

**GENERAL DEVELOPMENT GUIDE
TALL PINES RANCH SUBDIVISION
EL PASO COUNTY, COLORADO**

I. BACKGROUND. The property is located approximately three miles east of Interstate 25 and one-half mile north of State Highway 105 in northern El Paso County. It consists of 157 acres of rolling hills, primarily heavily treed land with access from Highway 105 in northern El Paso County which is surrounded by other residential developments including Arrowwood, Langtree, King's Deer and Forest Height. The zoning which has been approved is Planned Unit Development allowing for the construction of requisite infrastructure and 52 residential lots which shall be in a covenant controlled community.

SITE ANALYSIS. The site consists of rolling hills and grassy meadows. The majority of the site is heavily treed with Ponderosa pine. The property drains from relatively gentle slopes into existing systems. Water shall be provided by individual on-lot wells constructed into the Dawson aquifer. Since the Dawson is not-nontributary at the site, a decreed plan for augmentation is required before the proposed use of water from the aquifer. Individual Sewage Disposal Systems will be utilized, the majority of which shall be conventional systems. Where required by percolation rates, high ground water or bedrock depths the systems will be fully engineered. Primary access to the project shall be from the south from Highway 105 which will require the Developer to construct acceleration and deceleration lanes along Highway 105.

II. STATEMENT OF PURPOSE AND INTENT. Tall Pines Ranch is a rural, residential community consisting of a maximum of 52 lots, some of which already contain existing housing. It is a planned community which shall be controlled by covenants. A homeowner's association shall be formed to insure that the integrity of the development continues after the owners have built out on the lots and no longer control the development. The development standards are intended to carry out the intent of the developer and of El Paso County so that the planned community described herein is a unified, quality development that takes into account the unique topographic and forestry features of the property. The zoning allows flexible site design and innovative solutions to sensitive ecosystems within the development blending the natural beauty of the area with an innovative residential community.

III. AUTHORITY. The authority for this Development Plan is Part IV, Section 165 of the El Paso County Zoning Resolution. The enabling legislation authorizing the County to utilize planned zoning is C.R.S. 24-67-101, et. seq. which legislation is known and cited as the Planned Unit Development Act of 1972, as amended. Provisions of this Development Guide shall prevail and govern the development of Tall Pines Ranch subdivision which development shall also be in conformity with covenants recorded prior to the beginning of construction. The subdivision and zoning ordinances and regulations of El Paso County, Colorado

J. Patrick Kelly El Paso Cty, CO
10/05/1999 04:21
Doc \$0.00 Page
Rec \$40.00 1 of 8

099155870



shall apply where the provisions of this document, covenants or other approved documents do not address a specific subject.

IV. APPROVED MAXIMUM LAND USE. The maximum number of lots which shall be developed in Tall Pines Ranch Subdivision shall be the approved number authorized by the Board of County Commissioners of El Paso County which number has been authorized at 52 lots. That number shall not in any event be exceeded at any time unless the Board of County Commissioners shall approve an amendment to the approved Planned Unit Development Plan, in accordance with applicable rules and regulations of El Paso County. Accessory and special uses shall be in accordance with the requirements of the RR2 District unless expressly prohibited. Replats are allowed under the same subdivision name but the maximum number of lots allowable pursuant to the authorization of the El Paso County Board of County Commissioners shall not increase without prior approval by the Board of County Commissioners or the governmental entity then having jurisdiction over the land area.

V. GUIDELINES. Design elements included in these guidelines are meant to provide the maximum flexibility possible consistent with stated development objectives. While some elements are mandatory and others discretionary, the El Paso County Planning Department reserves the right to implement and require compliance with the discretionary guidelines as deemed necessary and consistent with the provisions of the County's Land Development Code. The guidelines addressed in this Development Guideline include site considerations, structure and building footprints, streets, open space, drainage and fire mitigation.

A. SITE CONSIDERATIONS. Buildings, streets and open spaces shall be designed to utilize to the maximum extent possible the amount and quality of views and natural light. Natural features of the site have been incorporated into the development plan so that the existing water and vegetation elements are preserved to the maximum extent possible consistent with the intent of the development and safety considerations

1. WATER WELLS. The location of water wells shall be sited to minimize the impact of water drawn within a limited area. No well shall be drilled within twenty-five (25) feet from any lot line or fifty (50) feet from a previously permitted water well, whichever distance is greater. The groundwater rights and plans for augmentation were approved in the District Court, Water Division 2 in Case No. 97CW51 which was executed by the Court on November 2, 1998 recorded at reception No. 099019927, El Paso County Clerk and Recorder and is incorporated herein by this reference. The Homeowner's Association which is to be formed as noted below shall assume the responsibility for the compliance with all terms of the Court Order upon the assignment of that responsibility to the Association by the Developer as provided in

J. Patrick Kelly El Paso Cty, CO
10/05/1999 04:21
Doc \$0.00 Page
Rec \$40.00 2 of 8

099155870

the Covenants and other applicable documents detailing the transfer of authority from the Developer to the Association.

