



## **Appendix Part II**

Residential Development Standards

Architectural Character Sketch List, Palette of Materials and Design Patterns.

Amendment One to Design Standards.

**THE BLACK BOULDER MESA  
RESIDENTIAL DEVELOPMENT STANDARDS**

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**.DATED as of *October 23<sup>rd</sup>*, 1997**

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**These Development Standards have been established by The Black Boulder Mesa Architectural Committee (hereinafter "The Committee") in accordance with the attendant Declaration of Covenants, Conditions and Restrictions. As these Development Standards are subject to amendment from time to time, it is the responsibility of each interested party to obtain a copy of the most recently revised version.**

I  
THE BLACK BOULDER MESA PHILOSOPHY

Situated as it is adjoining a national forest and the recently established national monument, The Black Boulder Mesa (hereinafter "The Mesa") offers a special opportunity to create a harmonious and aesthetically pleasing, low density residential community which places primary emphasis upon the preservation of the natural environment as well as architectural creativity. The natural elements and all attributes of the property have been considered in its development. These Residential Development Standards governing building and landscaping at The Mesa reflect a continuing commitment to certain "lifestyle values" such as privacy, peace and quite, low visibility, night sky views, wildlife, native vegetation, preservation of indian artifact, and much more. It is the purpose of these Development Standards to assure that these values are shared and respected by all of the owners. In addition to the natural "values" referred to above, the Declarant has also imposed criteria to ensure and enhance the "aesthetics" of site planning and architectural design. It is essential that those persons who would be interested in a site on The Mesa property also be interested in the architectural design processes as a creative endeavor and that their vision of such be compatible with The Mesa's vision as described herein and amplified by the drawings and accompanying narrative appended hereto and incorporated herein as Schedule One. It is important that each owner understand and agree with the organic relationship between the land and any structures placed thereon. Resorting to plan book design or exotic regional designs would not satisfy these requirements. Rather, the Owner will be asked to consult professional architectural services and then work toward a design that appears to flow from and complement the unique environment, heritage and topography of the site, while remaining in conformity with the guidelines presented herein.

The following Residential Development Standards have been created to implement and enforce this philosophy, and to provide specific guidance and direction to lot owners for the improvement of their properties. It is not the purpose of these standards, however, to suggest that all residences be identical, although they will to some degree share a similar palette of materials to the exclusion of other materials. These Standards are also intended to promote and encourage creativity, and to seek out the best possible design for each individual site.

The Architectural Standards and Design Restrictions set forth herein are intended to be and should be viewed by each owner as restrictions for their mutual protection over time. It is expected that the design of each residence or other improvement will be tailored to the unique topographical features of the applicable building site. Improvements constructed on lots shall approximate the design, palette of materials, colors, roof lines and other architectural elements as set forth in these Standards and as evidenced by the character sketches and design patterns attached as Schedule One hereto. Predesign conferences are required to provide additional verbal and visual interpretation from the Committee to the owner, keeping in mind the Committee's affirmative duty to enforce these Standards and to ensure mutual harmony between all of the building sites. In keeping with the foregoing, the Architectural Committee is not only charged with the duty of supervising and permitting what goes onto a given building site, but also what potentially emanates from each site as well. Each individual homeowner's rights are mitigated by their impact upon each other owner, upon the wildlife that migrate over or share the property, and upon the view corridors as taken from both on and off the property. For these and other reasons, lighting, mechanized sounds, use of motorized equipment, or other undue visual or audio disturbances emanating offsite will necessarily be mitigated and in some cases prohibited. Appropriate building setbacks from any ridge or rim will also play an important role lowering the profile.

To ensure the preservation of the natural values discussed, four concepts have been integrated: The Building Envelope, the Development Envelope, the Transition Zone and the Conservation Easement. The Building Envelope is that area within the Development Envelope which will be approved by the Architectural Committee for specific structural improvement. The Development Envelope is that portion of each parcel or lot wherein the Building Envelope and all

outbuildings must be contained. The Transition Zone is that area which cannot be developed with permanent structures, but certain changes may be approved to enhance views and/or offer low impact uses. The Conservation Easement area contains deed restrictions that strictly limit the activities thereon to preserve the landscape, native vegetation, wildlife corridors, and scenic values of the property. It also ensures a perpetual privacy and buffer zone between each individual Development Envelope.

In order to assist each owner in the environmentally sound, aesthetically compatible and economically expedient design process, a comprehensive design review methodology has been established as a part of these Development Standards. This will provide the owner/applicant with the opportunity to draw upon the expertise and knowledge of the Committee that has been acquired during the planning and development of The Mesa, and the overall experience gained during prior implementation of these Standards. To that end, the Architectural Committee has been established and charged with the responsibility of ensuring that these principles are adhered to throughout all phases of development. The design review process shall encompassing the following six phases:

1. The Pre-Design Conference, during which each owner along with the owner's architect/designer may review their ideas and the attributes of the site with the designated representative of the Architectural Committee prior to the preparation of any plans.
2. Thumbnail Sketch Submittal, the purpose of which is to get conceptual feedback at an early stage to assure proper visual communication with the Architectural Committee and to make this process more expedient and economical for the owner.
3. The Preliminary Submittal, at which time the Architectural Committee or their designated representative can review the conceptual plans to ensure conformance before the owner finalizes a design.
4. The Final Submittal, at which time the Committee or their representative can review final construction documents to confirm that they are consistent with the previously approved preliminary submittal.
5. The Pre-Construction Conference, during which each builder may review the construction regulations with a representative of The Committee to ensure their understanding of, and future compliance with, these regulations.
6. The Final Inspection of the improvements by a representative of The Committee to determine whether actual construction has been completed in compliance with the approved plans and development standards.

The Design Review Process was developed to provide adequate checkpoints throughout the design and development phases, so that time and money are not wasted on plans and designs which do not adhere to the Development Standards or to the overall vision of The Mesa. This process is a proven and streamlined format that will not result in time delays, provided each owner performs and proceeds in the spirit with which the Development Standards were promulgated and were intended for implementation. Nothing herein is intended to prohibit a prospective buyer, not yet an owner, from going through the initial phases of the design review process with the Architectural Committee to ascertain whether their respective visions are compatible. In such a case, the Declarant shall set forth the conditions of said pre-approval process.

It is strongly recommended that an owner retain competent professional services for planning and design. This will help ensure a thorough analysis and understanding of the particular site and the owner's special needs and living patterns. It will also enhance the owner's ability to communicate with the Architectural Committee, both visually and verbally, the concept and design of a proposed residence or improvement. If an owner elects, however, to do his own design or to retain nonprofessional services, and the resulting submittals in either case are not approved by the Architectural Committee, the Architectural Committee has the right to require that the owner thereafter utilize a professional design service.

This Design Review Process is intended to operate concurrently with the plan review and permitting process required by Garfield County for obtaining a building permit. However, The Mesa Design Review Process is entirely independent of Garfield County's Building Permit process and one is not intended to impact or presume to entitle the owner to approvals from the other. The processes outlined herein are solely intended to enforce these Development Standards and the standards contained in the Declaration of Covenants, Conditions and Restrictions (hereinafter "The CC&R's") for The Black Boulder

Mesa. The fact that an owner may seek and even be granted a building permit from Garfield County in no way circumvents The Mesa requirements for the specific approvals as outlined herein. Conversely, nothing contained herein is intended to imply that Garfield County has granted pre-approval for building permits under these standards or is bound by any other part of this process or any of the decisions rendered by The Committee in review thereof. Nothing herein is intended to directly or indirectly pre-suppose under what circumstances, if any, Garfield County would or would not issue a building permit and what the County's criteria may or may not be for a building permit at some future date and time. These design criteria are intended solely for the environmental and aesthetic protections and purposes set forth herein.

These Development Standards are in addition to the CC&R's and owners must also comply with all provisions in that Declaration. These Development Standards are intended to supplement that Declaration but in the event of a direct conflict between the provisions of the Declaration and the provisions of these Development Standards, the provisions of the Declaration of CC&R's shall control. Terms not otherwise defined herein shall have the meanings set forth in the CC&R's.

## II

### SITE PLANNING AND LANDSCAPE GUIDELINES

The climate, terrain, vegetation, wildlife and scenic values at The Mesa are all important factors which must be considered in the design of any improvements to the properties. It is the intent of the following guidelines to ensure environmentally sound and aesthetically pleasing development at The Mesa for the mutual benefit and enjoyment of all its owners.

2.1 Building Envelope And Setbacks. The Building Envelope is that portion, always located inside the Development Envelope which will be designated by the Architectural Committee after consulting with the owner and within which all improvements relevant to a particular application must be located. It is the only area where substantial alterations to the natural landscape may occur except for driveways and utility corridors as shown on the Plat and which are permitted in accordance with the Declaration. Any original or phased-in subsequent building envelope must be sized in a manner relevant to the request for structural and/or landscaping related improvements. In the event that improvements to the Development Envelope do occur in phases, a new application showing the new and enlarged Building Envelope and detailing the further improvements thereto shall be submitted in accordance with the all the provisions and procedures hereof.

There are no further setbacks required within the Development Envelope except as may be considered appropriate site planning between the owner and The Architectural Committee. Nothing herein, however, can be construed as an attempt to interpret local municipal ordinances and the setback requirements thereof. To a large degree, however, and whenever possible, the Development Envelopes were originally platted as to not abut the actual property line and thereby account for municipal setback requirements during the original platting. There may be exceptions to this, however, and each owner must confer with the Architectural Committee and with the local municipality to determine the impact of any setback ordinances.

2.2 Development Envelope. A specific Development Envelope has been designated for each parcel on the Plat. In most instances, it is larger than the anticipated building envelope. It is the clear intent of these Standards and the Declaration that the initial Building Envelope and any subsequent enlargements of the Building Envelope or even separate Building Envelope for guest quarters or other outbuildings, be they structural improvements or landscaping enhancements, must be located within the boundaries of the Development Envelope, except as set forth below in the Section titled Transition Area.

2.3 Transition Area. The Transitional Area, if any for a particular lot, is that area shown on the Plat as laying outside the Development Envelope, but not included in the Conservation Easement. An owner may, upon approval from the

Architectural Committee, enhance this area with low impact improvements. The Committee shall use the criteria in determining low impact of the Owner's needs versus the visibility of the improvements from other lots and the Common Roadway Easement. The Architectural Committee is granted broad latitude in determining what is appropriate and the impact.

**2.4 Conservation Easement.** The Conservation Easement is that area outside the Development Envelope and Transition Area, but within the boundaries of each owners ten or twenty acre parcel as shown on the plat. The area within the Conservation Easement will be governed by the terms of the Conservation Easement itself to prohibit building or other disruptive activities in the easement area and to preserve same in its natural state. The Property Owner's Association has the initial and primary responsibility of thus preserving the lands underlying said Conservation Easement. An enforceable easement in said Conservation Easement will ultimately be transferred by declarants to a non-profit foundation such as Utah Open Lands prior to the transition date for the sole purpose of insuring said enforcement by the Association. The deed to each Lot Owner will reserve this easement.

