

Two Rivers Subdivision Design Guidelines (10-25-17)

Overall Scheme

The goal of the Two Rivers subdivision (“Two Rivers”) is to create a diverse mix of housing types and sizes that encourages innovative design, promotes bicycles and walking, provides public gathering places and a connection with both the South Arkansas River and Arkansas River open spaces through recreational activities.

This will be done by laying out varying sized lots, designating over 6 acres to open space, coordinating the building of over 2,800 feet of pedestrian and bike trails, constructing a small park with a 40’ diameter gazebo, allocating 4.5 acres for commercial development in the adjacent lot, mandating front porches for those houses that face the street, using a street profile that allows for tree-lined streets, and placing detached garages off alleys in the rear of lots when feasible. Two Rivers will have a compact development pattern and architectural diversity. This vision underlies the Design Guidelines. We invite you to embrace this vision and welcome your creativity within the following parameters.

Objective and Mission

The Design Review Committee (“Committee”) has prepared the following Guidelines to supplement the Two Rivers Subdivision Declaration of Covenants, Conditions, Restrictions and Easements (“Declaration”) in order to assist property owners in designing, building and improving their homes. These Guidelines are not intended to be all-inclusive, but should serve as a guide as to what improvements may be made in Two Rivers. Please embrace the intent of our guidelines and don’t mince definitions in an attempt to build something outside the guidelines to save money or make more money on a speculative house. Studies consistently prove that a spending a little more to create a design with architectural interest pays dividends in the long run. And remember, your house should be around for well over a hundred years for all to see. It doesn’t have to be large and expensive, but build something that you are proud of.

The mission of the Committee is to work on behalf of the Two Rivers Homeowners’ Association Board of Directors (“Board”) to represent the interests of the community as a whole. The Committee exists in order to regulate the external design, appearance, and locations of the property and improvements. In the absence of a Committee, the Board shall act in all instances to carry out the duties and responsibilities of the Committee.

Approval

In order to ensure a consistent, high quality design throughout all phases of the project, the Committee will review and approve all proposed development plans and submittal documents that require a permit prior to submission to the City of Salida Building Department.

The Committee’s purpose in plan review is to meet the intent of these guidelines and supporting documents. Neither the Declarant nor the Committee assumes responsibility for plan review of, or conformance to, applicable local codes or ordinances. These Guidelines are subject to interpretation by the Committee and may be amended, as stated in the Declaration, from time

to time to meet specific site or functional requirements consistent with the objectives of these Guidelines, as well as the Declaration.

These Guidelines do not supersede or modify any existing applicable City or County codes or regulations. Any requests for variances to the laws, regulations, or standards adopted by the City or County shall be submitted to the appropriate agency according to established procedures following review and approval by the Committee. In the event of any conflict or discrepancy between these Guidelines and any other lawful authority, including the Declaration, the most restrictive standards shall apply. Any issue that arises that has to do with the design, construction, improvement or maintenance of any Lot not explicitly provided for in these Guidelines will require prior approval from the Committee.

The Guidelines are not the exclusive basis for decisions of the Committee and compliance with the Guidelines does not guarantee approval of any application.

Architectural Design Principles

These guidelines encourage various styles of architecture; this is not a theme park. As in other traditional areas of Salida, the owner has the right to choose his/her own style. However, the relationships in massing, scale, texture, and color of the residence within the style chosen shall be considered in determining approval of applications. These guidelines are not absolute rules. If a design reflects a certain architectural style and is architecturally interesting, the Committee can use its best judgment in deciding an application. The guidelines do not have an agenda as to size and height, only good design. We shall not consider a neighbor's "view corridor" in making decisions as to design.

General Design Principles: The general design principles and features proposed to achieve the desired architectural character for Two Rivers include an architectural design which reflects the diverse character of Salida --- eclectic, but interesting. We encourage the following guidelines:

1. Usable front porches and covered entryways that yield a sense of entry and help soften two-story walls. The front porch should be an integral design of the house and not appear as though it was added as an afterthought.
2. Avoid large unbroken wall planes and windowless elevations. Wall planes shall not be longer than 30 feet without permission of the Commission. Tall walls should be softened with some architectural feature (awnings over windows, bump-out, etc.) and/or a change of materials or texture.
3. Mitigate the impact of garages. The layout of the subdivision dictates that many of the lots will share a driveway easement. Whenever feasible, the garages will be side-loading and the wall facing the public street shall contain windows and have architectural interest. The area between the garage and the sidewalk shall be landscaped to standards. If the Lot has alley access, the garages shall be located off the alley at the rear of the lot.
4. Roofs: interesting roofs are encouraged, such as roofs with several ridges or planes that may utilize different massing elements of varying heights. Similar to wall planes, long un-broken roof planes are not allowed unless specifically addressed and

approved by the committee. Certain architectural styles do not require “busy” roofs, and this will certainly be taken into consideration. Basically, we don’t want to see uninteresting single plane, low-pitched roofs in an attempt to save money.