2. BUILDINGS. Buildings shall be located on lots in such a way as to minimize damage to existing trees and vegetation. The lots shall be maintained in the natural state as much as possible, except a reasonably sized lawn and/or garden, not to exceed two thousand five hundred (2,500) square feet may be planted around the house. Xeroscape landscaping is highly encouraged.

VI. STRUCTURE AND BUILDING FOOTPRINTS. The goal herein is to obtain a variety of designs which shall be logically consistent with each other, siting the buildings upon lots so as to present a consistent theme throughout the community while not prohibiting the use of innovative designs and concepts. Factors considered include building type, height, architecture, indoor and outdoor relationships both on the single lot and throughout the community, building orientation, open space, retention of natural amenities and landscaping. Buildings shall be sited to preserve existing view corridors of surrounding developed property to the maximum extent possible.

A. SETBACKS. Varied front setbacks and landscaping are encouraged to provide visual relief throughout the development. Building setbacks may be adjusted during the Plot Plan process based upon site specific needs which have been identified as a result of additional specific site planning.

B. BUILDING LOCATIONS. Buildings and structures should generally be placed or erected at least ninety (90) feet from any lot line fronting a road and at least thirty-five (35) feet from any other lot line unless specifically approved by the Architectural Control Committee (A.C.C.). In no event shall a structure be located closer than twenty-five (25) feet from any property line. No building shall be located in an easement. Setbacks shall be measured from property line to the foundation line of any buildings. In addition, there shall be a fifty (50) foot setback from the northerly boundary of Lot 14; a seventy-five (75) foot setback from the northerly boundaries of lots 15, 16, 17, 43, 44 and 45; and a one hundred (100) foot setback from the southerly boundary of lots 1,2,3,4,5 and 6, all as shown on the approved Development Plan for Tall Pines Ranch which approval shall control minimum setback requirements. Accessory buildings shall comply with these requirements and shall not be located in any front yard absent specific approval of the A.C.C. which shall grant permission for accessory buildings to be located in front yards only under unusual conditions and only if the design is consistent with the overall intent of these guidelines. Administrative modification of these setbacks must be in accordance with Section 16.Q.2 of the El Paso County Land Development Code.

J. Patrick Kelly El Paso Cty, CO

10/05/1999 04:21

Doc \$0.00 Page
Rec \$40.00 3 of 8

099155870

C. GARAGES, BUILDING HEIGHTS. Garage or other accessory buildings will not be developed to dominate the street frontage of the home. Maximum building heights for the development shall not exceed thirty-five (35) feet for the garage or the house. Additionally, as noted elsewhere, the buildings shall be designed so as to preserve to the maximum extent possible existing view corridors of adjacent developed properties. The existing five residential properties within the development shall be considered to conform with these Development Guidelines.

D. LOT SIZE AND USE. The minimum lot size within the development shall be two and one-half (2 1/2) acres per unit as identified by the approved Preliminary Plan. Permitted principal uses within the development shall consist of single family detached residential units and accessory structures consistent with RR-2 zoning in El Paso County as well as home occupations as allowed by the El Paso County Land Development Code. Except for the lot specifically excluded from the prohibition of allowing horses which is set forth in the Declaration of Covenants, Conditions and Restrictions, no horses are allowed within the subdivision nor are poultry or livestock of any kind except commonly accepted domestic household pets which may be kept provided they are not kept or maintained for any commercial purposes and provided further that they are kept in full compliance with any applicable rules and regulations of the Homeowner's Association.

VII. STREETS. Streets shall be located generally as noted in the approved Preliminary Plan drawing. Internal streets shall be paved and required improvements to Highway 105 shall be completed according to plans approved by the Colorado Department of Transportation and shall be installed at the expense of the developer. The Gordon Way easement currently used for ingress and egress for existing residential buildings within the subdivision shall be relinquished upon completion of the internal road system or sooner and shall be plowed and revegetated and returned to a natural state. Such relinquishment shall occur in any event not later than one year following the recording of the Final Plat. The owners of Tall Pines Ranch shall not object to a vacation of the platted right of way of Gordon Way. Road improvements shall be designed in accord with specific criteria including traffic generation, type of drainage facilities required and utility placement and shall be improved pursuant to the El Paso County Subdivision Criteria Manual and Drainage Criteria Manual.

