must be built with each home.

Garage door colors must match or be complimentary to the predominant building color; contrasting garage door colors are not permitted. Metal garage doors are not allowed.

2.7 OUTDOOR LIVING SPACES

- 2.7.1 Outdoor living spaces can provide an effective transition between a home and the outdoors and also reinforce the visual connection of the home and the landscape.
- 2.7.2 Terraces, verandas, patios, porches courtyards, paths, walkways and other similar on-grade features should be an integral element of the design of the home and the landscape by blending with existing topography. Materials should be consistent with materials used on the residence.

2.8 LANDSCAPE DESIGN AND MATERIALS

- 2.8.1 The goal of landscape design is to reinforce the integration of homes and related improvements with the setting of the lot and to create a pleasant streetscape. Landscape plans shall address the following issues: appropriateness of plant material to this climate, the scale of the house and lot, public vs. private areas, and long term maintenance.
- 2.8.2 Plant materials should be indigenous to the surrounding area. A list of approved plant materials is attached hereto and incorporated herein as Exhibit A.
- 2.8.3 Landscape plans should address the public face of the front and side yards as well as the private areas of the back yard. The front yard landscape plan should create a welcoming entrance to the property. A minimum of ten (10) trees must be planted in the area between the front of the building and the front property line. At least 3 of the trees shall be evergreen. A variety of tree sizes should be used in landscaping. Coniferous trees should average at least eight (8) feet in height and deciduous trees shall have trunks with a minimum measurement of at least three (3) inches as measured by a caliper at a height of three feet from the ground. The balance of the front yard shall be planted with grass or other ground cover. The additional use of flower and shrub beds is encouraged. Avoid planting vegetation that will encroach on the public sidewalk or obscure views at driveway entrances. The back yard or private area can contrast to the front uses. Vegetation can be used to screen utility areas on a residence or to create private outdoor spaces.
- 2.8.4 Landscape plantings within utility easements should be minimized. Utility companies are not responsible for the restoration of landscaping of any kind within a utility easement. The CRPOA is not responsible for restoration of any improvements in the street right of way.
- 2.8.5 Long-term site maintenance should be considered in the initial landscape design including installation of irrigation systems to the neighborhood raw water irrigation system. Edging material like metal, stone, wood, or brick can be used to define individual areas in the landscape. Plastic landscape edging is not recommended because it breaks down when exposed to the sun. Mulch can be used to top planting beds, define walking paths, or prevent soil from splashing onto structures. Mulch material shall be organic or indigenous to the Cerise Ranch area. Wood chips, compost and river rock are appropriate materials. Foreign stone used as top dressing material shall be subject to DRB review and approval.
- 2.8.6 Outdoor sculpture or monumentation elements shall not exceed 5 feet in height. Prior DRB approval of all such elements is required.

2.9 LIGHTING

The rural environment and night skies are to be preserved at Cerise Ranch. Exterior lighting should be minimal, used only to provide a safe, secure and easily identified community. Where outdoor lighting is required, fixtures shall be shielded so that no light source is directly visible from the street or neighboring homes – down lighting is required. Exterior lighting shall be designed to create pools of light rather than continuous lighting. Light standards should be of a low profile design using wood, metal or stone. Lights which produce a warm effect, rather than a cool effect, must be used. Incandescent, color corrected high-pressure sodium and metal halide lights are appropriate.

2.10 EASEMENTS, UTILITIES, SERVICE AREAS AND SATELLITE DISHES

2.10.1 Easements have been provided throughout Cerise Ranch to allow for the installation and maintenance of utilities. All utility lines to serve a home shall be located underground. All utility meters shall be brought to the residence foundation.

2.10.2 Each lot will require an engineered sewage treatment system or, for lots included within the Mid Valley Metropolitan District, a Colorado special district (“MVMD”), connection to the sanitary sewer system servicing lots within Cerise Ranch and operated by the MVMD. Refer to Exhibit C attached – Domestic Water, Irrigation Water and Wastewater Rules and Regulations.

2.10.3 Satellite dishes up to 24 inches in diameter may be approved subject to review by the DRB. Dishes should be located in unobtrusive locations. Roof top installations are not permitted.

2.10.4 Roof-mounted mechanical equipment, such as evaporative coolers are to be located on roof surfaces that do not front streets or roadways, and must be painted to match roofing.

2.10.5 Utility meters, irrigation controls, phone and cable connections, air conditioners etc. must be screened from view by structure or vegetation, or be painted or stained to match their backgrounds.

2.11 SIGNS

2.11.1 A maximum of one standard sized real estate sales sign per lot is permitted which should be removed immediately when the property is sold.

2.11.2 Temporary signs advertising garage sales or community events shall be allowed as long as they do not exceed 2 in number and 12 square feet in aggregate area and are posted on private property.

2.11.3 For other than homes under construction, signs advertising commercial ventures of any type are prohibited.

3. ARCHITECTURAL DESIGN GUIDELINES

The essence of the architectural design guidelines for Cerise Ranch is to encourage homes that are designed to appear as a contemporary interpretation of the traditional neighborhoods of Garfield County and other western communities in the first half of the twentieth century. These Guidelines also intend to protect the aesthetic values of the community through elimination of those architectural styles and those building materials that detract from the appearance of the neighborhood as a whole. Prohibited styles generally are styles from other regions that are not compatible with regional and traditional vernacular designs. Prohibited styles include, but are not limited to: A-frames; Domes; Mediterranean; Tudor; Chalets; Ornate Victorian; Chateau; and Pueblo.

3.1 BUILDING HEIGHT AND MASS

- 3.1.1 Maximum allowable building heights are not intended to imply that all portions of a building may be built to the maximum allowable building height limit. Rather, in all cases, buildings should be designed with a low profile understated appearance. Building massing should create a sense of residential scale as viewed from the street. No single roof plane shall extend more than 60% of the length of any facade. A dormer can serve to break up a roof plane. Building heights must conform to the statutes, codes, rules and regulations of Garfield County. The current code requirement limits building heights to 25' feet from the midpoint of the undisturbed grade between the front and rear walls of the residence to the midpoint of the roof peak and the eave.
- 3.1.2 Building massing on larger lots should emphasize horizontal scale and form. Sloped sites may require stepping house massing to connect the home to the site. Residential scale should be reinforced by varying building heights and considering features with cottage type scale, such as multiple gables and dormers. Large structures and continuous unbroken vertical and horizontal building planes should be avoided.
- 3.1.3 The front of the house shall be parallel to the street or a porch or entry roof element shall face the street. At narrow lots, the residence should be designed with the principal gable end facing the street and a secondary element, such as a porch or entry element also facing the street. At wider lots, the principal gable ridge line can run parallel to the street and a secondary roof element in addition to the porch or entry element shall face the street.

3.2 BUILDING FORMS AND MATERIALS

Building form is comprised of three major elements, the foundation, the building walls and the roof. General parameters for each of these elements are outlined herein below.

3.2.1 Foundations

A site specific geotechnical investigation shall be conducted for each lot to determine proper foundation design and mitigation of potential geologic hazards. In order to “ground” a building with its site, a minimum of exposed foundation concrete is desired. Masonry materials may help ground the building where foundation walls are above grade. Siding should be extended to within 6 inches of finished grade to minimize exposed foundation concrete. A parged finish or stucco coating (finished concrete) or masonry veneer may cover the exposed foundation concrete to allow a finished surface to exceed the 6 inches maximum exposure. Landscape walls may also be used to minimize exposed concrete foundation walls.

3.2.2 Building Walls

Building walls should not exceed two stories in height and may be constructed of wood or masonry. No elevation on a home may be sided completely in any single material. Combinations of up to three different materials are required Hard board composition siding, or log siding, approved by the DRB is allowed, but may not exceed 75% of an exterior elevation. Stucco siding is allowed, but may not exceed 50% of an exterior elevation. Prohibited wall materials include the use of aluminum siding, vinyl siding, fiberglass, asphalt, exposed/unfinished concrete, unfinished cinderblock, batt over plywood, and T-111 siding. Columns posts and balconies are to be of wood, stone or finished concrete (parged or stucco). Concrete column foundations may be exposed up to a maximum of 6 inches. Masonry elements are limited to regional Rocky Mountain stone or fired clay brick, not exceeding 50% of any elevation area. Simulated stone veneer is subject to approval. Masonry elements are not to be painted. A sample board of exterior

materials to be used will be required for submission to the DRB at the time of final plan review.

3.2.3 Roofs

All homes shall have sloping roofs in the range of 6:12 to 12:12 for the main mass of the home. Secondary roof elements may have roof pitches between 2:12 and 12:12. Flat roofs are not permitted for more than 15% of the roof area. Roof fascia and rake trim shall be a minimum of 8 inches nominal, (7 _ inches actual) in width. Multi piece trim of heavier massing is encouraged, where appropriate in proportional scale with the overall building mass. Exposed rafter designs are encouraged and the fascia dimension may be less than the 8 inches required of all other roofs. The following roof materials will be permitted:

- Fire retardant cedar shingle or cedar shake.
- Slate.
- Non-reflective metal.
- Architectural grade fiberglass based asphalt roofing shingles in limited thickness styles with a minimum 40 year life and weight of 340 pounds per 100 square feet.
- Other roofing materials may be considered by the DRB on a case-by-case basis.

3.3 BUILDING STRUCTURE

Exposed structural elements, such as, beams, purlins, rafters and columns may be expressed in all buildings. Structural expression should be consistent through all elements of a building - the foundation, the walls and the roof. Glass should never appear to be supporting beams or other structural elements of a building.

3.4 WINDOWS AND DOORS

3.4.1 Windows and doors provide an opportunity to reinforce building scale and to add interest and individual expression to a house. Windows and doors should be designed as an integral architectural element of the home. All windows and doors should appear to be recessed and large areas of glass should be shaded by overhangs, balconies or similar features in order to establish shadow patterns to reduce reflectivity of the glass.