5. A 1-1/2 story house is encouraged over 2-story houses only because a one and a half story house generally has more architectural interest; the gable and shed dormers in the roof add interest and the shorter walls lessen the concern of the tall, unbroken wall plane of a two-story wall on a property line. We do not want two story boxes of no architectural interest and large unbroken wall planes. This encouragement does not mean that we have a height limit other than specified by City code.
6. We discourage a ranch style track house with a low pitch roof without character and interest.
7. We forbid a 2-story stucco box. Box-like structures without architectural interest are discouraged and will most likely be addressed by the review committee.
8. The massing shall be designed to add architectural interest, and to assure that the structure is visually more massive or “heavier” below and less massive and visually “lighter” above. A second story should not appear as heavy or heavier and have disproportionately greater bulk than that portion of the structure that supports it. This can be accomplished with the use of covered decks and porches and stepping a 2nd story in from the footprint of the 1st level; avoid two story walls without a softening element, i.e. a bump out, awning or shed roof over windows, a break in the wall or massing, changes in wall materials, and generally any elements that adds interest to an otherwise large and bland wall. Accordingly, all exterior building elements should be appropriately scaled in size and in relationship to each other. As with all these guidelines, this isn’t an absolute rule. If a design reflects a certain architectural style and is architecturally interesting, the Committee can use its best judgment.
9. Use strong and compatible design elements and details, which help articulate building forms and add depth, shadows, visual interest, and relief to individual houses and the street scene. Such elements include covered porches and entryways, balconies, roof overhangs, expressive materials, and the articulation of window and door openings.
10. Use building materials with strong textures and rich colors, including masonry, stucco and siding to provide visual interest, depth, and details. There shall be a mix of finish wall materials required for each house, and a preference for more than one material on any side of the house. Appropriate roof and wall materials and colors are addressed in the following Guidelines
11. The design of alterations and additions shall be compatible with the existing structure in terms of architectural detail, scale, materials, and colors. Materials for new construction and additions shall have architectural character and should be selected for harmony within a building.

General Design Criteria

Site Planning: No structure or thing shall be placed, erected, or installed upon any lot and no improvements or other work (including staking, clearing, excavation, grading and other site work, exterior alterations of existing improvements, or planting or removal of landscaping) shall take place within the Project, except in compliance with these Guidelines. No approval shall be required to repaint the exterior of a structure in accordance with the originally approved color scheme or to rebuild in accordance with originally approved plans and specifications. Any Owner may remodel, paint, or redecorate the interior of his or her residence without approval. However, modifications to the interior or exterior of screened porches, patios, and similar portions of a lot visible from outside the structure shall be subject to approval.

Size of Residence:

Each residential unit constructed on a Lot shall comply with the underlying zoning district's dimensional standards of the City of Salida that are in effect at time of application for building permit. Note that the PD may have approved dimensional standards that deviate from the City's standards, as indicated on the PD plat.

Accessory Dwelling Units (ADUs)

An ADU is a separate detached structure that is clearly subordinate to the main structure. ADUs are permitted within the development and shall comply with the City of Salida Code to all matters including size, mass and off-street parking requirements.

On Site Building: All homes shall be built on site. No manufactured or modular homes, trailers, or mobile homes shall be permitted, except on Parcel 1 (Lot 64), which has an Affordable Housing restriction associated with the Lot. If the Owner of Lot 64 chooses to use a modular design, the Declarant must provide a written approval of the design and site plan before approval is deemed granted.

Roofs

Roof Form and Design: Roof form and design shall be consistent with the basic architectural style of the home. Color variation of roofing materials is an element in creating architectural interest, and should complement the color scheme of the house. Blended shingle colors rather than a single color look is encouraged.

Roof Materials: Acceptable roof materials include dimensional and standard composition shingles, asphalt, ceramic, slate, concrete tile, and metal. The use of any other roofing materials must be approved by the Committee. Each roof overhang shall be detailed appropriately for each architectural style.

Roof Appurtenances: All flashing, sheet metal, vent stacks and pipes should be colored to match the material from which they project. All stack vents, and attic ventilators shall be located in such a way as to minimize the visible impact from public areas.

