

Bellyache Ridge Subdivision
Eagle County, Colorado

Bellyache Ridge Design Guidelines

Revision 2021-12-16

- New Home Build
- Home Improvements; Major & Minor Modifications

Appendix A: Building Process Checklist

Appendix B: New Home or Home Improvement Coordination and Approval Process



bellyachesubdivision.com

Table of Contents

Article I: Introduction	1
Article II: Design Philosophy	2
Article III: Site Planning	4
Building Envelope	4
Site Preparation, Grading and Drainage	4
Access Drives	4
On-Site Parking	5
Fences and Walls	5
Spa Equipment	5
Exterior Lighting	6
Outdoor Storage	6
Antennas, Satellite Dishes, and Lightning Rods	6
Heating and Cooling Equipment	6
Utilities	7
Solar Panel Applications	7
Wind Power Turbines	7
Homesite Identification and Signage	7
Household Pets	8
Article IV: Architectural Design	9
Size	9
Duplex Design	9
Height of Structures	9
Roofs	9
Foundations and Retaining Walls	10
Exterior Materials	10
Exterior Colors	10
Windows and Skylights	10
Building Projections	10
Chimneys and Outdoor Fires	11
Prefabricated Buildings	11
Changes or Additional Construction	11
Article IV: Landscaping	12
Cultivated Areas	12
Native Areas	12
Landscape Plans	12
Completion of Landscaping	13
Outdoor Recreation Equipment and Furniture	13
Outdoor Ornamentation or Statuary	13

Article VI: Construction Regulations	14
Building Envelope	14
Construction Trailers	14
Trash Receptacles and Debris Removal	14
Sanitary Facilities	15
Construction Access	15
Vehicles and Parking Areas	15
Conservation of Native Landscape	15
Excavation Materials and Blasting	16
Dirt, Debris, Dust and Noise Control	16
Material Deliveries	16
Firearms	16
Controlled Substances	16
Fires and Flammable Materials	17
Pets	17
Preservation of Property	17
Restoration of Property	17
Construction Signage	17
Daily Operation	17
Article VII: Design Review Procedures	19
Pre-Design Conference	19
Design Submittal	19
On-Site Meetings	19
Compliance Deposit	20
Design Review	20
Appeal to the Board of Directors	20
Commencement and Completion of Construction	21
Inspections of Work in Process	22
Subsequent Changes	22
Final Release and Return of Compliance Deposit	22
Relationship with Association	23
Appendix A: Building Process Checklist	24
Appendix B: New Home or Home Improvement Coordination and Approval Process	25
Form 1: Project Application	26
Form 2: House Square Footage Declaration	27
Form 3: Billing Statement for Compliance Deposit	28
Form 4: Notice to Proceed Letter	29
Form 5: Compliance Deposit Release	30

Article I: Introduction

The Amended and Consolidated Restatement and Declaration of Protective Covenants for Bellyache Ridge Subdivision (the “Declarations”) authorizes the Homeowners Association Board to adopt Design Guidelines and establish the Bellyache Subdivision Architectural Control Committee (the “Committee”) and directs the Committee to enforce those Design Guidelines.

Each Owner should review both the Declarations and the Design Guidelines carefully before commencing the design and review process. The Guidelines merely expound upon the concepts set forth in the Declarations, they do not repeat them. No application for development or improvements which violate either the applicable Declarations or County zoning regulations shall be approved. The more restrictive of the applicable Declarations or the County land use regulations shall prevail.

The Design Guidelines, along with the Declarations, describe the philosophy and the specific consideration to be applied in reviewing the site planning, architectural design and landscaping plan for your new home or improvements in the Bellyache Subdivision (the “Subdivision”). They also set forth the exact procedure to be followed during the design review process. Finally, they detail the construction regulations your general contractor must observe during construction.

Capitalized terms that are not at the beginning of a sentence or a proper name represent terms which are defined in these Guidelines or the Declarations. If you are in any doubt as to the exact meaning of those terms, please check for a formal explanation.



Article II: Design Philosophy

The Bellyache Ridge Subdivision is an area of unique mountain beauty. The purpose of the Declarations and the Guidelines is not to encroach into land use requirements already in place but to ensure a low-density community in which such beauty and seclusion are preserved, to enhance the desirability of living in the Bellyache Ridge Subdivision, and to preserve and increase the value and quality of continued Ownership in the Subdivision.

Since existing natural features, including topography, wildlife and wildlife corridors, vegetation, rock outcroppings, and views of nearby and distant surroundings are unique and provide aesthetic values in their present state, all activities during planning, construction and residence are to be directed toward minimizing environmental disturbance. This concept requires, for example, that only essential trees be removed for access and building site location and that all other trees and vegetation be protected from damage during construction; that access roads follow existing contours, rather than run in straight lines; that rock outcroppings be preserved; that wildlife habitats and migration patterns not be unduly disturbed; that “unnatural” lawn and irrigated areas be minimized; and that one’s desire to enhance his or her environs not adversely disturb the area’s natural surroundings.

In conformance with the “natural” concept, external materials selected for house and outbuilding construction should be of natural appearance. Buildings should modulate with the terrain and appear not to dominate or oppose natural surroundings. Extensions of your home, such as patios, terraces, decks, outdoor spas, etc., should appear to be extensions of the architecture and transition smoothly between man-made elements and the surroundings.

If more than one structure is to be built on any lot, each structure must be of compatible style and materials and must be situated in reasonably close proximity to the residence. Depending on the use of the outbuilding, additional environmental considerations may affect its location.

Because of the importance of water for the Subdivision and the constant danger of fires, water conservation and fire prevention will also be major considerations for the Committee in its decision-making process.

