

MEMORANDUM

DATE: September 8, 1993

TO: Don Newton, Karl Metzner

CC: Larry Timm, John Shaver, Planning Commission, Tom Rolland

FROM: Gerald Williams, City Development Engineer

SUBJECT: Traffic access to the proposed Ridge Heights Subdivision

At the Planning Commission meeting held September 7, 1993, public comment was made regarding the issue of adding more traffic to Country Club Park Road. The road is narrow, without adequate shoulders, has steep embankments which are without guardrails, has bad intersections, and steep intersection approaches. After extensive comment by the public, the question was asked by the Planning Commission whether or not City Engineering's lack of review comments on the traffic issue was an oversight or an indication that we felt the access was acceptable. The purpose of this memorandum is to clarify Engineering's position, and make a recommendation regarding public testimonials which was implied but not directly stated at the meeting.

Engineering review comments were not made concerning access to the subdivision, which "no comment" position was based upon the following issues:

1. The site was visited and accessed by both Hidden Valley Drive and Bella Pago Drive through Country Club Park Road. The latter access, which would serve 8 lots, was observed to be a narrow, steep, and winding road with bad intersections, and certainly not up to current City/County road standards.
2. There are many roads within the City and County which are not up to current standards due to roadway geometry, traffic controls, or traffic volume. Unfortunately, it is not economically feasible for public or private funds to correct all traffic problems by bringing the entire transportation system up to current standards.
3. While Country Club Park Road is certainly recognized as being the epitome of poor roadway geometric design, the limited traffic it carries reduces the seriousness of the problem.
4. The City has recognized in the past that a proposed development may unacceptably reduce the level of service of a roadway, and therefore a project may be denied unless improvements are provided which will mitigate the traffic impact. However, the City has usually taken this position only when the existing condition meets City criteria, but it can be proven by accepted technical procedures that the proposed condition cannot.
5. The additional traffic on Country Club Park Road that would be caused by 8 additional lots did not appear to be the "straw that broke the camel's back". The bad situation would become slightly worse, but from strictly a technical standpoint, which is the focus of our engineering reviews, we could not objectively justify denying the project as proposed, nor deny it unless significant facilities are provided to mitigate traffic impacts.

6. If a position of denial cannot be adequately justified from a technical standpoint, then the decision should be made by a political body such as the Planning Commission (or City Council, if appealed) as was done.

Given the above considerations, our technical response was silent regarding the traffic issue.

The testimonials expressed at the meeting and in submitted letters appear to be more of a justifiable concern over traffic than an issue of the subdivision, for even without any development, the road conditions are not good. It is therefore our recommendation that the testimonials received be forwarded to the County Commissioners and Public Works Department for review and perhaps appropriate action, even if the subdivision is denied! Notwithstanding the traffic problem and testimonials regarding it, it remains our position that from a purely technical standpoint, it should not result in denial of the subdivision application as presented.

GENERAL INFORMATION ON RIDGES LOTS

- Taxes per year on lots \$ 150 - 490

- Average Monthly Water/Sewer Bill on Single Family \$ 45.00

(Domestic & Irrigation)

- Tap Fees -

City Sewer..... \$ 750.00

Ute Water..... 3200.00

Ridges Irrigation... 260.00

Total..... \$ 4210.00

(Tap fees assessed at time of permanent hook-up)

Explanation of lot classifications:

'A' Lots: Designed for single family and duplex structures-
no less than 900 sq. ft.

'B' Lots: Designed for single family structures-
ne less than 1,200 sq. ft.

'C' Lots: Designed for single family structures-
no less than 1,600 sq. ft.

HOME BUSINESS

Generally speaking, the homes at The Ridges are not to be used for business purposes. However, certain exceptions may be made, providing the provisions in Article III, Paragraph 29, of the Protective Covenants are followed. (Refer to full text of Covenants)

PETS AND ANIMALS

No animals may be kept at The Ridges except as housepets, and then only in the number allowed by County regulations. Pets must be leashed or fenced and must not become a nuisance to people, property or other animals, including wildlife. Horses may be kept and ridden only in areas specifically designated for them.

