

5/06/2021

**FORBES WAGON CREEK RANCH**

**Property Improvement Guidelines and Rules**

**(G&Rs)**

*May 2021*  
*FWCR G&Rs (version 12)*

**FORBES WAGON CREEK IS A RESTRICTED COMMUNITY GOVERNED BY THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS). THESE PROTECTIVE COVENANTS REQUIRE, THAT NO IMPROVEMENTS SHALL BE COMMENCED, INSTALLED, BUILT OR ERECTED UPON A PARCEL NOR SHALL ANY EXTERIOR ADDITION TO, OR CHANGE OR ALTERATION THEREON, BE MADE UNTIL SUBMITTED TO AND APPROVED BY THE ENVIRONMENTAL CONTROL COMMITTEE (ECC).**

**ECC'S FUNCTIONS INCLUDE INSPECTION OF CONSTRUCTION IN PROGRESS OF APPROVED PROJECTS AS PER CC&R'S ARTICLE VII, SECTION 2. AND ENFORCEMENT OF THE FWCR PROPERTY IMPROVEMENT GUIDELINES AND RULES (G&Rs)**

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## 1 INTRODUCTION

The following information is intended to be helpful to the Owners in planning and building their Improvements in Forbes Wagon Creek Ranch (FWCR). FWCR is a restricted subdivision. Landowners are bound by the Declaration of Covenants, Conditions and Restrictions (CC&Rs), which were in effect at the time of parcel purchase and any amendments since that time, and to the Costilla County Land Use Code and Costilla County Comprehensive Plan.

The Environmental Control Committee (ECC) was established by Article IX of the Bylaws and is further defined in Article VII of the CC&Rs. Landowners are responsible for obtaining ECC approval prior to making any physical modifications to properties within FWCR. This ECC process provides an opportunity for an Owner to draw upon knowledge of local conditions, which has been acquired during the development of Forbes Wagon Creek Ranch.

The Environmental Control Committee approval process has been in use since the beginning of FWCR. The purpose of this document is to place ECC procedures into written form in order to clarify requirements and avoid misunderstandings. A copy of the Bylaws and CC&Rs are available at the Wagon Creek website <https://www.fwcroa.com> or by request from the property manager:

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Landowners planning to add any Improvement or change a present structure's exterior should review both the CC&Rs and these Property Improvement Guidelines and Rules (G&Rs) in order to understand the various provisions and requirements.

Please contact and inform the ECC before you begin exterior changes to an existing structure such as new roof, staining/painting, additions to existing structures or before you add improvements such as wind generators and solar panels.

These G&Rs have architectural standards and design restrictions intended to preserve, protect and enhance the special environment of FWCR. It is expected that the design of each Residence in FWCR will be tailored to the unique features of each individual parcel in an effort to achieve a synthesis of nature and Residence. To insure the attractiveness of FWCR, to preserve, protect and enhance the values of FWCR, each Residence will need to be sited so as to blend in with the natural environment. As an Owner, you should avoid disturbing wildlife migration corridors,

wetlands and riparian areas, and you should consider how your home site will impact neighbors. By working together, you and your neighbors can help preserve and provide wildlife habitat, protect views, and minimize problems with noise, light, dust and odors.

The challenges of building in FWCR can be dealt with effectively through proper planning and careful consideration of all the issues discussed in these Regulations. If you are anticipating building a home or making other improvements in FWCR, this document will provide you with the information needed to plan and carry out your project. The process of building in FWCR is generally more time consuming and costly than landowners expect. In addition to the time it takes for actual construction, substantial amounts of time are required up front for the process of approving plans, conducting site inspections, and obtaining County and State permits. Generally difficult terrain conditions need to be dealt with on most parcels. Weather can be a major factor inasmuch as roads may not be passable, especially for heavy trucks, from October through May, and summer months are prone to frequent afternoon rainstorms.

ECC members are available to assist you, and can be reached through via e-mail at [ecc.comm@fwcroa.com](mailto:ecc.comm@fwcroa.com). The ECC is in session from May 15 through October 15. During off season please call Management for an ECC contact person.

Even if your Improvement is a minor addition or modification to an existing Residence, such as a garage, a utility building, new solar system or well, most of the following will still apply. Since it is not practical to stipulate requirements for every conceivable type of Improvement, Owners should use this document for directions and consult with the ECC for advice as to what may or may not be required for approval.

