

WESTBANK MESA

ARCHITECTURAL CONTROL GUIDELINES AND STANDARDS

MAY 23, 2002

The WestBank Mesa Architectural Control Committee having the duty to maintain the quality of structures, enhance the value or property within the subdivision and assist the homeowners/builders in architectural selections and designs hereby establishes a guide-line that will be considered in approval of plans, colors, materials and specifications. The Architectural Control Committee may at anytime recommend to the Westbank Mesa Homeowners' Board of Directors changes, alterations, cancelations or amendments to the guidelines as appropriate. The WBMHOA Board of Directors makes final approval on all plan submissions and guidelines.

Compliance with these standards and approval by the Committee and the Board of Directors does not constitute compliance with any applicable building codes or regulations. An owner or his representative must consult the Garfield County Building Department with reference to compliance therewith.

These standards are in addition to, and augment the Declaration of Protective Covenants for WestBank Mesa. They are not intended to narrowly restrict choices, but to allow variation within a framework of compatibility with the surroundings to ensure harmonious residential design, and to protect and enhance property values. Interpretation of these standards is left up to the discretion of the Architectural Control Committee. Listed below are guidelines as of the date of February 24, 2002.

SECTION 1: SUBMISSION OF PLANS

A. Basic Requirements:

1. Two sets of plans shall be submitted for approval. The Architectural Control Committee will return one set of plans with approvals or comments. The Architectural Control Committee will retain one copy for their files. If the Architectural Control Committee does not respond within 30 days, plans as submitted will be deemed to be approved as submitted.
2. Site plan (at no less than 1" = 30') indicating building location, driveways, parking and grading plan.
3. Roof plan and floor plans (at no less than 1/8" = 1').
4. Extension elevations (all) with both existing and proposed grade lines at the same scale as floor plans.
5. Samples of all exterior materials and colors.

B. Exterior Changes. Additional Contructions

Any changes to the approved plans before, during or after the construction of a Dwelling must first be submitted in writing to the Committee for approval. When possible, a decision by the Committee will be made within one week of the change request.

If changes or alterations have been found which have not been approved, the Committee will issue a Notice to Comply. Failure by the Committee to provide the Notice to Comply shall not be deemed a waiver or release of the Committee's right to enforce any provisions of these Guidelines.

C. Building Code

All structures will conform to all applicable building codes and ordinances. Approval by the Committee does not constitute or imply compliance with such codes and ordinances.

SECTION 2: BASIC BUILDING RESTRICTIONS

A. Location of Dwellings and Setbacks

Location of buildings will be in accordance with therecorded plat and the Declaration. All dwellings, however, will be setback a minimum of 50 feet from all public roads where building envelopes allow.

Because there are no two Lots exactly alike in WestBank Mesa, the Committee will review each plan for a building to be designed such that it appears to fit into the site instead of just sitting on top of it. to accomplish this goal, a building must follow topographic changes through the use of stepped floor levels, foundations, footers or details on the exterior of the home that give the appearance that the building steps up or down where appropriate.

The Committee intends to discourage, and has the right to prohibit the construction of any Dwelling or other structure which would appear excessive in height or too low when viewed from the roads, drives or other Lots. In all cases, the appearance of Dwellings from Open Spaces, other Lots and roads will be an important factor.

It is highly recommended that the second story portion of homes differ architecturally from the ground floor square footage including garage area. Double height spaces must be included for consideration. The intent of this requirement is to prevent the design of homes that appear to be 2-story "boxes."

Buildings must be residential in scale and preferably asymmetrical in form. Building walls cannot have an unbroken horizontal length greater than 35 feet. A two foot minimum on break defines unbroken horizontal length. Windows and doors do not constitute a break.

The Architectural Control Committee may determine that there is a negative cumulative effect of many residences having similar specifications, siding and windows, and subsequently may not approve further use of the same specification.

B. Ancillary Structures

All ancillary structures such as garages, storage sheds, guest wings, caretaker units, etc. are to be designed as integral parts or extensions of the main building in terms of material and color, even if they are physically separated. Plans are to be submitted prior to construction as described herein.

C. Construction Times

The hours of exterior construction will be limited.

7am to 8pm	Monday through Friday
8am to 8pm	Saturday
Noon to 6pm	Sunday.

