

RULES AND REGULATIONS FOR CONSTRUCTION
BEAR CREEK AT SOUTH FORK RANCHES
SOUTH FORK, COLORADO
Revised October 19, 2022

This document, “the Rules and Regulations” or “R&R”, and the Bear Creek Property Owners Association Architectural Review Committee Checklist (the “Checklist”) attached as Exhibit A, are meant to establish the process through which an Applicant can obtain approval to improve the Applicant’s Lot in Bear Creek. This R&R replaces previous documents dated September 7, 2008, August 17, 2014, December 15, 2020 and March 4, 2022.

This R&R is established by the Board of Governors according to Article 7 of the Amended and Restated Bylaws of Bear Creek at South Fork Ranches Property Owner’s Association, Inc. dated August 1, 2008 and is deemed to be in compliance with the Protective Covenants.

Further, it is the intent of the Board of Governors to design its Rules and Regulations to comply as much as possible with Firewise USA to help protect Bear Creek from wildfires. ARC also takes into consideration 100-Year Events (extreme rainfall) in any approvals.

Conflicts with this R&R are superseded by the Protective Covenants and/or Bylaws. **ARC (as defined below) URGES ANY POTENTIAL APPLICANT TO REVIEW THE PROTECTIVE COVENANTS AND BYLAWS PRIOR TO PURCHASING A LOT OR PRIOR TO SUBMITTING AN APPLICATION FOR CONSTRUCTION.**

Severability. Invalidation of any of this R&R by judgement or court order shall not affect the other provisions of this document and the balance of the document shall remain in full force and effect.

FREQUENTLY ASKED QUESTIONS

1. Minimum size for Primary Residence: 1,800 SQ FT
2. Minimum size for Guest House: 600 SQ FT
3. Construction Impact Fee: \$5,000.00. The Fee is submitted to the POA. The Fee is non-refundable.
4. Are Driveway and Culvert required? Yes, both must be in place prior to beginning or as a part of construction and any other work being performed on the Lot including drilling of wells.
5. Can we drill the well first? Yes, we encourage Owners to drill their well early, even before purchasing the Lot, with the permission of the Lot Owner. The POA must receive the Construction Impact Fee and the Lot must have an approved Culvert installed prior to allowing the drill or any other traffic on the Lot. The Driveway does not have to be improved to drill the well but there must be a rock apron of extending a minimum of 100 feet from the Roadway. The purpose of the

rock apron is to remove any excess dirt or mud from the vehicle prior to it reaching the Roadway. It is the responsibility of the Lot Owner to ensure that the Roadway is kept clean and if vehicles track mud or dirt on the Roadway, the Lot Owner must have it removed. If the POA has to have the Roadway cleaned, any costs will be charged to the Lot Owner.

6. Do Driveways have to be improved? Yes.
7. Where do we send the Application for Approval of Plans? To the Architectural Review Committee as detailed below.
8. Is there a maximum weight for trucks and equipment on the Bear Creek roadways? Yes, the maximum gross vehicle weight of any vehicle on the roadways within Bear Creek is 80,000 pounds with a maximum per axle weight of 18,000 pounds. The steering axel cannot exceed 12,000 pounds.

DEFINED TERMS. All terms defined in the Protective Covenants but not defined in this R&R have the same definition as stated in the Protective Covenants.

“Applicant”: The person submitting the Application for Approval. The Applicant may be the current owner of a Lot or a future owner (under contract to purchase) a Lot in Bear Creek.

“Application for Approval” or “Application”: The application for approval of permission to begin Construction of Improvements.

“Approval” or “Approved”: Approval by ARC of an Applicant’s request. Approval of an Application must be in writing (email or USPS) and should be kept by the Applicant. Verbal approval is never deemed approval of an Application. If the Applicant is turned down by ARC and cannot reach agreement with ARC, the Applicant can appeal to the Board.

“ARC”: The Architectural Review Committee, as appointed by the Board, and shown on Exhibit A attached. All Applications should be sent directly to the Chairman of ARC via email. Any graphics must be in pdf and formatted to 8.5” X 11.” Exterior elevations and material samples must be in color.

“Bear Creek at South Fork Ranches” or “Bear Creek”: The Bear Creek neighborhood as described in the Amended, Restated and Consolidated Declaration for Bear Creek at South Fork Ranches.

“Bylaws”: The Amended and Restated Bylaws of Bear Creek at South Fork Ranches Property Owner’s Association, Inc. dated August 8, 2008.