HUNTING ON PROPERTY

No hunting, shooting, trapping, harming, or killing of wildlife is allowed within The Ridges.

TRAFFIC AND PARKING REGULATIONS

Vehicles of homeowners, tenants, or visitors must observe all traffic regulations and parking restrictions while at The Ridges.

PARKING & STORAGE OF NON-AUTOMOBILE-TYPE VEHICLES

Vehicles other than private cars, vans or pick-up trucks may be parked, stored or displayed on any lot at The Ridges. Vehicles such as house trailers, camping trailers, boat trailers, hauling trailers, self-contained recreational vehicles, motorcycles, junk cars, non-working vehicles must be stored in a garage or in the RV storage compound provided by RMD.

MAINTENANCE OF VEHICLES

The repair, rebuilding, dismantling, or repainting of vehicles is only permitted within enclosed garages at The Ridges. Washing and polish of vehicles may, of course take place outside the garages.

RECREATIONAL VEHICLES AND MOTORCYCLES

No recreational vehicles, motorcycles, dirt bikes, etc., may be operated within the Ridges, except on paved roadways while entering or exiting the property.

BEHAVIORAL RESTRICTIONS

While recognizing individual freedoms, the RMD must uphold certain general behavioral standards for the good of the community. Therefore, activities considered to be offensive to others will not be permitted. Further, nothing will be allowed on any property which is or may become a nuisance, disturbance, harmful, or embarrassing to others.

NOISE CONTROL

Residents shall be respectful of their neighbors and insure that the sounds of radios, TVs, stereos, musical instruments, voices, pets, power tools, etc., do not become annoying to others.

HAZARDOUS ACTIVITIES

The safety and comfort of all residents is of great importance to us. Therefore, the discharging of firearms is strictly prohibited at The Ridges. Fires, too, shall be prohibited, except for contained barbeque units and campfires or picnic fires in properly designated areas. Further, hazardous structures or constructions will not be permitted.

IN SUMMARY

The purpose of Protective Covenants, of course, is not to inhibit personal freedoms and individual rights, but to set a standard for the Community at large to observe. In this way, we will keep The Ridges an attractive, desirable place in which to live while maintaining high property values for individual homeowners. We thank you for your cooperation.

GENERAL APPEARANCE

All clotheslines, equipment, wood piles, storage piles, and service yards must be concealed by vegetation or fencing. Rubbish and trash must not be allowed to accumulate.

COLORS OF PAINT AND/OR STAIN

In order to maintain a pleasing, harmonious exterior appearance, homeowners should use paint or stain on their homes that ranges from light sand color to dark brown, light green to dark green, or any natural wood tone. Any variations must be approved by the ACCO.

FENCES AND HEDGES

All fences and landscaping plans must be approved by the ACCO prior to erection or implementation. In general, hedges and fences must be less than 4.5 feet high except patio fences. All fences must be made of either wood or rock, and if painted, shall be of wood tone.

ANTENNAS

No towers or radio or television antennas may project more than three feet above the highest roofline of the structure, and must be securely attached to the structure.

SUBDIVIDING HOMES

No single family home may be divided into two or more units.

UTILITY EASEMENTS

Homeowners may not build permanent structures, fences, walls, or landscaping plantings which may damage or interfere with the installation and maintenance of utilities or drainage channels.

CESSPOOLS AND SEPTIC TANKS

Each resident must have at least one fully-equipped and operational bathroom. Cesspools and septic tanks are not permitted at The Ridges.

SUMMARY OF PROTECTIVE COVENANTS

For your convenience, we have provided the following brief summaries of the Protective Covenants at The Ridges. This index does not go into detail regarding each covenant, so you are encouraged to study the complete covenants that are of particular interest to you.

RIDGES METROPOLITAN DISTRICT

The Board of Directors of the Ridges Metropolitan District (RMD) is in charge of all open spaces, parks, recreation, facilities, irrigation, domestic water, and sanitation systems.