The Committee will apply the design philosophy outlined above when reviewing all Submittals and will use its best judgment in making a determination. The Committee shall review all applications and issues based upon the impacts on adjoining property or properties, visibility from other properties and the County roadways, and other adverse impacts on the Bellyache Ridge Subdivision or its residents, which are henceforth referred to in these Design Guidelines as the “Universal Standard of Review.” All applications and interpretations of these Design Guidelines by you and by the Committee should be made in a reasonable manner. Therefore, when you see words like “as much as possible”, or “if at all possible”, please keep in mind that they mean “as much as possible, within reason”. The decisions of the Committee shall be binding and conclusive upon you, unless and until such determination is modified or revised through the appeal process.

The Committee shall have the power to grant variances from the provisions of these guidelines,

except for any variance which would permit the violation of any governmental regulations, upon the determination by the Committee that (a) the application of such limitations to the conditions of the Lot in question would result in undue hardship, (b) the granting of such variances would have no impact on any adjacent Lot, and (c) the Owners of all adjacent Lots have approved the requested variance and evidence of such approvals is presented to the Committee with such request for variances. The decision of the Committee regarding any request for variance shall be final.



Article III: Site Planning

Because of the terrain upon which homes in the Subdivision may be built, siting is critical. Homes and other improvements should be designed and sited on your Lot, to the extent possible and practical when taking into account the resulting financial and environmental impact, so that they are tucked away in the woods and not readily seen from the County Roads and in a manner that is consistent with the Design Philosophy set forth in Article II.

Building Envelope

All buildings must be at least 50 feet from the front property line (note that the front property line is defined on the site survey drawing and is generally not at the edge of the roadway) and at least 25 feet from the side and back Lot lines. The remaining area defines the boundaries of the maximum permissible Building Envelope. Removal of vegetation, trees, and other significant landforms on a site will be limited and will not extend beyond a demarcated site disturbance area identified on the design submittal plans, and this demarcated site disturbance area defines the Building Envelope. By this definition, the footprint of the building structures and the entire Cultivated Area (see Article V, Sections A and B) constitutes the Building Envelope. Driveways and driveway support walls may be outside the Building Envelope as herein described. Building structures shall be sited so as to minimize the need for extensive site grading and shall retain the natural slopes to the maximum extent possible.

Site Preparation, Grading and Drainage

Improvements should be carefully planned to minimize alteration of the existing topography. Excessive grading of your site shall not be approved. Drainage swells or washes interrupted by site improvements or additional drainage structures created by such improvements shall be constructed or reconstructed of natural materials properly placed for positive operation of the drainage system. Structures which are artificial in appearance, such as exposed drainage pipe, may not be used. Erosion is to be controlled in all circumstances, using an approved storm water drainage control system, including, but not limited to, erosion fencing, hay bales, or a series of small dispersive retaining walls. Concrete wash-out locations must be shown on the site plan, within the Building Envelope, and approved by the Committee.

Access Drives

From the garage, drives should follow the natural contours of the site and major landscape elements as they move toward the road. Roadways should drain to ditches and culverts on the uphill side and driveway access cuts to the County Road should have culverts. All disturbed soil should be replanted with native planting material.

No access drives will be permitted unless directly and timely related to the construction of your

home as determined and approved in the sole discretion of the Committee based upon the Universal Standard of Review set forth in Article II above, and such determination and approval of the Committee must be obtained by the Owner in advance of excavation of any access drive. Driveways and parking surfaces shall be surfaced with gravel, asphalt, concrete and other masonry materials as may be approved by the Committee.

The intersection of the driveway and the County Road shall be as close as possible to ninety degrees (90°) to provide good visibility and improved safety of access to the public road, although it is recognized that the slope of the terrain may require adjustments to that angle.

Driveway grades for the first 20 feet adjacent to the public road and for the first 20 feet adjacent to the garage shall not exceed four percent (4%). Grades exceeding ten percent (10%) at any other portion of the driveway shall be subject to approval by the Committee, and may be required to integrate a snowmelt system. The driveway design must be approved by the Committee and be in conformance with the Eagle County regulations.

On-Site Parking

Each site must have parking for at least two cars. This parking area must be located within the Building Envelope.

The construction of any free-standing garage or outbuilding must be in proportion to the scale of the residence and meet a level of design and quality of construction that is consistent with the Design Guidelines.

No parking on the County Road is permitted in the Subdivision.

Fences and Walls

Fencing can serve as wind barriers, privacy screens, or aids for pet control. Fencing may also be used to define outdoor living areas, but their use to delineate property lines will be discouraged by the Committee. All fences, walls and similar enclosures must be approved in advance by the Committee based upon the Universal Standard of Review set forth in Article II above. The Committee will not approve chain link fencing. Light wire fencing may be used alone or in conjunction with other fencing styles to control pets and as constructed specifically for use as dog runs not to exceed 400 square feet. Snow fencing (black, brown or green, but not orange or other bright color) may be erected in the winter on each lot as needed to assist in snow containment around a home or access drive.

Spa Equipment

Spa equipment enclosures must be architecturally related to the house and other structures through the use of walls or courtyards so that they appear to be a visual extension of the home.

Covers such as inflatable bubbles are unacceptable.

Exterior Lighting

Outdoor lighting will be reviewed to assure that neighboring properties are protected from the view of bright light sources. Illumination necessary for evening activities must be directed downward and be only bright enough to provide for the safe traverse of steps and paths. Lighting fixtures must have a seeded or frosted lens, preferably amber or any other color other than that of clear glass. There are to be no exposed bare light bulbs. Exterior lighting fixtures are to be approved by the Committee, based upon the Universal Standard of Review set forth in Article II above. No lighting fixtures will be permitted, other than the lot identification sign, within close proximity of roadways.

Outdoor Storage

Any outdoor trash containers must be built to be “bear proof” to standards. Outdoor areas housing trash containers, firewood, or maintenance or service equipment such as lawnmowers and snow blowers or overflow storage shall be screened from all adjacent properties by a wall or fence, which shall be architecturally integrated with the residence.

Antennas, Satellite Dishes, and Lightning Rods

Antennas or satellite dishes, no larger than thirty-six (36) inches in diameter (or the current size provided by satellite television providers) shall be hidden from view from the roadway or neighboring properties to the maximum extent possible. The color should be unobtrusive. Free-standing antennas may not exceed thirty-five (35) feet in height. Satellite dishes and all other antennas must be located within the Building Envelope.