Gutters and Downspouts: Gutters and downspouts should be integrated into the designs of buildings and appear as a continuous architectural element. Drainage solutions should be unobtrusive to the overall building. Downspouts should be located on vertical members in

inconspicuous locations when possible. The colors of exposed gutters and downspouts should match those of the surfaces to which they are attached or match the contrasting trim colors.

Satellite Dishes, solar Panels and Antennae and Swamp Coolers: Satellite dishes are permitted in conformance with the Declaration, or other subsequent use restrictions the Board may invoke. Large antennas and wind-powered devices are not permitted. Solar panels are approved, but are to be integrated into roof designs. Frames must be colored to complement roofs to which they are attached. Related plumbing and mechanical equipment must be enclosed and/or screened from view. Swamp coolers shall not be visible from the public street.

Exterior Wall Materials

Exterior Design: The material selection and its detailing should successfully contribute to the creation of the desired architectural style. Multiple wall materials should blend harmoniously with one another.

Exterior Wall Materials: Acceptable wall materials exposed to the elements include manufactured and natural wood siding, cedar shingle siding, painted hardboard siding, fiber-reinforced cement board, stucco, brick, stone, and synthetic stone. Aluminum siding, vinyl siding and plywood sidings such as T1-11, are not permitted.

1. **Manufactured Siding.** Siding shall not exceed an 8-inch lap dimension on all elevations.
2. **Natural Wood Siding.** Wood siding shall be stained or painted in all applications, unless it is cedar or redwood. Board and batten applications are acceptable
3. **Shakes or Shingles.** Both natural wood (true cedar) and manufactured shingles will be permitted.
4. **Stucco.** Two coat and three coat applications are acceptable. Stucco finishes should not be heavy and/or irregular. Stucco substitutes, including staccato board will not be permitted except as approved by the Committee.

Material Changes: Material changes should occur along a horizontal line, such as a floor line or gable end. Horizontal transitions between two different exterior wall materials should be detailed with molding, banding or soffit/eave treatments. Vertical transitions between wall materials, such as siding or stucco, should occur at inside corners, and should use complementary colors.

Masonry/Brick: Masonry elements such as brick must appear substantial and be integral to the architecture and not merely an applied feature. Masonry or stucco used to express a building's "base" or to create a wainscot should wrap corners and terminate at a prominent building element on side elevations.

Building Colors: Muted colors are encouraged. Bright, intensely saturated colors are not permitted unless approved by the Committee. Accent colors should be used with discretion. Trim colors should accentuate roof forms, windows, and door openings. Color swatches must be submitted to the Committee for approval.

Exterior Trim and Embellishments

Trim, Rake, and Eave Moldings: Trim, rake and eave moldings should be consistent with the architectural style of the building.

Columns and Supports: Columns and supports (for front elevations) should appear substantial, and in proportion to the overall building mass. They shall be a minimum of 6 inches in each section and incorporate relief or built-up elements such as top and bottom trim or masonry bases. The character and detailing of columns and railings should be consistent with the architectural style of the building.

House Numbers: There is no specific standard for house numbers, but special care should be given to their character and finish. Generally, house numbers should be legible enough to be read from the street, but not over-scaled.

Accessibility: Accessible units such as ramps, landings and railings must correspond with local, state and federal accessibility requirements as required per any given “use”, as well as be compatible with the architectural style of the building.

Doors and Windows

Doors: All exterior doors, including storm doors, shall be architecturally compatible and coordinating in color with the individual residence. Acceptable door material shall be wood, hardboard, fiberglass or metal. Wood doors shall be painted or stained in coordination with the colors of the residence. Sliding glass doors are permitted only on rear or interior side yard elevations.

Window Design: Windows are perhaps the single most important element in establishing an image of quality for a residence in the neighborhood. Window quality, detail, and proportion must be consistent on all elevations of the residence. Windows shall be placed to complement the overall building character and scale. Windows with distinctive shapes, sizes or details (such as divided-glass, arches, and bays) shall compliment the architectural style of the building.

Window Material: Acceptable window materials include wood, metal or vinyl-clad wood, vinyl, enameled metal, glass block or aluminum. However, the window to be used shall be submitted to the Committee for review and approval. No reflective or colored glazing, or obscured glass will be allowed on any front or side window which is permanently visible from any public area.