## 2 REVIEW AND APPROVAL PROCESS

The following design review process is administered by the ECC. Under the CC&Rs, the ECC is charged with the responsibility of maintaining the standards set forth in the G&Rs. The ECC has the responsibility and authority for reviewing all designs proposed for construction within FWCR, and to issue all formal approvals or disapprovals of projects. The Owner may undertake only those Improvements, which have received approval by the ECC. Each Residence or Improvement must meet the criteria of the G&Rs as well as the rules and regulations of governmental authorities having jurisdiction (i.e. Costilla County and the State of Colorado).

In general, the ECC design review process is divided into the following phases: Starting the Process/Initial Contact; Pre-Design Meeting; Submittal of required paperwork; Site Inspection; ECC Review, Response and Final Approval.

The ECC will conduct reviews of projects during its regular meetings or at other such times, as it deems appropriate. The ECC will respond in writing with comments (including email where appropriate) no later than 14 days after the proposal is received. Results of reviews will not normally be discussed over the telephone with an Owner or Builder. Any response an Owner may wish to make in reference to issues contained in the ECC's review of submittals shall be addressed to the ECC in writing, per fax or per email.

## 2.1 STARTING THE PROCESS / INITIAL CONTACT

To initiate the process, the Owner should contact Management in order to request an enlarged map of the parcel, a copy of the G&Rs (or the internet address where he/she can find them), and information to contact the ECC members in order to arrange for a Pre-design Meeting.

A Pre-design Meeting is to be held prior to the start of designing a Residence or adding an improvement in order to help the Owner save time and avoid inappropriate and costly plans. During this meeting questions regarding building requirements in FWCR and the G&Rs can be explored and resolved. This meeting should be conducted preferably in person. During the winter months they can also be held via e-mail or telephone.

## 2.2 SUBMITTAL OF DRAWINGS, MAPS AND FORMS

Drawings, including all of the exhibits outlined below, must be submitted to the ECC for review. An enlarged parcel map and a map of FWCR are available upon request from Management. The Owner submitting drawings and forms for approval shall be responsible for the accuracy of all information contained therein. Necessary ECC forms will be provided by the ECC. Submittals shall include:

- A. An Enlarged Map (8 1/2 x 11 inches) of your parcel showing existing surface contours at five-foot intervals, parcel boundaries and dimensions, drainage direction. This can be an enlargement of the parcel map from the FWCR map for the development in one of the Units (Units A through L) in which your parcel is located and available from Management.
- B. A Drawing (Site Plan) prepared to a scale of 1" = 30', 40', or 50' showing the proposed locations and dimensions of the future Residence and/or all other accessory buildings or major structures, driveway, parking areas, the distance of structures from property lines, the proposed Individual Sewage Disposal System (ISDS) and leach field, location of well or cistern, location of energy source (e.g. generator, solar panels) and culverts (minimum diameter 15", minimum length 20 feet). Storage tanks such as fuel tanks, water tanks, or similar storage facilities shall be marked on the Site and should be shielded from the view of other parcels and from the roads.
- C. An Architectural Drawing of the structure showing elevations of all sides, and exterior dimensions, including height and a floor plan. A Residence must have a minimum of eight hundred (800) square feet in main floor area as required by the CC&Rs, Article VIII Section (f). See 4.1 for maximum size and height requirements of a building. Residences shall be constructed on site from suitable construction materials. Pre-manufactured components, such as roof trusses and framed wall sections that are raised on site shall be permitted.
- D. An ECC Project Materials Form indicating:
  - Sample of roofing materials (see 4.3).
  - Color of siding (only non-reflective, dark and subdued earth tone colors are acceptable) Color must blend with the dark colors of the surrounding area such as a dark green, brown or gray of trees, other vegetation or rock formation.

- Power source (solar, wind or motorized generator, public utility grid, etc.).
- Name, address and phone number of general contractor.

E. Other drawings, materials, or samples as may be requested by the ECC.

After approval by the ECC a Minor Development Permit (MDP) and a Site Plan for new buildings or additions to an existing building of 120 square feet and larger will be requested by the County.