3.4.2 Windows and doors shall be designed in proportion with the overall structure and form of the home. The treatment of all windows and doors should be consistent on all sides of a building. Windows and doors must have trim of a minimum dimension of 1 by 4 inches around them. Window frames should appear as substantial building elements. The substantial cross section of framing and trim around windows and doors creates shadow lines that add interest to a building's facade. Windows of unusual shapes and sizes, or the use of colored, highly tinted or mirrored glass is prohibited. Aluminum windows and doors will not be approved

3.5 COLORS

3.5.1 An underlying goal of Cerise Ranch is for all buildings to be designed in harmony with the natural surroundings of Garfield County. All building colors should be selected to achieve this goal.

3.5.2 The colors of all exterior building materials shall be in quiet harmony with the natural landscape of the surrounding hillsides. Natural finishes or transparent or semi-

transparent stains may be used on wood materials. The use of paint requires muted colors, somewhat darker in value, for the background colors. Accent colors can be used to add interest to a home, but in no case should accent colors call undue attention to any single element of a building. Accent colors should be taken from natural colors found in the immediate surrounding area.

3.5.3 Acceptable roof colors are weathered greens, grays and browns selected in concert with the colors and textures of the building.

3.5.4 All colors, including but not limited to those for roofing, siding, stucco, trim, cladding and concrete, are subject to DRB approval.

3.6 FIREPLACES, CHIMNEYS, VENTS, FLUES AND GUTTERS

Fireplaces are limited to gas or electric devices only. No open hearth solid-fuel fireplaces will be allowed. Chimneys should be designed in proportion to the home and generally reflect a simple, understated appearance. Chimney caps to conceal flues are required. All other rooftop equipment and vents must be consolidated, concealed and/or painted to match the roof color. Gutters, when used, must blend in color with the building.

3.7 PORCHES, BALCONIES AND DECKS

3.7.1 A one story high front porch with a minimum width of 10 feet facing the street is required. In lieu of a front porch, a covered one-story entry element with a minimum width of 10 feet facing the street can be provided. If the required width appears to intrude on the scale of the home, a variance will be considered by the DRB.

3.7.2 Balconies and above grade decks provide outdoor living space and add interest and scale to a home. Above grade balconies and decks should be designed as an integral element of the building. Balconies and decks should be designed within the mass of a building, or when designed as a cantilevered element of the building, should be supported by substantial structural elements such as timber columns. In no case shall projecting decks be supported by narrow posts or columns.

3.7.3 The underside of balconies and decks above grade shall be treated or stained to match the residence. Railings on balconies and above grade decks shall be treated or stained to match the residence. Railings on balconies, decks, stairs and porches should be made of materials that appear to be natural extensions of the building.

3.8 DORMERS

The use of dormers should be considered to establish residential scale to roof forms and to break up the appearance of large roof planes. When used, dormers should be in scale and proportion with the rest of the home.

3.9 SKYLIGHTS AND SOLAR PANELS

Skylights and solar panels must be integrated into the architectural composition.

3.10 AUTOMATIC FIRE SPRINKLERS

Any home constructed in excess of 6200 square feet shall include an automatic fire sprinkler system designed in accordance with the requirements of the Carbondale and Rural Fire Protection District.

3.11 ACCESSORY DWELLING UNITS AND AUXILIARY UNITS

3.11.1 Except as expressly provided in Section 3.11.2 herein below, accessory dwelling units may be located only on Lots 7, 8, 9, 10, 11, 14, 15, 16, 17, 25, 36, 52, 53 and 68 exclusively. In addition to the requirements of these Guidelines, accessory dwelling units are also subject to all requirements applicable to the same set forth and incorporated within Section 5.03.21 of the Garfield County Zoning Resolution of 1978, as amended, and all requirements of the MVMD applicable to same.

3.11.2 Any lot not listed in Section 3.11.1 hereinabove as being zoned to permit an accessory dwelling unit may only have an accessory dwelling unit located thereon if all of the following conditions are satisfied:

- (i) Approval by the DRB in accordance with the requirements of these Guidelines, which approval may be withheld by the DRB in its sole and absolute discretion;
- (ii) Approval of, and compliance with, all codes and requirements of Garfield County, and the MVMD;
- (iii) Inclusion of the lot within the MVMD;
- (iv) Payment to the MVMD of all applicable water right dedication fees, ADU sewer surcharge fees, and water and sewer tap fees for the ADU, and any other applicable fees.

3.11.3 Unless a specific variance has been granted by the DRB in accordance with Section 5 herein below, no accessory dwelling unit may be occupied for habitation until such time as construction of the primary dwelling unit on such lot has been completed and a certificate of occupancy has been issued by Garfield County for both the primary dwelling unit and the accessory dwelling unit on such lot.

3.11.4 Auxiliary units, including, but not limited to, tool/storage sheds, irrigation pump sheds, playhouses and shade shelters, must be approved by the DRB. All buildings on a lot are to be designed as integral extensions of the main structure with respect to architectural style, building materials and color.

4. SUBMISSION REQUIREMENTS AND FEES

The required documents to be submitted for each phase of DRB review are enumerated below. All plans must list the name, address and telephone number of the lot Owner and design professionals responsible for the preparation of the plans submitted for review. This shall include, but not be limited to: architectural design, soils engineering, wastewater system engineering, structural engineering, and land survey. Each drawing shall be drawn to an appropriate scale, include a north arrow, graphic scale, lot number, date prepared (including revisions) and clearly delineate required information. Failure to completely submit any of the required documents can result in rejection of the application, substantial delays in review or denial.

There are two phases of DRB review– A Preliminary Review and a mandatory Final Review.

Under no circumstances may any construction be commenced until Final Review approval has been obtained in writing from the DRB pursuant to Section 4.2 herein below and the Construction Completion Deposit defined and referred to in Section 4.3.2 has been paid. Any Owner on whose lot construction has commenced prior to obtaining Final Review approval shall be subject to the imposition by the Association of a fine in the sum of \$1,000.00.

The Committee will process the submissions for the following fees:

Preliminary Design Review	\$200.00
Final Design Review (Mandatory)	\$600.00
Remodeling or Additions Review	\$150.00
Landscaping or Fencing Review	\$150.00
Resubmittals	\$150.00

These fees are based upon the review of a single submission and one resubmission to address DRB comments. If any changes are made to the plans that are not a requirement of the DRB, the Resubmittal fee will be charged. Additional charges will be imposed for additional reviews.

Preliminary Design Review

Each preliminary design review will include the preliminary design review, one meeting related to the review, one resubmittal of the preliminary design review, approval letter, phone calls, miscellaneous copies, and administrative costs.

Final Review

Each final design review will include the final design review, one meeting related to the review, one resubmittal of the final design review, site visits for foundation inspection, dry-in inspection, and final review for construction completion deposit refund, comment and approval letters, phone calls, miscellaneous copies and administrative costs.

Additional DRB Review Fees

Additional DRB Review Fees will be billed at \$50.00 per hour for additional meetings and services and may include the following items: additional meetings of the DRB, additional meetings with the Owner, investigation of violations of these Guidelines, site visits, applications for variances and other items beyond the scope of a typical review.

Two (Preliminary Review) or Three (Final Review) complete sets of documents must be submitted along with the required fee for each submission. One set of documents will be filed for reference by the DRB and one set will be returned to the applicant. The returned copy of approved documents should be available at the building site during construction for use by the DRB members. The review of minor changes to properties may, at the discretion of the DRB, be conducted on an informal basis. The DRB will not consider any submission as being complete and review will not be initiated until all required documents and applicable fees are received by the DRB. A copy of the Cerise Ranch Design Review Submittal Requirements is attached hereto and incorporated herein as Exhibit B. The Committee shall respond in writing to each complete submission within fifteen working days.

4.1 PRELIMINARY REVIEW

The Preliminary Review should be utilized to avoid a substantial investment in plans and drawings that may not be acceptable and to allow the DRB the opportunity to provide the applicant with comments of a general nature before said plans and drawings are finalized. Applicants are encouraged to meet periodically with the DRB as design progresses to discuss any questions. It is anticipated that the Preliminary Review will be processed by the DRB within approximately four weeks from date of submission of the complete application and supporting documentation. Upon approval of Preliminary Review, the DRB shall issue the applicant preliminary approval in the form of a stamped approval and signed preliminary plan drawing. The Preliminary Review approval shall automatically expire one year from the date of issuance.

The submission requirements for Preliminary Review are contained within Section 4.1.1 through 4.1.3 herein below.

4.1.1 Site Plan

The Site Plan shall accurately show all proposed improvements/changes to the property. It must show existing and revised contours, the roof plan (with elevations above existing grade), walks, drives, parking, fences, drainage structures, landscaping and out-buildings or structures of any kind. The Site Plan must indicate the outline of all structure(s) as the same meets the adjoining grade. The Site Plan must also show the building envelope and setbacks, easements of record, the location of existing and proposed drainage facilities (and proposed drainage patterns) and utilities and/or utility extensions and meters. The site plan must also show existing trees and clearly indicate those to be removed. The plan must provide dimensions which delineate the location of each improvement on the lot.

4.1.2 Exterior Elevations

Drawings or plans containing a minimum of four elevation views, which sufficiently portray the structure(s) from all sides, are required. The elevation views must show existing and finish grades and the height of the roof above the existing grade. All proposed exterior materials must be noted on the drawings, including, but not limited to, siding materials, colors, roof materials and window types.

4.1.3 Floor Plans

Floor plans delineating the layout of each level of the structure are required. The plans must set forth the use of each area (i.e. kitchen, bedroom, etc.), the elevation of each floor level, its square footage, and show adjoining decks or patios. The floor plans must provide complete dimensions, including square footage, of the structure.

4.2 FINAL REVIEW

The mandatory final review (“Final Review”) should take place during the “construction document” planning phase. Plans and specifications should be sufficiently complete to provide the DRB with final structural, color and material selection information.

As part of the submission for final review, each lot shall be staked and certified by a registered Land Surveyor verifying building location within the approved building envelope.