**2.5 Site Work Within The Building Envelope.** No excessive excavation or fill will be permitted on any site except where specifically allowed by The Architectural Committee due to terrain considerations. Every attempt should be made to balance cut and fill with minimal use of above grade retaining walls and engineered building pads. No clear cutting of any Building Envelope will be permitted; however, it is understood that selective pruning or removal of trees and shrubs will be necessary for the development of any site. Allowable clearing of vegetation and further trimming thereof on any site is subject to approval by the Architectural Committee during the construction phase and at any time thereafter during and ongoing landscaping phases.

**2.6 Grading And Drainage.** To a reasonable degree, site grading and drainage must occur with minimum disruption to the site, as described in the application and approval process, without unduly altering natural drainage patterns as runoff leaves the site, and without causing conditions that could lead to unnecessary soil erosion.

**2.7 Access Drives.** Access drives shall be located to preserve and avoid important natural features, such as large or significant plant materials, drainage ways, rock outcroppings and to minimize disruption of the existing landscape. Access drives shall be a covered with a fill and surface material as approved by The Architectural Committee.

The graded surface of an access drive shall not exceed 14 feet in width except for designated parking areas as set forth in the site plan and approved by The Committee. Drainage areas must be properly constructed and culverted as specified by the Committee.

**2.8 On-Site Parking.** Each site must have an area for at least two guest parking spaces totally contained within the Building Envelope, along the access drive, or within the transition zone as deemed necessary and approved by The Architectural Committee. Parking of a guest motor home or other large recreational vehicle on any lot is limited to 72 hours at a time. The Committee may require an owner's recreational vehicles to be stored off site or in such a manner as to not be visible, including garaged, if stored on site. Other than as permitted under the Declaration, no on-street parking will be permitted at The Mesa.

**2.9 Utilities.** Each owner shall be responsible for the drilling and maintenance of a well, either individually or in conjunction with other homeowners by private agreement, sufficient in quantity and pressure to provide an adequate supply of water for culinary use, allowable outside uses, and to maintain the necessary pressure in the requisite fire prevention sprinkler systems.

Each lot owner shall be responsible for the installation, repair and maintenance of the approved subterranean sewer

system, septic tank and leach field in accordance with all applicable laws, rules, regulations, guidelines and ordinances, and in compliance with the site planning as agreed to with The Committee. Wherever a leach field is permitted in the Development Envelope or the Transition Zone by the Architectural Committee, the owner shall have the responsibility of landscape restoration as specified by The Committee.

Each lot owner shall, in accordance with the applicable current guidelines of The Committee and understanding the remote nature of The Mesa and the limited municipal fire protection resources available, install an approved residential fire sprinkler system to provide an initial measure of protection for their structures.

Electrical and phone service will be provided to the transformer cabinets somewhere in the closest common driveway. Trenching from that point to the individual residence is the responsibility of the owner and shall be routed in the driveways to minimize disruption to the existing landscape. And disturbed areas shall be restored to their original condition.

**2.10 Walls And Fencing.** Site walls or fences are allowed as an extension of the home and other buildings as a yard or a courtyard. They must appear as a visual extension of the residence, using similar materials and finishes. Perimeter fencing of the entire Development Envelope is not permitted except as provided in the Declaration and except as fencing maintains and enhances the architectural integrity of the structures. Fencing materials such as chain link for any purpose are prohibited. All walls and fences and the materials used to construct and finish same are subject to approval by the Architectural Committee.

Structural retaining walls, privacy or screen walls for yards and courtyards, or other valid design wall extensions of the structure generally should not exceed six to eight feet in height as measured from existing natural grade. This is a general guideline, however, and the Architectural Committee may recognize several instances wherein wingwalls, gate enclosures and other applications benefit the overall design by exceeding the guideline.

**2.11 Landscaping.** Within the Building Envelope, a private area may be further described by courtyards or walls which is shielded from view and appears as an architectural extension of the dwellings. Within that area, an owner may create a more varied and personalized landscape, including orchard trees and/or vegetable gardens, so long as it is generally compatible with the nature of its high desert environment and the Boulder area. Exotic trees that exceed the height of the roof line are prohibited. Tall trees such as ponderosa found naturally on The Mesa are encouraged.

Outside the courtyard or yard, but still within the confines of the Development Envelope the owner must follow a more natural landscape plan that blends seamlessly with the surroundings at the edge of the Development Envelope. All landscaping is subject to approval by the Architectural Committee and is subject to the restrictions on the types of trees or other plants as outlined in the examples and Schedule One attached hereto

**2.12 Service Yards.** Walls are required as screening for a service yard, if any, to enclose any trash container, firewood, clothesline, outdoor maintenance or service equipment, or any other goods to be stored outside, in a manner approved by the Architectural Committee.

**2.13 Mechanical Equipment.** No roof mounted or wall mounted Mechanical equipment will be permitted. Any exterior mechanical equipment must be ground mounted adjacent to the residence and shielded from view. It must be completely enclosed if necessary to buffer any mechanical sound audible offsite.

**2.14 Antennas And Satellite Dishes.** Satellite dishes must be small and contemporary in nature and concealed from the view of neighboring properties. TV and radio reception will occur via these dishes. Large satellite dishes, roof mounted antennas or other electronic devices of any sort that are visible offsite are prohibited

**2.15 Signage.** Address identification signs must conform to the designs and types and sizes provided by the Architectural Committee. One such sign shall be installed by each owner in the approximate location where their individual driveway begins. This shall be done upon completion of the initial structural improvements on their site.

No additional signage of any kind will be permitted, except temporary construction signs by each builder and site directional signs authorized by the Construction Representative. Real estate for sale or lease signs are prohibited.

**2.16 Lighting.** Lighting is an important feature of site development and must be installed and controlled in a way that it does not make the structures or the site unduly visible off the property or to the neighbors or unduly interfere with the nighttime views of the sky. Therefore, lighting must be used for specific purposes and in specific ways as set forth in the examples and Schedule One hereto and as approved by the Architectural Committee. Otherwise, when the property is unoccupied or the outside lighting is not being specifically used as a visual aid to guide human occupants, it shall be turned off. Any inside lighting that is visible from the outside through windows or other openings must be mitigated according to the same criteria.

No lighting by an owner may occur adjacent to the right-of-way without the approval of the Architectural Committee. Additional site lighting is permitted within a Building Envelope, provided such lighting does not result in undue glare. Approved methods for moderating outside and inside lighting, such as indirect, low intensity, located near the ground, shielded and hooded from upward glare, and other mitigating methods can be found in the examples marked Schedule One hereto.

**2.17 Swimming Pools And Spas.** Swimming pools and spas, if any, must be designed as a visual extension of the residence through the use of walls or courtyards and must be constructed according to applicable governmental regulations. They are subject to the same design criteria set forth herein for all structures and must be shielding from view more or less depending upon their size and potential visual impact as viewed offsite.

**2.18 Tennis Courts, Sports Courts And Basketball Standards.** Tennis courts are discouraged due to the visual impact offsite in most instances. If a resident wants to construct a tennis court with selected other residents, the Declarant has set aside a small parcel of ground in a convenient location dedicated to this purpose. Owners not interested in this or other recreational improvements, cannot be forced to participate and the facility will be available by private agreement only to those who choose to participate. Smaller sports courts, basketball standards and similar recreational facilities may be allowed subject to Architectural Committee approval and the ability to minimize their visual and audible impact offsite.

### III

## ARCHITECTURAL DESIGN STANDARDS

The following architectural standards, for all of the reasons enumerated herein, are hereby defined, imposed upon and operate as restrictive covenants against the construction of improvements on the sites known as The Black Boulder Mesa.

**3.1 Architectural Styles And Exterior Materials.** The architecture on The Mesa is central to the values expressed throughout the Restrictive Covenants, which strongly mandate that structures work in harmony with each site and the surrounding land. A series of character sketches and design patterns are attached hereto as Schedule One and as such are hereby incorporated into the Declaration. These Schedules comprise the beginning point of any discussion about what would be appropriate on any site. Equally important are the palette of materials elicited in the examples marked as Schedule One. This palette of materials also contains restrictions on permissible colors and reflective values. These sketches and narratives regarding possible designs, design elements, materials, reflective values and other guidelines are also attached hereto as part



of Schedule One and incorporated by reference as part and parcel of these Residential Development Standards, and are to be given weight and consideration by the Architectural Committee as such.

Planbook models and categorical or generic styles are discouraged and will not be approved per se by the Architectural Committee. A prospective owner is always encouraged to inquire in advance. Generally, stock designs that could be categorized as Colonial, Victorian, Spanish Mission, French Provincial, Tudor, Log Cabin Kit, or other exotic regional designs will not be approved as such. This is not to say that certain specific portions of any traditional design, log elements for example, could not artfully be incorporated into a suitable design.

**3.2 Size.** There is no strict limitation on the minimum or maximum size of residences or other buildings, however, the Architectural Committee must give weight to the following considerations. The smaller a residence, the more sophisticated and creative it must be. If it is too small and appears to simply be an attempt to erect a temporary or inadequate living quarter or outbuilding without a residence, it must be denied. On the other hand, an application for a very large residence, commonly designated as a "trophy homes" in the planning guides, will be given similar scrutiny and, depending upon the specific terrain and the structure's visibility offsite, will be required to break the structures down into detached forms. Therefore, guest houses and garages and other outbuildings should be detached from the main structure to relieve the size of any given roof or building mass.

**3.3 Prefabricated Buildings.** No building that is constructed off-site and requires transportation to the site, whole or in partial assembly, will be permitted; this includes mobile homes, stock modular buildings or any other structure requiring transportation and set up in a partially completed state.

**3.4 Height Of Structures.** Building height for residences (exclusive of chimneys or other protrusions approved by the Architectural Committee) shall not exceed 20 feet as measured above natural grade directly below the point in question. The Architectural Committee has the authority to raise, and in some cases lower, this requirement on a particular site depending upon where the structure is proposed, how visible it would be to anyone viewing it from offsite, and the particular demands of the site and the proposed design. One thing that this section is intended to prevent or mitigate is two story vertical wall massing on flat sites or on sites that are quite visible offsite. The Architectural Committee has substantial leeway, however, in interpreting this section for sloping sites or sites and designs that offer limited visibility offsite.

**3.5 Use Of Native Stone.** Native stone of some variety found in the larger region, of which there are several types, colors and shapes, is required in some form or other on each residence. It may function as a primary building material or more as an accent and a detail. But each residence will be required to employ some native stone as a common thematic material for building on The Mesa. Various examples of this are found in Schedule One hereto. Artificial stone or exotic stone not commonly associated with the region are prohibited.

**3.6 Exterior Colors.** The color of exterior materials must generally be subdued and blend with the natural landscape. Earth tones are recommended and accent tones must be compatible. The LRV or light reflective value of any color will be given weight and any material or color with an LRV exceeding 40 (forty) will be prohibited. White or light trim is also prohibited.