## 2.3 SITE INSPECTION

Prior to commencing any construction, the Owner or contractor (with the Owner's written authorization) shall provide staking of the proposed Improvements as indicated in the following instructions, and shall set up an appointment with ECC members for a site inspection. The Owner or contractor must be present for the site inspection. The staking at the building site shall be substantial enough to withstand wind, rain and other adverse factors. The items represented should be clearly identified on the marking stakes. The more clearly the items are marked, the less chance for misunderstandings and delays. Site inspections will take place between May 15th and October 15th, weather permitting. The staking should include:

- a) Parcel corner markers should be clearly identified
- b) Stake your proposed driveway, centerline or both outside edges, from the point it will intersect with the road to the location of your Residence
- c) Stake the location of your proposed water supply, well or cistern
- d) Stake the outside corners of your proposed Residence or Improvement
- e) Stake the location of your proposed septic tank and drain field
- f) Stake or indicate the location of your power source(s)
- g) Stake the underground power line locations if applicable.

## 2.4 ECC REVIEW AND RESPONSE

After the Submittals have been reviewed and a site inspection performed, the ECC will provide a written response to the Owner within two (2) weeks' time frame with either an ECC approval or a response specifying the area or areas in question needing clarification.



## 2.5 CONSTRUCTION PERMITS (COSTILLA COUNTY AND STATE OF COLORADO)

After the ECC gives preliminary approval of the project the Owner must file applications for the appropriate permits with the State and County. PLEASE NOTE: If the Owner obtains the building or development permits before ECC approval, please ECC approval is still required and may result in changes that require new county permits. The Owner is responsible to submit the applications to the Costilla County Land Use Administrator and/or the proper State of Colorado Agencies. All required application forms are available from the Costilla County Planning and Zoning Department .

The Owner shall provide signed and approved copies of all applicable County and State Permits to the ECC as soon as they are available.

In most cases Costilla County Forms required will include:

- A. Costilla County Minor Development Application
- B. Individual Sewage Disposal System (ISDS) Application. Costilla County regulates the location and installation of the ISDS. A Construction Permit and an ISDS Permit may be obtained by contacting the Costilla County Land Use Administrator's office and asking for the ISDS Inspector (719) 937-7668. The ISDS and drain field must be part of a complete plan for a Residence and must be installed before any residential construction is started. Surface disposal of wastewater, sewage or feces shall not be permitted at any time. No outhouses are allowed in FWCR. Colorado sanitation regulations also prohibit the surface disposal of "gray water" (i.e. from sink basins and showers).

The ISDS permitting process by the County generally involves three phases:

- Initial site inspection
- Percolation test
- Final inspection before the system is covered with dirt.

- C. Costilla County Construction Application for a New Residence; or
- D. Construction Application for Accessory Building, Remodel, Expansion, Garage (this additional Construction Application may be required if an Owner decides to add these structures at a later time);
- E. Physical Address (Costilla County Assessor's Printout);
- F. State of Colorado Plumbing Permit; Colorado requires a Plumbing Permit and subsequent inspections for installation of plumbing work, including gas piping, in your Residence. If you are doing the work yourself your plumber should provide this. Applications may be obtained from the Examining Board of Plumbers Department of

Regulatory Agencies in Denver, phone: 303-894-2985 or from the State Plumbing Inspector for Costilla County, phone: 719-589-3010 (these numbers keep changing).

- G. State of Colorado Electrical Permit; Colorado requires an Electrical Permit and subsequent inspections for installation of electrical wiring in your Residence. If you are doing the work yourself, applications may be obtained from the Colorado State Electrical Board Department of Regulatory Agencies in Denver, phone: 303- 894-2985 or from the State Electrical Inspector for Costilla County, phone: 719-589-3010.
- H. An Occupancy Permit Application to be applied and paid for only after Final Plumbing and Final Electrical Inspections have been passed in order to receive the Certificate of Occupancy.

County Permits and County fees are subject to change at the discretion of the County. Combined fees can be over \$1,000. Some projects may require additional permits. See section 6 for information.

## 2.6 START OF CONSTRUCTION

Construction may start after the Owner has ECC approval and the proper Costilla County Permits. The Costilla County Construction Permit must be prominently displayed at the building site. The exteriors of approved structures must be completed and closed in within twelve (12) months after building materials are first placed on the site or foundation work has begun, whichever occurs first. The ECC approval and the Costilla County Permits are valid for one year from the approval date.