It is anticipated that the Final Review will be processed by the DRB within four weeks from date of submission of the complete application and supporting documentation. Upon approval, an approval stamp shall be issued by the DRB and the approved set of drawings shall be filed with the DRB for inspection reference. Any unilateral changes from the approved documents are prohibited and may incur fines. The Final Review approval shall automatically expire one year from the date of issuance. The submission requirements for Final Review are set forth within Sections 4.2.1 through 4.2.12 herein below.

4.2.1 Site Plan

The site plan (“Site Plan”) shall accurately show all proposed improvements/changes to the property. It must show existing and revised contours, the roof plan (with elevation above existing grade), walks, drives, parking, exterior lighting, fences, drainage structures, landscaping and out-buildings or structures of any kind. The Site Plan must indicate the outline of all structure(s) as the same meets the adjoining grade. The Site Plan must also show the building envelope, setbacks, easements of record, the location of existing and proposed drainage facilities (and proposed drainage patterns) and utilities

and/or utility extensions and meters. The Site Plan must show all structures, finished paving and walk materials, drainage structures, debris flow mitigation structures and locations, site construction details, landscaping and proposed areas of revegetation. The Site Plan must also show existing trees and clearly indicate those to be removed. The plan must provide dimensions which delineate the location of each improvement on the lot.

4.2.2 Construction Staging Plan

The construction staging plan must delineate temporary construction access, construction parking, erosion control measures, dumpsters, sanitary facilities, construction trailers and material storage areas to be used during construction.

4.2.3 Exterior Elevations

Elevation drawings colored to match the proposed structure are required. Drawings or plans containing a minimum of four elevation views, accurately depicting the structure(s) from all sides, are required. The elevation views must show existing and finished grades and the height of the roof above the existing grade. All proposed exterior materials must be noted on the drawings, including, but not limited to, siding materials, colors, roof materials and window types.

4.2.4 Floor Plans

Floor plans delineating the layout of each level of the structure are required. The plans must set forth the use of each area (i.e. kitchen, bedroom, etc.), the elevation of each floor level, its square footage, and show adjoining decks or patios. The floor plans must provide complete dimensions of the structure, and a summary of square footages by floor and the total for the residence.

4.2.5 Geotechnical Investigation

Lots within Cerise Ranch are subject to geologic conditions and potential geologic hazards similar to those found in other developments in the area and are typical of mountainous terrain. Accordingly, a site specific geotechnical investigation is required for each lot so as to incorporate engineering solutions and construction methods appropriate for residential structures in this locale, to include, where required, mitigation of rockfall, debris and mud flow and ground subsidence. A copy of the geotechnical investigation must be included with the Final Review submittal. The geotechnical investigation must be prepared and sealed by a professional engineer.

The geotechnical report must be certified by a licensed professional in the field. The applicant should not rely on the DRB to evaluate these documents for adequacy or sufficiency. The role of the DRB is strictly limited to a determination that such reports and drawings have been prepared and certified by licensed professionals and such determination shall in no way be deemed or construed as an approval or certification by the DRB of the adequacy of such geotechnical reports or their compliance with applicable statutes, codes, rules or regulations. The DRB reserves the right, at the cost of the Owner, to retain on behalf of the DRB a consultant to advise the DRB on the submission. The approval is conditioned on the Owner obtaining appropriate licenses and/or permits from Garfield County and/or other applicable governmental agencies as a condition to constructing the related improvements.

4.2.6 Sanitary Sewer Connection Design

For lots connecting to the MVMD sanitary sewer system, the design, installation and connection of the individual service line to the MVMD main line shall comply with the MVMD's Rules and Regulations and Technical Specifications and shall be subject to the review and approval of the MVMD engineers. See Exhibit C

4.2.7 Water Connection Design

For lots connecting to the MVMD water system, the design, installation and connection of the individual service line to the MVMD main line shall comply with the MVMD's Rules and Regulations and Technical Specifications and shall be subject to review and approval of the MVMD engineers. See Exhibit C

4.2.8 Utilities

All utility lines to serve a home shall be located underground. All utility meters shall be brought to the residence foundation.

4.2.9 Roof Plan

A roof plan showing all roof penetrations, chimneys, skylights, mechanical equipment, etc. must be submitted for DRB review.

4.2.10 Color Samples

Exterior color samples representative of the actual exterior materials to be used must be submitted for DRB review. This shall include, but not be limited, to siding, trim, fascia, roofing, window cladding, stone, and masonry materials.

4.2.11 Exterior Lighting

Catalogue sheets must be provided for exterior lighting, including landscape lighting.

4.2.12 Structural Drawing

The structural drawings are to include detailed plans for the foundation as well as the structural components of the improvements. Member sizes and design criteria are to be provided. Plans must be prepared and sealed by a professional engineer, licensed in the State of Colorado.

4.3 CONSTRUCTION

4.3.1 Final Review Approval

Before any construction or excavation is initiated, Final Review approval must be obtained from the DRB. Upon Final Review approval, the DRB shall stamp the drawings with an approval stamp and signature. If the approval sets forth conditions which must thereafter be satisfied by the applicant, the applicant must comply with all conditions set forth in the approval.

4.3.2 Construction Completion Deposit

Each Owner, prior to beginning any construction, shall provide a cash deposit in the sum of \$15,000.00 or such other amount to be reasonably determined by the DRB ("Construction Completion Deposit"). In the event of action by the Association or the DRB to remedy any violation of these Guidelines or to repair damage and/or clean up adjoining public or private property caused by the construction of improvements, the cost of such remedy shall be charged against the deposit. Should the cost of such action exceed the amount of the deposit, these excess costs shall be assessed as a charge against such Owner's lot. The Association may pursue collection of these charges as prescribed in its Declaration. At project completion (including landscaping, paving and improvements), applicant must send a letter to the DRB stating that the project is

complete and that an inspection and release of funds is being requested. Following inspection and approval by the DRB of the completion of the improvements to the lot, the balance of said deposit held by the Association shall be released to the lot Owner.

4.3.3 Protection of Property

The contractor retained by the lot Owner to construct the improvements on the lot (“Contractor”) shall take precautions as necessary to protect all existing work in place, including, but not limited to, landscape, landscape irrigation, curbs and gutters, street paving, sidewalks and site lighting on all adjacent properties and public rights-of-ways. All existing trees within five feet of the building envelope shall be protected from damage. The area in which all construction activities are conducted will be limited. The designated area must not encroach on subdivision access roads, common areas, or adjacent lots. This area must be defined by silt fence, barricade fence or as otherwise approved by the DRB. Temporary access to the building envelope and material staging areas shall be clearly identified on the construction documents and approved by the DRB prior to start of construction.

4.3.4 Erosion Control

The Contractor shall provide temporary diversion ditches and embankments as required to preclude site drainage from crossing over adjacent properties or on to the public rights-of-way. Construction Management Plan shall address practices to protect existing vegetation, implement revegetation and control erosion. Erosion control measures shall be installed as necessary to control erosion or run-off on subdivision access roads, common areas or adjacent lots. All erosion or sediment caused by construction activity shall be cleaned immediately and/or removed from adjoining areas. Temporary measures for erosion control including hay bales, vehicle tracking pads and silt fences shall be clearly identified on the construction documents and approved by the DRB prior to start of construction.

4.3.5 Vehicles and Parking

Vehicles for use during construction activities shall conform to all provisions of the Covenants and Garfield County requirements. Vehicles or construction equipment shall not be stored on site. Parking for construction workers vehicles is limited to the lot. At no time will parking be allowed on the streets or on adjacent lots.

4.3.6 Construction Equipment, Construction Access, Materials, Drugs and Dogs

Location of temporary access drives and parking area: A gravel construction entrance at location of permanent driveway entrance must be installed prior to commencement of any excavation or construction. Other areas expected to bear traffic or parking of vehicles must also be graveled. Temporary placement of construction equipment on site will be allowed, however storage of construction equipment beyond the duration of need for such equipment to be on site shall be prohibited. Limits of excavation and designated areas for stockpiling material temporary structures, chemical toilets, dumpsters, material lay down and staging areas shall be indicated on the Construction Management Plan. Temporary storage of building materials on site shall be allowed in the approved staging area. All supplies shall be kept stacked and be covered. The site shall be kept free of construction debris at all times. Temporary placement of debris on site shall be contained within a dumpster located in the approved staging area. Subdivision access roads or adjacent lots shall at no time be used for material laydown or staging areas. Dogs and outdoor radios shall not be allowed on the construction site at any time. No alcoholic beverages or illegal drugs will be permitted on job sites.

Property owner permission must be obtained in writing prior to the use of any adjacent property for access, construction staging, material storage, etc. Those properties must be revegetated, and irrigated to ensure that new growth is established, prior to the release of the Construction Completion Deposit.

It is the responsibility of the contractors and builders to keep the streets in a clean condition when there is dirt and mud on the streets resulting from run-off or vehicles leaving their site. To assist home builders and contractors maintain clean streets near their sites, the Association may contract with a street sweeping service. If contractors or builders have not properly maintained their streets then the Association will sweep the affected area and charge the contractor or builder for their portion of the cost of the service. The charge will be deducted from the Construction Completion Deposit with notice to both the general contractor and the property owner.

4.3.7 Dust, Noise and Hours of Construction

The Contractor shall take precautions as necessary to abate dust generation due to construction activities at all times – there will be zero tolerance for fugitive dust. The Contractor shall take precautions as necessary to abate excessive noise generation at all times. The use of explosives on the construction site is prohibited. If required, use of driven steel foundation piles shall be subject to approval by the DRB prior to the start of construction. Construction activities shall only occur during the hours of 7:00 A. M. to 7:00 P.M., Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturday, unless written authorization from the DRB is secured for extended or weekend hours. No construction is allowed on Sunday's without the prior approval of the DRB.

4.3.8 Temporary Structures, Trash and Dumpsters, and Sanitary Facilities

The Contractor is allowed to maintain one temporary construction trailer on site for the duration of the project. The trailer shall not exceed twelve feet wide by thirty feet long. The contractor is required to provide temporary sanitary facilities on site in the approved staging area for the duration of the project. All builders are required to use dumpsters for collecting scraps or trash materials. Dumpsters must be emptied when the debris accumulates to a visible height above the sides.

