

Architectural Control Committee

Rules and Regulations

Approved by FCR Board of Directors, Eff. March 24, 2022

1. PURPOSE of the ARCHITECTURAL CONTROL COMMITTEE.

Article VI of the Falls Creek Ranch Association, Inc. (FCRA) By-Laws, in compliance with Paragraph 17 of the Falls Creek Ranch Protective Covenants, establishes an Architectural Control Committee (ACC) to “carry out the requirements relative to architectural control set forth in the Protective Covenants [...] and to carry out any other duties as may be delegated to the [ACC] by the Board.”

2. PROTECTIVE COVENANTS.

A. General Description.

The Falls Creek Ranch Protective Covenants establish a general plan for the improvement of property and lots located within Falls Creek Ranch (FCR). The Protective Covenants have been recorded with the La Plata County, Colorado, Recorder of Deeds as covenants running with the land and bind all present and future owners of lots within FCR as well as FCRA.

B. Purpose of the Covenants.

The Covenants are intended to ensure development of FCR (referred to in the Covenants as “the Property”) is carried out in a manner which retains its “natural state.” Development of roads, placement of homes and other buildings, and the use of materials and methods of construction must be done in such a way as to protect the environment of both the lots and the common property and to retain the present character of the property.

C. Scope.

The Protective Covenants apply to the construction of any structure or improvements (see Definitions below) to be erected or moved upon any lot, or any exterior additions, changes, remodeling, or reconstruction of such structure. Written approval of the ACC and the FCRA Board of Directors is required before any such construction, improvement, addition, change, remodeling, or reconstruction is started.

D. Conflicts.

In the event of a conflict between the provisions of these Rules and Regulations and the FCR Protective Covenants, the provisions of the FCR Protective Covenants shall control.

E. Omissions.

Real estate within FCR is subject to all the provisions of the FCR Protective Covenants regardless of whether those provisions and Covenants are recited or referenced in these Rules and Regulations.

3. DEFINITIONS.

The following words and phrases when used within these Rules and Regulations have the meanings indicated.

A. "Lot" means any parcel of real property designated for residential use on any subdivision map or plat of FCR previously or hereafter filed and which is subject to these protective covenants.

B. "Owner" means the holder of legal title to a residential lot within FCR.

C. "Improvements" includes buildings, out-buildings, roads, driveways, parking areas, fences, screening walls, retaining walls, decks, poles, signs, and/or all other structures of every kind and type.

D. "Single family occupancy" means a group of individuals living together as a family unit, no more than two of whom shall be unrelated by blood, marriage, or adoption.

E. "ACC Application Packet" refers to all those documents to be completed by the owner and submitted to the ACC as part of the Application Process described herein. All documents are available on the FCR website (www.fallscreekranch.org).

F. "Proposed Application" means an owner's written submission to the ACC of the ACC Application Packet, appendices, and supporting documents complying with these Rules and Regulations requesting ACC and Board approval of the owner's proposed improvement.

G. "Completed Application" means all outstanding issues, clarifications, or documentation requested by the ACC after review of the Proposed Application have been addressed by the owner and have been included in a revised Proposed Application.

H. "FCRA" means the Falls Creek Ranch Association, Inc.

I. "ACC" means the Architectural Control Committee.

J. "FCR" means Falls Creek Ranch.

K. "Board" means the duly elected and qualified Board of Directors of FCRA.

L. “Including” means “including but not limited to.”

M. “ACC chair” may mean a co-chair, or the chair’s or co-chair’s designated representative, where applicable.

4. APPLICATION PROCESS.

A. Initial Contact.

Before beginning construction of any improvements as defined herein to be erected or moved upon any lot, or any exterior additions, changes, remodeling, or reconstruction of such improvements, the owner shall contact the ACC chair. In that contact, the owner may request information regarding the ACC’s application process and/or request a site visit to address the proposed improvements. The ACC chair also may determine that a site visit is warranted. A minimum of two ACC members shall attend any site visit.