Lightning rods may be a consideration if a house is sited on a ridge or upper areas of the Bellyache Ridge Subdivision. Appurtenances to buildings, to include antennas and lightning rods, may not extend more than five (5) feet above the highest point of the building.

Heating and Cooling Equipment

No roof mounted or wall mounted heating or cooling equipment will be permitted without the express approval of the Committee based upon the Universal Standard of Review set forth in Article II above. Any exterior heating and cooling system components must be ground mounted adjacent to the residence and hidden from the view of the roadway or neighboring properties. Such equipment must also be insulated for noise so as not to be heard from the Roads or neighboring properties.

Utilities

Electrical and telephone services are stubbed in the County Road to the property line of each Lot. The water line is in the road and the tap must be made according to Bellyache Ridge Metropolitan District Rules and Regulations. The extension of these services from these stub locations to the residence shall be the responsibility of each Owner. All utility extensions must be underground. As a general rule, utility trenches may not encroach into any required setback except where they cross the front setback between the service tap and the building envelope. All disturbed areas of the site must be treated as described in Article V of these Design Guidelines.

All meter panels and electrical wiring and conduits must be screened so that they are not visible.

Water and septic leach field sewage systems are the responsibility of each Owner and shall comply with all applicable governmental laws, regulations and permits.

Propane storage tanks shall be buried. Storage tanks for other fuels and hazardous materials will be prohibited unless expressly approved by the Committee as well as the appropriate Federal, State or County regulation agencies.

Solar Panel Applications

Active and passive solar power systems should be appropriately integrated into the overall design of the home. Roof, wall or remote collectors should be sited for maximum solar efficiency and minimum visual impact. Hardware for active solar applications shall be integrated into a structure or the landscaping of a Lot. Solar panel locations must be shown on the design plans and be approved by the Committee, based upon the Universal Standard of Review set forth in Article II above.

Wind Power Turbines

Wind power turbines that are visually unobtrusive while small enough to furnish a home with electrical power are becoming increasingly viable and commercially available. A site plan including such devices must consider visual impact, noise and deforestation needs, and are subject to review by the Committee. Wind power turbines will be approved if the impact on and visibility from other properties and the County roads are minimized. Wind power turbine locations must be shown on the design plans and be approved by the Committee, based upon the Universal Standard of Review set forth in Article II above.

Homesite Identification and Signage

Upon completion of construction, only address and resident identification signage for Lots and names within the Subdivision shall be permitted and the placement of such signs shall be reviewed and approved by the Committee, based upon the Universal Standard of Review set

forth in Article II above, prior to installation or replacement.

Household Pets

As stated in Article V, Subsection 8 & 9, of the Declarations, no livestock, poultry or other animals (except family pets) may be kept, raised or bred within the Subdivision. Dogs, cats and other inoffensive common domestic household pets owned by Owners or their guests must be kept on their own property, and restrained by a ground level or buried (“invisible”) electric fence, if necessary. Eagle County pet laws apply in Bellyache Ridge Subdivision.



Article IV: Architectural Design

There is not one specific architectural style that is required or desired at Bellyache. Rather, the goal of architectural harmony is to be achieved through the use of a controlled range of complimentary materials and colors. No replication or near replication of the design of any approved residence in Bellyache Ridge Subdivision will be permitted.

Size

All Primary Residences shall contain at least 1,500 square feet of gross residential floor area but no more than 7,000 square feet of gross residential floor area, unless the Committee, in its sole discretion and based upon the Universal Standard of Review set forth in Article II above, gives its prior written approval.

Duplex Design

On the few lots in the Bellyache Ridge Subdivision zoned for duplex units, every duplex structure is to be designed as a well-conceived, unified total building. It is recognized that most duplex structures do indeed have the appearance of two units within one structure. However, the Committee will not approve mirror image duplexes, nor will they approve duplexes made up of two unrelated units which collide in an unresolved fashion. Each unit of the duplex structure shall contain at least 1,500 square feet of gross residential floor area, but no more than 7,000 square feet of gross residential floor area, unless the Committee, in its sole discretion and based upon the Universal Standard of Review set forth in Article II above, gives its prior written approval.

Height of Structures

The Committee's policy for height of structures shall be the same as Eagle County's. However, the Committee will strongly consider suitability of building height to the site and its surroundings in order to minimize visibility.

Roofs

All roofing should be of fire-resistant materials, including, but not limited to, metal, slate, asphalt shingles, concrete tiles or similar materials. Colors will be limited to earth tones. The use of major rooftop elements such as dormers, chimneys, or skylights, if any, should appear to be an integral part of the roof, not an appendage.

Foundations and Retaining Walls

Visible surfaces of concrete masonry or concrete foundation walls, retaining walls, and piers may not exceed 12 inches above finished grade unless they are faced with masonry, wood, or other natural-appearing finish, or finished as an architectural feature, that is approved by the Committee, based upon the Universal Standard of Review set forth in Article II above. Surfaces not faced with such approved finishes must receive a stucco or mortar-wash finish and be painted or tinted to blend unobtrusively with adjacent materials. Masonry, wood siding or other finishes that extend from exterior walls down over foundation walls to cover foundation surfaces should smoothly follow grade lines. Finishes on foundation and retaining walls must be described on the Design Submittal and be approved by the Committee prior to the issuance of a Notice to Proceed Letter.

Exterior Materials

Exterior materials shall consist of indigenous wood species, including, but not limited to, beveled or tongue-and-groove board siding, board-on-board, board and batt, and similar siding treatments, and stucco, masonry or similar materials. Semi-transparent or solid body stains in colors which harmonize with the surrounding landscape must be used. All reflective metal must blend with surrounding materials using colors approved by the Committee.

Exterior Colors

All exterior colors are subject to prior approval by the Committee. The color of all exterior materials must be very subdued to blend with the natural landscape. Earth tones are strongly recommended, although muted accent colors, which are used judiciously and with restraint, may be permitted.