- a. If building site conditions preclude the use of dumpsters, Cerise Ranch may approve alternate measures for debris control. If scrap piles are permitted as an alternate measure, scraps of lumber and other building materials that would be scattered by the wind must be placed on the pile at the close of each workday. Scrap piles should be disposed of frequently, and at a minimum, every Friday.
- b. Containers for lunch and beverage debris and light building scrap should be provided and usage enforced. It is unacceptable to place this debris on building material scrap piles.

4.3.9 Signs

In addition to required inspection signs, the Contractor is allowed to post one sign, not to exceed six square feet for identification of the project and the construction company. No such sign shall be erected prior to the Preliminary Review meeting with the DRB. All such signs are to be removed no later than thirty (30) days of the DRB's final on-site review. A maximum of one real estate sales sign per lot is permitted, which must be removed immediately when the property is sold.

4.3.10 Initiation of Construction

The Final Review approval shall automatically expire one year from the date of issuance. If delays are encountered which would preclude or delay the initiation of said construction beyond this time period, applicant may petition the DRB for an extension of the Final Review approval for a time not to exceed twelve months. Said extension petition must be submitted in writing to the DRB at least thirty days prior to the expiration date of the Final Review approval and shall be accompanied with the payment of all applicable fees.

4.3.11 Completion of Construction

Once construction has commenced on a Lot, such construction shall proceed uninterrupted with due diligence and dispatch until completed, subject to reasonable delays caused by matters beyond the control of the Owner. Completion of all landscaping and paving must be completed within one year after issuance of the certificate of occupancy for the main residence. Specific reference to the Cerise Ranch Covenants, Article XVI, Section 16.11 D (iii) is hereby made regarding prosecuting improvements made on the property “diligently to completion” and that such improvements “will be completed within one (1) year after commencement”, and enumerating the association’s rights there under to impose fines of \$1,000.00 per day.

4.3.12 Water Sewer and Tap Fees

Prior to acquiring a building permit, the Property Owner or the contractor shall have paid their water tap fee to the Mid Valley Metropolitan District. Prior to obtaining a temporary or permanent certification of occupancy, the Property Owner or the contractor shall have paid their sewer tap fee to the MVMD. Once the Property Owner or the contractor is tapped into and using the potable water system, a monthly fee shall be assessed by MVMD.

Sewer and water hook ups must meet the Mid Valley Metropolitan District’s minimum specifications :(See Exhibit C of the Design Guidelines)

Please call the Mid Valley Metropolitan District at (970) 927-4077, 48 hours in advance to schedule an inspection.

GENERAL INFORMATION

The following shallow utilities have been installed at Cerise Ranch:

Electricity	Holy Cross Electric	(970) 945-5491
	Public Service Company	1-800-772-7858

Sewer/Water	Mid Valley Metropolitan District	(970) 927-4077
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Cable Location (Gas, Phone, Cable)		
Buried Cable Location Service		1-800-922-1987

Any questions regarding installation or location of utilities should be referred to the Cerise Ranch Design Review Administrator at (970) 928-8428.

5. VARIANCES

The DRB is empowered by the Covenants to grant variances from the requirements of these Guidelines under unique or unusual circumstances upon proper application and otherwise in compliance with the conditions and procedures set forth in the Covenants and these Guidelines. Any such Variance shall be in writing and shall note the reasons for the Variance granted. Granting of any variance shall not constitute granting of similar variances subsequent.

6. MID VALLEY METROPOLITAN DISTRICT

The following lots within Cerise Ranch are currently included within the MVMD: Lots Nos. 1 through 40, 44 through 54, 56 through 63, and 66 through 68. All lots currently included within the MVMD and all lots which subsequently become included within the MVMD are referred to collectively as "MVMD Lots". All lots within Cerise Ranch will receive domestic water service through the MVMD in accordance with the MVMD Pre-Inclusion Agreement applicable to each lot. MVMD Lots will receive both domestic water and sanitary sewer service through the MVMD. All lots within Cerise Ranch must comply with the MVMD's rules and regulations adopted December 18, 2001, as amended from time to time, including, without limitation, (i) paying to the MVMD its water and/or sewer tap fees, at the rates then in effect, and (ii) paying to the MVMD its service surcharge fee, if included within the MVMD; and (iii) complying with the MVMD Technical Specifications and Procedures. See Exhibit C.

7. COVENANT ENFORCEMENT

These Guidelines shall be enforced by the Association in accordance with the powers and authority provided in the Covenants.

7.1 ENFORCEMENT

If an Owner violates any term or condition of these Guidelines or any decisions of the Association or the DRB related thereto (individually, a "Violation", and collectively, "Violations"), the following rights and remedies shall apply:

7.2. NOTICE

The Association or the DRB will provide written notice of any Violation to the applicable Owner, which notice shall designate a reasonable time limit in which to cure the Violation based on the nature of the Violation.

7.3. RIGHT TO CURE

After notice is provided to the Owner and such Owner has failed to cure the Violation within the designated time limit, then the Association may, but is not obligated to, enter upon such Owner's Lot and cure such Violation at the Owner's cost and expense. The Owner will be responsible to the Association for the amount of all costs incurred by the Association or the DRB in connection therewith, plus a reasonable administrative fee. If applicable, costs, expenses and administrative fees may be deducted from the Construction Completion Deposit.

7.4 RIGHT TO FINE

After notice is provided to the Owner, the Association may impose multiple fines of \$100 against the Owner for each and every five-day period after delivery of such notice to the Owner that such Violation has not been fully cured or remedied. No additional notice of such Violation need be sent for the imposition of the fines related to such Violation. The Association will send a written notice of the imposition of such fine to the Owner. The Owner shall pay any fines

imposed under this Section 7.4 within five days after receiving notice thereof. If applicable, all such fines may be deducted from the Construction Completion Deposit.

7.5 RIGHT TO INJUNCTIVE RELIEF

The Association shall have the right to commence legal action against the Owner to enjoin or enforce any such Violation.

7.6 RIGHT TO DAMAGES

The Association shall have the right to commence legal action against the Owner seeking compensation from such Owner for all damages, losses, costs and expenses, including, without limitation, reasonable attorney's fees and disbursements incurred by the Association or the DRB as a result of such Violation.

7.7 LIEN

The Association shall have the right to impose a lien against the Lot of any Owner committing or allowing a Violation in accordance with the provisions of the Covenants authorizing the Association to impose a lien on a Lot for amounts owed to the Association, together with interest thereon as provided in the Covenants. Such lien shall be imposed to secure and enforce payment of (a) any fee, charge, fine or other amount due from the Owner to the Association or the DRB; and (b) all costs and expenses of collecting any unpaid amounts, including, without limitation, reasonable attorney's fees and disbursements.

7.8 OTHER RIGHTS AND REMEDIES

The Association shall have all other rights and remedies available at law or in equity in enforcing the rights and remedies under these Guidelines. All rights and remedies hereunder shall be cumulative and the exercise of one right or remedy shall not preclude the exercise of any other right or remedy.

7.9 APPEAL OF FINES

An Owner may appeal any fine imposed against the Owner pursuant to these Guidelines by the Association in accordance with the following terms and conditions. Within five days after receiving a notice that a fine is being assessed against the Owner, the Owner may file a written appeal with the Association. If the Owner fails to file a written appeal with the Association within such five-day period, such Owner shall have no further right to appeal the fine. If such Owner files a written appeal within such five-day period, the Association shall review such appeal and within fifteen days thereafter deliver its written decision to the Owner. If the Association decides in favor of the Owner, it shall rescind its notice imposing the fine. If the Association decides against the Owner, the Owner shall pay such fine within five days after its receipt of the Association decision.

EXHIBIT A

APPROVED PLANT MATERIALS for HIGH INTENSITY PLANTING AREAS

Botanical Name	Common Name	Suggested	Minimum Size
EVERGREEN TREES:			
<i>Picea Pungens</i>	Colorado Blue Spruce		10'
<i>Pinus aristata</i>	Bristlecone Pine		8'
<i>Pinus cembroides edulis</i>	Pinyon Pine		6'
<i>Pinus contorta</i>	Lodgepole Pine		10'
<i>Pinus nigra</i>	Austrian Pine		10'
<i>Pinus ponderosa</i>	Ponderosa Pine		8'
<i>Pinus sylvestris</i>	Scotch Pine		8'
<i>Pseudotsuga menziesii</i>	Douglas Fir		8'
DECIDUOUS TREES: (Shade Trees)			
<i>Acer platanoides</i>	Norway Maple		3"
(Varieties: Columnar, Deborah, Emerald Luster, Emerald Queen, Schwedler, and other local available varieties.)			
<i>Acer rubrum</i>	Red Maple		3"
<i>Acer saccharinum</i>	Silver Maple		3"
<i>Acer saccharum</i>	Sugar Maple		
<i>Celtis occidentalis</i>	Hackberry		3"
<i>Fraxinus Americana</i>	Autumn Purple Ash		3"
<i>Fraxinus pennsylvanica</i>	Marshall Seedless Ash		3"
(Varieties: Greenspire and Glenleven)			
<i>Gledistia triacanthosintermis</i>	Honey Locust		3"
(Use in protected areas only. Varieties: Imperial, Skyline, Shademaster)			
<i>Populus angustifolia</i>	Narrowleaf cottonwood		3"
<i>Populus alba</i>	Silver poplar		3"
<i>Populus deltoids</i>	Siouxland cottonwood		3"
<i>Populus tremuloides</i>	Quaking Aspen		3"
<i>Salix Alba</i>	White Willow		
<i>Tilia cordata</i>	Littleleaf Linden		3"
(Varieties: Greenspire and Glenleven)			
DECIDUOUS TREES: (Ornamental)			
<i>Acer ginnala</i>	Amur Maple		2"
<i>Malus var.</i>	Crabapples		2.5"
(Varieties: Dolga, Hopa, Radian and other locally available varieties)			
<i>Prunus cerasifera</i>	Flowering Plum		2.5"
(Varieties: Newport and Thundercloud)			
<i>Prunus maaki</i>	Amur Chokecherry		2"
<i>Prunus padus</i>	Mayday tree		1.5"
<i>Prunus virginiana 'Shubert'</i>	Shubert Chokecherry		2.5"
<i>Sorbus Aucuparia</i>	European Mountain Ash		2.5"
(Use only in protected areas)			