The ACC chair will discuss with the owner the ACC Application Packet (available on the FRCA website), including documents to be completed by the owner. The owner is responsible for reviewing the Protective Covenants and the current ACC Rules and Regulations available on the FCRA website (www.fallscreekranch.org).

The following requirements will also be discussed with the owner:

- i. The owner must submit to the ACC proposed site plans and specifications showing location within the lot, exterior elevations (including overall height), driveway, parking areas, leach field, exterior lighting, and areas to be excavated, graded, and cleared of trees and brush. Interior detail need not be shown.
- ii. Whether the ACC requires the owner, prior to submitting the Proposed Application, to stake the lot, showing the location and boundaries of all improvements. The ACC may conduct an additional site visit to review these stake locations.
- iii. The owner must provide to the ACC samples of all exterior materials and colors.
- iv. The owner must notify via email or in person their closest neighbors, as identified by the ACC chair, of their proposed project during the Application Process. This is a courtesy notification (not requiring neighbor approval) that provides transparency for community members.

The ACC has the authority to contact an owner if improvements appear to be occurring and the owner has not initiated communication with the ACC. If the ACC chair has reason to believe that unauthorized improvements may be occurring, the

ACC chair may enter the lot in question, with reasonable notice and owner permission, to verify whether improvements are occurring. If permission is not granted by the owner, the issue may be referred to the Board for further action. To assure compliance with the Protective Covenants and these Rules and Regulations, the ACC may require the owner and/or contractor to cease and desist any unauthorized activity until the ACC determines whether the work should be authorized through the Application Process. If the ACC determines that the Application Process applies, work cannot continue until the review process is completed and approval is awarded.

B. Submission of Proposed Application.

The owner shall submit to the ACC a written Proposed Application consistent with the Protective Covenants, Paragraph 16, and these Rules and Regulations.

C. Review of Proposed Application.

The ACC's review of the Proposed Application, including site plans and specifications, shall evaluate the sufficiency of the Proposed Application and its attachments. The ACC may ask the owner for additional information, clarifications, and documentation needed for a full review of the proposed project. The ACC's review will determine what comments and recommendations, if any, are warranted from FCRA's Roads, Utilities, Common Property, or other committees; the Ranch Manager; or the Board. The ACC shall coordinate the solicitation of such comments and recommendations.

The ACC deems the Proposed Application to be a Complete Application when all the requested information has been provided in writing to the ACC in a thorough manner and no further detailed information is required from the owner.

D. Review and Decision of Completed Application.

The ACC will inform the owner in writing of the receipt date of the Completed Application.

The ACC will review and respond in writing to the owner as to approval or disapproval within thirty (30) days of the receipt date of the Completed Application. If the Completed Application is disapproved, the ACC will specify in writing the reasons for disapproval, including suggestions for corrective action. Rulings of the ACC may be appealed by the owner to the Board.

If the Completed Application is not approved or disapproved in writing within the thirty (30) day period described above, the Completed Application shall be deemed approved and the FCRA may take no action of any kind with respect to structures built or improvements constructed pursuant to such Completed Application.

An application is deemed approved and binding on all parties once the ACC approves the application and the Board signs the application.

E. Completed Application: Post Approval.

Once approved, the original Completed Application and its attachments will be returned to the owner and a copy of the approved Completed Application will be retained in a file by the FCRA for one (1) year following completion of the proposed improvement. The ACC shall maintain records of all current improvement projects, including the relevant dates of application, meetings, approvals/disapprovals, and notice to owners.

Improvements under construction may be observed on-site by the ACC from time to time with prior notice to the owner to verify compliance with the approved Completed Application. The owner need not be present.

The owner must notify the ACC in writing (via U.S. mail or e-mail) of any post-approval modifications to the proposed improvement. The ACC may conduct a review and visit the site, if the ACC deems necessary, for further information or documentation.

The owner is requested to notify the ACC when the improvement project is completed. The ACC chair may visit the improvement site to verify completion.