“Checklist”: Exhibit A to this R&R is the Applicant’s Approval Request Checklist to be attached to any Application. Not every item in the Checklist will need to be filled out for each Application.

“Construction”: The construction of a new Residence or modification to an existing Residence in the Bear Creek Subdivision, including Outbuildings, Guest Houses and Driveways.

“Construction Impact Fee”: The \$5,000.00 fee that must be paid to the POA prior to beginning any physical improvement to a Lot. The Fee is non-refundable.

“County”: Rio Grande County. Rio Grande County issues the building permit for Improvements.

“Culvert”: Installation of the Culvert is an obligation of the Lot Owner in order to transition from the Bear Creek Roadway onto a Lot. Installation of the Culvert must be completed prior to any ingress/egress onto the Lot by any motorized vehicles, including automobiles, trucks and construction & maintenance vehicles. The minimum size Culvert in Bear Creek is 18,” as may be adjusted by ARC for individual Lot circumstances. ARC will consider 100-Year Events in its approval of a Culvert.

“Driveway”: Driveways are required to be improved early in the construction of the Lot. Improvements include, but are not limited to, asphalt, concrete, road base, gravel, stone, Pave Stone. Furthermore, drainage from the Driveway must be designed to allow proper drainage to the ditches at the roadway and to take into consideration extreme run-off from a 100-Year Event. A rock apron extending 100 ft from Roadway onto lot must be installed prior to any other construction on the Lot.

“Existing Residence”: A Residence already established in Bear Creek.

“Guest House”: A building designed for habitation other than the Primary Residence. The minimum size for a Guest House is 600 SQ FT of Living Space.

“Improvement(s)”: Any construction of a Primary Residence or improvement to an Existing Residence at Bear Creek.

“Irrevocable Letter of Credit” or “LC”: A \$200,000.00 irrevocable letter of credit issued by a Federally insured bank with a branch in Colorado or a Colorado State chartered bank (“the Bank”) naming the POA as beneficiary shall be presented to the POA if an Applicant wishes to construct improvements to the Lot (Outbuilding or Guest House) prior to submittal of an Application for the Primary Residence. The LC must state that if construction of the Primary Residence is not begun on or before twenty-four (24) months of issuance of the LC, the POA can redeem the LC upon presentation to the Bank with no other requirements.

“Living Space”: All conditioned (heated or cooled) space within the Primary Structure or Outbuilding on a Lot.

“Lot”: A platted Lot in Bear Creek.

“Outbuilding”: Any vertical improvement other than the Primary Residence. Outbuildings include, but are not limited to, buildings such as barns, Guest Houses, entertainment areas, etc.

“Plans”: Plans and Specifications showing exterior design, height, materials, color, location of the Improvement, addition to the Improvement or proposed Improvement (plotted horizontally and vertically, location and size of Driveways, walls, windbreaks and grading plan, as well as such other materials as may be required by ARC. The Plans must generally be in 1/4” or 1/8” scale or as may be drawn by the architect or engineer.

“POA”: The Bear Creek Ranches at South Fork Property Owners Association, Inc.

“POA Common Areas”: The common areas owned by the POA include, but are not limited to, the Roadways and Lots owned by the POA including the Lot allowing access to the Rio Grande River across from the main entry gate to Bear Creek.

“Primary Residence”: The main dwelling on the Lot. The minimum size for a Primary Residence is 1,800 SQ FT of Living Space.

“Protective Covenants”: The Amended, Restated and Consolidated Declaration of Protective Covenants for Bear Creek at South Fork Ranches (Filings 1-4) in the real property records of Rio Grande County on July 20, 2010 at Reception No. 201000409119, Page 568-608. Also defined as “Declaration.”

“Roadway”: The private roads owned by the POA as platted of record in Rio Grande County.

“Site Improvement”: Any horizontal or vertical improvement to the Lot including, but not limited to, grading of any kind, installation of underground facilities such as the Culvert where the Driveway meets the public Roadway, grading for and improvements to the Driveway, utilities, well, septic tank, propane tank (which must be installed underground), any structures above ground, patios, etc.

“Site Plan”: A drawing showing the proposed location of the Driveway Culvert, the Driveway itself, well, septic system, propane tank, Primary Residence and any Outbuildings. The Site Plan shall clearly show that any proposed Improvement does not violate the Setbacks as shown in Section 5.28 of the Protective Covenants. The Site Plan or another topographic plan must provide detail on how the storm water will be handled and clearly depict the drainage where the Driveway meets the Roadway.