APPROVED PLANT MATERIALS for NATURAL PLANTING AREAS

Botanical Name	Common Name
EVERGREEN TREES:	
Juniperus menosperma	Oneseed Juniper
Juniperus scopulorum	Rocky Mountain Juniper
Juniperus utahensis	Utah Juniper
Picea pungens	Colorado Spruce
Pinus cembroides edulis	Pinyon Pine
DECIDUOUS TREES: These trees are suggested only where natural moisture availability is high, such as adjacent to a pond or irrigation ditch or in a low area where surrounding runoff collects frequently.	
Celtis occidentalis	Hackberry
Populus angustifolia	Narrowleaf Cottonwood
Populus tremuloides	Aspen
Salix alba	White Willow
SHRUBS:	
Artemesia tridentate	Big Sage
Cercocarpus ledifolius	Curleaf Mountain Mahogany
Cercocarpus montanus	Mountain Mahogany
Chrysothamnus sp.	Rabbitbrush
Cercocarpus ledifolius	Mountain Mahogany
Caryopteris incana	Bluemist Spirea
Jamesia Americana	Waxflower
Prunus virginiana	Green chokecherry
Physocarpus monogynus	Ninebark
Rhus aromatica	Fragrant Sumac
Rhua galbra cismontane	Dwarf smooth sumac
Shepherdia argentea	Silver buffaloberry
Yucca baccata	Banana Yucca (Datil Yucca)
Yucca filamentosa	Ivory Tower Yucca
Rosa foetida bicolor	Austrian copper rose
Rosa harisonii	Harrison Yellow Rose
Rosa hugonis	Father Hugo's Rose
Rosa rugosa	Rugosa Rose
Salix purpurea 'Nana'	Arctic Blue Willow
Spirea bumalda	Spirea varieties
(Varieties: Anthony Waterer and Froebel)	
Spiraea vanhouttei	Bridalwreath spirea
Symphoricarpos orbiculatus	Red Coralberry
Symphoricarpos ablus	Snowberry
Syringa vulgaris	Common Lilac (purple and white)
Vibenum dentatum	Arrowwood Vibenum
Vibenum lantana	Wayfaring Tree Vibenum
Vibenum lentago	Nannyberry Vibenum
Vibenum opulus 'Roseum'	Snowball Vibenum
Vibenum opulus	European Cranberry Bush
Vibenum trilobum	American Cranberry
Vibenum Trilobum 'Alfredo'	Dwarf American Cranberry
Rubus deliciosa	Raspberry
Salix exigua	Coyote Willow
GROUND COVERS:	
Arcostaphylos ura-ursi	Kinnikinnick
Cerastium tomentosum	Snow in Summer
Dianthus deltoids	Maiden Pink

APPROVED PLANT MATERIALS for NATURAL PLANTING AREAS

Botanical Name	Common Name
Dianthus plumarius	Cottage Pink
Euonymus fortunei 'Coloratus'	Purple Wintercreeper
Fragaria sp.	Wild Strawberry
Lysimachia sp.	
Mahonia repens	Colorado Grape Holly

Potentilla verna

Spring Cinquefoil

EVERGREEN SHRUBS: 5 gallon

Juniperus chinensis
Juniperus Sabina
Juniperus horizontalis
Picea glauca conica
Picea mugho
Picea mugho pumilo

Pfitzer Juniper varieties
Savin Juniper varieties
Horizontal Juniper varieties
Dwarf Alberta Spruce
Mugho Pine
Dwarf Mugho Pine

DECIDUOUS SHRUBS: 5 gallon

Acer ginnala
Amelanchier alnifolia
Amelanchier Canadensis
Aronia melanocarpa
Cargana frutex
Caryopteris incana
Cercocarpus ledifolius
Cercocarpus montanus
Cornus sericea

Amur Maple
Saskatoon Serviceberry
Shadowblow Serviceberry
Chokeberry
Russian Peashrub
Bluemist Spirea
Curleaf Mountain Mahogany
Mountain Mahogany
Dogwood varieties

(Varieties: Red Twig, Colorado Red Osier, Kelsey's Dwarf and Yellow Twig)

Cotoneaster acutifolia
Cotoneaster apiculata
Cotoneaster horizontalis

Peking Cotoneaster
Cranberry Cotoneaster
Rock Cotoneaster

(Use in protected locations.)

Euonymus alatus compacta
Forsythia intermedia
Jameia americana
Lonicera tatarica
Lonicera involucrate
Ligustrum vulgare
Mahonia aquafolium

Dwarf Burning Bush
Lynwood Gold Forsythia
Waxflower
Tatarian Honeysuckle varieties
Twinberry Honeysuckle
Common Privet varieties
Oregon Grape Holly

(Use in protected locations.)

Physocarpus opulifolius

Ninebark varieties

(Varieties: Dwarf, Golden and Common)

Potentilla fruticosa var.
Physocarpus opulifolia
Prunus besseyi
Prunus cistena
Prunus tomentosa
Prunus virginiana
Ribes alpinum
Ribes cereum
Ribes odoratum
Rhus var.

Potentilla varieties
Ninebark
Western Sandcherry
Purpleleaf Sandcherry
Nanking Cherry
Green Chokecherry
Alpine Currant
Golden Currant
Yellow Flowering Currant
Sumac varieties

(Containment must be considered with some varieties)

Sambucus pubens

Red berried Elder

EXHIBIT B

CERISE RANCH DESIGN REVIEW SUBMITTAL REQUIREMENTS

PRELIMINARY REVIEW CHECK LIST

All elements listed below are required for a submittal to be considered complete

GENERAL

- Completed and signed Preliminary Review Application
- Preliminary Review fee \$200.00, made to Cerise Ranch Property Owners Association
- Two sets of plans, one of which is reduced in size to an 11" by 18" format
- All drawings must have a title block (including all pertinent information)
- Drawings must provide the name and address, and telephone number of the lot Owner and all professionals responsible for the preparation of the submission

SITE PLAN

- North Arrow and graphic scale
- Property boundary, recorded building envelope/building setbacks and easements
- Walks, patios, fences, retaining walls etc.
- Driveway, parking (show the 3 required spaces) and turnaround areas--specify surface materials
- Location of utility extensions and meters, show location as they meet the home
- Construction staging issues, parking for subcontractors, access, drainage issues
- Topographic survey
- Existing and finish grading showing contours at 1 foot intervals
- Soil investigation and foundation recommendation
- Storm water/runoff control, debris flow control, show methods and locations, specifically culvert at driveway if necessary
- Any other proposed improvements or auxiliary construction

EXTERIOR ELEVATIONS

- All four exterior views. Show maximum building height on colored principal elevation
- Identify all exterior materials and colors on the elevations
- Show existing and proposed grades and building outline as it meets grade
- Neighbor impacts- exterior residence and landscape lights, garage entry, refuse storage, AC units, satellite dishes, irrigation tank, pump and intake structure
- Proposed locations of exterior lighting, gutters and downspouts
- Indication of all roof pitches
- Building massing and proportion
- Scale and relation to site, include site contour

FLOOR PLANS AND ROOF PLANS

- Use of each room.
- Complete dimensions including elevations of each floor level.
- Square footage per floor and total square footage for residence.
- Adjoining decks or patios.
- Roof plan with elevations along ridge(s).

PRELIMINARY LANDSCAPE PLAN

- Existing and proposed contours and drainage patterns--showing contours at 1 foot intervals. Berms are not to exceed 5 feet in height or 2:1 grade
- Existing improvements and natural features-tree canopies, streams, ditches, ponds, wetlands, rock outcroppings etc.

- ❑ Existing trees, protection for existing trees, other existing vegetation – identify all that are to be removed
- ❑ General massing of proposed evergreen and deciduous trees, and areas of proposed ground covers
- ❑ Landscape plan submittal to include irrigation, grading and drainage plans with contours shown at 1 foot intervals.
- ❑ Address monument sketch and location, if any

EXHIBIT B

CERISE RANCH DESIGN REVIEW SUBMITTAL REQUIREMENTS

FINAL REVIEW CHECK LIST

All elements listed below are required for a submittal to be considered complete.

GENERAL

- ❑ Final Review Application-completed and signed.
- ❑ Final review fee \$600.00 (\$150.00 for landscape revision or remodeling).
- ❑ Construction Completion Deposit of \$15,000.00
- ❑ Three sets of plans. Two full size and one in reduced 11" by 18" format.
- ❑ Receipt for payment of Mid Valley Metro water and sewer tap fees.
- ❑ All drawings must have a title block (including all pertinent information).
- ❑ Drawings must provide the name and address, telephone number of the lot Owner and all professionals responsible for the preparation of the submission.

SITE PLAN

- ❑ North Arrow and graphic scale, minimum scale of 1/8th " equal 1 foot.
- ❑ Property boundary, recorded building envelope/building setbacks and easements
- ❑ Existing and proposed finished Grading-showing contours at 1 foot intervals
- ❑ Storm water/runoff control, debris flow control, show methods and locations, specifically culvert at drive if necessary.
- ❑ Existing improvements.
- ❑ Driveway, parking and turnaround areas with indication of colors or patterning, if any.
- ❑ Finished paving and walk material, with indication of colors or patterning, if any.
- ❑ Location of utility extensions and meters, show location as they meet the home.
- ❑ Walks, patios, fences, retaining walls etc.
- ❑ Any other proposed improvements or auxiliary construction.

CONSTRUCTION MANAGEMENT PLAN

- ❑ Identify temporary structures, sanitary facilities, dumpsters, field office, etc.
- ❑ Storage areas and material staging areas.
- ❑ Temporary construction access, temporary parking and required graveled areas.
- ❑ Erosion control measures, landscape protection methods, etc.
- ❑ Construction staging issues, parking for subcontractors, access, drainage issues.