VIII. OPEN SPACE. The development shall be designed to utilize natural features and beauty of the individual lots to create open space, landscape amenities and visually pleasing landscaped areas adjacent to home sites, all of which utilize natural drainage courses and physical features of the land. Open space pockets may enhance the visual character within the community and allow for passive resident uses and wildlife habitat. Improvements to the open space shall be

J. Patrick Kelly El Paso Cty, CO
10/05/1999 04:21
Doc \$0.00 Page
Rec \$40.00 4 of 8

099155870

curtailed to preserve the area's natural character and beauty. Storm drainage within open spaces shall be of natural character.

IX. STORM DRAINAGE AND EROSION CONTROL. JR Engineering, Ltd. has prepared the Final Drainage and Erosion Control Report which is incorporated herein by this reference. In summary, the development is located directly on top of the Palmer Divide. Historically, run-off generated on-site exits in all directions. Existing drainage patterns will be maintained to minimize impact on adjacent properties. Lots will not be overlot graded with grading limited to that required for construction of roadways. Run-off will be conveyed in roadside ditches sized to contain run-off from the 100-year storm. Drainage swales will be constructed along lot lines as is necessary to convey concentrated flows to existing natural drainage channels at the property lines. Erosion and sedimentation will be controlled on-site by use of straw bale barriers and seeding. To enhance the success of revegetation efforts in the drainage swales and roadside ditches, a minimum of four inches of suitable topsoil shall be placed within these areas. Riprap aprons are provided at culvert outlets to protect from erosion and scour. All temporary and permanent erosion and sediment control practices shall be maintained and repaired by the owner during the construction phase as needed to assure continued performance of their intended function. The drainage and erosion control report adheres to regulations and calculation methods set forth in the Drainage Criteria Manual for the City of Colorado Springs/El Paso County. Pursuant to Colorado law, drainage leaving the site to neighboring properties shall be held to historic flows which is consistent with the Drainage Report.

X. FORESTRY MANAGEMENT/FIRE MITIGATION. The unique forest qualities of Tall Pines Ranch require continuing and regular vegetative management. Tree/shrub removal, pruning and planting are encouraged for preservation of sunlight openings, aesthetics, landscape enhancement, general forest conservation (including control of over-growth, insects and diseases), soil erosion control, fire hazard abatement and creation of defensible space for fire protection and control near structures.

A. FORESTRY PROCEDURES. Execution of small amounts of control operations, based on annual growth rates, is encouraged on an annual basis. Cooperative work by groups of lot owners is also encouraged. Such work will follow forest/vegetation management plans prepared on a ten-year basis by a graduate professional forester for each lot owner at the expense of the lot owner. Lot owners are responsible for prompt treatment or removal of trees infected by pine beetle or other insects which can kill trees within a year and which might spread to adjacent trees and lots, and to reasonably control any diseased trees, including those with slow parasitic growth such as mistletoe. Owners are encouraged to maintain tree densities and forest conditions promoting good forest health, safety and not posing a high fire, insect or disease risk to their tract, adjoining lots or other adjoining lands.

J. Patrick Kelly El Paso Cty., CO
10/05/1999 04:21
Doc \$0.00 Page
Rec \$40.00 5 of 8

099155870

E. FIRE MITIGATION. All roofing materials shall be noncombustible or fire resistive. All exterior walls shall have a fire resistance rating of one hour. All under-eave vents shall be located near the roof line rather than near the wall. All eaves shall be boxed and minimum overhangs shall be encouraged. All windows and patio doors shall be made of tempered safety glass or double pane glass. Masonry patios and/or one-hour fire rated decks shall be encouraged to create a setback safety zone. Builders will be encouraged to minimize the number and size of windows and doors on the side of the house most likely to be exposed to fire. All homes shall have a thirty-foot safety zone or primary fuel break in all directions. All large trees within the safety zone shall be trimmed to eliminate overlapping crowns. Homeowners shall be required to maintain the thirty-foot safety zone by removing all fuels from beneath large trees and to take other reasonable measures to protect against fires being started or fueled by the conditions on their property. All building and maintenance regulations of the Tri-Lakes Fire Protection District or its successor shall be followed.

XI. DRAINAGE PONDS Drainage ponds shall be constructed pursuant to the criteria set forth in the Final Drainage Report and are located on Lots 7, 15 and 50. They shall be maintained by the Developer during construction. Upon the formation of a Homeowner's Association for the Tall Pines Ranch, the developer shall transfer the obligation of maintaining the drainage ponds to the Homeowner's Association which shall, pursuant to the Articles, Bylaws and other applicable documents of the Homeowner's Association and any pertinent deeds or agreements between the Developer and the Association, be responsible for the maintenance of the ponds in perpetuity. Maintenance of these ponds located on these lots is ensured by a private detention pond maintenance agreement on record in El Paso County under reception No. 99155869. Such obligation shall cease only if a revised drainage plan should at some time in the future be approved by the local governing body which would allow for the removal of the drainage ponds and the substitution of the ponds with an alternate approved drainage facility.