The purpose of these restrictions is to limit the noise from outside construction machinery.

SECTION 3: MATERIALS - EXTERIOR SURFACES

A. Basic Requirements

All samples and colors must be submitted to the Architectural Control Committee for approval. The Committee suggests that exterior walls be surfaced with more than one material. Brick, stone, textured lap siding, shingle panels and stucco are all acceptable materials. Brand, preferred color and an alternative color shall be submitted.

B. Prohibited Wall Materials

1. No log or log simulated siding materials
2. Plastics
3. Concrete, either masonry units, precast or formed
4. Plywood or T-111

SECTION 4: ROOFS

A. General Requirements

All roof colors and samples must be submitted for approval by the Committee. Approval by the Committee will be based on the visual impact of the roof on the Lot or on neighboring Lots, Dwellings, roads and Open Spaces. The overall appearance of the Dwelling will be an important consideration. The roof pitch, form, color, texture and reflectivity are all key design considerations to ensure minimal visual impact.

B. Roof Materials

Roofing materials are to be non-reflective, textured and a variegated color. Roofing materials that must meet all applicable fire retarding standards. Slate roofs, oxidized copper shingles and composite thick butt asphalt shingles (30 year minimum) are all encouraged. Oxidized corrugated metal roofs may be approved if they are an integral part of the overall building aesthetic but they are not permitted to cover 100% of the roof. No three tab shingles will be permitted.

C. Roof Pitch

A minimum pitch of 6 in 12 is recommended. Large, unbroken expanses of single pitched roof will not be approved by the Committee.

D. Roof Colors

Roof colors should be selected to be compatible with the surrounding natural landscape and integral to the exterior color palette of the house. In no case shall reflective surfaces be permitted.

SECTION 5: WINDOWS

The exterior color of the window frames shall be submitted to the Committee for approval. Color shall be harmonious with the house color palette.

Windows should be designed in proportion to the structure and form of the building. The Committee recommends that large window openings should be composed of multiple windows.

SECTION 6: BUILDING PROJECTIONS, SITE DRAINAGE AND GRADING

The color of all projections, including, but not limited to, chimney flues, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall be submitted for approval by the Committee.

Surface drainage shall not drain to adjoining homesites or open spaces except as established by natural drainage patterns, nor cause a condition that could unnaturally elad to off-site soil erosion on open spaces and roads. Wherever practical, natural drainage courses should be protected and existing drainage patterns maintained. New drainage ways are to be designed to appear and function like natural drainage ways. Impervious surfaces are to be minimized and excessive cut and fill is discouraged. Grading is not permitted outside the property line. Changing the topography of an adjoining open space will be stronly discouraged.

In situations where grading on a Lot is proposed to extend beyond the Lot line and onto the open Space, prior approval and permission must be obtained in writing from the Committee. In such cases, the owner must promptly restore and/or landscape the disburbed Open Space, at his expense, and as required by the Committee.

SECTION 7: CULVERTS AND GARAGE DOORS

Driveway culverts, if required, will be approved by the Committee and will be installed by the Owner.

Single garage doors should be no less than 9' in width and 8' in height. It is suggested that the materials, treatment and color selected be integrated into the major design of the residence. Side entry garages are preferred to those visible from the public road. The main entry of the house should be designed to greet visitors rather than the garage structure.

SECTION 8: FOUNDATION WALLS, EXTERIOR MECHANICAL EQUIPMENT, ACCESSORY STRUCTURES, EXTERIOR LIGHTING

Foundation walls shall not be exposed unless approved by the Committee, and then shall be finished to blend with the upper walls of the Dwelling.

All exterior mechanical equipment shall be either incorporated into the overall form of the Dwelling or be permanently enclosed by a material approved by the Committee.

Dog runs or enclosures for other pets will be architecturally compatible with the Dwelling and must not be visible from the public road. Dog runs are subject to approval by the Committee.

Exterior lighting that is subdued, may be permitted by the Committee for such purposes as illuminating entrances, decks, driveways and parking areas, and other purposes approved by the Committee. In all cases, exterior lights are subject to the prior approval of the Committee.

SECTION 9: FENCES, WALLS, GATES

Walls, gates, pillars, columns or any other structure whatsoever intended to set along the front property line or within the front yard setback must be submitted for approval by the Committee.