EXTERIOR ELEVATIONS

- ❑ Four exterior views. Show maximum building height on principal elevation.
- ❑ Identify all exterior colors and materials on the elevations.
- ❑ Colored elevation drawings are required.
- ❑ Show existing and proposed grades, and building outline as it meets grade.
- ❑ Location and specifications (cut sheets) of exterior lighting, including landscape lighting.

FINAL REVIEW CHECK LIST

All elements listed below are required for a submittal to be considered complete.

(continued)

FLOOR PLANS

- ❑ Use of each room, minimum scale of _ “ equal 1 foot.
- ❑ Complete dimensions including elevations of each floor level.
- ❑ Square footage per floor and total square footage for residence.
- ❑ Adjoining decks or patios.

ROOF PLAN

- ❑ Identify materials and colors, per Guidelines. Minimum scale of _ “ equal 1 foot.
- ❑ Show all roof penetrations, chimneys, skylights, mechanical equipment, etc.
- ❑ Roof plan with elevations along ridge(s).

LANDSCAPE PLAN

- ❑ Final landscape plan showing location, species, size and number of plantings, and all shrub beds.
- ❑ Grading and drainage plan showing existing and proposed grades.
- ❑ Plant Schedule – All plant material must be identified by scientific nomenclature, common name, quantity, size and location.
- ❑ Treatment of all ground surfaces.
- ❑ Extent of sodded turf areas to be mowed and irrigated.
- ❑ Existing trees or other existing vegetation – identify all that are to be removed.
- ❑ Any and all exterior landscape or architectural lighting-indicate type, wattage and location.
- ❑ All berms and berm heights and grades shown at 1 foot intervals. Berms are not to exceed 5 feet in height or 2:1 grade.
- ❑ Areas of excavation to be revegetated upon completion of landscape.
- ❑ Re-vegetation treatment for steep banks.
- ❑ Existing plant materials & natural site features to remain on site.
- ❑ Details of special features – fencing, architectural landscape elements, water fountains, etc.
- ❑ Design details and location of entry/address monumentation and landscape lighting.

GEOTECHNICAL INVESTIGATION

- ❑ Geotechnical investigation prepared and sealed by a Professional Engineer

COLOR SAMPLES/SAMPLE BOARD

- ❑ Sample board shall not exceed 1.5 x 2.0 feet, clearly labeled with Lot number. All materials below shall be securely attached to the sample board and clearly labeled.
- ❑ Siding, trim, fascia, stucco etc. Specify colors of paints and stains.
- ❑ Roofing, showing weight and life of roofing materials per Guidelines.
- ❑ Window frame/sash colors-specify manufacturer and color.
- ❑ Stone, masonry units, manner of lay up (photo of proposed stone and lay up acceptable).
- ❑ Other proposed exterior surfaces. Specify manufacturer and type of material.

EXTERIOR LIGHTING

- ❑ Catalog sheets. Show locations on elevations and landscape plan. Light source must not be visible. Downlighting is required.

STRUCTURAL DRAWINGS

- ❑ Foundation plan and design
- ❑ Member sizes and design criteria, also show for all porches and decks.
- ❑ Design prepared and sealed by Professional Engineer licensed in the State of Colorado.

IRRIGATION PLAN

- ❑ Proposed irrigation area – maximum irrigated area based on home site size: See Design Guidelines, Exhibit C Section 3.7.
- ❑ Areas to be irrigated showing type of irrigation (drip, rotors etc) and square footage irrigated by each type. See Exhibit C, section 3.7, attached.

- Location of critical landscape elements – Delineation of sod areas, planting beds, walkways, berms etc.

Cerise Ranch Design Submittal

Transmittal Letter

US Mail:
Cerise Ranch Property Owners Association
0157 Cerise Ranch Road
Carbondale, CO 81623
(970) 928-8428
(970) 928-8428 fax

Fed Ex or UPS:
Cerise Ranch Property Owners Association
c/o Association Manager
215 5th Street
Glenwood Springs, CO 81601
970) 928-8428

Submittal Information

Date:
Type of submittal: Preliminary Final Remodel Landscaping Other
Submittal checklist: Yes No
Submittal fee: Amount Check #
Construction deposit: Amount Check #
Owner's Construction deposit from:

Contact information (Person responsible for submittal and information – Owner, Architect, GC or other)

Contact name:
Mailing address:
Phone number:
Fax number:
E-mail address:

Lot Information

Lot number:
Type of structure:
Structure square footage:
Other:

Owner Information

Name:
Mailing address:
Phone number:
Fax number:
E-mail address:

Construction Information

Type:
Date to start:
Date to complete:
Other:

EXHIBIT C

CERISE RANCH

DOMESTIC WATER, IRRIGATION WATER AND WASTEWATER RULES AND REGULATIONS

THE FOLLOWING RULES AND REGULATIONS SHALL GOVERN THE OPERATION AND ADMINISTRATION OF THE CENTRAL DOMESTIC WATER SYSTEM, CENTRAL IRRIGATION WATER AND INDIVIDUAL WASTEWATER SYSTEMS OF CERISE RANCH, PURSUANT TO THE DECLARATION (AS DEFINED BELOW).

NOTICE

The central water system and sanitary sewer system are owned and operated by the MVMD (as defined below). All lot owners are required to comply with the MVMD's Rules and Regulations and Technical Specifications. To the extent that the CRPOA (as defined below) rules and regulations conflict with the MVMD's Rules and Regulations, the MVMD's Rules and Regulations shall govern.

SECTION 1

DEFINITIONS

- 1.1 **Declaration** shall mean collectively that certain Declaration of Covenants, Conditions, Restrictions and Easements for the Cerise Ranch Subdivision, Phase 1, recorded in the records of the Clerk and Recorder of Garfield County, Colorado on December 12, 2000, at Reception No. 575832, as supplemented by the certain Supplemental Declaration of Covenants, Conditions, Restrictions and Easements for the Cerise Ranch Subdivision, Phase 2, recorded September 27, 2001, at Reception No. 589154, as amended by First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for the Cerise Ranch Subdivision, recorded September 25, 2003 at Reception No. 637392, Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for the Cerise Ranch Subdivision recorded December 4, 2003 at Reception No. 642257, and as same may be further amended from time to time.
- 1.2 **MVMD** shall mean the Mid Valley Metropolitan District, a Colorado special district. All Lots will receive domestic water service from the MVMD, and all lots included within the MVMD will receive sanitary sewer service through the MVMD in accordance with the MVMD's Pre-Inclusion Agreement applicable to each lot. All lots within the Cerise Ranch must comply with the MVMD's Rules and Regulations adopted December 18, 2001, as amended from time to time, including, without limitation (i) paying to the MVMD its water and/or sewer tap fees, at the rates then in effect, and (ii) paying to the MVMD its service surcharge fee, if included within the MVMD, and (iii) complying with the MVMD Technical Specifications and Procedures.

SECTION 2

OWNERSHIP OF SYSTEMS

- 2.1 **Central Domestic Water System.** The central domestic water system is the property of the MVMD and as such, all of the lots within the Cerise Ranch are subject to the rules and regulations of the MVMD. The central domestic water system shall include all wells, water storage tanks, water treatment equipment, water system monitoring and control equipment, pumps, other appurtenances used in the operation of the domestic water system, and the water distribution system piping to the point of connection of individual service lines as described in section 3.4, below. Any water service extending from a corporation stop on a MVMD central domestic system water main to its point of use on a lot shall be the property of the lot Owner and all costs related to the installation and maintenance of such service line shall be the obligation of the lot Owner. Those lots which have not been included into the MVMD will be provided domestic water as “Out of District Service” and will be billed for water tap fees and service charges accordingly.
- 2.2 **Individual Wastewater Treatment Systems.** Lots not included within the MVMD will be served by individual wastewater treatment systems (sometimes referred to herein as ISTS). The ISTS installed to serve the wastewater treatment requirements of each individual lot shall be the property of the lot Owner and all costs related to the installation, inspection, maintenance, and repair of such wastewater treatment system shall be the obligation of the lot Owner. Should an individual wastewater treatment system be discovered to be defective or in need of maintenance or repair and the individual wastewater treatment system is not repaired or replaced by the lot Owner within fifteen (15) days following discovery of such defect, CRPOA may, but is not required to, repair or replace such individual wastewater treatment system and the costs thereof shall be charged to and paid by the lot Owner. For repairs costs estimated to exceed \$1000.00 during any calendar year, additional remedies such as fines and discontinuance of domestic water service may be sought by the CRPOA pursuant to Section 9.4 of the Declaration. Further, CRPOA shall have a lien for delinquent charges against any lot to which such costs apply, which lien may be foreclosed in the manner provided for the foreclosure of a mortgage under the laws of the State of Colorado and as in accordance with Article XI of the Declaration. Any provision herein to the contrary notwithstanding, CRPOA reserves and shall at all times have a right of access to all wastewater treatment systems and other facilities necessary for CRPOA to carry out its lawful functions.
- 2.3 **Central Sewage Collection System.** Except as provided below, all lots included within the MVMD are required to connect to the central sewage collection system. Lots 5, 61 and 68 have existing ISTS systems and are included within the MVMD. In accordance with the inclusion agreements for those lots and any other lots which have ISTS systems and subsequently include into the MVMD, the ISTS systems may be operated until they fail or require repairs that cost in excess of the MVMD sewer tap fee then in effect, at which time those lots will be required to connect to the central sewage collection system. The central sewage collection system is the property of the MVMD, and all lots are subject to the rules and regulations of the MVMD. The central sewage collection system shall include all manholes, lift stations, force mains, pumps and control equipment, other appurtenances used in the operation of the system, and the sewage collection system piping to the point of connection of individual service lines as described in section 3.4, below.
- 2.4 **Central Irrigation Water System.** The central irrigation water system shall be the property of the CRPOA. The central irrigation water system shall include all irrigation water rights, irrigation ditches, irrigation control structures, water storage ponds, siphons, other appurtenances used in the operation of the irrigation water system, and irrigation system piping to the “point of diversion” on individual lot. The “point of diversion” on an individual lot shall be the headgate or control valve for any ditch, laterals, or pipeline, or the point of intake for any pump, constructed or installed to divert water from the central irrigation water system to serve that individual lot. Capital improvements to such central irrigation water system in the future, including by way of illustration and not limitation, additional water storage ponds shall become the property of CRPOA. Any irrigation water service extending from a CRPOA central irrigation system ditch or pipeline to its point of use on a lot shall be the property of the lot Owner and all costs related to the installation and maintenance of such service line, headgate, valves, intake screen

or pump system, shall be the obligation of the lot Owner. This includes the construction of any water amenity feature on any lot pursuant to these Guidelines as described in Section 5.5 below. An provision herein to the contrary notwithstanding, CRPOA reserves and shall at all times have a right of access to all service lines and other facilities necessary for CRPOA to carry out its lawful functions.