ARCHITECTURAL CONTROL COMMITTEE

The Ridges Development has an Architectural Control Committee (ACCO) comprised of current homeowners in The Ridges. The ACCO will meet to consider all requests for any changes in the existing state of The Ridges. These changes include, but are not limited to:

- a. All new construction; both residential and commercial
- b. Exterior improvements of any kind (such as additions, alterations, demolitions, etc.) to homes, garages, or driveways.
- c. Trees, shrubs, or other landscaping.
- d. Subdivision of existing residential lots.
- e. The color of paint or types of materials used on the exterior of buildings.
- f. All signs, including For Sale and For Rent signs.

USE OF PROPERTY

No property shall be used for the purpose of mining, quarrying, drilling, boring, or exploring. Water, oil, gas, coal, stones, gravel, and other minerals may not be removed without written approval of Ridges Properties.

CONSTRUCTION TIME LIMITATIONS

Each single-family and multi-family unit must be completed within one year after construction starts. Landscaping must be approved and completed within one year after the structure is completed.

Amended Final Plan for Ridges

As adopted by Planning Commission 5/3/94, 9/6/94 and City Council 7/1/94, 9/21/94

A. Densities

The allocated densities are maximum densities for the sites. The maximum density of any site which is allowed by the plan may normally not be reached because of site constraints including limitations on vehicular access to the site and egress to Ridges Boulevard, infrastructure deficiencies, geologic, soils or other constraints.

The remaining density for the undeveloped multi-family lots, the school site and two replatted large lots was based on an overall density cap of 4 units per acre for filings 1 through 6 and an inventory of the built and/or platted density. All "A" lots were counted as two units because under the covenants and the proposed plan, any "A" lot can have a duplex on its. There are "deeded" densities for some of the undeveloped lots in the Ridges which were not considered in the density designation. Density transfers within filings 1 through 6 are not allowed.

The 6.37 acre school site (filing #5) and the 35.13 acres of undeveloped property (Replat of lots 19A through 30A, Block 13, lots 1A through 2A, Block 23, lots 1A through 15A, Block 24, lots 1A through 10A, Block 25, filing #5 and Replat of lots 48A through 73 A, Block 9, lots 31B through 56A, Block 13, lots 3B through 40A, Block 23, lots 1A through 7A, Block 28, filing #6) with no multi-family designation are assigned a density of 4 units per acre. The remaining density for the multi-family sites ranges from 6.8 units per acre to 7.5 units per acre. The 6.8 units per acre is the density remaining in filings 1-6 as they exist now (as of 11/17/94). The 7.5 units per acre is the density that would be available if the proposed Rana Road Replats and Eagle Crest development are finalized and recorded.

Rana Rd Replats 12 A lots to 7 A lots \therefore 10 units (additional) \div 42.92 acres = .3
 \therefore 7.1 units/acre remaining for MF sites

B. Setbacks and Height

Setbacks for filing 1-6, excluding the undeveloped lots, will be measured from property line to the closest point on a structure wall. In no case shall the eaves, foundation, or any other portion of a structure, above or below the ground, extend over any adjacent lot, parcel or property, including Ridges Open Space, without a recorded easement for such encroachment from the owner of said adjacent lot, parcel or property or open space.

Porches, patios or decks which are open and uncovered may extend into any required setback area not more than 7 feet, but in no case closer than 3 feet to any property line provided it does not encroach on any easements and/or pedestrian ways. All others, those which are enclosed, covered, or having more than one level, must meet the setback for the principal structure.

Height will be measured from the highest natural grade line immediately adjoining the foundation or structure. Natural grade shall mean undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.).

A lots

Housing Type--Single family detached or attached with common wall on lot line or duplex on one lot.

Setbacks--

Front yard: 20 feet
Rear yard: 10 feet
Side yard: From 0' to 10'. For any sideyard setback less than 10' on one sideyard a minimum of 5' setback shall be required on the opposite sideyard line.

Minimum Building Separation: 10 feet between closest points of exterior walls.

Maximum Height--25 feet (excludes chimneys)

B and C lots

Housing Type--Single family detached

Setbacks--

Front yard: 20 feet
Rear yard: 10 feet
Side yard: 10 feet

Maximum Height--25 feet (excludes chimneys)

Architectural Control Committee (ACC) Review

Review by the Ridges Architectural Control Committee (ACC), as defined in the covenants of Filings 1-6, will be required prior to issuance of a Planning Clearance by the City of Grand Junction (City); however, the Planning Clearance will be issued by the City if all requirements as set forth in this plan document are met. Failure of the ACC to respond within 30 days of the request for review will constitute approval by the ACC for City review purposes.