If the Owner does not begin construction and does not close in (doors and Windows have to be installed) the Residence within one (1) year, he/she will have to go through the ECC and Costilla County approval process again, including paying Costilla County Permit fees once more. Please consider mountain weather limitation while planning your construction.

## 2.7 CONSTRUCTION AND/OR EXTERIOR CHANGES AFTER ECC APPROVAL

Any changes to the approved drawings or plans, after the original ECC Approval, must be submitted to and approved by the ECC before the modified construction or improvement is undertaken. In the event of disapproval by the ECC of changes after initial ECC approval, any resubmission of drawings must follow the same procedure as the original submittal. Unapproved constructions may have to be dismantled at the Owner's expense.

## 2.8 INSPECTION OF WORK IN PROGRESS

The ECC may inspect all work in progress any time and give notice in case of noncompliance, as provided in the CC&Rs. In the absence of any such inspection of work in progress, the Owner nevertheless shall abide by approved plans.

## 2.9 FINAL INSPECTION

Upon completion of the exterior of any Residence or other Improvement for which approval was given by the ECC, the Owner shall give notice of completion to the ECC. The ECC will inspect the Residence and/or Improvements in accordance with Article VII, Section 6 of the CC&Rs. When all requirements are met, the ECC will send a final sign off to the owner.

After the Final Electrical and Final Plumbing Inspections have been passed the Owner is required to contact Costilla County Planning & Zoning Office (tel.: 719-672-9109) for a final check and receipt of an Occupancy Permit.

## 3 SITE DEVELOPMENT REGULATIONS

### 3.1 TERRAIN AND BUILDING SITES

The vegetation and forest landscape at FWCR in the Southern Rocky Mountains is slow growing and fragile. The climate is severe and it therefore may take many years for the landscape to recover from construction impacts.

Land with extreme variations in the terrain may be difficult for development. Steep slopes generally present increased risks for wildfire and soil instability. Slopes less than 8% will generally not cause construction or maintenance problems. In many areas of FWCR rocky conditions exist and can present problems for construction.

The Building Site is that area within each parcel where a Residence can be best located considering topography, views, and impact on other parcels. The ECC can request and encourages that the Residence be sited so as to blend in with the environment. When possible, your Residence should be sited so as not to break the skyline with a strong architectural form, even from distant viewpoints. The Improvement should be placed below the uppermost elevation of the property, thereby preserving the natural skyline for everyone.

Structure location requires a 200-foot minimum setback from all property lines; including the road boundary as well as the side and rear parcel lines. A Variance will be required if the distance will be less than 200 feet. These considerations will be based on conditions such as topography, natural obstructions, vegetation, the environment, and lack of possible building sites. Parcels do not begin at the edge of the road. In the absence of survey pins the Association road boundaries are sixty (60) feet wide, generally extending approximately 30 feet to each side of the centerline of the road.

A culvert for your driveway, if required to maintain roadside drainage, must be at least 15" in diameter and 20 feet in length.

### 3.2 ENTRANCE THROUGH PERIMETER FENCE

An Owner, whose only access to the parcel is through a FWCR perimeter fence by a separate gate, must work through the ECC to develop this access. The Owner will pay for the perimeter gate and installation in an approved location. The Association will provide the lock.

Specifications:

1. 16' metal gate
2. Installed according to State Highway regulations
3. Metal or wood corner posts with bracing

After installation, the Owner is responsible for maintaining the gate and gate posts. If the Owner does not maintain the gate and gate posts, the Association will make the necessary repairs at the expense of the Owner. The gate must be kept closed and locked at all times with an Association lock. The Owner bears responsibility for any unauthorized ingress into FWCR through the gate.

Additional requirements pertaining to access to a parcel directly from Highway 160 are described in section 7.3.

## 4 ARCHITECTURAL DESIGN STANDARDS

One single-family Residence can be erected on a parcel. The main Residence may also have a separate garage, barn or shed, or any combination thereof not to exceed three structures and all following these G&Rs. Additional structures will require a Variance.

Residences should be constructed on site from suitable construction materials. Pre-manufactured components, such as roof trusses and framed wall sections that are raised on site are permitted. Mobile Homes and Manufactured Homes are not permitted in FWCR.