**3.7 Windows And Skylights.** The glass of windows and skylights must not be highly reflective, nor may their frames consist of reflective material that is left unfinished. This especially applies to aluminum frames which must be anodized or finished with baked enamel.

**3.8 Building Projections.** All projections from a residence or other structure including, but not limited to, chimney

flues, vents, flashing, gutters, downspouts, utility boxes, porches, railings and exterior stairways shall be of an approved color and shall relate in design to the rest of the structure. All building projections must be contained within the Building Envelope,

**3.9 Garages And Carports.** Automobiles and other motorized vehicles must be covered and stored out of sight in structures that are well integrated, whether attached or detached, into the residence. Carports must be covered and the roof lines must related compatibility to those of the residence.

**3.10 Solar Applications.** Passive solar design is encouraged. Active solar applications must be integrated into the structure in a seamless and unobtrusive fashion. Obvious rooftop panels on structures located in Phase One are prohibited in favor of more subtle applications.

**3.11 Changes Or Additional Construction.** Changes or additions to the approved plans before, during, or after the construction must first be approved by the Architectural Committee.

**3.12 Maximum Roof Pitch.** The maximum roof pitch in most all instances shall be 3 1/2 to 12. There are instances in which some portion of a roof may, for design related reasons, exceed that pitch in the discretion of the Architectural Committee. Chalet or barn style pitches and roof lines are to be avoided.

## IV CONSTRUCTION REGULATIONS

In order to ensure that the natural landscape of each lot is preserved and the nuisances inherent in any construction process are kept to a minimum, the following regulations shall be enforced during the construction period of all improvements at The Mesa. Any violation of these regulations by an owner's agent, representative, builder, contractor or subcontractor shall be deemed a violation by the owner. The Architectural Committee shall be represented on site by a designated Construction Representative.

**4.1 Building Envelope.** The Building Envelope is that area within the Development Envelope for which structural improvements have been approved by the Architectural Committee and is also the area within which all construction related activities must be confined. To this end, the Building Envelope must be temporarily staked and fenced with dark plastic netting to confine the building activities.

**4.2 Osha Compliance.** All applicable Occupational Safety and Health Act (OSHA) regulations and guidelines must be observed during construction.

**4.3 Construction Trailers.** Upon commencement of construction, a construction trailer or portable field office may be located on the building site within the Building Envelope or along the adjoining private driveway. The type, size and color of any portable office must be approved by the Construction Representative during the pre-construction conference. At the same time, the providing of temporary power and telephone will be determined. A construction trailer may not remain on a site for a period of time exceeding six months without written approval of the Architectural Committee.

**4.4 Trash Receptacles And Debris Removal.** Owners and builders 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 to contain all lightweight materials or packaging

and must be emptied at an approved off-site facility as becomes necessary. Owners and builders are prohibited from dumping or burying trash anywhere on the lot or The Mesa property. On site burning of certain materials can only occur with the permission of local authority the Construction Representative under safe and legal conditions. Heavy debris, such as broken stone, concrete, wood scrap, or the like must be removed from the site immediately upon completion of the work of each trade that has generated that debris. Concrete trucks may be washed out only in area approved by the Construction Representative.

During the construction period, each construction site and driveway shall be kept reasonably neat and shall be properly policed to prevent it from becoming a public eyesore, or effecting other lots or any Conservation Easement property. Any clean-up costs incurred by the Architectural Committee or the Association enforcing these requirements shall be payable by the owner. And debris resulting from activity on any construction site shall be promptly removed from any part of the Common Roadway Easement.

4.5 Sanitary Facilities. Each owner or builder shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets must be located within the Building Envelope or along the adjoining private driveway.

4.6 Construction Access. The platted driveway to any site will be the only construction access into any Building Envelope.

4.7 Vehicles And Parking Areas. Construction crews will not park on, or otherwise use, undeveloped portions of site. All construction vehicles shall be parked within the Building Envelope or along the driveway thereto. Changing oil or other vehicle maintenance upon Mesa property is prohibited.

4.8 Conservation Of Native Landscape. Protected trees that cannot be moved and are designated as such by the Architectural Committee must be marked and protected by flagging, fencing or barriers. The Committee shall have the right to flag major terrain features or plants which are to be fenced for protection. Any trees or branches or brush whose removal is authorized must be promptly cleared up and removed from the construction site.

4.9 Excavation Materials And Blasting. If any blasting is to occur, the Architectural Committee's construction representative must be notified two weeks in advance and appropriate approvals must be obtained in accordance with current law. The Architectural Committee shall have the authority to require in writing documentation of anticipated seismic or other effects. All excess materials resulting from blasting, as well as all other excess excavation materials, must be removed from The Mesa property.

4.10 Dust And Noise Control. The contractor shall be responsible for controlling dust and noise from the construction site, including the removal of mud or debris from the Common Roadway Easement that is the result of construction activity on the site and the owner shall insure that the contractor undertakes such responsibilities. The playing of radios or use of other audio equipment by construction crews during the improvement of any lot is prohibited.

4.11 Material Deliveries. All building materials, equipment and machinery required for construction must be delivered to and remain within the Building Envelope or the driveway of each site. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes and any other equipment or machinery scheduled to remain on The Mesa property overnight.

4.12 Firearms. Carrying any type of firearms on the property by construction crews is prohibited. Discharge of

firearms by owners or guests anywhere on The Mesa property is prohibited.

4.13 Alcohol And Controlled Substances. The consumption of alcohol or use of any controlled substance on any construction site is prohibited.

4.14 Fires And Flammable Materials. Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard on the construction site, are prohibited. At least one 10 pound ABC-Rated Dry Chemical Fire Extinguisher shall be present and available in a conspicuous place on the construction site at all times. Any outdoor fire for any reason will be permitted on a construction site only with permission of the Construction Representative.

4.15 Pets. No pets, particularly dogs, may be brought onto the property by a member of any construction crew without permission of the Construction Representative.

4.16 Preservation Of Property. The use of or transit over any Mesa property, including the Conservation Easement, Transition Zone, or any other area outside the marked and designated Building Envelope and access driveway is prohibited.

4.17 Restoration Of Property. Upon completion of construction, each owner and builder shall clean his 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 Architectural committee, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

4.18 Construction Signage. Temporary construction signs shall be limited to one sign per site not to exceed six square feet of total surface area. The sign shall be free standing, not to exceed four feet in height above natural grade, and of a design and in a location within the site approved by the Construction Representative. Attachment of signs or similar material to trees is strictly prohibited.

4.19 Daily Operation. The maximum daily working hours for any construction site shall be from 30 minutes after sunrise to 30 minutes before sunset.

## V

### DESIGN REVIEW PROCEDURES

Plans and specifications shall be submitted to the Architectural Committee in accordance with the following conference and submittal requirements and review procedures.

5.1 Pre-Design Conference. Prior to preparing preliminary plans for any proposed improvement, it is mandatory that the owner and/or his architect meet with the designated representative of the Architectural Committee to discuss proposed plans and to resolve any questions regarding building requirements. This informal review is to offer guidance prior to initiating a preliminary design. Materials needed for this conference are photos of the site identifying the topography and the predominate view corridors, a topographical survey of the Development Envelope on two foot contours, scale 1" = 20', identifying all trees and other unique topographical features, and any other photos or illustrations explaining the owner's individual needs, design preferences and aspirations.

5.2 Thumbnail Sketch Submittal. After the Pre-design Conference, this phase requires the following submittals:

1. Site plan showing the precise location of the proposed Building Envelope within the Development Envelope drawn on the topographical survey (scale 1" = 20' with two foot contours) that was presented at the Pre-design Conference.
2. A 1/8" = 1'0" floor plan/site plan of the proposed Building Envelope.
3. An elevation or perspective sketch demonstrating three-dimensional massing concepts and proposed materials.

5.3 Preliminary Design Submittal. The Preliminary Design phase requires certain documentation and drawings as listed below. When the preliminary design is complete, plans that are submitted must include all of the following exhibits; no review will commence until the submittal is complete:

1. Site plan (scale at 1" = 20' or larger), showing the entire Development Envelope, location of the proposed Building Envelope, the residence and all buildings, driveway, parking area, existing and proposed topography, proposed finished floor elevations, special terrain features to be preserved and trees or grades to be effected or removed.
2. Survey (scale 1" = 20' or larger), by a registered land surveyor or licensed civil engineer showing Development Envelope boundaries and dimensions, topography (2 feet contours or less), major terrain features, trees with three inch trunk or larger, driveway and utility locations.
3. Floor plans (scale 1/4" = 1'0") showing proposed finished floor elevations.
4. All exterior elevations (scale 1/4" = 1'0") showing both existing and proposed grade lines, plate heights, ridge heights, roof pitch and an indication of all exterior materials and colors.
5. If the Architectural Committee deems it appropriate due to slope considerations or complexity of design, a study model may be required (same scale as site plan), which accurately depicts all the proposed improvements and their relationship to the site.
6. Any other drawings, plans (including grading and drainage plans), materials, or samples requested by the Architectural Committee or required by Garfield County.
7. A design review fee in the minimum amount of \$750.00 or 20 cents per livable enclosed square foot of the residence and accessory buildings, whichever is greater.

5.4 Posting Of Property. As soon as the submission of preliminary plans is completed, the Architectural Committee will post a notice on the lot and by mail to the other owner stating that plans have been submitted with respect to the site and will be available for review by other owners. The lot will be posted for 7 days, during which time other owners may submit written comments directly to the Architectural Committee or its designated representative. The Architectural Committee will give due consideration to any comments received, but the decision of the Architectural Committee on all such matters will be binding.

5.5 Preliminary Design Review. The Architectural Committee will review the plans and respond in writing within 10 days after the review, but no later than 30 days after a submittal is complete. No owner, architect or builder shall have the right to attend any meeting of the Architectural committee except as outlined herein or unless specifically requested by the Architectural Committee. Any response an owner may wish to make regarding the results of a design review must be addressed to the Architectural Committee in writing.

5.6 Final Design Submittal. After preliminary approval is obtained from the Architectural Committee, the complete set of construction documents are to be submitted for final review; no review will commence until the submittal is complete. At a minimum, the set of construction documents shall contain the following:

1 Site plan (scale at 1" = 20' or larger), showing the entire property, location of the Building Envelope, the residence and all buildings, driveway, parking area, existing and proposed topography, finished floor elevations, all protected plants or special terrain features to be preserved, trees to be removed, all utility sources and connections, all proposed site lighting and building lighting, and site walks.

2 Floor plans (scale 1/4" = 1'0") showing finished floor elevations.

3 Roof plan (scale 1/8" = 1'0") showing all roof pitches, overhangs and roof accessories (chimneys, vents, skylights, etc).

4 Building section (scale 1/4" = 1'0"), indicating existing and proposed grade lines.

5 All exterior elevations (scale 1/4" = 1'0") showing both existing and proposed grade lines, plate heights, roof pitches and an indication of exterior materials and colors.

6. Paint chips and other literature as requested by the Architectural Committee depicting or describing all exterior materials.