Exterior Lighting

Outdoor Lighting Design and Restrictions: All exterior building lighting shall be designed to avoid spilling onto adjacent properties. Permanent colored, moving or flashing lights are prohibited. Decorative building lighting shall be designed to reduce harsh glares by illuminating downward and minimizing lateral effects. Light fixtures with cut-off or concealed light sources are preferred. This may include wall sconces, recessed lighting, soffit lighting, and directional lighting. Decorative fixtures should be of an understated design and complement the architectural style of the residence.

Garages and Driveways

Garage Design Guidelines:

Heavier and deeper header trim, columns, and other such architectural features to provide shadow lines and depth around garage doors are encouraged. All garage doors shall be sectional roll-up types or barn style side sliding. Acceptable materials include manufactured wood, natural wood or metal and glass doors, painted or stained to match the home.

Garage Restrictions: Except for the Affordable Housing units within parcel 1 (lot 64), each lot shall have at minimum a one-car enclosed garage for the first dwelling unit and additionally a minimum of one covered off-street parking space for each additional unit. Detached garages should provide a similar massing, roof, and detail treatment to the residential buildings they serve. All garages shall be used for the parking and storage of vehicles and other customary uses only (eg: finished office or storage space). The use of a garage as a temporary or permanent residence at any time is strictly prohibited. Garages shall be detached on all Lots with the following exceptions: 1) Lots 1-6, if multifamily development occurs, Lot 14 due to the easement, Lots 21, 28 and 31 due to driveway access, 2) garages may be attached to Accessory Dwelling Units and Condos if located within 10' of the rear alley access easement. Garages shall not be front-loading with garage doors visible to and facing the street except Lots 14, 21, 28 and 31 for the above reasons

Driveways: Those Lots that share a driveway shall share the cost and maintenance of the driveway. The owner may choose any surface that is dust free. We encourage driving “strips” with grass or permeable material between. The first owner may choose the material to be used. Any changes or improvements shall be agreed upon between the two Lot owners and the price shall be shared.

Shared Access Easements. There are shared access easements shown on the Plat that serve as driveways. The easements shown are shared by lots 1&2, 3&4, 5&6, 7&8, 9&10, 11&12, 13&14, 15&16, 17&18, 19&20, 22&23, 24&25, 27&28, 29&30, and Lots 32, 33&34. These easements burden and benefit each Lot. The improvements within these access easements shall be constructed and maintained without contribution from the other lots. Each party shall be responsible for ½ the expenses of the improvements within the easements. If a shared access easement serves more than two lots or dwelling units, the expense allocation shall be proportionate to the number of lots/dwelling units served. If one lot owner pays for another lot owner's share of construction or maintenance, the paying lot owner shall have the right to a lien against the non-paying lot owner's lot. The Declarant encourages neighbors to work together on design and maintenance schedules.

Deck and Porches

All deck, porch and patio construction must comply with city or county regulations.

Porches: Porches shall be constructed of materials so as to match the existing structure in color, style and roof. Colors should be consistent with the existing siding and foundation colors.

Fencing

Subdivision Fencing: Any subdivision perimeter fencing that is installed by the developer shall be repaired and maintained by the benefitting lot owners.

Fencing: Design and Location: Perimeter fencing erected along property lines in the rear and side yards shall conform to the Municipal code. The purpose of front yard fencing is not to

create a privacy fence. We encourage open fencing, but most quality fences with good design should be allowed upon review. Chain-link fencing is strictly prohibited.

Fencing Restrictions: Lots 1-21: Behind the rear setback within the riparian zone, fencing shall be no taller than four (4) feet, shall be split-rail, and shall remain 10' from the S. Arkansas River. Wire panel fencing may be attached to the split rail fencing, if not visible within 100 feet, and is subject to Committee review. We wish to preserve the open feeling and view corridor of the S. Arkansas River corridor for these lots.

Lots 22-27: Because the "front" of the houses will face Old Stage Rd. and the Arkansas River, fencing shall be no taller than four (4) feet between the house and Old Stage Road. This will keep the river view open.

Rear building setback- Lots 1-21

The plat defines a rear building setback line for lots 1-21. The purpose of this rear setback line is twofold: 1) to maintain a view corridor for all (we don't want neighbors pushing out past each other toward the river in an attempt to capture all the views), and 2) to protect and preserve the riparian zone. Terraced patios that incorporate retaining walls are allowed beyond this line. Sub-grade improvements that do not obstruct views are allowed, i.e. walk-out basement patios. No structures above 30 inches pre or post-construction grade are allowed that are visible and obstruct views of other lots. The existing grade within the Flood Plain as depicted on the plat shall be maintained unless approved by the Declarant or Committee after Declarant control and any other governmental body that may have jurisdiction.