Windows and Skylights

The glass of windows and skylights must not be highly colored or highly reflective, nor may their frames consist of bright flashy colored (e.g., neon or “day-glow” shades) or reflective material.

Building Projections

All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, porches, railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials.

Chimneys and Outdoor Fires

Due to fire danger, all chimneys must be equipped with a U.L. or I.C.B.O. approved spark arrestor. Open outdoor fire pits are allowed if they have an approved fire screen. Barbecues are permitted, provided they have lids. Exterior fireplaces are permitted only if they are in compliance with county regulations and are approved in advance by the Committee, based upon the Universal Standard of Review set forth in Article II above.

Prefabricated Buildings

Attempts to achieve appropriate innovative solutions using manufactured housing and pre-designed plans in the Bellyache Ridge Subdivision will receive special Committee scrutiny and review, and will be examined based upon the Universal Standard of Review set forth in Article II above. No structure shall be placed upon any lot which is or ever has been the subject of a specific Ownership tax as defined in the Colorado Revised Statutes.

Changes or Additional Construction

All changes or additions to approved plans before, during or after the construction must first be reviewed by the Committee, and the change(s) or addition(s) are subject to the same standards as though it (they) were part of the original design application.



Article IV: Landscaping

Cultivated Areas

Unless otherwise specifically agreed to by the Committee, cultivated areas must be entirely within the Building Envelope (except that cultivation adjacent to driveways will be permitted), shall have flowing non-linear boundaries with native areas described below, shall be designed in such a way that it enhances and works with natural surroundings and shall not exceed 10,000 square feet total land area. Homeowners may choose their own landscaping materials, but they are encouraged to plant the same native and adapted species that are indigenous to their Lot and in other areas of the Subdivision.

Native Areas

All areas of the homesite outside of the cultivated areas (i.e., the Building Envelope) should be treated as native areas. The native vegetation within a Lot's native areas may not be disturbed without prior Committee approval. If disturbed, each Owner shall revegetate using only native vegetation.

Landscape Plans

Every Lot must have a landscaping plan as part of the application for and the construction of a home on the Lot. Landscaping must be designed to incorporate water conserving materials and techniques, such as the use of low water-demanding plants and grasses and, if irrigation is desired, the use of automatic irrigation systems designed to conserve water through timers and moisture sensors. Before the installation of any landscaping or any underground sprinkler system begins, a specific plan for the landscaping and the underground sprinkler system must be submitted to and approved by the Committee. Overhead sprinkler systems will not be permitted. The plan shall identify the area of installation of the automatic irrigation system. Depending on the complexity of the landscape plan, the Committee, at its discretion, may ask for a table to be added to the landscape plan that provides the square footage of the landscape area, the square footage of the irrigated area, and how much of that irrigated area is provided by spray irrigation and by drip irrigation. Due to the forest fire hazard in the areas surrounding and including the Subdivision, it is recommended that all brush and highly-flammable ground detritus be removed from the forest floor, that dead branches be removed from the base of tree to a height of fifteen (15) feet, and that trees be thinned in the forest and cleared within thirty (30) feet of housing structures.

Completion of Landscaping

All landscaping work, in accordance with your approved Landscaping Plan, must be completed as soon as practical, but not later than within ninety (90) days of receipt of a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO) for the residence, whichever occurs first. If the completion occurs during winter, i.e., when the ground is frozen or the ground is snow-covered, or is delayed because of weather conditions which prevent installation of plant materials or other landscaping improvements and for a phased landscaping plan, the deadline may be extended upon request and with the approval of the Committee.

Outdoor Recreation Equipment and Furniture

All play equipment shall be screened from adjacent view of the roads and other residences and shall be painted or constructed to blend with natural surroundings, as approved by the Committee. Outdoor furniture and accessories may not infringe on setbacks and must be properly maintained.

Outdoor Ornamentation or Statuary

Placing, erecting, constructing or allowing any permanent unnatural or man-made ornaments, signs, statuary, relics, or other such items are prohibited unless the same are included and made a part of a landscape plan submitted to and approved by the Committee or are otherwise approved by the Committee, based upon the Universal Standard of Review set forth in Article II above.



Article VI: Construction Regulations

In order to ensure that the natural landscape of each Lot is preserved and the nuisances inherent to any construction process are kept to a minimum, the following regulations will be enforced during the construction period of all improvements at the Bellyache Ridge Subdivision. Any violation of these regulations by an Owner's representative, general contractor or subcontractor will be treated as a violation by the Owner.

Building Envelope

The Building Envelope, which is the limit of development on each Lot, is also the area within which all activities related to the improvements to be constructed must be confined. At the discretion of the Committee, based upon the Universal Standard of Review set forth in Article II above, temporary staking (or roping or flagging) of the Building Envelope may be required, especially if there are concerns regarding the infringement of the setback areas, during the duration of construction. Temporary staking enclosing the Building Envelope must terminate at the property line adjacent to the entrance drive.

Construction Trailers

Upon commencement of construction, a small construction trailer or portable field office may be located on the building site within the building envelope, clear of all setbacks. The type, size and color of any portable office must be approved by the Committee during the pre-construction conference, based upon the Universal Standard of Review set forth in Article II above. The field office may not be placed on-site earlier than two weeks prior to the actual onset of continuous activity. A construction trailer must be removed from the site prior to the receipt of the Certificate of Occupancy.

Trash Receptacles and Debris Removal

Owners and general contractors shall clean up all trash and debris at the end of each day. An approved trash receptacle must remain on the site at all times for this purpose to contain all lightweight materials or packaging. The receptacle must be positioned on the site alongside the access drive, clear of side and rear setbacks, adjacent road right (s)-of-way and neighboring properties. Trash receptacles must be emptied on a timely basis to avoid overflow of refuse. Disposal shall be at a suitable off-site facility. Owners and general contractor are prohibited from dumping, burying or burning trash anywhere on the site or elsewhere in the Bellyache Ridge Subdivision. Heavy debris, such as broken stone, wood scrap, and the like, must be removed from the site immediately upon completion of the work of each trade that has generated the debris.