7. Complete landscape plan (scale 1" = 10') showing size and type of all proposed plants, irrigation system, all decorative materials or borders and all retained plants.

8. On-site staking of all building corners and other improvements and building heights, if requested by the Architectural Committee.

5.7 Site Inspection. As soon as the submission of final plans is complete, a representative of the Architectural Committee will inspect the lot to determine that the conditions as depicted in the final submittal are accurate and complete.

5.8 Final Design Review. The Architectural Committee will review the plans and respond in writing within 10 days after the review, but no later than 30 days after a submittal is complete. No owner, architect or builder shall have the right to attend any meeting of the Architectural committee except as outlined herein or unless specifically requested by the Architectural Committee. Any response an owner may wish to make regarding the results of a design review must be addressed to the Architectural Committee in writing.

5.9 Resubmittal Of Plans. In the event of any disapproval by the Architectural Committee of either a preliminary or a final submittal, a resubmission of plans should follow the same procedure as an original submittal. An additional design review fee may be required to accompany each such submittal as required by the Architectural Committee and depending upon the scope and the time involved for subsequent reviews.

5.10 Pre-Construction Conference. Prior to commencing construction, the builder must meet with the Construction Representative of the Architectural Committee to review Construction procedures and coordinate his activities on the building site and The Mesa property.

5.11 Commencement Of Construction. Upon receipt of final approval from the Architectural Committee, and having satisfied all Garfield County review processes, the owner shall satisfy all conditions and commence the construction or any work pursuant to the approved plans within one year from the date of such approval. If the owner fails to begin construction within this time period, any approval given shall be deemed revoked. The owner shall, in any event, complete the construction of any improvement on his site within one year 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 Architectural Committee may either have the exterior of the improvement completed in accordance with the approved plans or remove the improvement, with all expenses incurred to be

reimbursed to the Architectural Committee by the owner.

5.12 Inspections Of Work In Progress. The Architectural 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 Architectural Committee of work in progress or compliance with these Development Standards.

5.13 Subsequent Changes. Additional construction or other improvements to a residence or lot, or changes during construction or after completion of an approved structure, must be submitted to the Architectural Committee for approval prior to making such changes or additions.

5.14 Final Release. Upon completion of any residence or other improvement, the owner shall give written notice of completion to the Architectural Committee. Within 10 days of such notification, a representative of the Architectural Committee may inspect the residence or other improvements for compliance. If all improvements comply with these Development Standards, the Architectural Committee may issue a written approval to the owner, constituting a final release of the improvements by the Architectural Committee, said release to be issued within 30 days of the final inspection.

If it is found that the work was not done in strict compliance with the approved plans or any portion of these Development standards, the Architectural Committee may issue a written notice of noncompliance to the owner, specifying the particulars 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 noncomplying portions of his improvement. If by the end of this time period the owner has failed to remedy the noncompliance, the Architectural Committee may take whatever action it deems appropriate to remove or cause the removal of the noncomplying improvements as provided for in these Development Standards, including, without limitation, commencement of an action for injunctive relief or specific performance or it may impose monetary sanctions to cover it's costs of enforcement and its time spent correcting the problem.

5.15 Nonwaiver. The approval by the Architectural Committee of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval by the same owner or the owner of a different site. The Committee reserves the right to act upon the merits of each new submittal independent of any prior actions or approvals. Failure on the part of the Committee to enforce any of the Development Standards shall not constitute a waiver of that or any other standard.

5.16 Right Of Waiver. The Architectural Committee reserves the right to waive or vary any of the Development Standards and any of the procedures set forth herein on a case by case basis at its discretion, for good cause shown. Any request for a waiver or variance from the Development Standards by an Owner shall be in writing. The Architectural Committee may also grant a waiver or variance on its own initiative for good cause shown. Notwithstanding any modification thereof, structural improvements may not encroach upon the Conservation Easement area, except for the above mentioned driveways, utility corridors and trail systems.

## VI ARCHITECTURAL COMMITTEE

6.1 Members. The Architectural committee shall consist of three members. Each member shall hold office until such time as that member has resigned or been removed or that member's successor has been appointed as set forth herein.

Except as provided in the Declaration, the right from time to time to appoint and remove all members of the Architectural Committee shall be reserved to and vested in the Declarant. Declarant or declarant's individual members serving on the Architectural Committee, may delegate a proxy vote to a qualified professional in the sole discretion of said member.

**6.2 Resignation Of Members.** Any member of the Architectural Committee may at any time resign from the Architectural Committee upon written notice delivered to the Association.

**6.3 Duties.** It shall be the duty of the Architectural Committee to consider and act upon such proposals or plans that are submitted by owners or their representatives pursuant to these Development Standards; to enforce the Development Standards and the provisions of the Declaration over which it is given jurisdiction; and to amend these Development Standards when, and in the manner, deemed appropriate by the Architectural Committee.

**6.4 Meetings.** The Architectural Committee shall meet from time to time as necessary to properly perform its duties. The vote of a majority of the members shall constitute an act by the Architectural Committee. The Architectural Committee through a properly designated representative shall keep on file all submittals and copies of all written responses to owners to serve as record of all actions taken.

**6.5 Compensation.** Unless authorized by the Association, the regular members of the Architectural Committee shall not receive any compensation for services rendered, except that any professional design review services contracted for by the Committee shall be paid an appropriate fee as stated herein. The Committee is entitled to so contract with either outside professionals or with one or more of its members to conduct professional design review for a fee. Other members of the Committee shall be entitled to reimbursement for reasonable expenses only incurred by them in connection with the performance of their duties.

**6.6 Amendment Of Development Standards.** The Architectural Committee may, from time to time and at its sole discretion, amend or revise any portion of these Development Standards. All such amendments or revisions shall be appended to and made a part of the Development Standards. Each owner is responsible for obtaining from the Architectural Committee a copy of the most recently revised Development Standards.

**6.7 Nonliability.** Neither the Architectural Committee, any member thereof, nor the Declarant, shall be liable to the Association or to any owner or other person for any loss or damage claimed on account of any of the following:

1. The approval or disapproval of any plans, drawings and specifications, whether or not defective.
2. The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.
3. The development, or manner of development, of any property within The Mesa.
4. The granting of or failure to grant a variance from these Development standards,

Every owner or other person, by submission of plans and specifications to the Architectural Committee for approval, agrees that he will not bring any action or suit against the Architectural Committee, any of its members, nor the Declarant, regarding any action taken by the Architectural Committee.

Approval by the Architectural Committee of any improvement at The Mesa only refers to The Mesa Development Standards and in no way implies conformance with local government regulations. It shall be the sole responsibility of the owner to comply with all applicable government ordinances or regulations, including but not limited to zoning ordinances and local building codes. Nothing herein shall be interpreted as binding on local authorities or as representing or guaranteeing that they will issue a building permit or under what conditions they might or might not issue said permit.



6.8 Enforcement. The Architectural Committee may, at any time, inspect a lot or improvement and, upon discovering a violation of these Development Standards or the Declaration, provide a written notice of noncompliance to the owner, including a reasonable time limit within which to correct the violation. If an owner fails to comply within this time period, the Architectural Committee or its authorized agents may enter the lot and correct the violation at the expense of the owner of such lot, or may take whatever action it deems appropriate, including commencement of an action for specific performance and/or an action for injunctive relief to enjoin further violation.

In the event of any violation of these Development Standards, the Architectural Committee may, at its sole discretion and in addition to restoration expenses, impose a fine commensurate with the severity of the violation and the effects of or damage done by the violation, including a punitive fine, if necessary, to assure future cooperation and compliance by said owner.

Any violation of these Development Standards shall also be deemed a violation of the Declaration, and the Architectural Committee shall have all rights and remedies provided therein. Any amount payable by an owner hereunder, including, without limitation, any fines levied against an owner, shall be deemed a special assessment and shall be secured by the assessment lien created under the Declaration.

In any action to enforce these Development Standards, the Association shall be entitled to recover from the Lot Owner in violation all costs and attorney's fees incurred.

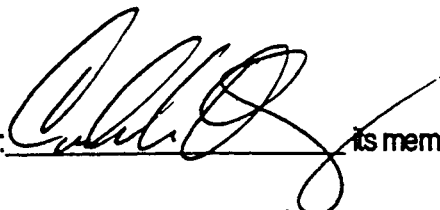
6.09 Severability. If any provision of these Development Standards, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of these Development Standards, and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances, shall not be affected thereby, and the remainder of these Development Standards shall be construed as if such invalid part were never included therein.

6.10 Address. The address for the Architectural Committee, unless otherwise amended herein, shall be in care of:

THE DESIGN GROUP  
Max Licher and Mike Brower  
P.O. Box 1751  
Sedona, AZ 86339  
(520) 282-4702

IN WITNESS WHEREOF, Declarant has executed this Declaration as of this 10<sup>th</sup> <sup>October</sup> day of 1997.

The Black Boulder Mesa, LLC, Declarant.

By:  its member

By:  its member

**Schedule One**  
**to Residential Development Standards**  
**The Black Boulder Mesa, LLC**  
**includes Architectural Character Sketch List,**  
**Palette of Materials and Design Patterns**

# BLACK BOULDER MESA

## RESIDENTIAL DEVELOPMENT STANDARDS

### ARCHITECTURAL CHARACTER SKETCH LIST

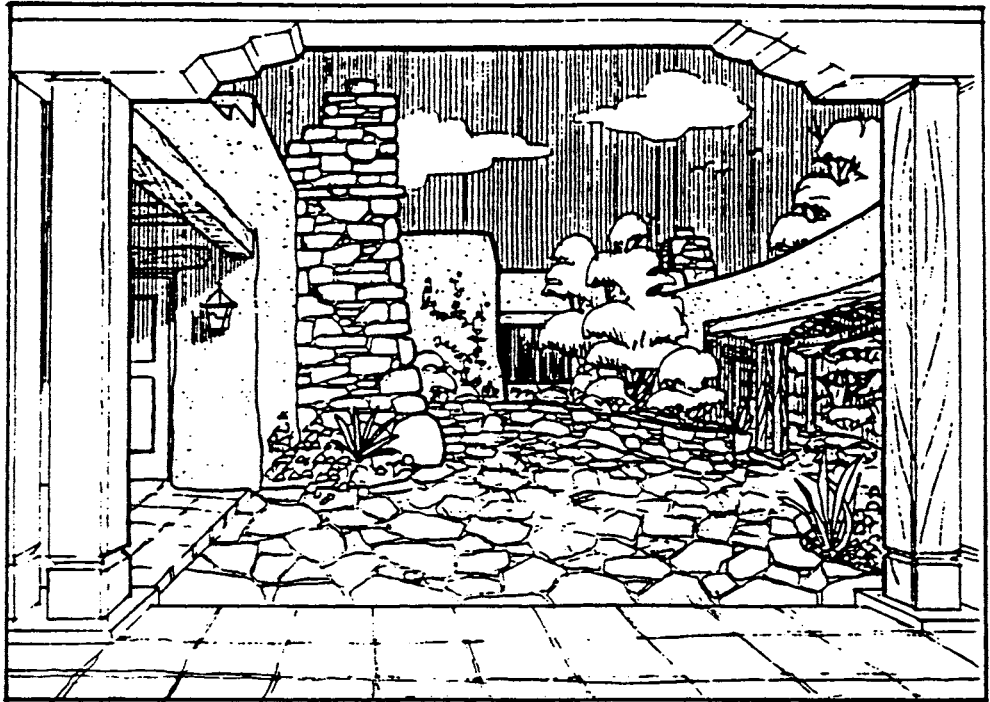
These seven sketches are not meant to be exhaustive in depicting the possibilities for architectural design on the mesa. Rather, they should show a variety of ways that the design patterns can be used within the intent of the overall guidelines.