### 4.1 BUILDING SIZE

The CC&Rs require all Residences to have a minimum main floor area of at least eight hundred (800) square feet exclusive of garages and carports.

The maximum height of any building shall be thirty-six (36) feet measured from the top of the foundation to the roof ridge. The total height includes a walkout basement (if plans call for one) plus the combined height of a ground floor and a second floor, and/or loft, with an architecturally appropriate roof structure. Architectural features, rising above the main roof line, with the exception of chimneys or vents will not be permitted.

Owners are encouraged to construct low profile buildings to lessen the impact of the structure on the landscape and to not create a visual obstruction to any other lot.

## 4.2 EXTERIOR SURFACE MATERIALS

Exterior surfaces should be of materials that harmonize with the natural landscape. Wood, stone masonry, adobe, or dark colored stucco should be the predominant exterior surface. Dark colors in shades of brown, green, or grey blend into the background environment far better than clear or natural sealers or stains. Color samples must be provided to the ECC preferably applied to a material sample used for the siding of the building unless reapplying the same stain or color. No reflective finishes shall be used on any exterior surfaces, except glass windows.

## 4.3 ROOFS

Reflection of the sun from some roofs can produce glare which may cause problems for other owners. To minimize the visual impact of roofs to these owners and to reduce roof reflection (commonly known as “glare”) roofing guidelines for FWCR specify:

1. Approved roofing material must have a granular (textured or coarse) surface or dull matte non-glare finish.
2. Roofing material must be dark in colors e.g. shades of brown, green or gray.
3. All roofing material must meet a Class-A fire rating in order to reduce fire danger within FWCR.

Any roofing material not conforming to the above approved materials will require a Variance. A Variance will only be considered if the roof is not visible to other than adjoining parcel owners.

## 4.4 EXTERIOR LIGHTING

Exterior light fixtures must be directed downward and shielded to confine the lighted area to the immediate vicinity. Broad area type lighting will not be approved.

## 4.5 SHED

ECC may approve one shed up to 200 square feet set on a permanent foundation, for the purpose to store tools and equipment, after the landowner has obtained the proper permits from the county. Sheds and any auxiliary structures are to follow FWCR’s architectural guidelines concerning material used and color. They cannot be used for human habitation. Prefab or metal sheds are not allowed.

## 5 VARIANCE

Variances are deviations from the terms of the CC&Rs and the G&Rs and may be granted by the ECC. All Variances must go through the Variance Procedure. Since it is the desire of the ECC to uphold the G&Rs for the protection of all property owners in a manner that meets the expectations of individual owners as well as owners at large; and since there are often mitigating

circumstances involving individual property owners requiring judgments by the ECC, a Variance Procedure and an Application Form was developed by the ECC and can be found at the FWCROA website at <https://www.fwcroa.com> (Main page > Right sidebar > Committees > ECC)

## 6 ENERGY IN FWCR

Only very few lots are near enough to the existing power line crossing FWCR to make it feasible to connect to this line. All telephone and electrical power lines must be underground. Most home owners though have to create their own power. Energy production in FWCR will mainly be derived from three sources.

1. Back-up generator
2. Solar panels
3. Wind generator

All of the above devices must maintain a 200-foot minimum setback from all property lines unless a Variance is granted.

### 6.1 GENERATORS

Permanent generators up to 68 dbA rating will be permitted to be operated in FWCR. Temporary generators and use of portable generators up to 75 dbA will be permitted for construction, camping or emergency situations.

### 6.2 SOLAR SYSTEMS

To minimize the environmental impact on FWCR landscape the maximum solar Photovoltaic (PV) system permissible at FWCR shall not exceed a foot print of more than 400 square feet mounted on a roof or on a maximum of two single poles or a dual tracker system. Roof mounted solar PV systems require the use of non-reflective solar panels.

The ECC process for first time installation of a PV system is as follows:

1. Request for initial inspection
2. Site plan drawing and final inspection
3. Approval by ECC prior to installation
4. For future expansions of an existing system please inform the ECC.