All concrete wash-out must occur within the Building Envelope of the Lot in a location where it

will ultimately be concealed by a structure or covered by backfill. Wash-out in road rights-of-way, setbacks or on adjacent properties is strictly prohibited. Because of various species of wildlife indigenous to this region, any edible trash and associated food wrappers and containers must be removed daily or stored temporarily in sealed bear-proof containers. Such trash shall under no circumstances be disposed of in dumpsters. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or detriment to other lots or open space. The Committee may arrange for the clean-up of any site in violation of this provision. Any clean-up costs incurred by the Committee or the Association in enforcing these requirements shall be paid by and recoverable from the Owner, together with all costs of collection. The Committee may use the Compliance Deposit described in Article VII, Section D of these Design Guidelines to pay any costs it may incur in this connection.

Sanitary Facilities

Each Owner or general contractor shall be responsible for providing adequate sanitary facilities for construction workers.

Construction Access

The approved access drive will be the only construction access to any Lot.

Vehicles and Parking Areas

Construction crews may not park on, or otherwise use, undeveloped portions of Lots or open space. All vehicles shall be parked within the building envelope. During very busy construction periods involving multiple trades such that all construction vehicles cannot be confined to the site itself, the overflow vehicles may be temporarily parked along the shoulder of the Road if permission is granted by the Committee based upon considerations related to safety and impact. During these limited occurrences, vehicles must allow continual unconstrained access by normal traffic and emergency vehicles, including fire trucks. Vehicles may not be parked on neighboring Lots, in nearby driveways or on open space without the Owner's express written permission. Changing oil, other vehicle maintenance, or the depositing, intentionally or unintentionally, of any other hazardous materials by any member of any construction crew on any site is prohibited.

Conservation of Native Landscape

The Committee shall have the right to require that major terrain features or plants be fenced for protection during the construction process.

Excavation Materials and Blasting

Blasting shall be allowed only with permission of the Committee, whose review shall be based on issues related to safety and impact. If any blasting is to occur, the Committee must be notified two weeks in advance, and appropriate approvals must be obtained from appropriate governmental authorities. Blasting may only be done by licensed demolition personnel, with all requisite insurance coverage and notifications as mandated by county and state statutes specific to their blasting activity on the Bellyache Ridge Subdivision. The Committee shall have the authority to require written documentation of anticipated seismic effects, with confirmation such effects will not be injurious to other persons or properties, public or private, and that all appropriate protection measures have been utilized. Any unsightly piles of excess materials resulting from blasting, as well as all other excess excavation materials, must be removed from the Bellyache Ridge Subdivision, or be concealed or used on-site, prior to the receipt of the Certificate of Occupancy.

Dirt, Debris, Dust and Noise Control

General contractors shall be responsible for controlling dirt, debris, dust and noise from the construction site, including the removal of dirt and mud from public or private roads that is the result of construction activity on the site. The playing of radios or use of other audio equipment by construction crews during the improvement of any Lot in the Bellyache Ridge Subdivision at levels that can be heard from neighboring Lots is prohibited.

Material Deliveries

All building materials, equipment and machinery required to construct a residence on any Lot in the Bellyache Ridge Subdivision must be delivered to and remain within the building envelope of each Lot, clear of all setbacks. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes and any other equipment or machinery that will remain in the Bellyache Ridge Subdivision overnight. Material delivery vehicles may not drive across adjacent lots or tracts to access a construction site.

Firearms

Carrying or discharging any type of firearm in the Bellyache Ridge Subdivision by anyone working on a construction project is prohibited.

Controlled Substances

The illegal use of any controlled substance on any construction site or common area within the Bellyache Ridge Subdivision by anyone working on a construction project is prohibited.

Fires and Flammable Materials

Careless disposition of cigarettes and other flammable materials, as well as the buildup of potentially flammable materials constituting a fire hazard, is prohibited. At least two 20-pound ABC-Rated Dry Chemical Fire Extinguishers shall be present in a conspicuous and clearly marked place on the construction site at all times. No on-site fires are allowed, except for small, confined, attended fires for the purposes of heating masonry water.

Pets

No pets may be brought onto the Bellyache Ridge Subdivision property by any member of any construction crew.

Preservation of Property

The use of or transit over any other Lot, common area or amenity, is prohibited. Similarly, the use of or transit over the native area or setbacks outside the building envelope of any Lot is prohibited. Construction personnel shall refrain from parking, eating, or depositing rubbish or scrap materials (including concrete washout) on any neighboring Lot, tract, open space or right-of-way.

Restoration of Property

Prior to the receipt of a Certificate of Occupancy, each Owner and general contractor shall clean the construction site and repair all property which has been damaged, including, but not limited to, restoring grades, planting shrubs and trees as approved or required by the Committee, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing. Owners and general contractor shall be financially responsible for site restoration and revegetation and refuse removal necessitated on any and all adjacent properties as a result of trespass or negligence by their employees or subcontracted agents.

Construction Signage

Individual signs, identifying individual contractors or subcontractors, tradesmen, or suppliers are prohibited, except as required by law. Identification of licensed tradesmen, when required by state or county statutes, shall be confined to the posting location of the building permit.

Daily Operation

Daily working hours for each construction site will be left to the discretion of Owners and

general contractors. Construction activity which generates excessive noise, such as hammering, sawing, excavation work, concrete delivery, etc., must be confined to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.



Article VII: Design Review Procedures

In order to establish a framework for periodic review and comment on each residence as it proceeds through the design development and review process or the appeal process, the following procedures have been established by the Committee.

Pre-Design Conference

Prior to preparing preliminary plans for any proposed improvement, the Owner or the Owner's representative should meet with the Chairman of the Committee to discuss proposed plans and to resolve any questions regarding building requirements at the Subdivision. The purpose of this informal review is to obtain guidance from the Committee concerning the possibilities and sensitivities of the site prior to initiating preliminary design. These meetings should occur on-site whenever possible.