C. Parking

- a. Filings 1 through 5--2 car garage plus 2 paved parking spaces for each single family unit and duplex unit.
- b. Filing 6--1 car garage (or carport) plus 2 paved parking spaces for each single family unit and duplex unit).
- c. Multi-family units--2.2 spaces per unit (would apply where there is common parking for more than 2 units--if no common parking, a. or b. would apply).

All required parking must be provided on-site. All driveways must be paved prior to occupancy.

D. Fencing

The Zoning and Development Code regulations for fence location and height shall apply; however, chain link fences are not allowed, except for at RV storage areas as approved by the City, tennis courts, public sports facilities, tot lots and playground areas, public or private. Each applicant shall contact the ACC, prior to issuance of a fence permit, to verify the proposed fence meets any other requirements of the covenants. The City will issue the fence permit if the proposed fence meets the City's requirements.

Review by the Ridges Architectural Control Committee will be required prior to issuance of a fence permit; however, if all requirements as outlined above are met the permit will be issued by the City. Failure of the ACC to respond within 30 days of the request for review will constitute approval by the ACC for the City review purposes.

E. Variances

A request to vary a setback or a fencing regulation will be heard by the City Board of Appeals pursuant to chapter 10 of the Zoning and Development Code. City staff will make the Ridges ACC recommendation available to the Board for its review of the variance request.

F. Protective Covenants

The City will not enforce covenants, restrictions or other limitations not adopted or imposed by the City in the Ridges. All provisions of the City Zoning and Development Code, other ordinances and applicable regulations shall apply if not addressed specifically in this document.

G. Undeveloped Lots--Filings 1-6

No use or development is allowed on or for a platted undeveloped lot unless the City has approved same in writing. Under the current Code, if a multi-family lot is being replatted into more than 5 lots, a two step process will be required: preliminary plan approval and final plan/plat approval by Planning Commission. If a multi-family lot is being replatted into 5 or fewer lots final plan/plat approval by Planning Commission will be required.

The Ridges Architectural Control Committee will be given the opportunity to comment on proposed development of the multi-family lots and/or other large undeveloped tracts as a review agency.

H. Commercial sites

Uses for the designated commercial sites in filings 1 through 6 shall be limited to the following types of business uses: professional offices, preschools/nursery schools/day care centers, barber/beauty shops, self-service laundries, medical/dental clinics, counseling centers, schools, dance/music schools, membership clubs

and community activity buildings, indoor cultural /educational /recreational facilities, churches, fire/emergency services.

I. New development

No plat, or other subdivision, shall be allowed in the Ridges, and no development of the existing undeveloped lots shall occur without first having complied with then (as of the final approval or recordation of the plat) current City standards for development.

J. 5' Irrigation Easements

The plats for several filings of the Ridges include a statement "granting" a 5' irrigation and/or water easement along all lot lines to the Ridges Metropolitan District. Those easements can be released by the City of Grand Junction's Director of Community Development if it is found the easement is not needed. A process for the review and release of such easements is identified in City Development File #72-93 (2).

K. Columbine Village--A Replat of lot 25, Block 9, Ridges Filing #6

The private open space and ingress/egress easement as noted on the plat are dedicated to the owners within Columbine Village. Development and maintenance of facilities and roadways within these areas is and will continue to be the responsibility of the property owners within Columbine Village.

The setbacks for Columbine Village shall be 10' rear yard and 10' front yard. The required sideyard setback shall be 0' to 10' measured to foundation wall with the minimum building separation as required by the applicable building code. 0' sideyard setbacks are only allowed for common wall units.

L. Any terms not defined in this document shall have the meaning as set forth in the Zoning and Development Code. All other performance, design and other standards in the Zoning and Development Code and other City Codes and Policies shall apply unless specifically mentioned in this document.