#### ANAZAZI PUEBLO



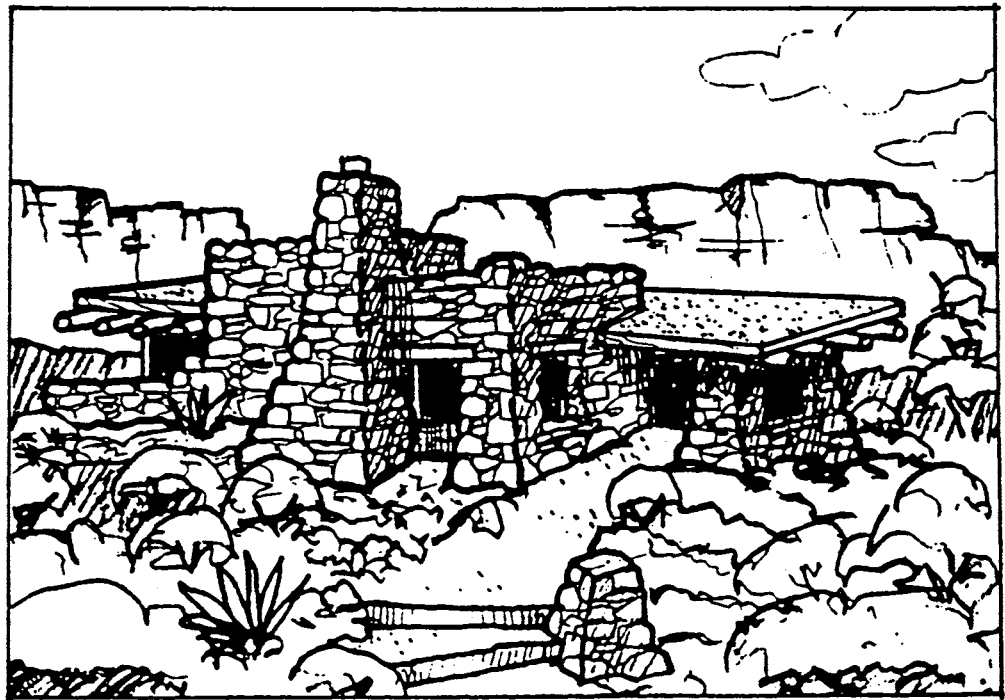
Inspiration for this concept comes from the indigenous ruins of the southwest. In it we see organic stone parapeted forms; the feeling can be either ancient or elegantly contemporary.

## TRADING POST PUEBLO



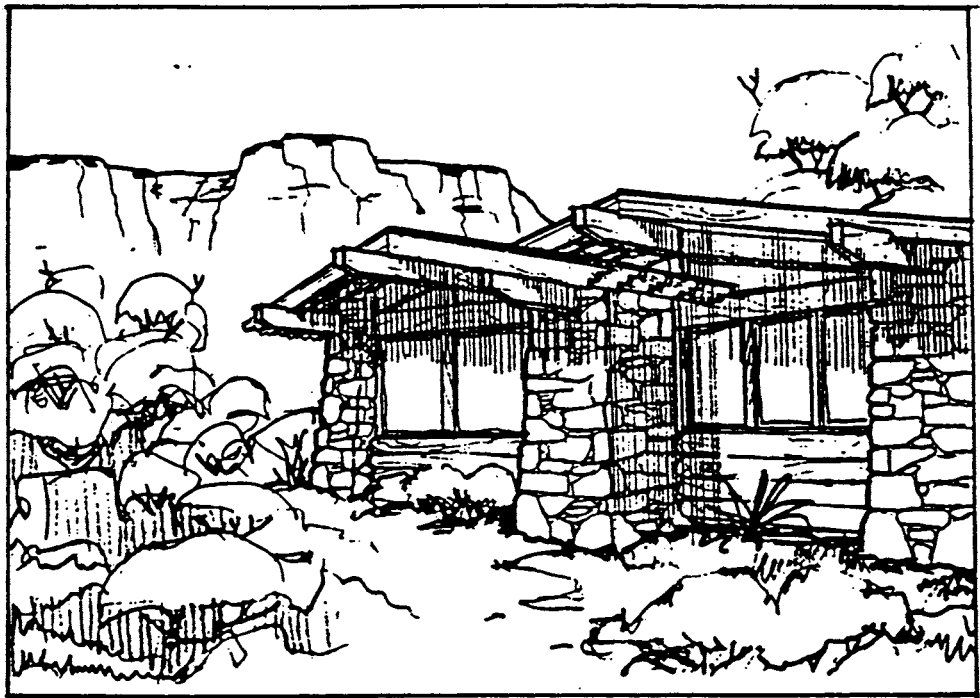
This concept uses more traditional forms; some combination of stucco and stone, with portals, courtyards, etc. It should have a stronger relationship to the Four Corners historic trading posts, and not just copy the Santa Fe style.

## SHED ROOF



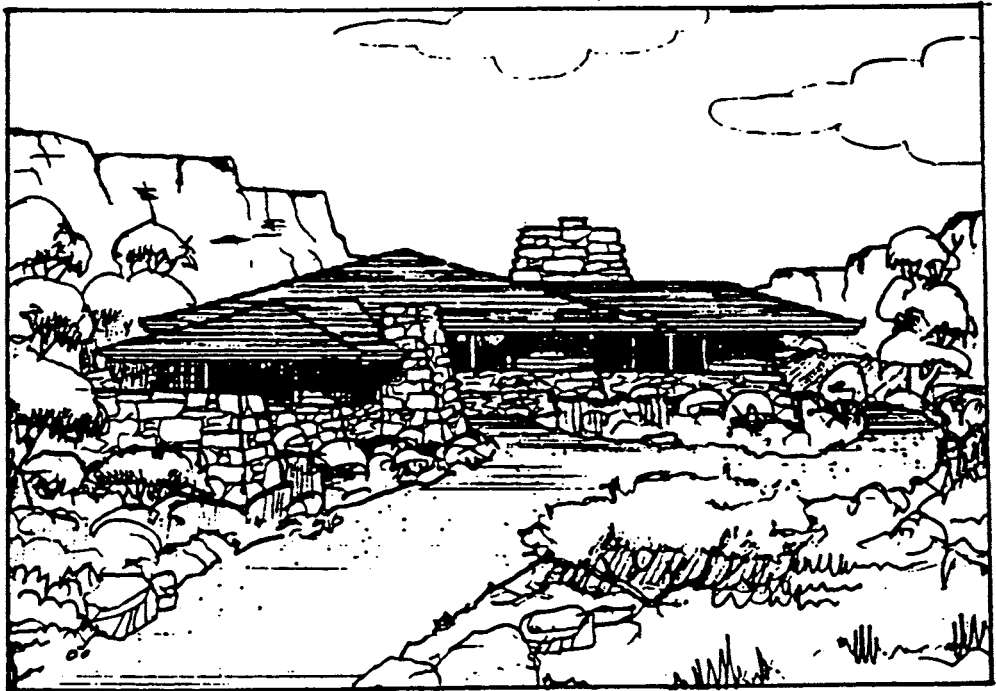
Mary Colter provided the inspiration for this concept with her Lookout Studio and Hermit's Rest buildings at the Grand Canyon. In these she used low pitch asymmetrical shed roofs with long overhangs and anchoring stone masses.

**CLASSIC  
LOW PITCH  
GABLE ROOF**



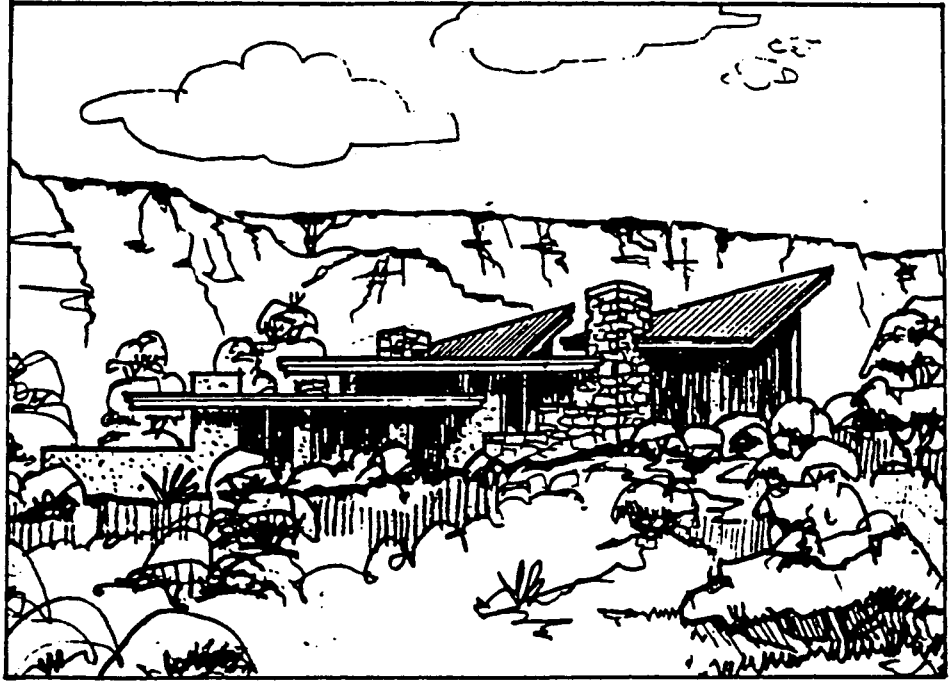
This concept stays to a 2.5/12 roof slope, uses large eaves and beam expressions, and has rooted corner elements and fireplace. Its success is enhanced by having several stepping roof levels.

