

DESIGN REVIEW PROCESS

1.1 General

The ARC evaluates all development proposals on the basis of the Covenants and Design Guidelines. Some of the Guidelines are written as broad standards and the interpretation of these standards is left up to the discretion of the ARC. Other Guidelines such as setbacks are more definitive, or absolute design parameters. It is the intention of this design review process that all Improvements comply with these absolute standards.

1.2 Approved Design Professionals (new single-family residence)

The owner shall obtain the services of a licensed architect, a well-qualified landscape designer, a licensed civil engineer, a licensed geotechnical consultant and a licensed and bonded contractor as appropriate. The Owner and Consultant(s) shall carefully review the Covenants and Design Guidelines prior to commencing with the design review process.

Owners are urged to select their design professionals carefully. Good architecture springs from creative juices that flow when there is a combination of the talents and aspirations of fine owners, architects, landscape designers and builders.

1.3 Preliminary Design Submittal (new single-family residence)

In order to help smooth the way for approval of final designs, a preliminary design submittal is required. Within this step, the Applicant shall prepare and submit to the ARC for review and approval a preliminary design review package, which should adequately convey existing site conditions, constraints, building orientation and design, vehicular and pedestrian access, the proposed use of exterior materials and colors and conceptual landscape design. The package shall include two sets of the following drawings and/or materials:

1. **Preliminary Design Review Application Form and Fee.**
2. **Site Plan** - showing existing topography and proposed grading and drainage (1-foot contour interval), building footprint with finished floor grades, driveway, parking area, turnarounds, drainage, fences/walls, roofs, patios, decks, and any other site amenities.
3. **Schematic Floor and Roof Plans** - scale 1/8" = 1'-0". The roof plan shall clearly show the extent of roof overhang/ridge configuration.
4. **Schematic Elevations** - scale 1/8" = 1'-0", including roof heights, existing and finish grades, building heights and notation of exterior materials. Elevations shall be delineated in color. A color perspective delineation may be provided, but is not required.
5. **Landscape Plan** - scale 1" = 10'-0", showing the location of planting materials and other site development and landscaping elements, a list of planting materials must be included.
6. **Sample Boards** - one set of 11" x 17" boards as needed to show:
 - Roof material and color
 - Wall materials and colors
 - Exterior trim materials and color
 - Window materials and color
 - Exterior door materials and colorThe Ranch office has a number of samples of different building materials which you may want to view.. Many of these items have been used in construction on the property.
 - Stone/rock materials and color
 - Fence/wall materials and color
 - Exterior rails and paving materials and color

1.4 Preliminary Design Meeting (new single-family residences)

Upon completion of its review of the preliminary design submittal, the ARC will schedule a meeting date to discuss the results

of its review with the Owner and its architect and landscape designer. In case of approval without comments, the ARC will so advise the Owner in writing and no meeting will be required. After the meeting, the Owner will be sent a letter from the ARC confirming its actions. Upon receipt of preliminary design approval, the construction documents may be prepared based upon the approved and, if necessary, revised-preliminary design documents.

1.5 Final Design Submittal (new single-family residence)

The Applicant shall provide all information necessary to reflect the design of the proposed building(s), landscape or other features requiring approval of the ARC. Three sets of the final drawings and specifications including the following must be submitted:

1. Final Design Review Application Form and Fee, \$2000.

2. Site Plan - 1"=10'-0" scale showing existing topography and proposed grading (1-foot contour interval), building footprint with finished floor grades, driveway, parking area, turnarounds, fences/walls, patios, decks, utility connections and pad locations, pools and any other site amenities. Drainage elements and erosion control methods should also be shown.

3. Floor and Roof Plans – 1/4"=1'-0", indicating all room dimensions, door and window locations and sizes, location of mechanical and electrical systems and fire sprinkler and monitoring systems. Provide floor plans of all Accessory Structures.

4. Elevations – 1/4" =1'-0", illustrating the exterior appearance of all views labeled in accordance with the site plan. Indicate the highest ridge of the roof, the elevation of each floor, and existing and finished grades for each elevation. Describe all exterior materials, colors, finishes (walls, roofs, trim, vents, windows, doors, etc.) and locate all exterior lighting fixtures. Indicate proposed building height.

5. Sections - indicating building walls, floors, interior relationships, finished exterior grades and any other information to clearly describe the interior/exterior relationships of the building as well as the building's relationship to the site.

6. Landscape Plan - 1' =10' -0" including a planting plan, layout plan, irrigation plan, lighting plan, and any site details including, retaining walls, landscape structures, patios, fences and/or gates. **All revegetation areas should be clearly marked and detailed with plant types, densities and cover. A plant material list is required.**

7. Construction Schedule - including start and completion dates for both building and landscape construction. All construction shall be started within one year of final design approval and shall be completed within 18 months from the start of construction.