M. General Development Standards for the Ridges--undeveloped lots and remaining unplatted acreage within the Ridges Metropolitan District boundaries

1. Site planning and design shall preserve, to the maximum extent possible, the existing natural features which enhance the attractiveness of the area and shall blend harmoniously with all uses and structures contained within the surrounding area.

2. Land which is unsuitable for development because of geologic constraints shall be preserved in its natural state. This shall include drainage ways, steep terrain (slopes in excess of 30%) and rock outcroppings to be identified and mapped by the developer. Areas of "no disturbance" shall be identified around all proposed building sites, as applicable.

3. Existing trails, whether or not improved or legally dedicated, within the platted and unplatted Ridges shall be preserved, improved and enhanced with future development. For the portion of the Ridges not already platted, each development shall integrate with an overall plan that serves to link existing trails with both new trails and trails which serve other areas.

4. All structures shall be setback a minimum of 20' from all bluff lines (to be identified and mapped by the developer) to maintain visual corridors within the Ridges. For ravines, drainages and washes which are defined by a distinct "rim" or "rimrock", structures shall be set back far enough that a person 6 feet tall cannot see any portion of a structure while standing in the thread of the stream bed.

5. All development in the Ridges, notwithstanding zoning potential or other approvals, will be limited by geologic and transportation system constraints, as well as other infrastructure constraints.

6. Density transfers between filings 1 through 6 and the rest of the unplatted Ridges will not be allowed.

Comparison Of Ridges Covenants, Filings 1 through 6

The majority of the provisions of the covenants of the Ridges Filings 1 through 6 are consistent in their requirements. Filings 5 and 6 have some variations from filings 1 through 4.

A) The following provisions are consistent through all filings.

1. Single family residential lots are designated "A", "B", or "C" lots on the plats. "A" lots may have a single family residence or a duplex per lot. The structures must meet the setbacks specified below or they may be placed on zero lot line, with or without common walls to adjoining lots. Variations can include a single structure on a lot at zero lot line with a common wall to a structure on an adjoining lot to form a duplex. There could also be a duplex on one lot joined to a duplex on an adjoining lot to form a four-plex. A structure placed on zero lot line that does not have a common wall to an adjoining lot must have a minimum building separation of 10 feet. This 10 feet is designated as a maintenance easement. Minimum size of principle structures on "A" lots (excluding garages, carports, & porches) is 900 sq. ft. for single level units and 700 sq. ft. (ground level) for two story units.

2. "B" and "C" lots are single family detached lots. The general setbacks listed below apply but minimum size of structures differs according to filing.

3. Setbacks for all single family structures. (except for zero lot line "A" units)
Front yard----- 20 ft. Side and rear yards----- 10 ft.
The maximum height (excluding chimneys) is 25 ft.

4. Multi-family lots.
The number of units allowed on each multi-family parcel is specified in the deed from the Ridges Development Corp. (RDC). There is nothing in the covenants about how M.F. sites are approved or developed. The only bulk standard is a maximum height relative to the tops of ridges or mesas. A M.F. building sited on top of a ridge or mesa cannot be over 28 ft. in height while one sited below the rim cannot extend above the top of the ridge or mesa more than 20 ft.

5. The ACCO (Architectural Control Committee) must approve all structures, landscaping, site disturbance, grading, drainage, fences, etc. Structures and fences may be painted only shades of green or brown, or must be natural wood. Only masonry (rock) or wood fences are allowed. Maximum allowable height of fences is 4.5 ft. (except for patio fences) and no fences are allowed in front yards. There is no definition or height specified for patio fences.

6. No animals, except household pets, may be kept on any lot. Household pets are limited to two per species. Household pets are not defined.

7. Home occupations are not allowed to sell any product on the premises.

8. No single family lots may be resubdivided to form additional lots.

B) The following standards apply only to the filings indicated.

1. minimum structure sizes (excluding garages, porches, & car ports)

a) Filings 1 through 4

"B" lots 1200 sq. ft. single level; 900 sq. ft. (on ground level) 2 level.

"C" lots 1600 sq. ft. single level; 1100 sq. ft. (on ground level) 2 level.

b) Filings 5 & 6

"B" lots 1100 sq. ft. single level; 800 sq. ft. (on ground level) 2 level.