**HIP ROOF**



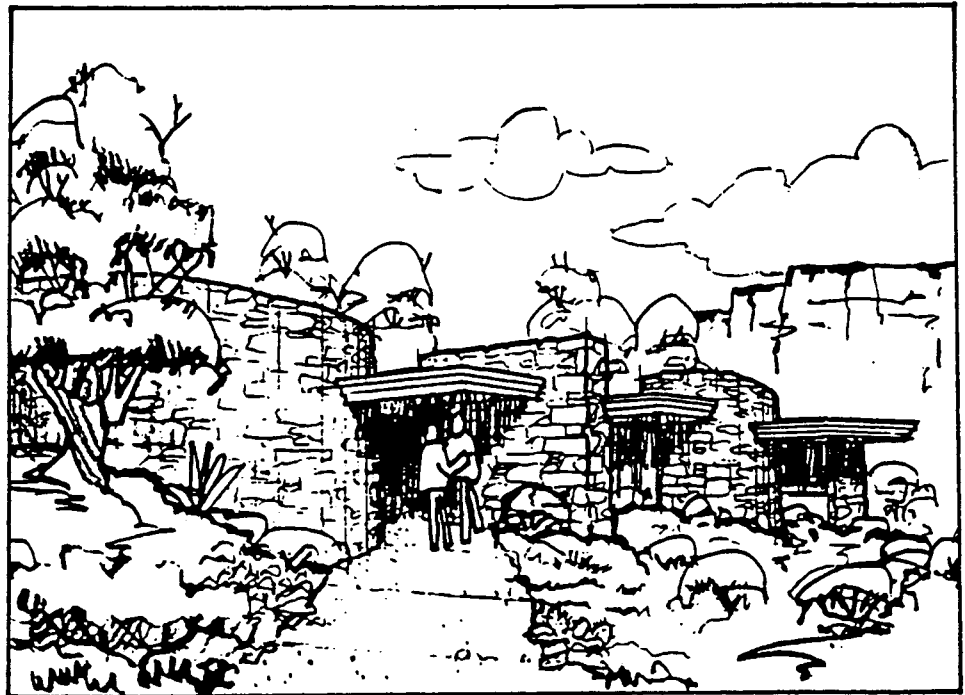
The hip roof concept takes its beginning inspiration from Frank Lloyd Wright's Prairie style homes with their exaggerated overhangs, and then brings them into the Southwest with native stone and wood/logs as the primary wall materials.

**INFORMAL  
CONTEMPORARY**



There are many forms that this concept can take, using multiple horizontal roof projections balanced with vertical earthy masses in stone or stucco. It may also combine with pitched forms responding to a particular view.

**ORGANIC  
CONTEMPORARY**



One can combine several themes from the concepts above, using curved forms, stone masses, big overhangs, and stepping roof planes as in this example.

# BLACK BOULDER MESA

## RESIDENTIAL DEVELOPMENT STANDARDS

### PALETTE OF MATERIALS

This list is not meant to be exhaustive, but should set the tone for what is appropriate on The Mesa. If a lot owner or designer has questions regarding any material not listed here, he or she should contact the Architectural Committee for clarification prior to beginning design.

#### **Roofing Materials:**

##### Allowed:

- Metal (dark green or browns or patinaed)
- Fiberglass/Composition Shingles (dark green or browns)
- Wood Shakes
- Built-up asphalt with gravel finish (dark earth tones)
- Membrane roof systems (with dark finishes on lower sites)
- Slate Tiles (or Man-made tiles that do a good job of looking like slate)

##### Prohibited:

- Other Tile (mission tiles, s-tiles, concrete tiles, glazed tiles)
- Roll Roofing

#### **Wall Materials:**

##### Allowed:

- Native Stone (all homes must have some stone - the stone must be indigenous, from the general region, not exotic)
- Wood (natural preferred; staining better than painting.)
- Stucco (a house with stucco as the predominate wall material will receive more scrutiny than most in the design review process, as minimal texture of the wall surfaces can potentially be more visually apparent in the landscape. These homes will benefit from stronger use of the design patterns above.)
- Glass (no reflective coatings)
- Metals (rusted or patinaed only)

##### Prohibited:

- Brick, block, etc.
- Fake materials - stucco stone, vinyl siding, etc.

# BLACK BOULDER MESA

## RESIDENTIAL DEVELOPMENT STANDARDS

### DESIGN PATTERNS

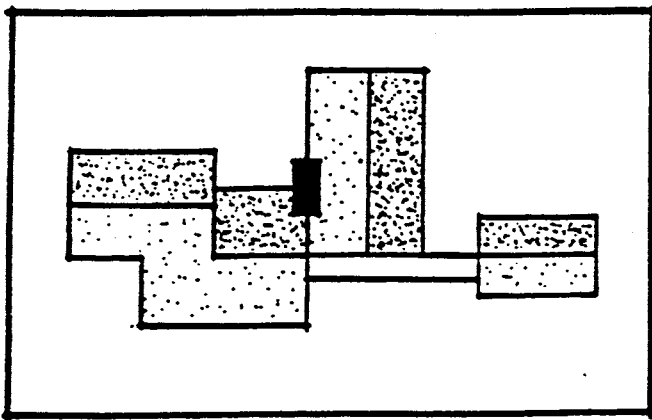
The following patterns are guidelines to aid in creating designs that integrate with the Black Boulder Mesa landscape. Each design does not have to incorporate all of these patterns, but they will be used to help the architectural review committee evaluate the appropriateness of a submission.

#### Building Mass Patterns:

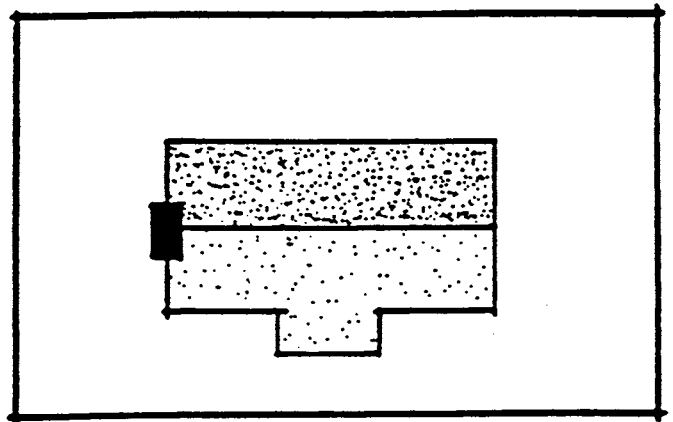
##### 1) Break Larger Homes into Multiple Masses:

A small house can have a simple form, and still integrate into its site easily. The larger the home, the more important it is to visually break the form of the structure into a composition of multiple smaller masses. These breaks should happen both horizontally and vertically. Avoid long, straight walls without any offsets. Detached garages, guest quarters, etc. can be one way of addressing this pattern. Any detached structures should follow the same design patterns and use the same materials as the main structure (see patterns 9 & 10).

##### Pattern # 1 - Site/Roof Plan Comparison



Multiple Smaller Forms  
Encouraged



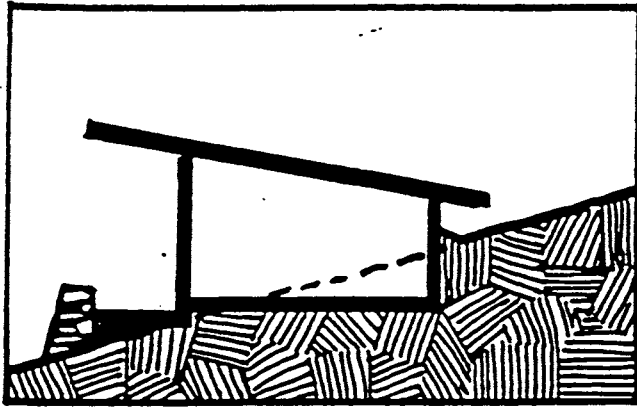
One Large Form  
Discouraged



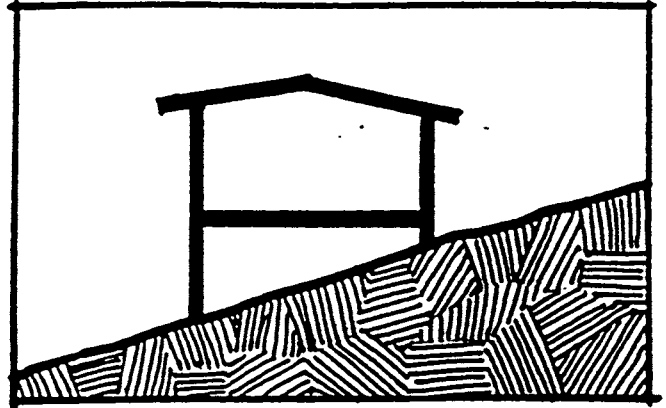
2) Nestle into Slopes:

When the building site is on sloped terrain, it is preferable to excavate into the slope rather than frame a floor level above a large crawl space. This will help minimize building height in relation to the native vegetation, and give the structure a more anchored feeling.

Pattern # 2 - Section Through Slope Comparison



Building Excavated Into Slope  
Encouraged

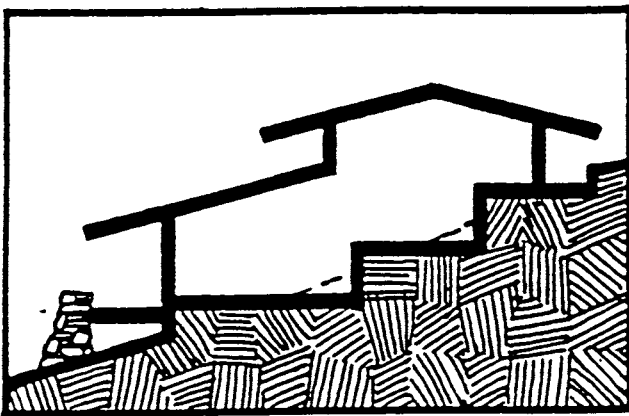


Building Up On Crawl Space  
Discouraged

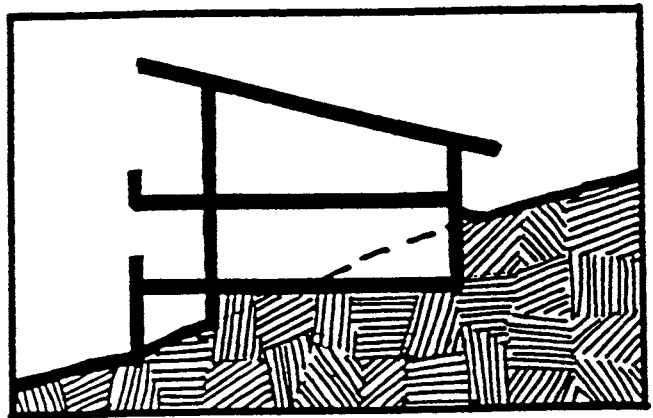
3) Step with Slopes:

When a larger building is designed on a sloping site, it is preferable to step the floor levels with the natural terrain rather than stacking space directly over other space. This will help minimize the visual impact of two-story wall expressions.