### 6.3 WIND GENERATORS

People often overestimate the efficiency of wind-powered electrical generation in the area. Although we do have a lot of wind in FWCR it is very different from the steady winds found in flat

terrain. The canyons and ridges in FWCR create turbulence with constantly changing direction and speed. Additionally, air at our altitude is not as dense and, as a consequence, the wind is not as powerful as wind at lower altitudes. Windmills must therefore be de-rated at our altitude similar to a propane or gasoline generator. Due to prevalent wind gusts wind generators will require additional maintenance. It would be prudent to conduct a wind study before proceeding with wind power generators as a source for power at FWCR.

The limits set by the Association for windmills in FWCR are:

- A maximum total height of 70 feet from the ground to the uppermost tip of the rotor blade of a windmill mounted on a tower.
- Wind generators noise level cannot exceed 55 dbA as measured at the property line.
- All wind generator towers must be set back 200 feet or more from all property lines.
- Wind generators have to follow the ridge requirements of the Costilla County Land Use Code and should try not to impair scenic vistas.
- Only single pole tower installations are allowed. Lattice towers are not permitted.
- Pole and rotor housing must be in dark or muted (e.g. black, dark grey or dark green or brown) colors.
- Only one (1) wind generator per parcel is allowed.
- Upon permanent discontinuation of the use of a wind generator the Owner will be required to remove the tower after one year.

The ECC process for first time installation of a wind turbine/generator is as follows:

1. Request for initial inspection
2. Site plan drawing and final inspection
3. Approval by ECC (and County if required) prior to installation

## 7 ADDITIONAL INFORMATION

### 7.1 STATE OF COLORADO WELL DRILLING PERMIT

Colorado requires a Well Drilling Permit for drilling a well in Forbes Wagon Creek Ranch. Your well driller may obtain this permit for you.

### 7.2 ELECTRICAL POWER LINES

All above ground telephone and electrical utility lines in place as of the date of the original adoption of the ECC Regulations (March, 2000) shall be accepted in their configuration as of that time. All subsequent installations of telephone, electrical power, and other receiving or transmission lines shall be placed underground.

### 7.3 HIGHWAY 160 ACCESS

If the only access to a parcel is from State Highway 160, an Access Permit from the Colorado Department of Transportation is required before any Improvement Approvals will be granted by the ECC. Contact the Colorado Department of Transportation in Durango at (970) 385-3626 or (970) 385-3630

## 7.4 WETLANDS

Any work that involves a stream, creek or other wetland may require an additional permit from the U.S. Army Corps of Engineers. Contact them at their office in Pueblo at 719- 543-9459 or 719-543-6914.

## 8 CONSTRUCTION REGULATIONS

In order to assure that the Southern Rockies' shrub land and forest landscape of Forbes Wagon Creek Ranch not be unduly damaged during construction and the quiet enjoyment of their property by other Owners be preserved, the following Construction Regulations should be communicated to General and Sub Contractors. All Builders and Owners shall be bound by these Regulations and any violation by a Builder shall be deemed to be a violation by the Owner of the parcel.

No construction work may begin before 7AM and all such work must cease within one half an hour after sunset.

### 8.1 CONSTRUCTION TRAILERS

Any Owner, who desires to bring a trailer into FWCR for use during construction shall first apply for and obtain written approval and camping permit from Management. After receipt of the Occupancy Permit from the County all trailers needed for building of the Residence have to be removed.

### 8.2 DEBRIS AND TRASH REMOVAL

During construction of a new Residence a construction dumpster must be on site. Lightweight materials, packaging, and other items shall be covered or weighted down to prevent their being blown away from the construction site. During the construction period, each construction site shall be kept neat and clean to prevent it from becoming an eyesore or affecting other parcels. The FWCR trash dumpsters at the rail road gate are for residential use only and are not to be used for disposal of any construction material or debris by Contractors as well as by Owners.

Builders are prohibited from dumping, burying, or burning trash anywhere in FWCR. Concrete trucks, which typically must be rinsed out following a delivery, shall be directed to some suitable location on the construction site for that purpose. Contractors are not to rinse out onto roads, or roadside ditches.

### 8.3 SANITARY FACILITIES



For a new residential construction each Builder must provide adequate sanitary facilities for his construction workers. Portable Toilets with self-contained holding tanks must be used for workers during the period of construction.

#### 8.4 RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGES

Damage, scarring and littering of other property resulting from construction operations, including, but not limited to, other parcels, driveways, roads, and/or other improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Builder or Owner.