Lots 1-6 shall be allowed to encroach 5' beyond the rear setback line when extending/building roofs that cover open-air patios.

South Arkansas River Restoration Easement. Lots 1-21 have an easement that runs from the middle of the river (south property line) to 10' up the northern bank of the Lot. This easement allows for river bank and in-stream stabilization, maintenance and habitat restoration.

Landscaping

Landscaping Guidelines: The goal of landscaping is to blend the physical structure of a house along with structural features such as driveways, walks and retaining walls to its surrounding natural environment, which becomes an integral part of converting a house on a lot into a visually appealing home site. In recognition of this close relationship between the natural and built environments, the Association encourages the use of natural materials, and abundant landscaping with native plants. To that end, homeowners are encouraged to conserve water when landscaping by utilizing methods such as xeriscaping, which creates a visually attractive landscape by using plants selected for their water efficiency and applying the combined application of the seven principles of landscape planning and design, soil analysis and improvement, hydro zoning of plants, use of practical turf areas, use of mulches, irrigation efficiency, and appropriate maintenance.. Xeriscaping should not be confused with "zeroscaping," however, which is a term used to describe areas landscaped substantially with materials such as gravel, rock or artificially colored mulches. Xeriscaping, gravel, rock and similar materials are approved materials for landscaping so long as they are not used to cover substantial portions of the landscaped area.

Note: A great reference book for xeriscaping is "Xeriscape Colorado" by Ellefson and Winger.

Front Yard Landscaping: Front yards shall be fully landscaped using a combination of one or more of the following: xeriscape design, turf grass, trees, shrubs, perennials, and live groundcovers. Twenty-five (25) percent of all front yard trees and shrubs shall be evergreen. The reason for this is so the yard doesn't look barren in winter.

Side and Rear Yard Landscaping: Interior side and rear yard landscaping, including material, quantity, and size, shall be at the Owner's discretion.

Lots 1-21 have additional landscaping restrictions/requirements within the rear setback area of the riparian zone. The intent of this restriction is to protect and preserve the riparian zone by limiting invasive plant species, limiting bank erosion, promoting fish habitat by maintaining healthy native plant species and the insects that feed the fish. The following rules apply:

- 1) New plantings shall be native to the existing riparian zone.
- 2) No more than 50% of the bank may be cleared of trees and vegetation; no clear cutting the lot and planting grass to the river bank. Tree trimming and branch clearing shall be done in a way that maintains a healthy tree. If abuses are observed, the Committee is encouraged to create more restrictive rules to protect the riparian zone, including restrictions that only an approved tree trimmer with knowledge of the rules be allowed to trim and/or remove trees within this zone.

Antennae. No towers or exposed radio, television, or other electronic antennae (including satellite dishes) shall be allowed on any parcel except any satellite dish or similar antennae which when installed is less than thirty-six (36) inches in diameter and which is directly attached to the exterior of the residence. Only one (1) satellite dish per residence allowed.

Signs and Flags. Billboards, poster boards, or advertising signs or structures of any kind are not permitted on the Property, with the exception of real estate for sale or for rent signage as determined by the Executive Board from time to time. Notwithstanding, in compliance with the Act, the Association cannot prohibit the display of the American flag, a service flag of an active military immediate relative, or current sign of political affiliation. However, the Board, also in compliance with the Act, may adopt reasonable policies regarding the size, manner and time period of display of such signage or flags.

Outside Clotheslines and other Visual Nuisances. Laundry hung outside will be screened from the road(s) and public's view. Swamp coolers shall not be visible from the front street. Other items that are deemed to be a visual nuisance may be restricted.

Trash. No trash, ashes, garbage construction materials or other refuse will be thrown or dumped on any land or area within the Property. The Association will cooperate in and encourage programs to recycle trash and other refuse. There will be no burning or other disposal of refuse out of doors. Each Owner will provide suitable receptacles for the temporary storage and collection of refuse and recyclables, and all such receptacles will be screened from public view and protected from the wind and from animal and other disturbance. Trash receptacles are allowed on street or alley on trash pick-up days only.

Motorized Vehicles

No trucks, motorized trail bikes, recreational vehicles, motor homes, motor coaches, snowmobiles, campers, trailer, boats, or boat trailers or similar vehicles other than passenger automobiles or pickup or utility trucks with a capability of one ton or less, or any other motorized vehicles will be parked, stored or in any manner kept or placed on any portion of the Public streets or Lot except within a solid fenced in area off the private alleys or shared access easements to allow for screening. Overnight

guests are permitted to park on the street for a period not to exceed 7 consecutive days. Notwithstanding this restriction, the Board may grant exception(s) when reasonable and appropriate.