1.6 Final Design Meeting (new single-family residence)

Upon receipt of the required documents, the ARC will notify the Owner of the scheduled meeting date to review the final design documents. The Owner, Architect and Landscape Designer must be present at the meeting, or the submittal will be postponed until the next meeting. The ARC will review and comment on the application at the meeting, allow time for discussion with the Owner and/or Consultant(s), and subsequently provide the Owner with an approval or conclusive recommendations for refinements to the design. A second review meeting may be necessary to review refinements, revisions and/or new material. In case of approval without comments, the ARC will so advise the Owner in writing and no meeting will be required.

1.7 Application Fees (new single-family residence)

In order to defray the expense of reviewing plans, observing construction, and to compensate the ARC's consulting Architect and Landscape Designer, the ARC will require the payment of an application fee.

The amount of this fee will be set annually. To ascertain the amount of the current fee, contact the ARC by calling the Aspen

ridge Ranch office. Of the total fee, one-half is to be payable with the Preliminary Submittal and the balance with the Final Submittal. Fees for resubmission, if any, will be established on a case-by-case basis.

1.8 Design Review Process for Smaller Projects

The review process for smaller projects varies by the nature of the project.

1. For additions to existing residences or small accessory structure - only one design submittal is required. This submittal must include an application form, a site plan, a floor plan, elevations showing that the proposed addition is in harmony with the existing building and a proposed construction time schedule. The Application must be accompanied with the current fee, the amount of which may be ascertained by calling the Ranch office.

2. For smaller projects including exterior alterations, paint color changes and major landscape plans - the submittal must include sufficient information to fully describe the proposed project including a completed application form. The fee will be based on the type of review required. To ascertain the amount of the current fee, contact the ARC by calling the Ranch office. All submittals must be in duplicate.

1.9 Final Design Approval

The ARC will issue final design approval in writing within seven working days of a vote for approval. If the decision of the ARC is to disapprove the proposal, the ARC shall provide the Owner a written statement of the basis for disapproval to assist the Owner in redesigning the project so as to obtain approval of the ARC.

1.10 Resubmission

In the event that final submittals are not approved by the ARC, the Owner will follow the same procedures for a resubmission as for original submittals.

1.11 County Approvals

The Owner shall apply for all applicable building permits from Carbon County and any other agencies after receiving final design approval from the ARC. Any adjustments to ARC approved plans required by County review must be resubmitted to the ARC for review and approval prior to commencing construction. The issuance of any approvals by the ARC implies no corresponding compliance with the legally required demands of other agencies.

1.12 Subsequent Changes

Subsequent construction, landscaping or other changes in the intended improvements that differ from approved final design documents must be submitted in writing to the ARC for review and approval prior to making changes.

1.13 Observation of Work In Progress

During construction, the ARC may check construction to determine compliance with approved final design documents. If changes or alterations have been found that have not been approved, the ARC will issue a Notice to Comply. The builder is required to employ a licensed surveyor to certify its compliance with setback, foundation and height elevations to the ARC in a timely manner.

1.14 Notice to Comply

When as a result of a construction observation the ARC finds changes and/or alterations that have not been approved, the ARC will issue a Notice to Comply within three working days of the observation. The ARC will describe the specific instances of non-compliance and will require the Owner to comply or resolve discrepancies.

1.15 Notice of Completion

The Owner will provide the ARC with a Notice of Completion of any Improvement(s) given final design approval by the ARC. The ARC will make a final inspection of the property and, if appropriate, will issue in writing a Notice of Acceptance to the applicant. If it is found that the work was not done in compliance with the approved final design documents, the ARC will issue a Notice to Comply within three working days.

1.16 Variance / Waiver

The ARC has the authority to approve deviations from any of the Design Guidelines or Regulations contained within this document. It should be understood, however, that any request to deviate from these Design Guidelines will be evaluated at the sole discretion of the ARC, and that the approval of deviations will be limited to only the most creative design solutions to unique situations. Prior to the ARC approving any deviation from a Design Guideline, it must be demonstrated that the proposal is consistent with the overall objectives of these Design Guidelines and that the deviation will not adversely affect adjoining parcels or the community of the Ranch as a whole.

The ARC also reserves the right to waive any of the procedural steps outlined in this Design Guideline document provided that the Owner demonstrates there is good cause.

1.17 Application Forms

Application forms called for above are in the Appendix A of these guidelines.

2.0 CONSTRUCTION AND BUILDER REGULATIONS

2.1 Goals

These regulations are designed to help construction move along as efficiently as possible and to assure neighbors that inconveniences caused to them by construction operations will be minimized.