Plans for fences should be submitted for approval to the Committee. Fences should not be more than 6' in height. Fences will not protrude past the front elevation of the dwelling.

SECTION 10: WORK INSPECTION, COMPLETION, RIGHT OF WAIVER

A. Work in Progress

All construction and alteration work shall be prosecuted diligently, and each building, structure or improvement which is commenced on any residential lot shall be completed within twelve (12) months from the commencement of construction. The Committee may inspect all work in progress and give notice of non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval of the Committee with work in progress or compliance with these Standards or the Declaration.

B. Completed Work

Upon completion of any Dwelling or other improvement for which final approval was given by the Committee, the Owner shall give written notice of completion to the Committee.

C. Right of Waiver

The WestBank Mesa Homeowners' Association Board of Directors reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion for good cause shown.

SECTION 11: CONSTRUCTION SITE RESPONSIBILITIES

A. Constuction Trailers, Portable Field Offices, Etc.

Any Owner or Builder/Contractor who wants to bring a construction trailer or the like to WestBank Mesa must obtain written approval from the Architectural Control Committee. The committee will work closely with the applicant to site the trailer in the best possible location to minimize impacts to the site and to adjacent homesite owners. All such facilities must be removed from the homesite and may not remain on the site subsequent to substantial completion of the home or homes for which it is being used. Non-compliance will result in towing at owner's expense.

B. Storage of Materials and Equipment

Owners and contractors are permitted to store construction materials and equipment on the approved Construction Site during the construction period. It shall be neatly stacked, properly covered and secured. Storage of material or construction equipment outside the approved construction site (Owner's or Builder's lot) will be done only with the approval of the Committee.

Any storage of materials or equipment shall be the Owner's or Contractor's responsibility.

Owners and Contractors will not disturb, damage or trespass on other lots or the Open Space. Should any such damage occur, it will be restored and repaired at the offender's expense.

C. Debris and Trash Removal

Owners and Contractors shall clean up all trash and debris on the Construction site at the end of each day. Trash and debris shall be removed from each Construction Site on a regular basis. Lightweight material, packaging, and other items, shall be covered or weighed down to prevent wind from blowing such materials off the Construction Site. Owners and Contractors are prohibited from dumping, burying, or burning trash anywhere in WestBank Mesa.

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 affecting other Lots and the Open Space.

Dirt, mud or debris resulting from activity on each Construction Site shall be promptly removed from public or private roads, Open Spaces and driveways or other portions of WestBank Mesa.

D. Sanitary Facilities

Each Owner and contractor shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities shall be located only in areas approved by the Committee.

E. Pets

Pets belonging to construction personnel are not allowed in the subdivision, including the Lot under construction.

SECTION 12: Parking Areas, Landscape Materials, Excavation Materials, Blasting

A. Parking Areas

Construction crews will not park on, or otherwise use other Lots or the Open Space. Private and construction vehicles and machinery will be parked in areas designated by the Committee.

B. Conservation of Landscaping Materials

Owners and Contractors are apprised of the fact that the Lots and Open Spaces contain valuable native plants and other natural landscaping materials that should be salvaged before and during construction, such as:

1. Topsoil
2. Rock (lichen rock and regular)
3. Shrubs and trees

C. Excavation Materials

Excess excavation material will be hauled off the project or placed in areas designated by the Committee, if any.

D. Blasting

If any blasting is to occur, prior written approval must be obtained from the Architectural Control Committee. The Committee shall be informed far enough in advance to allow it to make such investigation as it deems appropriate to confirm that all appropriate measures, including protective actions, will be taken prior to the blasting.

SECTION 13: NON-LIABILITY

Provided that Committee members act in good faith and without malice, neither the Committee nor any member will be liable to the Homeowners' Association, any Owner or any other person for any damage, loss or prejudice suffered or claimed on account of:

- Approving or disapproving any plans, specifications and other materials, whether or not defective;
- Constructing or performing any work, whether or not pursuant to approved plans, specifications and other materials;
- The development or manner of development of any land within WestBank Mesa
- Executing and recording a form of approval or disapproval, whether or not the facts stated therein are correct; and
- Performing any other function pursuant to the provisions of the Architectural Control Guidelines and Standards