5. GENERAL PROVISIONS.

- A. FCRA members may inquire to the ACC about any concerns relating to any project.
- B. Expiration of Approval. Once a Proposed Application is approved, the entire project is expected to be completed within a timely manner, not to exceed 24 months from the approval date. If the entire approved project is not completed, or reasonable progress is not being made, within 24 months of the approval date, the owner must apply for an extension. The ACC has discretion to extend or deny the approval period for six-month intervals. The ACC may refer any unresolved issues to the Board.
- C. Additional Rules for Lots Without Permanent Dwelling. For lots on which no permanent dwelling exists, a Complete Application for any proposed improvement must include plans for a driveway, septic system, all utilities, and permanent dwelling (not to include a guest house, servant's quarters, or detached garage). No work may occur on the lot without approval of a Complete Application.
- D. Digging and Excavation. No digging or excavation that may affect FCR utility lines may commence without prior contact with the FCR Manager, Utilities chair, and ACC chair. An owner or owner's representative must also contact "*Call*

Before You Dig (811)” to mark the location of existing utility lines. See [Appendix U-1](#).

E. Materials.

Exterior Materials. ACC approval is required for all exterior materials, finishes, and colors, including paints and stains. All exterior materials, finishes, and colors shall blend and harmonize with the natural environment and vegetation on and adjoining the lot. The intent is to minimize the visual impact of improvements on the natural state of FCR, thereby retaining the land’s present character.

Fire-Resistant Materials. Fire-resistant materials are highly recommended. Owners may also wish to consider installing interior fire sprinkler systems (per current La Plata County Land Use Code).

Roofing Materials. New or replacement roofs should be constructed of fire resistant or nonflammable materials for purposes of fire prevention or fire suppression. Flammable wood shake shingles are not permitted.

F. Repair or Replacement Only. Maintenance projects for repair or replacement only where no exterior change in appearance occurs (including color, size, and material) do not require ACC review or approval. The ACC strongly encourages owners to post the FCR Contractor Posting at the worksite to remind workers of expected conduct as stated in paragraph T below. To enhance our informal “neighborhood watch” and awareness of security issues, owners are also encouraged to inform nearby neighbors of the impending work and when workers are expected at a home.

G. Authorized Improvements. All buildings to be erected, altered, placed or permitted to remain on any lot shall be for one single family dwelling and the necessary outbuildings for the convenience of the lot owner. These may include but are not limited to: a garage for not more than three (3) cars, one (1) guesthouse, and one (1) servant’s quarters.

H. Location of Improvements. Except for driveways, utilities, and sanitary sewage disposal systems, all improvements must be located within lot boundaries.

I. Entry Drive. All plans for an entry drive must be approved in writing by the Roads Committee chair and the Utilities Committee chair prior to ACC action, with particular attention given to elements detailed in [Appendix A-4](#). The Utilities chair must inform the Ranch Manager of the plans prior to ACC action.

J. Survey. It is the lot owner’s responsibility to accurately locate lot boundaries and the center pin. The ACC may require the lot owner to provide, at the lot owner’s expense, a current survey prepared by a licensed Colorado land surveyor with a certification running to FCRA showing the lot boundaries, center pin, and the location of all existing and proposed improvements and verifying that all existing

and proposed improvements are located within the lot's boundaries. The owner must sign [Appendix A-3](#) acknowledging this requirement.

- K. **Building Codes, Permits, and Inspections.** The owner is responsible for complying with all applicable building codes and requirements, including obtaining the necessary permits and paying any costs associated therewith. FCRA and the ACC accept no responsibility for building code compliance. Board or ACC approval does not constitute or substitute for either compliance with building codes or obtaining required permits and inspections.
- L. **Temporary Structures.** No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-building shall be erected or used on any lot at any time as a residence, either temporarily or permanently, except during the time of actual construction of a permanent residence for a period not to exceed six (6) months. The six (6) month period may be extended by the Board for no more than two (2) six (6) month periods. Owners may camp on unimproved lots pursuant to the provisions of Paragraph 13 of the Protective Covenants.
- M. **Tree/Vegetation Removal.** Except as allowed by state or local law or by policies of FCRA relating to fire mitigation, no standing trees or brush on a lot may be cut or removed without prior approval of the ACC (per Covenant 18). Clear-cutting of a lot is prohibited. See the ACC [Tree/Brush Removal Approval Form](#) on the FCR website.