SECTION 3

USE OF SYSTEMS

- 3.1 **Unauthorized Acts.** No person or entity shall uncover, make any connection with or opening into, use, discharge into, alter or otherwise disturb any portion of the MVMD water or sewer system without first obtaining the MVMD's prior written permission.
- 3.2 **Authorized Connections.** Connections to the MVMD's water system shall be made only in accordance with such procedures and specifications and utilizing such materials as required by the MVMD's Rules and Regulations. The MVMD has approved a variance allowing the use of "Pure-Core" pipe for water service lines within Cerise Ranch; provided that all service line extensions constructed after April 1, 2004 using "Pure-Core" piping shall include a trace wire. Service line and trace wire construction shall conform with the requirements of the MVMD's Rules and Regulations and the variance granted April 1, 2004.
- 3.3 **Maintenance of Service Lines.** Leaks or breaks in service lines shall be repaired by the lot Owner as soon as possible but in no event more than 72 hours after discovery of such leak or break. For purposes of these Rules and Regulations, the term "service line" shall mean the entire pipe line, including all appurtenances extending from the MVMD main line, to the point of use on the Owner's property.
- 3.4 **Water Meters.** Prior to receipt of water service from the MVMD water system, a lot Owner must install, at the lot Owner's sole expense, a water flow meter and remote readout meeting the rules and regulations of the MVMD.
- 3.5 **Back Flow Protection.** All water service installations shall include back flow/cross connection prevention devices in accordance with the specifications and procedures established by the MVMD.
- 3.6 **Pressure Reducing Valves.** Pressure reducing valves shall be installed by all lot owners as required by the MVMD.
- 3.7 **Water Usage.** For lots not served by the raw water irrigation system, the surface area (square feet) of outside lawn and landscape irrigation provided by the potable water system shall not exceed 3000 sf for standard lots and 4500 sf for lots approved for an accessory dwelling unit. For all lots served by the raw water irrigation system, the surface area of outside lawn and landscape irrigation provided by the potable water system shall not exceed 500 sf of the surface area of outside lawn; and landscape irrigation provided by the raw water irrigation system shall not exceed one acre. Water drawn from the raw water irrigation system for individual lot water amenity features shall circulate through the feature and be returned to the raw water irrigation system with no consumptive use other than evaporation. Water amenity features on any individual lot shall only operate with water from the raw water irrigation system and shall only be operational during the irrigation season.
- 3.8 **Wastewater Discharge Restrictions.** All discharges into the MVMD sanitary sewer system shall comply with the MVMD's Rules and Regulations. No person shall discharge, or cause to be discharged, to any individual wastewater treatment system, any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in individual sewers, damage or hazard to individual wastewater treatment system structures, equipment or personnel, inhibiting the biological activity in individual wastewater treatment facilities, interfering with the proper operation of such individual

wastewater treatment system, or causing a violation of Federal, state or local laws. Prohibited discharges shall include but not be limited to the following wastes:

- (a) Water from storm drains, roof runoff, drainage collection systems, surface runoff, sub-surface drainage, or cooling processes.
- (b) Any water or wastes containing grease, oil, hydrocarbons, fatty acids, soaps, fats, or waxes which exceed 50 mg/l as determined by solvent (Freon) extraction.
- (c) Any waste having a temperature higher than one hundred fifty (150) degrees Fahrenheit (66°C).
- (d) Any waste having a pH value lower than 5.5 or greater than 9.0.
- (e) Any toxic substance or substance requiring pretreatment, as those terms are defined in 40 Code of Federal Regulations §403, as amended from time to time, unless otherwise covered under this section.
- (f) Any radioactive wastes or isotopes.
- (g) Any solid or viscous substances in quantities or sizes capable of causing obstruction to the flow in the sewer lines or other interference with the proper operation of the individual wastewater treatment system, such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, cattle manure, hair and fleshings, entrails, grit, brick cement, onyx, carbide, and shredded or whole paper products other than tissue, toilet paper, and other products intended for toilet disposal.
- (h) Any noxious or malodorous substance capable of creating a public nuisance.
- (i) Any wastes having a color concentration in excess of 30 color units, based on the Platinum Cobalt Scale.
- (j) Any wastes having a flash point lower than one hundred eighty-seven degrees Fahrenheit (187°F) (86°C) as determined by the Tagliabue (Tag.) closed-cup method.
- (k) Any waste having a five (5) day Biochemical Oxygen Demand which may contain more than 300 parts per million by weight as averaged during any twelve (12) hour period.
- (l) Any waste capable of raising the Lower Explosive Limit (LEL) of the ambient atmosphere in any sewer to 5% for any two successive readings or to 10% for any single reading on an explosion hazard meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (m) Any wastes containing phenolic compounds over 5 mg/l expressed as phenol.
- (n) Any cyanides or compounds capable of liberating hydrogen cyanide in excess of 1 mg expressed as hydrogen cyanide from any individual outlet.
- (o) Any wastes containing sulfides over 3 mg/l expressed as hydrogen sulfide.

(p) Any wastes containing toxic or poisonous substances having a 24 hour proportionate composite sample concentration, at point of discharge to wastewater disposal system, in excess of the following:

(1)	Total Chromium	as	Cr	7.5 mg/l
(2)	Copper	as	Cu	4.5 mg/l
(3)	Nickel	as	Ni	15.0 mg/l
(4)	Cadmium	as	Cd	1.2 mg/l
(5)	Zinc	as	Zn	12.0 mg/l
(6)	Iron	as	FE	15.0 mg/l
(7)	Lead	as	Pb	15.0 mg/l
(8)	Arsenic	as	As	0.25 mg/l
(9)	Manganese	as	Mn	0.25 mg/l
(10)	Selenium	as	Se	0.05 mg/l
(11)	Silver	as	Ag	0.25 mg/l
(12)	Mercury	as	Hg	0.10 mg/l

3.9 **Wastewater Treatment Requirements.** No individual wastewater treatment system shall be approved for installation that does not meet the following effluent limits prior to discharging to any individual wastewater disposal system, i.e. absorption trench, leach field, etc.

- (a) BOD₅ 30 mg/l (30 day average)
- (b) TSS 30 mg/l (30 day average)

Individual wastewater treatment systems shall meet the above effluent limits prior to discharging to an individual wastewater disposal system. Individual wastewater disposal systems shall not be used to provide treatment of effluent wastes to meet the above requirements.

In addition to the Design and Performance Standards described in Section 17.1.D. of the Declaration, an effluent sample point, consisting of a 24" manhole and sample collection valve, or approved equal, shall be installed on the wastewater discharge sewer line between the wastewater treatment system and the wastewater disposal system. To verify compliance with the above discharge requirements, the CRPO may perform individual wastewater treatment system effluent sample collection as frequently as may be required by the CRPOA Engineer or Operator, but no less frequently than bi-annually. The lot Owner shall be responsible to pay the cost of wastewater sample collection and laboratory analysis.

3.10 **Wastewater Design and Performance Standards.** The Design and Performance Standards for an individual wastewater treatment system installed at Cerise Ranch are as described in section 17.1.D of the Declaration and as described herein.

3.11 **Wastewater Management Plan.** The Management Plan for all individual wastewater treatment systems installed at Cerise Ranch are as described in Section 9.4 of the Declaration and as described herein.

SECTION 4

TAP FEES AND SERVICE CHARGES

4.1 **MVMD Tap Fees and Service Charges.** The MVMD will bill all lot owners water tap fees and service charges in accordance with the MVMD's Rules and Regulations. For all lot owners receiving sanitary sewer services, the MVMD will bill them sewer tap fees and service charges in accordance with the

MVMD's Rules and Regulations. All MVMD customers are subject to the MVMD's Rules and Regulations, including, without limitation, the payment obligations required thereby.

- 4.2 **Water System Development Fees.** The water system development fees for connections to the central domestic water system, and for water features are set forth in the fees schedule attached hereto as Exhibit A and incorporated herein.
- 4.3 **Miscellaneous Costs and Expenses.** All costs and expenses incident to the installation and connection of water and sewer service to a lot shall be borne by the lot Owner. The lot Owner shall indemnify CRPOA and the MVMD for any loss or damage that may directly or indirectly be occasioned by the installation of such water and sewer service, except as caused by the acts or omissions of CRPOA or its agents.