“SLVREC”: The San Luis Valley Rural Electric Cooperative which provides electricity and high-speed internet (through Ciello) to Bear Creek. The service is underground throughout Bear Creek.

SUBMITTALS

Culverts, Driveways, any underground improvement to a Lot, any vertical improvement to a Lot including, but not limited to, Primary Residences or Outbuildings, require ARC approval. Furthermore, major revisions to an Existing Residence, such as changes in exterior colors, must be approved by ARC. Landscape changes do not require approval unless the revisions change the character of the Lot or impact storm water runoff. When in doubt, submit the improvement.

ARC will do its best to respond to any Applications within thirty (30) days of submittal. It is recommended that any submittal is followed up with an email or phone call for verification that ARC received the submittal. Any negative response will be sent with specific details of why the Applicant was rejected. It is the goal of ARC to approve a request as soon as possible.

The Construction Impact Fee must be received by the POA before an Application will be reviewed. The Construction Impact Fee must be received by the POA prior to installation of a Culvert to access the Lot by motorized vehicles and equipment. ARC will review preliminary submittals in order to speed the process but construction shall not begin until written approval of a complete Submittal by ARC.

When an Applicant's submittal is Approved, the Applicant shall begin work within ninety (90) days from the date of Approval or the Approval can be rescinded by ARC. Additionally, except with written approval otherwise, all work approved by ARC must be completed within twenty-four (24) months of Approval. Any delays caused by strikes, fires or other natural disasters, including such events as COVID-19, will be taken into consideration by ARC.

An Outbuilding may be approved prior to construction of the Primary Residence (if not being constructed as a part of the initial submittal). The Applicant must post the LC, in addition to the Construction Impact Fee, payable to the POA, and construction of the Primary Residence must commence within two (2) years of the LC being issued. The LC must contain language that will allow the POA to redeem the LC if construction of the Primary Residence is not begun on or before this date.

SITE IMPROVEMENT REQUIREMENTS, ARCHITECTURAL GUIDELINES

These guidelines are meant to simplify the process of requesting Approval to improve or modify a Lot or existing Structure in Bear Creek. The R&R and the Protective Covenants together construct the standards by which an Owner make an Improvement to the Lot.

Application and Site Plan

Prior to beginning any Site Improvement, the Applicant must submit the Application, the Plans and the Site Plan to ARC and the Construction Impact Fee to the POA. ARC may approve the installation of the Culvert and Driveway in advance of the Primary Residence without beginning the 90-day time requirement for beginning construction to

allow the Applicant to drill its water well but the Culvert must be approved by ARC and installed and the Construction Impact Fee must be received by the POA prior to drilling the well. ARC encourages any Applicant to drill its water well early in the process to ensure that water can be obtained in an acceptable flow from the location desired. However, the activation of an electrical connection or a septic system without submittal of an Application that includes the Primary Residence will trigger the requirement for the LC and trigger the time limit for commencement of Construction.

Height Restriction

The maximum height of any Improvement shall not exceed thirty-five (35) feet. The height will be measured from the highest ground elevation of the Improvement to the highest ridge cap of the Improvement.

Site Light, Sounds and Odors

Refer to Section 5 Protective Covenants. Site lighting on a Lot is to enhance the natural environment as well as to promote safety. Site lighting is permissible with the intent to be non-offensive to neighbors. Every effort should be made to ensure the site lighting does not flood the adjoining Lots. Unshielded vapor lights and other LED lights that are not hooded (directional) are not permitted. Motion detectors are allowed. Consideration should be made for the duration of time the lights are left on, being nondirectional and mindful of neighbors and wildlife. Low voltage or solar Driveway lights are allowed and encouraged for safety. Holiday lighting is permitted but must be taken down by February 1 of each year.

Except for security alarms, no horns, whistles, bells or other sound devices shall be used outside the Improvement. Speakers that broadcast sound (music, TV) for the personal enjoyment of the Owner and their guests are allowed as long as the sound does not broadcast to other Lots.

In general, Bear Creek Ranches is a Dark Sky community, no light shall be emitted from any Lot at Bear Creek that is unreasonably bright or causes unreasonable glare. No sound or odor shall be emitted from any Lot which would reasonably be found to be obnoxious or offensive to Owners of other Lots at Bear Creek.