#### 8.5 MISCELLANEOUS AND GENERAL PRACTICES

All Owners will be responsible for the conduct and behavior of their agents, representatives, builders, contractors and subcontractors while on the premises of Forbes Wagon Creek Ranch. In particular, the following practices are not permitted:

- a) Leaving the FWCR entrance gates open and unattended.
- b) Changing oil by contractors or their employees on any vehicle or equipment on the building site itself or at any other location within FWCR.
- c) Cleaning of equipment on Association roads, road easements or other landowners' property by concrete suppliers, plasterers, painters or any other subcontractors.
- d) Careless disposal of cigarettes and other flammable material.
- e) Creating excessive and unnecessary noise.
- f) Bringing pets, particularly dogs, into FWCR by construction personnel.
- g) Using FWCR for recreation, hunting, camping, and dirt bikes, ATVs, etc.

#### 8.6 CONSTRUCTION ACCESS

Contractors may use Association roads, but only for travel directly to and from approved destination, along the shortest available route. Contractors have access to FWCR only by approval by the ECC. Approved Contractors will be provided with an identification tag from the Property Manager to hang from the rear-view mirror of their vehicle while working in FWCR. The ECC has issued a separate guideline for Contractors delineating their responsibilities while operating within FWCR. Contractor vehicles and equipment, while within FWCR, shall only be operated by qualified personnel possessing appropriate, operating licenses (e.g. - motor vehicle and/or heavy equipment operator's licenses).

Contractors found violating the Construction Regulations may, depending on the nature of the violation and whether it is a repeat violation, be given either a warning or a suspension of access privileges by the ECC. Whether a warning or suspension is given, the length of suspension shall be at the sole discretion of the ECC. Action by the ECC shall not supersede the right of the Association or any other injured party to seek compensation for damages resulting from actions of the Contractor.

## 8.7 IDENTIFICATION OF CONTRACTOR VEHICLES

The Association provides all approved Contractors with a temporary identification tag to hang from the rear-view mirrors of their vehicles while working in FWCR. Additionally, it is desirable that all Contractor Vehicles be clearly marked on both sides with signage identifying the name, address and telephone number of the Contractor.

## 9 HELP-PAGES

Additional information and links to help facilitate the building process at FWCR can be found at <https://www.fwcroa.com>

## 10 DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases when used in these G&R, shall have the following specific meanings. Some of the terms used herein are identified in the CC&Rs and the meanings specified therein.

- a) "Board" means the Board of Directors of the Forbes Wagon Creek Ranch Owners' Association.
- b) "Builder" means a person or entity engaged by an Owner for the purposes of constructing any Improvement on the Owner's parcel. The Builder and Owner may be the same person or entity.
- c) "Contractor" means and refers to each person who has been selected by an Owner to provide goods, materials or services of any kind for such Owner and who has been authorized by the Environmental Control Committee to enter FWCR for any such purpose.
- d) "G&Rs" means the guidelines and rules requirements relating to FWCR only, as set forth herein, and as adopted by the Environmental Control Committee (ECC) and approved by the Board.
- e) "Declaration" or "CC&Rs" means the Declaration of Covenants, Conditions and Restrictions for Forbes Wagon Creek Ranch, effective upon purchase of a parcel, and as they may be amended from time to time.
- f) "ECC" means the Environmental Control Committee established pursuant to the Declaration.
- g) "Improvement" means any changes, alterations, or additions to a parcel, including any excavation, fill, Residence or buildings, outbuildings, roads, driveways and any other Improvement of any type or kind.
- h) "Parcel" means and refers to any plot of land shown as a numbered parcel upon any recorded subdivision plat of Forbes Wagon Creek Ranch.

- i) “Manufactured Home” means a residential unit which has been factory built, then transported to the site in one or more sub-sections, where the sub-sections are then joined together, usually on a permanent foundation and with any transport undercarriages removed. HUD applies the term “manufactured home” to units manufactured since 6-15-1976 in compliance with HUD standards (the Manufactured House Construction and Safety Standards Act of 1974)
- j) “Mobile Home” means a residential unit, which has been factory, built and then transported to the site in one or more sections. The transport undercarriages may or may not be removed. HUD applies the term “mobile home” to units manufactured prior to 6-15-1976.