2.2 Completion of Work

All construction work shall be prosecuted diligently and continuously from the time of commencement until fully completed. The exterior of all Residences or other Improvements must be completed within eighteen months after the commencement of construction except where such completion is impossible or would result in great hardship due to strikes, fires, national emergency or natural calamities. For purposes of this section, "commencement of construction" of a Residence is defined as the obtaining of necessary building permits and the excavation of earth for a foundation and, for all other Improvements, is defined as the undertaking of any visible exterior work. If construction is not completed within one year after commencement, or if construction shall cease for a period of sixty (60) days without permission of the ARC, the ARC will give the Owner thereof written notice of such fact. If construction on such Improvement is not thereafter diligently commenced within thirty (30) days after such notice, the unfinished Improvement or unfinished portion thereof shall be deemed a nuisance and may be removed forthwith by and at the cost of the Owner, or the ARC at its sole option, may choose to remove the same or complete construction as provided in the approved plans for the same at the cost of the Owner and may exercise lien rights as described herein for any costs or expenses it may incur in such event.

2.3 Access to Construction Area

The Ranch will designate an access route the Contractor and its subcontractors shall follow to the site. Identification tags will be provided and must be exhibited on all vehicles. The Ranch wants to protect the land as much as possible. Drivers are expected to drive in a safe and cautious manner. No use of the Ranch for access or any other purpose may be made without first obtaining the permission of and instructions from the Ranch Manager.

2.4 Daily Operation

Working hours for each Construction Site shall be between 7:00 a.m. and 6:00 p.m. daily on Monday through Saturday.

2.5 Parking of Construction Vehicles

All vehicles shall be parked so as not to inhibit traffic or damage surrounding natural landscape or adjoining property. Vehicles shall not be left on community roads overnight. One utility trailer may be parked on a Lot for use as a contractor's office during construction.

2.6 Signage

No signage will be permitted on the Lot during construction except for one sign not exceeding 24" wide x 36" high upon which the names of the Contractor and Architect may be shown as well as the address. Said sign shall have approval of the ARC.

2.7 Fire Extinguishers The minimum number and type of fire extinguisher(s) required by the County shall be located on each Lot in a conspicuous location.

2.8 Construction Boundary Limits

The Contractor shall provide the ARC with a detailed plan of Construction Site boundary limits prior to construction. Where appropriate, the plan shall be implemented with snow fencing, rope barricades or like material prior to construction. The plan shall include size and location for construction material, storage areas, limits of excavation, access areas, parking, chemical toilet location, temporary structures, dumpster, fire extinguisher, utility trenching and a construction sign.

2.9 Chemical Toilets

A chemical toilet shall be provided by the Contractor and placed in an approved location. All chemical toilets shall be confined to the street side of the Lots, and will be kept as far from the main road as possible.

2.10 Dust, Noise and Odor

Every effort shall be made by the Contractor to control dust, noise and odor emitted from a Construction Site. The Contractor will be responsible for watering or screening dust problem areas as well as controlling noise and offensive odors from the Lot.

2.11 Material Storage

No building materials (including excess dirt from excavation) shall be stored on any Lot except temporarily during continuous construction of a Dwelling Residence or other Structure or Improvement. No storage is permitted on any public right-of-way (see also article 7.14).

2.12 Construction Debris

Construction debris may not be dumped or left on any Lot or on any of the Common Areas or adjoining properties. Contractor should discuss with Declarant where to put excess dirt from construction as there may be other uses for it within Aspen Ridge Ranch.

During the period of construction of a Dwelling Residence or other Improvement on a Lot, the Contractor shall control dirt and dust, keep surrounding properties and roads reasonably clean and keep construction debris confined in a trash receptacle. All construction debris that is blown by the wind onto nearby properties or roads shall be collected and placed in the trash receptacle on a daily basis. Trash shall be removed from the Lot regularly - 5 - during the construction period. Contractors, subcontractors and construction personnel shall have the right to enter upon unimproved Lots and the Common Area to pick up and retrieve construction debris, but shall not enter upon any improved Lot for such purpose without the express permission of the Owner of such Lot.

2.13 Utilities

Construction of utilities shall be carefully coordinated with existing site conditions so that minimal disturbance occurs. All utility trenches and ditches shall be properly compacted. All construction, including storage of excavated and backfill materials, shall respect all boundaries of areas to be preserved.

2.14 Excavation/Grading

Excess excavation material shall be removed from the Lot and shall not be placed in common areas, roads or other Lots (except as approved on a site-specific basis by the ARC). Excavation, except for utility trenching, shall be on the Owner's Lot only. Contractors are expressly prohibited, during backfill and final grading operations, from spreading excess debris or material over the remainder of the Lot.

2.15 Erosion Control

During all site disruptions, approved techniques for controlling erosion within the site onto other sites or common property shall be used. Methods include sedimentation basins, filtration materials such as hay bales or permeable geotextiles and slope stabilization fabrics. Grading shall assure the routing of irrigation and surface waters away from structures.