SECTION 5

CERISE RANCH IRRIGATION SYSTEM

- 5.1 All lots shall share in the cost of maintenance of the irrigated open space. Billings will be made through the CRPOA dues.
- 5.2 Ditch maintenance shall be performed under the direction of the CRPOA on the property and to the head gates of each ditch on Blue Creek.
- 5.3 The Harris and Reed Ditch is an incorporated ditch owned and operated by the Harris and Reed Ditch Company. CRPOA's share of the maintenance and operation costs will be billed to the CRPOA in the form of ditch assessments on a per share basis.
- 5.4 Each lot Owner shall be limited to one acre of raw water irrigation with a maximum instantaneous flow of 50 gpm every other day from the ditch system.
- 5.5 A limited number of lots may be approved by the CRPOA through its Design Review Board to incorporate a water feature. Approval or disapproval of a water feature for any particular lot shall be within the sole and absolute discretion of the CRPOA. The water for these private amenities shall be drawn from and returned to the Cerise Ranch Irrigation System and shall only be operational during the irrigation season when the raw water irrigation system is running.
- 5.6 Driveways must not interrupt the flow in the irrigation ditches. If the ditch must be lowered to accommodate driveway access to any lot, an inverted siphon shall be used so as not to interrupt flow in the ditch. An example of an inverted siphon is attached hereto as Exhibit B and incorporated herein.
- 5.7 Taps into the raw water irrigation system shall generally be made at the upper end of each lot, a minimum of 5 feet from the property line. The raw water irrigation system at Cerise Ranch is a combination of open and pipes. The pipelines are siphons and the water pressure in these pipes will vary along their length. Taps may be made into either the open ditch or the pipeline. Taps shall be made as detailed in Exhibit C for taps into the pipeline and Exhibit D for the open ditch.
- 5.8 Each lot utilizing the raw water irrigation system shall be required to incorporate a 500 to 1000 gallon storage reservoir or tank sized to store 100% of the water required for each complete cycle of irrigation (i.e. if 3000 square feet is to be irrigated, the tank must provide sufficient storage to provide 100% of the water required to irrigate the entire 3000 square feet). Irrigation water used on each lot is to be drawn from this reservoir to avoid reducing water levels in the ditch or pipeline. All storage tanks are to be equipped with a locking cover, and those tapped into the pipeline or located downhill of the open ditch will be required to have a water tight cover. The DRB may approve the use of a pond as a storage reservoir for the raw water irrigation system for a lot, provided that the pond is a part of a Water Feature approved pursuant to Section 5.5 of these Rules and Regulations.

ATTACHMENT A
(of Exhibit C, Water Rules and Regulations)

CERISE RANCH FEES SCHEDULE

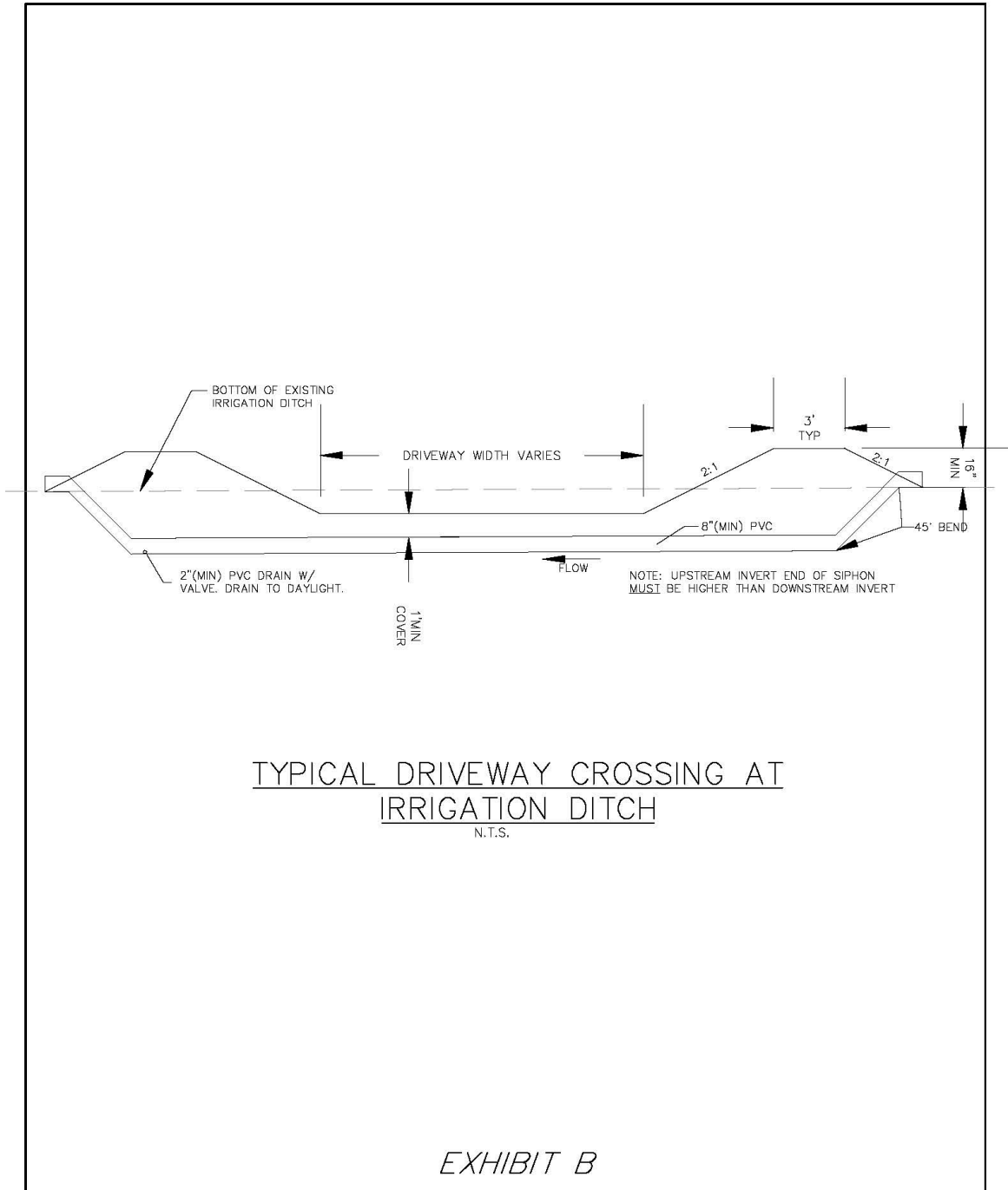
(Effective as of January 25, 2008 – Subject to change from time to time at discretion of Design Review Board upon approval by the CRPOA Board of Directors.)

Water System Development Fees

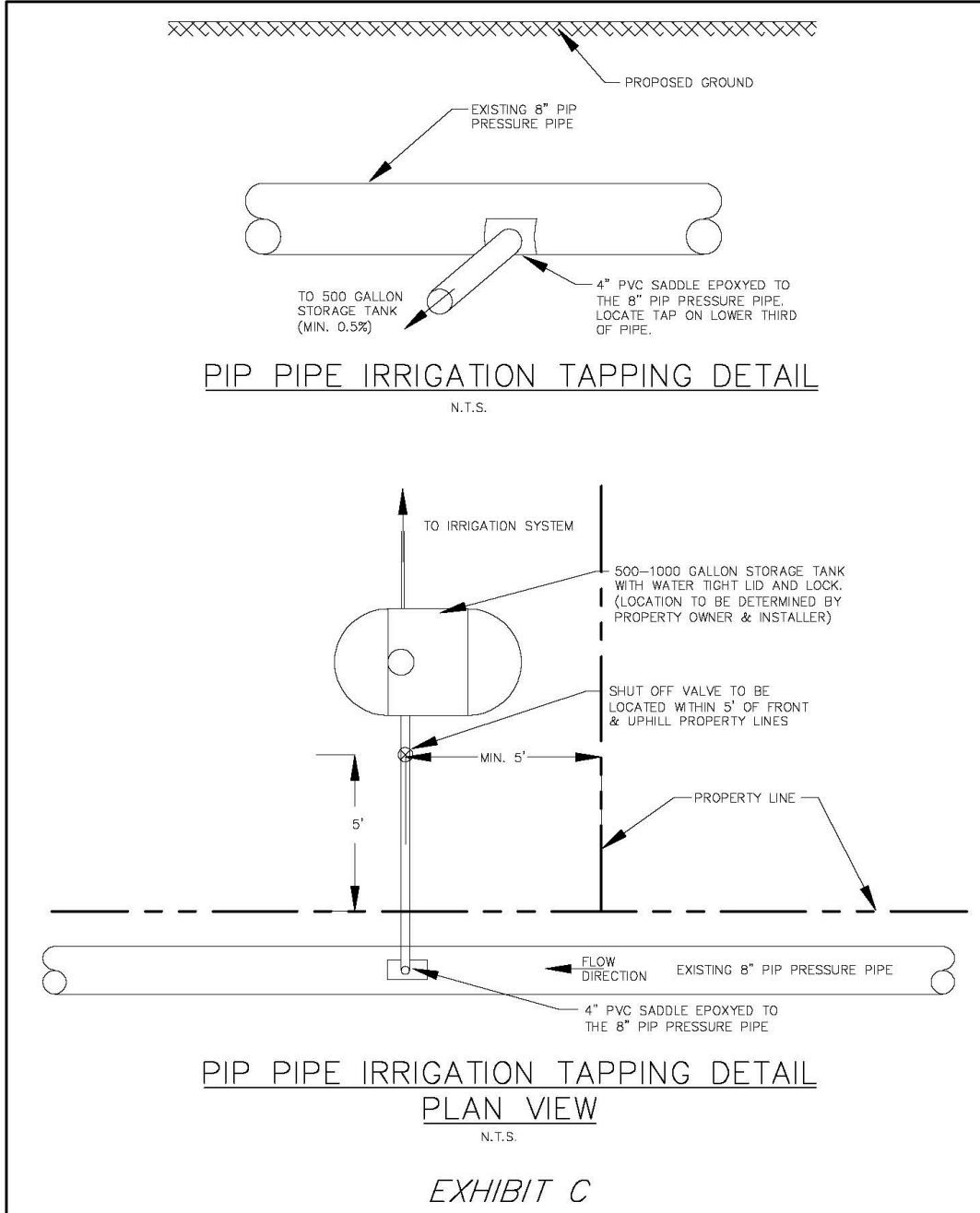
Water Feature (up to 7,000 square feet of surface area) Cost to be determined by CRDRB.

Water System Development Fees are fees due to the CRPOA and are separate from and additional to any and all fees due to the MVMD.

ATTACHMENT B
(of Exhibit C, Water Rules and Regulations)



ATTACHMENT C
 (of Exhibit C, Water Rules and Regulations)



ATTACHMENT D
(of Exhibit C, Water Rules and Regulations)