XII. MAILBOXES. The type and location of mailboxes within the subdivision are subject to the review and approval of the El Paso County Department of Transportation and shall be in accordance with the U.S. Postal Service's policies and regulations. Entrance monuments located within the public right of way must have prior approval of the El Paso County Department of Transportation. Mailboxes shall be located so as not to provide a traffic hazard between residents picking up their mail and other traffic. The mailboxes shall also be designed to aesthetically match the overall design and décor of the entire subdivision. Entrance features to the individual homes shall be designed to blend into the subdivision and shall utilize muted colors and unobtrusive design features. All driveways to each home shall be paved.

J. Patrick Kelly El Paso Cty, CO
10/05/1999 04:21
Doc \$0.00 Page
Rec \$40.00 6 of 8

099155870

XIII. PLOT PLAN APPROVALS. Developer shall create a Homeowner's Association which Association shall have an Architectural Control Committee which Committee shall have the responsibility for approving plot plans and designs for the individual homesites which shall be in conformance with this Guide and with the Covenants recorded controlling the internal development of the site. Prior to authorization of building permits, plot plan approval by El Paso County is required. The Architectural Control Committee shall have the authority to amend the Covenants as prescribed by law which amendments may constitute an amendment to this Guide but only to the extent allowed by applicable rules, regulations and law. Any changes concerning land use, drainage, streets, fire mitigation, open space or water shall by the terms of this Guide require the approval of the appropriate local governing body utilizing the procedures of the El Paso County Land Development Code.

XIV. CONSTRUCTION TRAFFIC. The impact of construction traffic upon existing neighborhoods shall be mitigated to the extent possible by the Developer, especially on Lake Drive. Developer shall erect signs to the entrance of the development limiting the hours of construction traffic to the hours of 7 a.m. to 6 p.m. Monday through Saturday and indicating that the speed limit for construction traffic is 25 miles per hour. Residents shall be provided the name and telephone number of a contact person who residents may contact in the event of problems associated with the construction traffic. Developer shall mitigate dust on Lake Drive, initially through applying dust control chemicals or water as required to eliminate dust to the extent possible. When paving is to be accomplished, Lake Drive and Highway 105 shall be paved first with the internal roads then being paved. Developer further agrees to develop language for insertion into its contracts with companies providing construction work which provision shall be a penalty to be imposed upon the contractor for violations of any provision of this paragraph. Construction vehicles are prohibited from tracking mud or debris onto county or state roads and the contractor shall be responsible for immediate correction of any such violation. Any sediment by runoff or by vehicles tracking onto the paved surface shall be removed by shoveling or sweeping and be transported to a controlled sediment disposal area. To the extent it is compatible with this provision, the Final Drainage Report is also referenced herein and shall be controlling including the use of the roadway designated therein for use of construction traffic. Developer further agrees to take any other reasonable steps or measures calculated to reduce the impact of the construction traffic on residents of Lake Drive as may be suggested from time to time by residents of Lake Drive.

XV. NATURE OF DEVELOPMENT GUIDE. This Guide and all obligations contained herein, shall run with the land and shall be deemed a covenant with respect thereto and shall be binding upon the developer and all subsequent title holders of property contained in the Development. In order to effectuate this provision, this Guide shall be recorded in the real property records of the County of El Paso, State of Colorado. Subsequent regulations enacted by any governmental entity having jurisdiction over Tall Pines Ranch Subdivision which is necessary to protect the health, safety and welfare of the inhabitants of the area governed by the governmental entity or if general in nature and applicable to all properties subject to such regulation, shall apply to Tall Pines Ranch Subdivision.

J. Patrick Kelly El Paso Cty., CO
10/05/1999 04:21
Doc \$0.00 Page
Rec \$40.00 7 of 8

099155870

XVI. NO THIRD PARTY BENEFICIARY. Except as otherwise specifically provided in this Development Guide, none of the terms, conditions or covenants contained herein shall be deemed to be for the benefit of any person not a party hereto, and no such person shall be entitled to rely hereon in any manner.

XVII. APPLICABLE LAW. This Development Guide shall be interpreted and enforced according to the laws of the State of Colorado.

XVIII. CONDITION OF APPROVAL. The terms and conditions of this Guide are hereby made a condition of approval of the PUD zoning of Tall Pines Ranch Subdivision and are incorporated into the approval as a condition thereof.

J. Patrick Kelly El Paso Cty., CO
10/05/1999 04:21
Doc \$0.00 Page
Rec \$40.00 8 of 8

099155870