2.16 Blasting

Any plans to blast shall be brought to the attention of Carbon County and the ARC before commencement and shall be approved both by the County and the ARC. Proper safety and protective actions shall be used.

2.17 Additional Restrictions

The following are prohibited:

2.17.1 Changing the oil of vehicles and equipment without proper receptacles and removal procedures

2.17.2 Concrete equipment cleaning or concrete dumping

2.17.3 Allowing dogs or other pets to run loose on the Construction site. All dogs must be on a leash or under voice command at all times.

2.17.4 Loud radios

2.18 Notice of Completion

Upon completion of the Improvement to Property, the Applicant shall give written Notice of Completion to the ARC. Until the date of receipt of a Notice of Completion, the ARC shall not be deemed to have Notice of Completion of any Improvement to Property.

2.19 Inspections of Work

The ARC or its duly authorized representative shall have the right to inspect any Improvement to Property prior to or after completion; provided that the right of Inspection shall terminate sixty (60) days after the ARC receives a Notice of Completion from the Applicant.

2.20 Notice of Noncompliance

If, as a result of inspections or otherwise, the ARC finds that any *Improvement* to Property has been done without obtaining the approval of the ARC, or was not done in substantial compliance with the description and materials furnished to, and any conditions imposed by, the ARC, or was not completed within **eighteen (18) months** after the date of commencement of work, the ARC shall notify the Applicant in writing of the noncompliance. The notice shall specify the particulars of the noncompliance and shall require the Applicant to take such action as may be necessary to remedy the noncompliance.

2.21 Appeal

If the ARC gives any notice of noncompliance, the Applicant may appeal to the Board by giving written notice of such appeal to the Board and the ARC within thirty (30) days after receipt by the Applicant of the notice of noncompliance. In the event an appeal is timely and properly filed, the Aspen Ridge Ranch Association Board shall hear the matter in accordance with the provisions of the Bylaws for Notice and Hearing and decide whether or not there has been such noncompliance, and if so, the nature thereof and the estimated costs of correcting or removing the same. The decision of the Board shall be final and absolute. If, after a notice of noncompliance and/or the failure of any appeal, the applicant fails to commence diligently to remedy such noncompliance, the ARC shall then request a finding of noncompliance by the Board by giving written notice of such request to the Association and the Applicant within thirty (30) days after the date of delivery to the Applicant of the original notice of noncompliance.

2.22 Correction of Noncompliance

If the Executive Board determines that a noncompliance exists, the Applicant shall remedy or remove the same within a period of not more than forty-five (45) days from the date the Board gives its ruling. If the Applicant does not comply with the Executive Board ruling within such period, the Board may, at its option, record a notice of noncompliance against the real property on which the noncompliance exists, may remove the noncompliant Improvement to Property, or may otherwise remedy the noncompliance, and the Applicant shall reimburse the Association, upon demand, for all expenses incurred in connection therewith. If such expenses are not promptly repaid by the Applicant or Owner to the Association, the Board may levy an Assessment against the Owner of the Residence for the reimbursement of such costs and expenses. The right of the Association to remedy or remove any noncompliance shall be in addition to all other rights and remedies that the Association may have at law, in equity, or under this Declaration.

2.23 Surveyor Certification

At times appropriate to the construction progress, the Builder shall commission the services of a licensed surveyor who shall make the necessary measurements at the site to confirm that the work is in full compliance with all Lot Line Setbacks, Foundation Elevations and Maximum Height requirements established for the lot upon which the house is being built. Refer to Appendix B for applicable Covenant Standards. The Surveyor shall prepare and stamp a written report of his findings and shall deliver the same to the Builder, who shall immediately deliver said report to the ARC.

DESIGN REVIEW APPLICATION FORM

Submit to:
Aspen Ridge Ranch Owners Association Architectural Control Committee
415 North Broadway
PO Box 1946
Red Lodge, MT 59068

Owner:

Name: _____

Mailing Address _____

City, State, Zip _____

Phone _____ Fax _____ Email _____

Site Information:

Filing _____ Lot Number _____

Address _____

Project Type:

Check the captions, which most accurately describe your proposed project. You may need to check several captions.

- New single-family residence
- Addition to existing residence
- Exterior alterations to an existing residence
- Exterior color change to an existing residence
- Landscaping changes at an existing residence
- Other (please describe)

This Submittal:

Check the most applicable: Preliminary Final Revision

Applicant:

As applicant (either as Owner or Owner's Agent), I have read and understand the Design Guidelines and applicable provisions of the Covenants concerning design and construction at Aspen Ridge Ranch.

Signature _____ Printed Name _____

For Design Review Committee Use Only:

Application received by _____

Date application and complete submittal package received Scheduled date of ARC Meeting

Action taken by ARC:

Approved Approved with comments Rejected with request for revisions

Comments _____

Date _____