"C" lots 1500 sq. ft. single level; 1000 sq. ft. (on ground level) 2 level.

2. on site parking

a) Filings 1 through 5- requires a 2 car garage plus 2 paved parking spaces for each single family unit.

b) Filing 6- requires a 1 car garage (or carport) plus 2 paved parking spaces for each single family unit.

c) Filing 5 & 6- these are the only filings to address other parking requirements. Multifamily units require 2.2 spaces per unit and commercial uses require 1 space per each 250 sq. ft. of gross floor area.

3) Recreational Vehicles

a) Filings 1-3 have no restriction on the keeping or storage of R.V.s.

b) Filing 4- all R.V.'s must be stored in the R.V. storage area.

c) Filing 5 & 6- R.V.'s may not be stored on any lot. (these filings do not seem to prohibit parking them on the street.)

UNRESOLVED QUESTIONS AND ISSUES

1. Multifamily Lots- are we obligated to accept the densities specified by the deeds for the multifamily lots? What approval process will be used for proposed multifamily developments?

2. Do we enforce #'s 5, 6, 7 and 8 above?

Amending the final development plan for the Ridges Metropolitan District as follows:

Setbacks for "A" Lots- "A" lot side yard setbacks shall be from 0 feet to 10 feet. For any sideyard setback less than 10 feet on one sideyard a minimum of 5 feet setback shall be required on the opposite sideyard line. Setbacks shall be measured to the nearest point on the structure wall, but in no case shall the eaves or foundation of any structure extend over any adjacent lot, including Ridges Open Space, without an easement of record for such encroachment from the owner of such adjacent lot or open space.

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Original
Do NOT Remove
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Location and Acreage of Undeveloped Ridges Multifamily Sites

Filings 1 and 2- no platted multifamily sites

Filing 3- Lot 1 Block 18, 5 acre site

Filing 4 - Lot 17 Block 11, 1 acre site

Filing 5- Lot 1 Block 27, 7.6 acre site

Filing 6- Lot 17 Block 9, 2.9 acre site
 Lot 66 Block 13, 2.0 acre site
 Lot 45, Block 9, 7.6 acre site
Total
 12.5 acres

FILINGS

	1	2	3	4	5	6
ACRES	37.359	46.727	77.17	63.982	48.266	74.232
S.F. LOTS	70	85	121	89	83	142*
M.F. UNITS	0	74	19	170	0	0
TOTAL UNITS	70	159	140	259	83	142
EXIST DENSITY	1.9	3.4	1.81	4.05	1.72	1.91
ALLOWED # UNITS	149.44	186.91	308.68	255.93	193.06	296.93
ADD'L UNITS AVAIL.	79.44	27.91	168.68	-3.07	110.06	154.93
# ACRES UNDEV. M.F.SITE	0	0	5	1	7.6	12.5
U/A AVAIL.	N/A	N/A	33.74	0	14.48	12.39

*file in Ridges info
county file*

RESOLUTION NO. 74-93

APPROVAL OF AN ADMINISTRATIVE PROCESS TO DECIDE REQUESTS TO
ELIMINATE IRRIGATION AND WATER EASEMENTS "GRANTED" ON
RIDGES SUBDIVISION PLATS, FILINGS 1 THROUGH 6

WHEREAS, the plats of various filings of the Ridges Subdivision "granted" 5 feet wide irrigation and/or water easements along all lot lines to the Ridges Metropolitan District; and

WHEREAS, the notes on the plats for Filings 4 through 6 of the Ridges further state that the 5 foot wide easements "...may be in whole or in part or any portion thereof released by the Ridges Metropolitan District at some future date..."; and

WHEREAS, the Ridges Metropolitan District Board had granted many requests in the past to release specific easements; and

WHEREAS, upon annexation of the Ridges to the City, the City Council sits as the Ridges Metropolitan District Board; and

WHEREAS, the City finds that the "grant" of the easements, rather than a "dedication," means that the elimination of such "granted" rights may be accomplished by a quit claim deed; and

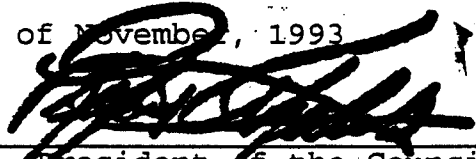
WHEREAS, an approved process is needed to provide for the review and release of those easements where appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:


The Community Development Director and his staff are hereby directed and authorized to review written requests and approve quit claims of City interests, where appropriate, with respect to such 5 foot wide irrigation and water easements as granted on the plats of filing 1 through 6 of the Ridges.