Tree/vegetation removal related to lot improvement (new building construction or remodel) must be identified in the site plan portion of the ACC Application Packet. This is subject to ACC review and approval. Any proposed tree removal on adjacent common property must be reviewed and approved in writing by the Common Property Committee prior to any cutting.

Fire mitigation on private lots shall be conducted according to FCR's approved Community Wildfire Protection Plan guidelines and recommendations. See the FCR website for more details. Contact the Ranch Firewise Ambassador for further detail and approval. ACC approval is not required for planned fire mitigation work or removal of trees/brush as required by insurance or mortgage companies. ACC recommends the homeowner contact nearest neighbors as a courtesy before commencing mitigation.

- N. **Water Connection Fee.** At the time of connection, the owner must pay a fee based on current prices to FCRA for the purchase and installation of a backflow prevention device, curb stop valve, water meter, and any other necessary materials. The ACC shall notify the Board Treasurer and the Ranch Manager when new construction is approved for a home site to be newly connected to the FCR water system. The Treasurer shall invoice the homeowner the appropriate fee for these water system costs. The Ranch Manager and/or the Utilities

Committee shall coordinate such purchase and installation with the homeowner's builder. All fees must be paid before water is turned on for the lot.

- O. **Water Usage.** Potable water supplies are limited at FCR, and irrigated areas including lawns, flower gardens, and vegetable gardens are restricted to a cumulative total of 1,000 square feet. To avoid uncontrolled use of water, ground surface sprinklers or soaker hoses using potable water are not allowed, but hand watering or well-calibrated drip irrigation systems are allowed. Non-potable water, which is highly recommended for residents' irrigation use, is available from the FCR lake, where a pump is provided. See [Appendix U-1](#) for further details.

- P. **Exterior Lighting and Dark Skies.** FCR desires to reduce the impacts of exterior illumination on the community's quality of life. The intent is to improve the nighttime natural environment by minimizing exterior lighting, to reduce nighttime light pollution, and to avoid upward-shining lighting that impacts nocturnal wildlife. The following rules govern exterior lighting:
 - i. Direct appropriate amounts of light where and when it is needed.
 - ii. Lighting must minimize intrusion into adjacent properties, roadways, and the night sky.
 - iii. Light sources should not result in upward-shining light.
 - iv. Exterior lights may not be left on all night long.
 - v. Nuisance lights found to be obtrusive are prohibited.
 - vi. Holiday lighting may be used on a temporary basis and may not be left on all night long.

- Q. **Signage.** Signs displaying the address of the lot are required. It is recommended, for home location by emergency vehicles, that each improved lot install, at a place clearly visible from the adjoining road, a sign with reflective numbers showing the street address of the property. Such signs are available from the La Plata County Building Department.

In accordance with Colorado Revised Statutes § 38-33.3-106.5, the following rules are adopted. No yard or commercial messaging signs shall be placed on common property, with the exception of a single contractor's sign during construction at the owner's driveway. In the case of a one-time special event (e.g., real estate open house), signage may be displayed for no more than a 24-hour period.

Signs may be displayed on an owner's lot, with the exception that commercial messaging signs are prohibited. Signs shall be limited in number to a total of no more than 3 signs and in size not to exceed 36 by 48 inches.

- R. Utilities. All utility, service, and transmission lines must be placed underground. The Ranch Manager, Utilities chair, ACC chair, and local utility providers must approve in writing the proposed utility line locations in advance of any excavation or trenching either on or off a lot. All existing utility lines must be identified prior to any excavation. See [Appendix U-1](#) for more details.
- S. Screening/Fencing/Dog Runs. Pursuant to Protective Covenants paragraph 23, all trailers of any kind, recreational vehicles, motor homes, and storage tanks shall, whenever possible, be placed in a manner to minimize visibility from common roadways and adjacent lots. Acceptable screening may include landscaping with rocks or live plants, and/or fencing or painting that blends with the nearby vegetation or soil. The owner is responsible for checking with his/her propane provider to determine the best practice for propane tanks.