Pattern # 3 - Section Through Slope Comparison



Several Levels Step Down Slope  
Encouraged

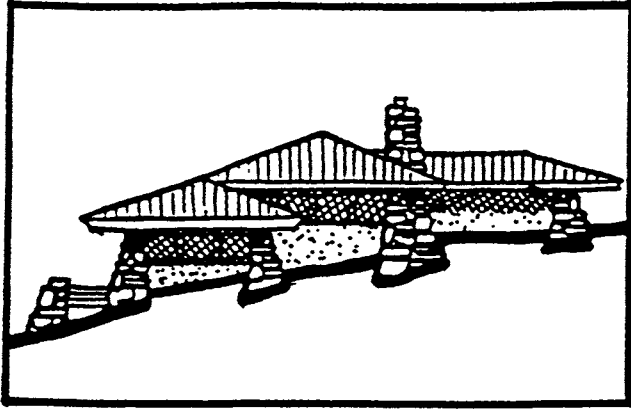


Two Stories Stacked  
Discouraged

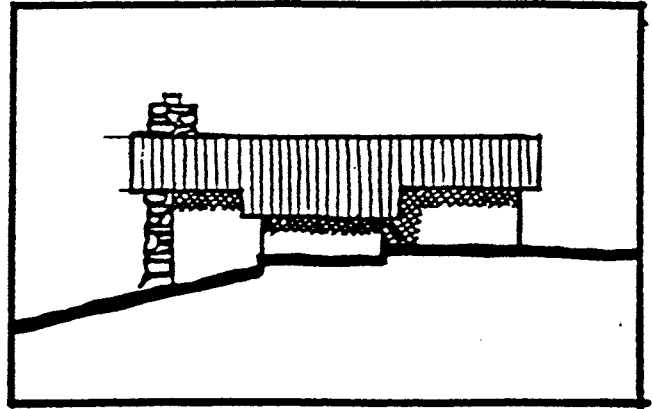
#### 4) Cascade of Roof Forms:

Multiple roof layers recall the natural mesa forms and structure of tree canopies. A variety of roof levels is preferable to a single roof form in most instances. In general, these roofs should flow from a smaller form on top, to larger, more horizontal expressions as they step down. The maximum roof pitch allowable is 3.5/12, so as to minimize visible roof mass, and avoid steeper pitched "chalet" styles on The Mesa.

#### Pattern # 4 - Building Elevation Comparison



Multiple Roofs Step Down  
Encouraged



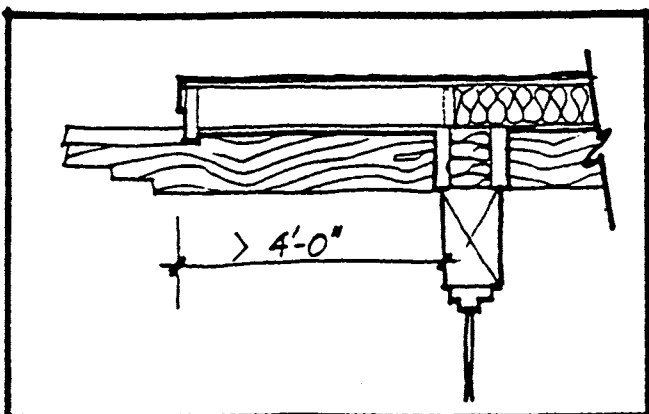
One Large Roof Above  
Discouraged

#### Detailing Patterns:

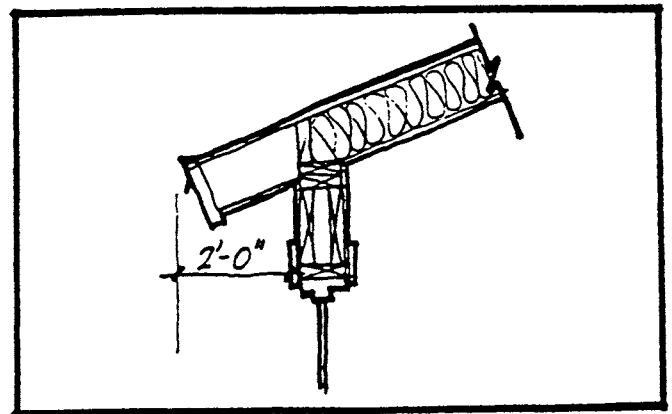
#### 5) Large Eaves and Beams:

The longer the eaves, the greater the shadow created, which helps the mass of a building wall recede into the landscape from a distance. Exposed beams and rafter tails also help create rhythm and texture on the exterior, which visually softens the building mass. In general, it is better to err on the side of oversizing beams and eaves rather than undersizing them, both for the above mentioned goals, as well as creating a more substantial and sheltering feeling. This pattern is not meant to preclude parapet walls. However, it is encouraged to use such walls without overhangs more on the interior of the mesa rather than in visually prominent locations, or to build them out of textured natural stone so that they become an extension of the mesa itself.

#### Pattern # 5 - Roof Detail Comparison



Long Eaves, Rhythm of Beams  
Encouraged

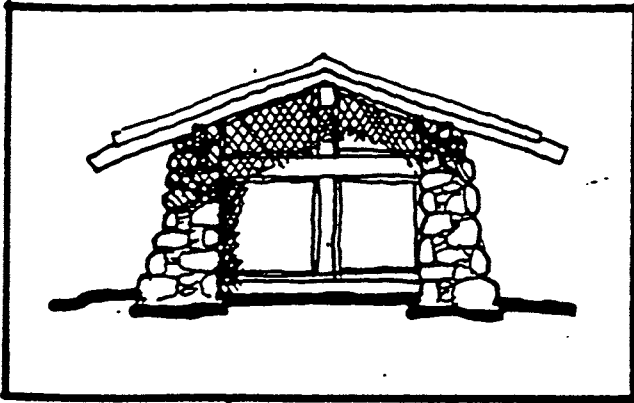


Stubby Overhangs, No Detail  
Discouraged

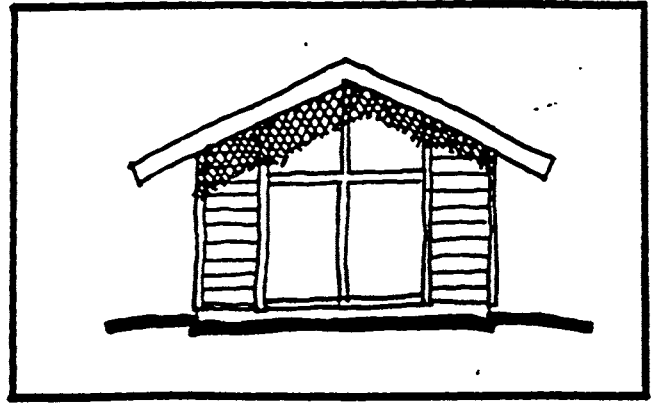
## 6) Building Anchors:

Use elements in the design of homes for Black Boulder Mesa that act like roots or anchors for the overall form. Masonry chimneys can serve this purpose, as well as buttresses, enlarged corner piers, battering walls, etc. These should be utilized in a consistent pattern, integral to the design, and not tacked on as an afterthought.

### Pattern # 6 - Building Elevation Comparison



Strong Corner Piers Anchor  
Encouraged

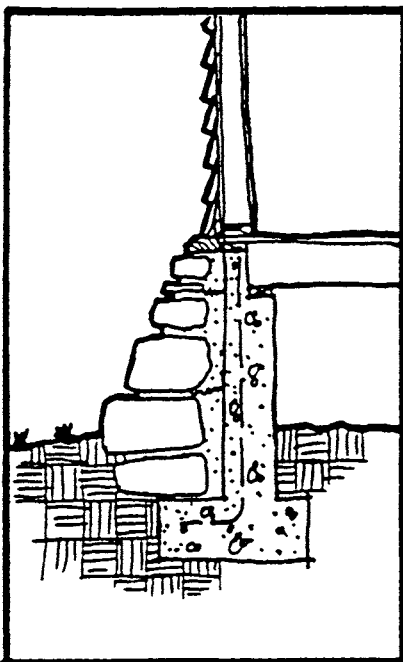


Simple Box Form Floats  
Discouraged

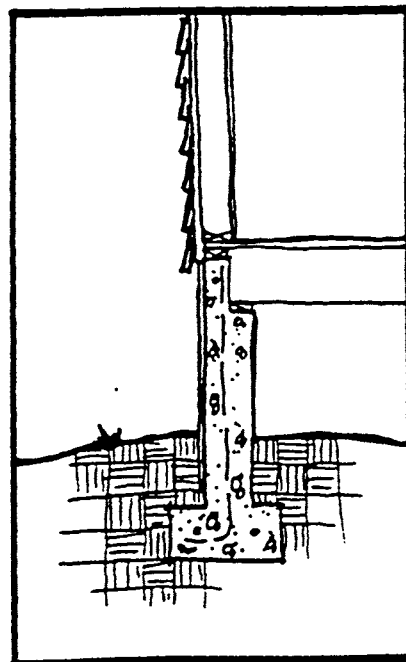
## 7) Foundations:

Foundation elements should also anchor the structure in an organic manner that appears to grow naturally from the surrounding terrain. This can be accomplished by making the foundation wall an extension of the wall above down into the earth (as in stone or stucco finishes), or by stepping out with a masonry base to a lighter wall material above. In all instances, foundation walls and piers must be finished in a material compatible with and repeated elsewhere in the construction of the residence and the natural landscape.

### Pattern # 7 - Foundation Detail Comparison



Stone Base Steps Out with Detail  
Encouraged



Stem Wall in from Siding Above  
Discouraged

### 8) Range of Color:

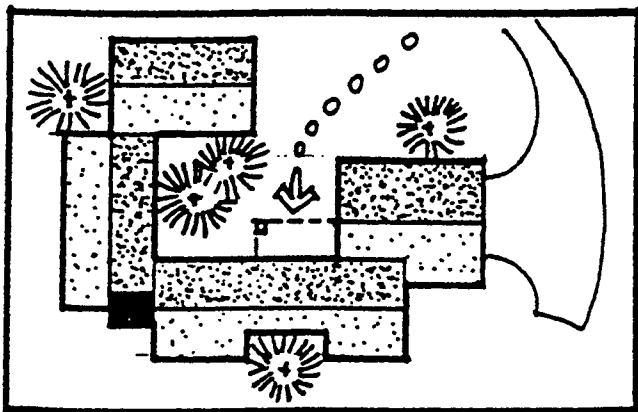
Let the natural color of materials express where possible. Avoid painting all materials one color. A subtle range of colors reflects nature better, and helps a building settle into its natural environment more than one painted a uniform tone. Mullions or transoms separating glass areas should not be the same color as the adjacent wall areas, but should generally be painted darker to avoid the sensation of "thin stripes". A palette of several different colors can be used to enhance and reinforce the multiple building masses described in pattern 1.