Fences

Fencing should be an extension of the architecture and not unrelated to the Lot. A minimum setback of twenty-five (25) feet from the Roadways is required. Wire fences are not allowed along Lots where they adjoin a Roadway within Bear Creek. A smooth wire fence may be used along any Lot boundary that is not adjacent to a Roadway. Fences shall not exceed forty-eight (48) inches in height other than fencing to protect the Residence from wildlife. Accommodations should be made to be considerate to the natural wildlife of Bear Creek. Wire fence or electric fences along the National Forest boundary to keep cattle out of the neighborhood are encouraged.

A privacy fence may be constructed adjacent to a Primary Residence or Guest House. It may not exceed twenty (20) feet in length from the Primary Residence or Guest House

and must not exceed eight (8) feet in height. The privacy fence must not block the view of the front of the Primary Residence or Guest House and is intended for such uses as providing privacy for a hot tub.

Construction Trash

The Owner of a Lot is responsible for ensuring that its contractors maintain a clean and safe construction site. All construction trash is required to be placed in a dumpster or trailer that is secured to prevent the broadcasting of trash. No garbage, trash or other materials shall be deposited on any Roadway of any Lot except on the day of a regularly schedule by the dumpster company. All equipment for storage of disposal of trash shall be kept in a clean and sanitary condition. No burning of construction trash is allowed in Bear Creek.

Gates, Lot Entrances and Signs

Once an Improvement exists on a Lot, the County requires that the Lot entrance and Primary Residence are clearly marked with the street number for life safety. To provide for this requirement, one permanent address sign of no more than four (4) square feet may be constructed at the Lot entrance. Larger structures using natural elements (boulders) must be submitted to ARC for consideration. No owner may place more than one sign, not larger than 24 inches x 36 inches on a Lot. One flag pole per Lot may be installed which is no taller than 15 feet. One flag, no larger than 3 feet x 5 feet may be displayed. All signs and flags must be in good condition, free from fading and tears.

Underground Utilities

Locating and marking the location of underground utilities must be performed prior to commencement of any construction at Bear Creek, including installation of a Culvert. SLVREC has certain restrictions on distances from the primary electric feed located on the Roadway of each Lot and should be consulted prior to submitting a final Site Plan to ARC.

Driveways and Site Excavation

All Applications must include a drainage plan prepared by a professional (civil engineer, architect, excavation professional) that is qualified to do so. Both sides of the Driveway must be finished to the natural contours of the Lot and drain the runoff away from the Roadway. All excess rock and debris shall be hauled away and disposed of correctly. Ingress/egress of life safety vehicles and large trucks like propane trucks and septic trucks to enter onto the Lot should be planned carefully when designing a Driveway. Culverts will be required for intersections of the Driveway and Roadway unless the Driveway is at a "crown" location (drains both ways from the Driveway. Sizing of the Culvert will be determined by ARC and will be determined by ARC's best estimate of the size required to handle a 100-Year Event.

Structure Placement

Refer to Protective Covenants. Rio Grande County will issue the building permit. ARC will review both exterior and interior design of the proposed Structure.

Roofs and Roof Pitch

Steep pitches are encouraged to discharge snow loads. A 4:12 pitch is recommended but ARC will consider an engineered design of less than 4:12 if accompanied by a snow load pro forma by a design professional.

Standing seam, slate, tile, light weight concrete and engineered shingle roofs are allowed. Color shall be earth tone. No wood shingles are allowed in Bear Creek. All structures on a Lot shall be generally finished with the same roof colors and exterior colors unless authorized by ARC.

Exterior Wall Materials and Colors

The materials used for exterior walls shall accent the design of the Structure and blend with the natural landscape (earth tones). Materials acceptable include, but are not limited to, rock, stone (both natural and cultured), brick, wood (log, log veneer, rough sawn, tongue and groove), stucco and concrete siding (Hardie Plank). Designer Metals may be used to accent the design. Exteriors that are predominately metal will not be approved. Multiple wall materials are allowed. All Structures on a Lot shall be predominately of the same wall materials and as approved by ARC.

Landscaping

ARC will review the landscape plan of any Application. This includes any Application that changes the Lot's natural drainage and retaining walls. No discharge from the Applicants Lot may be made onto a neighboring Lot or the Roadway. Artificial turf (non-vegetative turf grass may be used in the rear of a home, but may not be seen from the front street.

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EXHIBIT A
APPLICANT'S APPROVAL REQUEST CHECKLIST
ATTACHED