Emergency Vehicles. If the occupant of a Lot is a bona fide member of a volunteer fire department or is employed by a primary provider of emergency firefighting, law enforcement, ambulance or medical services, the parking of the occupant's vehicle is permitted in the driveway or on the road adjacent the occupant's Home, provided (i) the vehicle has a gross vehicle weight rating of ten thousand pounds or less; (ii) the vehicle bears an official emblem or other visible designation of the emergency service provider; (iii) the parked vehicle does not obstruct other emergency access or interferes with the reasonable needs of other owners or residents to use their driveways, the roads, or parking areas.

Parking and Auto Repair. Lot Owners will park vehicles in garages, carports, or designated parking areas overnight. No work on automobiles or any other vehicles other than routine maintenance will be performed in any visible or exposed portion of the subdivision, specifically including the rebuilding or restoration of such vehicles. Large commercial trucks and trailers are not allowed to be parked overnight on the streets

Abandoned, Inoperable, or Oversized Vehicles & Boats. No abandoned or inoperable vehicles of any kind will be stored or parked outside of a garage or in public sight on any portion of the Lot, except as provided below. "Abandoned or inoperable vehicle" is defined as any vehicle which has not been driven under its own propulsion for a period of four (4) weeks or longer; provided, however, this will not include vehicles parked by Owners while on vacation or residing away from the Two Rivers Subdivision. A written notice describing the "abandoned or inoperable vehicle" and requesting its removal may be personally served upon the Owner or posted on the unused vehicle. If such vehicle has not been removed with seventy-two (72) hours after notice has been given, the Association will have the right to remove the vehicle without liability, and the expense of removal will be charged against Owner. All unsightly or oversized vehicles and trailers, snow removal equipment, garden maintenance equipment, and all other unsightly equipment and machinery may be required by Declarant or the Executive Board to be stored out of public sight. "Oversized" vehicles, for purposes of this Section, will be vehicles which are too high to clear the entrance to the Owner's garage.

Electrical Television and Telephone Service. All electrical, television and telephone service installations will be placed underground.

City Requirements: All Owners are responsible for complying with the City of Salida ordinances concerning trees, shrubs and other landscaping, as well as watering restrictions.

Landscape Installation Timing: All landscaping shall be installed within 1 year of the date of the Certificate of Occupancy.

Street Trees:

Street trees within the parkways shall be planted and maintained by the HOA and shall conform to city regulations: The placement of street trees along the street frontage should be carefully considered in relation to individual homes and lots, as well as meeting the requirements of the City of Salida ordinances.

1.0 Procedures

If any Procedures given in Declaration contradict those given below, those of the Declaration shall prevail.

1.1. Guidelines. The Executive Board shall establish an architectural control policy and guidelines (“Design Guidelines”). The Board may amend, repeal, and augment the Design Guidelines from time to time, in the Board’s sole discretion. The Design Guidelines will be binding on all Owners and other persons governed by this Declaration. The Design Guidelines may include, among other things, those restrictions and limitations set forth below:

1.1.1. Procedures for making application to Design Review Committee for design review approval, including the documents to be submitted and the time limits in which the Design Review Committee must act to approve or disapprove any submission.

1.1.2. Time limitations for completion, within specified periods after approval, of the improvements for which approval is required under the Design Guidelines.

1.1.3. Landscaping regulations along river corridor: with limitations and restrictions prohibiting the removal or requiring the replacement of existing trees, the use of plants indigenous to the locale, and other practices benefiting the protection of the environment, aesthetics and architectural harmony of TWO RIVERS Subdivision.

1.1.4. General Instructions for the construction, reconstruction, refinishing or alteration of any improvement, including any plan to excavate, fill or make any other temporary or permanent change in the natural or existing surface contour or drainage or any installation of utility lines or conduits on the Property, addressing matters such as, waste storage, trash removal, equipment and material storage, grading, transformers, utility meters.

1.2. Design Review Committee. There is hereby established a Design Review Committee, which will be responsible for the administration of Design Guidelines to facilitate the purposes and intent of this Declaration.