Design Submittal

Submittals to the Committee shall be in accordance with the Bellyache Ridge Design Guidelines Appendix A: Building Process Checklist. This Design Submittal is the first step in a New Home or Home Improvement Process (the "Process") described by Appendix B. The first step is to complete and submit the Project Application, (*Form 1*).

Plans and documents listed in Appendix A - Building Process Checklist are to be submitted in duplicate to the Committee for review. The Committee will act on design approval request submissions consistent with Article IV of the Declarations. One set of the plans and documents provided shall be retained by the Committee, and one set shall be returned to the Owner.

Either at the time or any time subsequent to submission of an application, the Committee may require an advance payment of such costs as may be reasonably incurred by the Committee in engaging professional personnel to review and comment upon the proposal.

On-Site Meetings

As soon as the submission of plans is complete, the Committee will inspect the site to determine that the conditions as depicted in the Design Submittal are accurate and complete. The on-site inspection may be done concurrently with the Design Submittal. The House Square Footage Declaration, (*Form 2*), shall be completed concurrent with the Site Inspection or as soon as practicable thereafter.

On-site staking of all lot, building envelope and building corners and other improvements shall be completed if requested in writing by the Committee.

Upon receipt of a complete submittal, the Committee shall schedule an on-site meeting with the Owner or the Owner's representative, the Committee and adjacent property Owners.

Subsequent to the on-site meeting, the Committee may continue consideration of the application, consider additional submittals, make recommendations and defer action until responses are received to such recommendations, conduct follow-up on-site meetings, and either approve or deny the application, as amended from time to time, and take such other action as may be necessary or appropriate to facilitate the approval process and give effect to the Covenants of Bellyache Ridge Subdivision.

Compliance Deposit

Article IV 2. Improvements (d) (ii) of the Declarations provides the Homeowners Association - Architectural Control Committee with the following power:

“to require a deposit of up to \$1,000 per unit as a cleanup, site restoration and revegetation guarantee. The deposit is refundable upon completion of the cleanup, site restoration and revegetation to the satisfaction of the Committee. In the event a project is not cleaned up, a site is not restored and or a site is not revegetated to the reasonable satisfaction of the Committee, such deposit may be retained and applied against the cost of such clean-up, site restoration and revegetation, and the Association and the Committee, and their representatives, are hereby granted the right to enter upon any Lot for the purpose of accomplishing such clean-up, site restoration and revegetation and related activities.”

The Owner shall deliver to the Committee a Compliance Deposit in the amount shown on the Billing Statement for Compliance Deposit, (*Form 3*), that will be issued to the Owner by the Homeowners Association.

Design Review

The Committee will review the final plans and respond in writing within 14 days after a submittal is complete. If, in the opinion of the Committee, the submittal is otherwise in compliance with these Design Guidelines, approval will be granted. A Notice to Proceed Letter, (*Form 4*), will be issued by the Committee, which the Owner may submit to the County in requesting a Building Permit.

Appeal to the Board of Directors

The Committee will provide a copy of its written determination at each stage of review to the Board of Directors at the same time such determination is provided to the Owner.

After the Committee has notified an Owner of its determination, an Owner whose submittals have not been approved may choose either to appeal that decision to the Board of Directors or to

enter into a revised submittal process, as outlined in Paragraph B above, with the Committee. If an Owner does a re-submittal and is unhappy with the Committee's final determination upon re-submittal, the entire issue may be brought to the Board of Directors on appeal.

All appeals to the Board of Directors must be properly initiated by the Owner within 60 days of receipt of the Committee's determination. A properly initiated appeal shall be delivered to the President of the Board of Directors and shall contain a complete set of the plans and any other materials submitted to the Committee, a copy of the Committee's determination letter and a statement written by the Owner or his agent describing the specific item(s) the Owner wishes the Board to reconsider and the basis, both factually and technically under the Declarations and Design Guidelines, upon which the Owner believes an improper determination was made by the Committee. The Board shall notify the Committee Chair if an appeal has been received and may request additional information regarding the contested issues or items from the Committee Chair if the Board believes such information would be helpful.

The Board President, the Board and the Committee shall review the materials submitted and shall notify the Owner and the Committee Chairperson in writing within 20 days of receipt of a properly initiated appeal as to whether, based on the material received, the Board (a) upholds the Owner's appeal, or (b) upholds, in whole or in part, the Committee's determination. If the Board President and the Board determine that the material received are incomplete or not convincing and does not uphold the Owner's appeal, the Board President will set a hearing date at which the Owner or Owner's representative may present their case before a joint meeting of the Board of Directors and the Committee (the Joint Board), which shall consist as a minimum of the Board President, the Chairperson of the Committee, a quorum of the members of the Board and a quorum of the members of the Committee.

The proceedings before the Joint Board shall be informal, but shall permit the Joint Board to consider any arguments made by the Owner or Owner's representative for the purpose of reconciling conflicting information or interpretations of the Declarations or the Design Guidelines. After hearing the Owners or Owner's representative's arguments, the Joint Board may either (a) uphold the Committee's final determination or (b) reverse or modify the Committee's final determination, in whole or in part. In any case other than a total reversal of the Committee's final determination, the Board President shall direct the Owner to correct all remaining deficiencies and set a date at which the deficiencies must be cured. In addition, the Board President will notify the Owner in writing, in no more than 30 days, and as quickly as practical, of the Joint Board's decision to uphold, modify, or reverse the Committee's original final determination and of the date at which the remaining deficiencies are to be cured. All determinations by the Board of Directors shall be final, and there shall be no further right to appeal.

Commencement and Completion of Construction

Upon receipt of final approval from the Committee, payment of the Compliance Deposit, and satisfaction of all governmental review processes, the Owner shall satisfy all conditions and commence the construction of any work pursuant to the approved plans within one year from the

date of such approval. If the Owner fails to begin and diligently continue with construction within this time period, any approval given shall be deemed revoked, and the Owner must begin the Design Submittal process again.