## Landscape Integration Patterns:

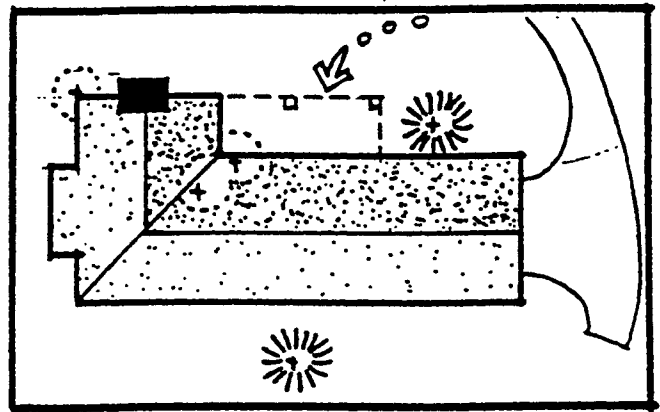
### 9) Integrate Existing Trees:

Work around existing vegetation where possible. Step building walls around special trees; let trees inhabit entry niches, courtyards, etc. A tree coming up between two roof forms does wonders for reducing the impact of the overall building form. This pattern is not meant to be overly restrictive; even using it minimally will help a building feel like it has been there much longer than it has.

#### Pattern # 9 - Site/Roof Plan Comparison



Trees Saved In Niches and Court Encouraged



Trees Lost, Long Straight Wall Discouraged

### 10) Covered Outdoor Walkways:

Using a covered outdoor walkway to connect several parts of a building or several detached structures will make the overall mass of the building more transparent. It can help create more rhythm and shadow as discussed in the Large Eaves pattern, and will integrate the immediate natural environment with the everyday experience of the inhabitants.

FIRST AMENDMENT TO  
THE BLACK BOULDER MESA  
RESIDENTIAL DEVELOPMENT STANDARDS

The undersigned, being all of the members of the Architectural Committee for The Black Boulder Mesa (the "Architectural Committee"), hereby amend The Black Boulder Mesa Residential Development Standards (the "Development Standards") which was recorded on October 23, 1997 as Entry No.217211 in Book 336 at Pages 587-613 in the records of the Garfield County Recorder, in the following particulars:

WITNESSETH

A. Section 6.6 of the Development Standards authorizes the Architectural Committee to unilaterally amend the Development Standards in any manner and for any reason.

NOW THEREFORE, pursuant to the authority granted in Section 6.6 of the Development Standards, the Architectural Committee hereby amends the Development Standards as follows:

1. Section 2.16 is hereby deleted and is replaced by the following:

2.16 Lighting. Lighting is an important feature of site development, inside and out, and must be installed and controlled in a way that it does not make the structures or the site unduly visible off-site or to the neighbors or unduly interfere with the nighttime views of the sky. Therefore, lighting must be used sensitively for specific purposes and in specific ways as approved by the Architectural Committee. In all cases, including inside and outside lighting, exposed bulbs and other light sources are prohibited. They must be hooded, recessed, shielded or pointed at the ground to light a specific area and avoid undue glare. No light sources can be visible off-site. Floodlights, high intensity lights, and high wattage yard lights are specifically prohibited. Further examples are: Outside lighting, whenever possible, shall be situated lower to the ground simply to light the path, as opposed to higher and generalized. When the property is unoccupied, or the outside lighting is not being specifically used as a visual aid to guide human occupants on the outside, or the occupants are retired for the evening, all outside lighting shall be turned off. Accent lighting to highlight trees and other landscaping features, if any, shall be lower in wattage, discrete and only be used for active enjoyment by the occupants, as opposed to on a timer and used indiscriminately. Any inside lighting that is visible from the outside through windows or other openings must be mitigated according to the same criteria. Interior night lights used when the occupants are retired for the evening must be low in wattage and not visible through any of the primary or bay windows. No lighting by an owner may occur adjacent to the right-of-way without the approval of the Architectural Committee. Additional site lighting is permitted within a Building Envelope, provided such lighting does not result in undue glare and it complies with the foregoing. Approved methods for moderating outside and inside lighting, such as indirect, low intensity, located near the ground, shielded and hooded from upward glare, and other mitigating methods can be provided by the Committee upon request.

2. Section 3.4 is hereby deleted and is replaced by the following:

3.4 Height Of Structures. Building height for residences (exclusive of chimneys or other protrusions approved by the Architectural Committee) shall not exceed 14 feet as measured above natural grade directly below the point in question. The Architectural Committee has the authority to grant a variance to this requirement on a particular site depending upon where the structure is proposed, how visible it would be to anyone viewing it from offsite, and the particular demands of the site and the proposed design. A primary element that this section is intended to prevent or mitigate is two story vertical wall massing on flat sites or on sites that have a high degree of visibility offsite. The Architectural Committee has substantial leeway, however, in interpreting this section for sloping sites or sites and designs that have limited exposure offsite.

3. Section 3.5 is hereby deleted and is replaced by the following:

3.5 Use Of Native Stone. Native stone of some variety found in the greater region, of which there are several types, colors and shapes, is required on each residence. The rule is to require a minimum of 50 % stone as the exterior wall surface, defined as those solid wall areas exclusive of window wall square footage. Small isolated windows will be counted as solid wall. This is a general guideline, and in practice, some designs may be required to have an even greater percentage of stone. Most important is the overall integrity of the design patterns used and the vernacular style chosen by the homeowner and architect. For instance, a Classic Low Pitched Gable Roof (see character sketch in Schedule One) design vernacular may use a battered stone corner pattern, or stone wainscot pattern, each of which could be successful with 50% stone, and having wood, stucco, or patinaed metal make up the rest of the wall surface. However,

an Anasazi inspired pueblo style, using mostly parapetted massing, may need to be substantially veneered in stone for the pattern to have any consistent validity. One might use stucco under deeply recessed window sills, or on wall areas under covered portals, but an arbitrary mixing of stone parapetted forms with parapetted masses in other materials may appear too haphazard and inconsistent. The same can apply to an arbitrary mixture of stucco and stone that feels to random even though it meets the 50% rule. There will always be exceptions to any rule, and in rare cases the Architectural Review Committee may actually approve designs with less than 50% stone if the patterns result in sufficient site integration and create a strongly rooted visual connection to the earth. For instance, an organic adobe brick wall, with all openings detailed to show its true thickness and inherent unevenness, may work fine with a stucco finish as shown in the Trading Post Pueblo Character Sketch (working in tandem with some stone), but a similar plan constructed with wood framing or rigid concrete block will always appear too flat to have the same stucco finish be approvable. In general, the simpler and “boxier” the form, the more modern the materials used, and the fewer overhangs created to develop shadowed interest in massing, the greater the requirement for stone texture will be. Various examples of this are found in Schedule One hereto. Stone with moss or lichen or other mottling on the facing surface is encouraged. Artificial stone or exotic stone not commonly associated with and organic to the region are prohibited.

4. Section 3.6 is hereby deleted and is replaced by the following:

3.6 Exterior Colors. The color of exterior materials must generally be subdued and blend with the natural landscape. The darker earth tones are recommended and accent tones must be compatible. The LRV or light reflective value of any color will be given weight and any material or color with an LRV exceeding 40 (forty) will be prohibited. White or light trim on windows, fascia or other details or any combination of colors tending to show up at a distance and create a “candy-striping” effect, are also prohibited. This does not mean that the color should match; in fact, dissimilar materials should have different yet compatible colors, much as one observes in nature. An entirely monotone wall(s) will also stand out against the natural color variation in it’s environmental backdrop and must be mitigated, for example, the committee may require that stucco walls use a product or technique or both in construction to create a “mottled, blended or aged” effect rather than a solid monotone surface depending upon other factors such as the size, shape, location, visibility and surrounds of the wall(s) in question.

5. Section 3.7 is hereby deleted and is replaced by the following:

3.7 Windows And Skylights. The glass of windows and skylights must not be highly reflective, nor may their frames consist of reflective material that is left unfinished. This especially applies to aluminum frames which must be anodized or finished with baked enamel. The frames must be within the darker range of colors so as not to contrast tonality too much with the adjacent wall material color, thus avoiding any “candy striping” effect. This does not mean that the color should match; in fact, dissimilar materials should have different yet compatible colors, much as one observes in nature. It is also recommended that closely located groups of windows be actually composed together. Most window manufacturers have break metal that matches their cladding, and can be used as mullion covers if wood trim is not desired. Either wood trim or matching metal mull covers are preferable to thin stripes of stucco between groups of windows in a wall or at building corners. If windows are to be separated by a “massive” material like stucco or stone, this mass should be at least 16” or more.

6. Section 3.13 is hereby added to Section III as follows. It is intended to modify or change Schedule One of the Residential Design Standards, as well as any other provision previously recorded with which it may conflict:

3.13 Roofing Materials, Configuration and Colors. All bare or painted metal roofing material whether standing seam, flat, shingle or other configuration is disallowed due to their reflective nature. Exceptions may be made by the Architectural Committee for rusted metal or copper upon application by the owner giving adequate assurance that the rust or patina will cover and be capable of taking away the glare. Membrane roofing will be allowed on flat roof designs and not on exposed pitched roofs. Large monotone roof masses are discouraged. Smaller roof masses are encouraged working at slightly different elevations and configurations. Light colors are discouraged and darker colors that blend in with the trees are encouraged. Flat roofs with parafit walls are encouraged, and can be required by the Committee, on those portions of any structure that front the rim on top of the Mesa or on other sites with a high degree of offsite visibility.

7. Section 3.14 is hereby added to Section III as follows. It is intended to modify or change Schedule One of the Residential Design Standards, as well as any other provision previously recorded with which it may conflict:

3.14 Variances. The Architectural Committee is empowered to grant reasonable variances to any of the RESIDENTIAL DEVELOPMENT STANDARDS for good cause shown. The burden is on the owner/applicant to demonstrate a lack of adverse impacts off-site to the committee. All requests for such a variance shall be submitted during the initial, thumbnail sketch phase of the approvals process and prior to the owner becoming vested and invested

in a particular design. The Committee may require the owner/applicant to erect a simple visual aid in the form of flagging or temporary scaffolding or other means of assessing the off-site impacts of the requested variance. The Committee will entertain a request for a variance from a potential owner as to a specific site in advance of purchase. Any variance granted will be made a part of the purchase agreement and binding on both parties. Otherwise, nothing contained herein shall vest any rights in any other owners as to any particular variance and each variance shall be site specific and applied only to a particular structure or element thereof.

This amendment shall be effective upon recording in the office of the Garfield County Recorder. Except to the extent specifically modified herein, the Development Standards shall remain in full force and effect.

DATED: February \_\_\_\_, 2005.

THE BLACK BOULDER MESA ARCHITECTURAL COMMITTEE

By \_\_\_\_\_  
Curtis K. Oberhansly

By \_\_\_\_\_  
Mark M. Austin

By \_\_\_\_\_  
Design Group

STATE OF UTAH )  
) ss.  
COUNTY OF GARFIELD )

On February \_\_\_\_, 2005, personally appeared before me Curtis K. Oberhansly, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal. \_\_\_\_\_  
NOTARY PUBLIC

STATE OF UTAH )  
) ss.  
COUNTY OF GARFIELD )

On February \_\_\_\_, 2005, personally appeared before me Mark M. Austin, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal. \_\_\_\_\_  
NOTARY PUBLIC

) ss.  
COUNTY OF )

On February \_\_\_\_, 2005, personally appeared before me \_\_\_\_\_, an authorized member of Design Group, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal. \_\_\_\_\_  
NOTARY PUBLIC