Limited fencing of individual shrubs and plants for support or protection from wildlife is allowed without ACC approval. Invisible fences for dogs are encouraged and may be installed only within the owner's lot. Invisible fences do not require ACC approval.

Any structure for a dog run enclosure requires prior ACC review and approval (including concrete slab, posts, dog run fencing, roof). Humane Society guidelines for dog enclosures are available from the ACC.

All other types of fencing require prior ACC review and approval.

- T. Contractors. The owner is responsible for the conduct of all contractors and their employees working on the owner's lot. Owners are responsible for contractor violations and may be subject to fines per Ranch policies. Contractors and their employees who disregard FCRA rules, including posted speed limits, traffic regulations, smoking restrictions, and non-use of FCR dumpsters for construction materials, may be denied access to FCR. Before construction begins, the owner's general contractor must sign a form ([Appendix 6](#)) acknowledging and agreeing to this requirement.
- U. Damage to Common Property. In the event of damage or destruction of common property caused by an owner or any of her or his guests, tenants, licensees, agents, contractors, or members of his family, FCRA shall notify the owner in writing of the damage and request its prompt repair or replacement, or compensation for irreparable damage. If the owner fails to comply within thirty (30) days after the written notification, the owner, by such failure, thereby authorizes FCRA to repair or replace said damage. FCRA may collect the cost of such repair or replacement

from the owner in the same manner as provided in the covenants for collection and enforcement of assessments.

- V. Easements. Per Covenant 27, FCRA grants non-exclusive easements across FCR common property to provide for utility and lot access or to accommodate the requirements of individual sewage disposal systems.
- W. Flags. Per Colorado Revised Statutes § 38-33.3-106.5, flags may be displayed on an owner's lot. Flags shall be limited in size to no more than 3 feet by 5 feet and in number to a total of no more than 3 flags. Flags must not be allowed to cause disruptive noise. Freestanding flagpoles shall not exceed 20 feet in height. The limitations set forth above do not apply to flags displayed for holidays only. Commercial messaging flags are prohibited on an owner's lot except for a single contractor's sign during construction, to be located at the owner's driveway and limited in size not to exceed 36 x 48 inches. No owner shall display a flag of any kind on common property.
- X. Energy Generation/Efficiency Devices. In accordance with Colorado Revised Statutes § 38-30-168, FCRA shall reasonably allow the use and installation of renewable energy-generation devices or energy-efficiency measures. A renewable energy-generation device is defined as a solar energy device or a wind-electric generator. An energy-efficient measure is defined as a device or structure that reduces the amount of energy consumption used by a residence.

As stated in our FCRA Covenants and ACC Rules and Regulations, the implementation of any improvement must minimize visual and physical impact on our natural environment. The installation of energy-generation devices is subject to the ACC review process to comply with FCRA Covenants and ACC Rules and Regulations. A property owner seeking to install any kind of energy-generation device must demonstrate that, to the extent it is visible or audible from a neighboring property or common property, the owner has analyzed and considered location options and/or screening and cost issues to minimize the visibility/audible effects. The owner must provide a design plan for installation of such devices through a professional vendor/installer of energy savings/generating devices, showing the energy usage approved by LPEA.

- Any device shall not unreasonably interfere with the use and enjoyment of property or residents' quality of life, including noise, reflection, or visibility.
- Any means to reduce energy waste or consumption is encouraged prior to the installation of exterior energy generating devices (including energy audits such as those offered by LPEA, increased insulation, window coverings).
- No device for an individual owner shall be placed on common property.
- The owner is responsible for complying with all applicable building/safety codes and required permits and inspections.

- Solar energy devices attached to the dwelling shall not exceed peak roof height, unless a professional solar installer provides documentation showing that the proposed configuration is the only option.
- Devices that are ground-mounted should be well screened (both view and noise) from other residents and Ranch roads and are only permitted when a roof mount is not feasible, as documented by a professional solar installer.
- Wind energy devices will be allowed only after all other renewable energy-generation devices and energy-efficient measures have been evaluated and proven to be unusable for a comparable energy saving effort.