1.2.1. Committee Membership. The Executive Board shall appoint the Design Review Committee (also referred to herein as “Committee”) to administer the architectural approvals required pursuant to the Declaration. It shall consist always of either three (3) or five (5) members. Absent a specific appointment by the Board, the members of the Board shall be members of the Design Review Committee. The Board may reduce the number of members of the Design Review Committee to three and increase it to five as often as it wishes. Members of the Design Review Committee may be removed at any time without cause by the Executive Board. From among the members of the Design Review Committee; the Board may appoint a Chairman of the Design Review Committee who shall coordinate the operation of the Design Review Committee.

1.2.2. Purpose and General Authority. The Committee will review, study, and either approve or reject proposed Improvements on the Property, all in compliance with this Declaration and as further set forth in the Design Guidelines and such rules and regulations as the Committee may establish from time to time to govern its proceedings. No Improvement will be erected, placed, reconstructed, replaced, repaired or otherwise altered, nor will any construction, repair or reconstruction, repair or reconstruction be commenced until plans for the Improvements shall have been approved by the Committee; provided, however, that Improvements that are completely within a Building may be undertaken without such approval. All Improvements will be constructed only in accordance with approval plans.

1.2.3. Committee Discretion. The Committee will exercise its best judgment to see that

all Improvements conform and harmonize with any existing structures on the lot as to external design, quality and type or construction, The Committee, in its sole discretion, may excuse compliance with such requirements as are not necessary or appropriate in specific situations and may permit compliance with different or alternative requirements. Each Owner acknowledges that determinations as to such matters are purely subjective and opinions may vary as to the desirability and/or attractiveness of particular improvements. The Committee shall have the sole discretion to make final, conclusive, and binding determinations on matters of aesthetic judgment and such determinations shall not be subject to review so long as made in good faith, not arbitrarily, without prejudice or malice, and in accordance with the procedures set forth herein.

1.3. Organization and Operation of Committee.

1.3.1. Term. The term of office of each member of the Committee, subject to Section 3.2.1., will be two (2) years, and continuing until his successor is appointed. Should a Committee member die, retire, or become incapacitated, or in the event of a temporary absence of member, a successor may be appointed as provided in Section 3.2.

1.3.2. Operations. The Committee chairman will take charge of and conduct all meetings, in accordance with meetings of the Executive Board as provided for in the Bylaws, and will provide for reasonable notice to each member of the Committee prior to any meeting. The notice will set forth the time and place of the meeting, and notice may be waived by any member. Accurate records of all meetings shall be recorded by the Committee and retained by the Secretary of the Association. The Committee acts for, and on behalf of, the Executive Board. The Committee chairman shall regularly report the Committee's activities to the Board.

1.3.3. Voting. The affirmative vote of a majority of the members of the Committee will govern its actions and be the act of the Committee.

1.3.4. Expert Consultation. The Committee may avail itself of technical and professional advice and consultants as it deems appropriate, and the Committee may delegate its plan review duties, except final review and approval, to one or more of its members or to consultants retained by the Committee. Notwithstanding, the Committee may not delegate its ultimate responsibilities. Upon the Delegation, the approval or disapproval of plans and specifications by such member or consultant will be equivalent to approval or disapproval by the entire Committee.

1.4. Expenses. Except as provided in this section below or in the Declaration, all expenses of the Committee will constitute a Common Expense of the Association.

1.5. Other Requirements. Compliance with TWO RIVERS design review process is not a substitute for compliance with City of Salida zoning, and subdivision regulations, and any other applicable state, federal, or local code or regulation. Each Owner is responsible for obtaining all approvals, licenses, and permits as may be required prior to commencing construction. Furthermore, the establishment of the Design Review Committee and procedures for architectural design review will not be construed as changing any rights or restrictions upon Owner to maintain and repair their Lots and Improvement as otherwise required under the Governing Documents.

1.6. Limitation of Liability. The Committee will use reasonable judgment in accepting or disapproving all plans and specifications submitted to it. Neither the Committee nor any individual Committee member will be liable to any person for any official act of the Committee in connection with submitted plans and specifications. Approval by the Committee does not necessarily assure approval by the appropriate governmental board or commission for City of Salida. Notwithstanding that the

Committee has approved plans and specifications, neither the Committee nor any of its members will be responsible or liable to any owner, developer or contractor with respect to any loss, liability, claim, or expense which may arise by reason of such approval or denial of the construction of the Improvements. Neither the Board, the Design Review Committee, nor any agent thereof, nor Declarant, nor any of its partners, employees, agents, or consultants will be responsible in any way for any defects in plans or specifications submitted, revised or approved in accordance with the provisions of the Governing Documents, nor for any structural or other defects in any work done according to such plans and specifications. In all events, the Committee will be defended and indemnified by the Association in any such suit or proceeding, which may arise by reason of the Committee's decision.