The Owner shall complete the construction of any improvement on his or her Lot within 24 months after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities.

If the Owner fails to comply with this schedule the Committee shall have the right, with the Board's approval, to either have the exterior of the improvement completed in accordance with the approved plans or remove the improvement, with all expenses incurred to be paid by or recoverable from the Owner, as well as all costs of collection.

Inspections of Work in Process

The Committee may inspect all work in progress and give notice of noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the Committee of work in progress or compliance with these Design Guidelines.

Subsequent Changes

Additional construction or other improvements to a residence or Lot, or changes during construction or after completion of an approved structure, including landscaping and color modification, must be submitted to the Committee for approval prior to making such changes or additions.

Final Release and Return of Compliance Deposit

Upon receipt of the Certificate of Occupancy for any residence or other improvement, the Owner shall give written notice to the Committee. Within 21 days of such notification, a representative of the Committee may inspect the residence or other improvements for compliance. If all improvements do not comply with these Design Guidelines, the Committee may issue a written notice of noncompliance, said notice to be issued within 30 days of the final inspection. The Owner shall have 30 days from the date of notice of noncompliance within which to remedy the non-complying portions of his improvement. If, by the end of this time period, the Owner has failed to remedy the noncompliance, the Committee may take action to remove the non-complying improvements as provided for in these Design Guidelines, including, without limitation, injunctive relief. Additionally, in the event of any such noncompliance, the Committee may refer the same to the Board of Directors of the Association, which may deem such noncompliance as a violation of the Declarations and may take any and all legal action afforded to the Board of Directors under the Declarations against the non-complying Owner that the Board of Directors deems appropriate or necessary to correct such noncompliance.

When the Committee determines that cleanup, site restoration and revegetation has been completed consistent with the Design Submittal and these Design Guidelines, the Committee will submit and the Homeowners Association will approve a completed Compliance Deposit Release, (*Form 5*) for the return of the Compliance Deposit, less any amount that the Committee or Association actually spent in regard to correcting cleanup, site restoration and revegetation issues.

Relationship with Association

The Committee shall serve as an agent of the Association concerning the review, enforcement, and other matters described in these Design Guidelines. All funds held or disbursed as or from Design Review fees, Compliance Deposits, payments of fines, and payment or reimbursements of expenses of enforcing compliance with these Design Guidelines will be held or paid for the account of the Association and will in all instances be the property of the Association.

The provisions of these Design Guidelines shall become effective as of the date shown below (the “Effective Date”), provided, however, these Design Guidelines shall not be applicable to existing homes and improvements on Lots within the Subdivision with regard to the construction thereof which was substantially completed prior to the Effective Date, nor shall they be applicable to proposed homes and improvements on Lots within the Subdivision which have not yet been constructed but which have received final approval for proposed construction from the Committee prior to the Effective Date, as long as such construction commences no later than one year of the approval date (see Article VII, Paragraph G). Nevertheless, these Design Guidelines shall be applicable to any future additions, modifications, remodeling or any other improvements to any such existing homes and improvements or approved proposed construction which occurs after the Effective Date.

These Bellyache Ridge Design Guidelines were voted on, unanimously approved and adopted by the Board of the Bellyache Ridge Homeowners Association at its regular meeting held by teleconference on the 16th day of December, 2020.

/s/ Laura Waniuk

Laura Waniuk, President, Bellyache Ridge Homeowners Association

/s/ Zach Locke

Zach Locke, Vice President, Bellyache Ridge Homeowners Association

/s/ Mary Pierce

Mary Pierce, Board Member, Bellyache Ridge Homeowners Association



Appendix A: Building Process Checklist

Submittals to the Bellyache Ridge Architectural Control Committee requesting architectural approval shall include the following plans and documents:

1. Completed Project Application, (*Form 1*) and the House Square Footage Declaration, (*Form 2*).
2. Site plan, showing the entire property; and location of the building envelope, the residence and all buildings and the driveway, parking areas, all utility sources and connections, and all site walls, fences or similar structures.
3. Floor plan showing finished floor elevations.
4. Roof plan showing all roof pitches.
5. Building sections, indicating existing and proposed grade lines.
6. All exterior elevations showing both existing and proposed grade lines, plate heights, roof pitch and indications of exterior materials and colors.
7. Landscape plan showing location, size and type of all existing and proposed plants, irrigation systems, materials, paving or other impervious surfaces, walls, steps, fences, or borders within the Cultivated Area.
8. Exterior finish samples including paint chits and photographs or illustrations depicting or describing all exterior materials, finishes, and colors.

Upon receipt of a complete submittal, the Committee shall schedule an on-site meeting with the Owner or Owner's representative, and shall notify adjacent property Owners of the meeting.

When advised of approval, but prior to the issuance of a letter or certificate establishing approval, there shall be submitted a Compliance Deposit in the amount shown on the Billing Statement for Compliance Deposit, (*Form 3*), which shall be held by the Homeowners Association

Upon satisfaction of all requirements, the Committee shall issue a Notice to Proceed Letter, (*Form 4*), upon the issuance of which a building permit may be issued by Eagle County.

Appendix B: New Home or Home Improvement Coordination and Approval Process

1. Owner or Owner's representative meets with the Architectural Control Committee (HOA) to approve house plans, finishes, and landscaping.
2. Owner provides the Committee with a completed Project Application, (*Form 1*) and House Square Footage Declaration, (*Form 2*) that is to be built or improved. The Committee will provide copies of the submitted forms to the HOA President, Metropolitan Board President, and to the accountant for the HOA.
3. HOA provides the Owner with a Billing Statement for Compliance Deposit, (*Form 3*).
4. Upon receipt of the compliance deposit the Committee provides the Owner with a Notice to Proceed Letter, (*Form 4*) which may be used to obtain a building permit from the county.
5. Owner completes and submits an Application and Permit for Water Tap that is located in the Bellyache Metropolitan District Rules and Regulations that may be found at bellyachesubdivision.com.
6. Upon receipt of Water Tap Application and Permit form and applicable payment in full, consistent with the square foot finished living area provided in step 2, House Square Footage Declaration, (*Form 2*), the Bellyache Ridge Metropolitan District will act to approve the water tap application in accordance with Bellyache Metropolitan District Rules and Regulations. Upon approval, the Bellyache Metropolitan District will communicate directly with their supplier of the district water system operational services to authorize and allow construction and installation of water tap, curb stop, pipeline to house, water meter, remote sensor and any other associated structures.