1.7. Enforcement.

1.71. Inspection. Any member or authorized consultant of the Design Review Committee, or any authorized officer, Director, employee or agent of the Association may enter upon any Lot at any reasonable time after 24 hour notice to the Owner, without being deemed guilty of trespass, in order to inspect Improvements constructed or under construction on the Lot to determine whether the Improvements have been or are being built in compliance with TWO RIVERS Governing Documents and the plans and specifications approved by the Design Review Committee.

1.7.2. Completion of Construction. Before any Improvements on a Lot may be occupied, the Owner of the Lot will be required to obtain a temporary certificate of compliance issued by the Design Review Committee indicating substantial completion of the Improvements in accordance with the plans and specifications approved by the Committee, and imposing such condition for issuance of a final certificate of compliance issued by the Design Review Committee as the Committee may determine appropriate in its reasonable discretion. Without limiting the generality of the proceeding sentence, if the construction and landscaping is not completed as scheduled, the Committee may apply and enforce such remedies as are available to the Association for failure of the Owner to comply with these covenants, including without limitation of the remedies set forth in Section 3.7.4.

1.7.3. Certificate of Compliance. Upon completion of construction, the Committee will issue an acknowledged certificate of compliance setting forth generally whether, to the best of the Committee's knowledge, the Improvements on a particular Lot are in compliance with the terms and conditions of the Design Guidelines.

1.7.4. Deemed Nuisances. Every violation of these Design Guidelines is hereby declared to be and to constitute a nuisance, and every public or private remedy allowed for such violation by law or equity against a Member will be applicable. Without limiting the generality of the foregoing, these Design Guidelines may be enforced as provided below.

(i) Fines for Violations. The Board may adopt a schedule of fines for failure to abide by the Committee rules and the Design Guidelines, including fines for failure to obtain any required approval from the Committee.

(ii) Removal of Nonconforming Improvements. The Executive Board, upon request of the Committee, and after reasonable notice to the offender and, if different, to the Owner, may enter upon any Lot at any reasonable time, after said 24 hour notice to the Owner, without being deemed guilty of trespass, and remove any Improvement constructed, reconstructed, refinished, altered, or maintained in violation of these Design Guidelines. The Owner of the Improvement will immediately reimburse the Association for all expenses incurred in connection with such removal.

1.8. Continuity of Construction. All Improvements commenced on a Lot will be prosecuted diligently to completion and will be completed within fourteen (16) months after commencement of on-site construction, unless an exception is granted in writing by the Committee. If an Improvement is commenced and construction is then abandoned for more than ninety (90) days, or if construction is not completed within the required 14 month period, then after appropriate notices, including an opportunity for a hearing, the Association may impose a fine of not less than \$100.00 per day (or such other reasonable amount as the Association may establish in due course) to be charged against the Owner of the Lot until construction is resumed, or the Improvement is completed, as applicable, unless the Owner can prove to the satisfaction of the Executive Board that such abandonment is for circumstances beyond the Owner's control.

Variances

The Committee may authorize variances from compliance with any of its Guidelines and procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, but only in accordance with duly adopted rules and regulations. A request for a variance shall be submitted only in writing and shall be submitted at the time of submission of the complete application to the Committee. No variance shall (a) be effective unless in writing; (b) be contrary to this Declaration; or (c) stop the Committee from denying a variance in other circumstances. For purposes of this Section the terms of any financing shall not be considered a hardship warranting a variance.

Compliance with Laws and Regulations:

Each owner shall, at its own expense, comply with all terms and conditions of these Guidelines, the Declaration and all other regulations promulgated from time to time by the Two Rivers Board that are applicable to its construction activities.

Each owner shall, at its own expense, comply with all federal, state and local laws, ordinances, orders, rules, regulations and other governmental requirements relating to its construction activities.

Non-liability:

Neither the Design Review Committee, the Two Rivers Board, nor any member, employee, consultant, or agent, will be liable to any party for any action, or failure to act with respect to any matter if such action or failure to act was in good faith, non-discriminatory, and without malice.

DECLARANT: Two Rivers HOA Inc,
A Colorado Nonprofit Corporation

By: Thomas Pokorny, Manager

STATE OF COLORADO

COUNTY OF CHAFFEE

Subscribed and sworn to before me this _____ day of _____, 2017 by Thomas Pokorny as Manager of Two Rivers HOA Inc., a Colorado Nonprofit Corporation.

Witness my hand and official seal.

My commission expires: _____

Notary Public

FINAL