Under no circumstances shall water tap and all associated structures be undertaken and installed without receipt of completed Water Tap Application and Permit form, and applicable fees.

7. After receiving a certificate of occupancy from the county, the Owner will notify the Committee in writing of having received it.
8. When the Committee is satisfied that the finished project is in compliance with the Design Guidelines, and any observed items having lack of compliance are remedied, the Committee will request that the HOA Board of Directors return the Compliance Deposit by completing Compliance Deposit Release, (*Form 5*) and return the Compliance Deposit, less any amounts that the HOA may have spent in regard to correcting any non-compliance issues.

Form 1: Project Application

Application Type (Please check one)

New Construction	Construction of new structures on a lot or complete replacement. Deposit required upon project approval. See Form 3
Major Modification	Examples: additions, exterior renovations, new dormers, etc. Deposit required upon project approval. See Form 3
Minor Modification	Examples: landscaping, color change, new roof, fencing, etc.
Changes to Approved Plans	Changes to plans previously approved by the Committee.

Project and Owner Information

Lot Number:	Filing:	Date:
Project Street Address:		Project Description:
Owner Name:		Owner Email:
Owner Mailing Address:		Owner Telephone:

Owner's Representative: (e.g., General Contractor or House Designer)

Name:	Email:
Mailing Address:	Telephone:

Project applications shall meet the requirements of the Bellyache Ridge Declarations and the Design Guidelines and shall include the submittal plans and documents identified in Appendix A: Building Process Checklist.

Time requirements for project commencement and for project completion may be found in the Commencement and Completion of Construction section of the Design Guidelines.

Email or mail this completed form to:

bellyachesubdivision@gmail.com or Bellyache Ridge Homeowners Association
PO Box 40, Wolcott, Colorado 81655

Form 2: House Square Footage Declaration

Project and Owner Information

Lot Number:	Filing:	Date:
Project Street Address:		Project Description:
Owner Name:		Owner Email:
Owner Mailing Address:		Owner Telephone:

House Square Footage

Total Finished Living Area (square feet):	
Total Unfinished Living Area (square feet):	
Total Garage Area (square feet):	
All Other Area (square feet):	
Total Area – Sum of the Above (square feet):	

Note: Total Finished Living Area (square feet) is used to determine water tap and plant investment fees.

Applicant (e.g., Owner or Owner's Representative)

Name:	Email:
Mailing Address:	Telephone:
I hereby declare that the house square footage information provided above is a true and accurate recording of the house plans as provided by the house designer and architectural drawings and as submitted (or to be submitted) to the Eagle County Planning Commission.	
Applicant Signature:	Date:

The Notice to Proceed Letter, will not be issued until this form has been received by the Homeowners Association and the Compliance Deposit has been paid.

Email or mail this completed form to:

bellyachesubdivision@gmail.com

or

Bellyache Ridge Homeowners Association
PO Box 40, Wolcott, Colorado 81655

Form 3: Billing Statement for Compliance Deposit

Project and Owner Information

Lot Number:	Filing:	Date:
Project Street Address:		Project Description:
Owner Name:		Owner Email:
Owner Mailing Address:		Owner Telephone:

Owner's Representative: (e.g., General Contractor or House Designer)

Name:	Email:
Mailing Address:	Telephone:

Having met before the Bellyache Ridge Architectural Control Committee seeking approval of your home building plans, and having deemed your plans to be satisfactory, we now require from you a Compliance Deposit in the amount of \$1,000, payable to the Bellyache Ridge Homeowners Association, as a cleanup, site restoration and revegetation guarantee per the Declarations.

The deposit is refundable upon completion of the cleanup, site restoration and revegetation to the satisfaction of the Committee.

Upon receipt of the Compliance Deposit, the Committee shall issue a Notice to Proceed Letter, (*Form 4*), after which Eagle County may issue a valid building permit for your project.

Please submit payment of the Compliance Deposit to:

Bellyache Ridge Homeowners Association
 PO Box 40, Wolcott, Colorado 81655

Form 4: Notice to Proceed Letter

Project and Owner Information

Lot Number:	Filing:	Date:
Project Street Address:		Project Description:
Owner Name:		Owner Email:
Owner Mailing Address:		Owner Telephone:

Bellyache Ridge Homeowners Association
PO Box 40, Wolcott, Colorado 81655

This letter will serve as a notice to proceed for construction of the proposed new home on the lot, and address cited above in the Bellyache Ridge Subdivision.

The Architectural Control Committee has reviewed the preliminary drawings and has determined that they are generally in accordance with the Design Guidelines for Bellyache Ridge. This letter has been issued as a result of the construction design review and pursuant to your having paid the required Compliance Deposit in accordance with the Bellyache Ridge HOA procedures.

A building permit from the County of Eagle will be required prior to initiating any construction. Please present this letter to the Eagle County Building Department when requesting a building permit.

Sincerely,

Bellyache Ridge Architectural Control Committee

Form 5: Compliance Deposit Release

Project and Owner Information

Lot Number:	Filing:	Date:
Project Street Address:		Project Description:
Owner Name:		Owner Email:
Owner Mailing Address:		Owner Telephone:

Request for Return of Compliance Deposit

This project has passed the final site inspection and the Committee has approved refund of the compliance deposit as shown below. Please issue a Homeowners Association check to the payee and address shown below.

Payee Name:	Compliance Deposit Amount:	
Payee Address:	Compliance Retained Amount:	
	Compliance Release Amount:	

Approved by Homeowners Association Board Member:		Date:
--	--	-------