The Director shall promulgate written criteria which shall be used to determine when the Director shall make a finding that a request is appropriate. Any person aggrieved by any such decision of the Director shall have a right of appeal of such administrative decision, in accordance with the provisions of the City Code which apply to an appeal to the Zoning and Development Code Board of Appeals. The Director shall collect \$50.00 at the time of each such request. The Director shall be authorized to execute the quit claim document.

PASSED and ADOPTED this 3rd day of November, 1993



President of the Council

Attest:


City Clerk

CITY COUNCIL WORKSHOP

DATE: Nov. 14, 1994

CITY OF GRAND JUNCTION

STAFF: Public Works
Mark Relph

ACTION REQUESTED: City Council direction on the possible modification of City adopted Street Standards for the Ridges area of the City of Grand Junction.

EXECUTIVE SUMMARY: The Ridges district originally developed with a different street standard in a terrain more unique than the balance of the City. Therefore, City Council has asked for staff review and recommendation on possible modifications of the City adopted street standards in order to accommodate the existing character of the Ridges neighborhood.

BACKGROUND: City Council originally adopted street standards in 1978, with a major revision being adopted in July, 1992. A minor modification was made in June of 1994, but it was the research and planning effort of 1992 that set the standards now currently used for all development in the City of Grand Junction. Mesa County has also adopted the same standards with only minor differences.

The central question that staff has addressed is asking if there is enough difference between current standards and the past pattern for Ridges development to justify modification of the City's adopted street standards. This difference in development standards was evaluated from:

- * What are the adopted street standards providing the City that the past pattern of development is not?
- * How do prior patterns of development effect the maintenance and eventual replacement of City infrastructure.

Attached to this report are copies of photographs with captions that explain some of the problems that the City has encountered as a result of the past pattern of development. The original photographs will be presented to City Council at the Workshop.

Prior Planning Effort: In 1992, the City and County Public Works, Community Development and Planning Departments developed over a period of 18 months, common standards and details for the development and construction of streets and utilities within the City and urbanizing areas of Mesa County. These standards were developed in cooperation with the Utilities Coordinating Committee, the Home Builders Association of Northwestern Colorado, the Grand Junction Forestry Board, local consulting engineers and various other groups and individuals. In addition, the adopted street standards closely mirror standards recommended by the National Association of Home Builders, American Society of Civil Engineers and the Urban Land Institute. The general goals of the planning effort were:

- * Common City and County street and utility development standards for basic minimum infrastructure.
- * Street sections designed to handle future traffic capacity.
- * Safety of vehicular and pedestrian traffic.
- * Economical street sections (construction and maintenance).
- * Utility standards for construction and location.
- * Guidelines for landscaping within the proposed street rights-of-way and easements.

The adopted standards were the subject of a joint City/County Planning Commission hearing held on June 18, 1992. There were no comments in opposition to the standards at the hearing. Each Planning Commission passed a motion recommending adoption of the standards by the City Council and County Commissioners with only minor modifications.

Street Sections: In the late 1970's, the first construction began in the Ridges area consisting of street sections with no curb and gutter, and little attention was paid to storm water runoff. Curb and gutter has largely two (2) functions: to channel traffic and direct storm water runoff. Channelization of traffic is necessary to maintain safe driving conditions for both the motorist and adjacent pedestrians. Without curbing, traffic patterns are less defined and safety is compromised, which was a central focus of the groups involved in the planning effort of the street standards. Curbing also adds to safety by more clearly defining both the access to the street system from private property and the speed of traffic. As areas of the Ridges become more developed, safety will be one of the largest issues that could curtail the development potential of surrounding property.

A street section with curb and gutter is more efficient than a street section with borrow ditches for the following reasons:

- * contains storm water runoff in the street section, thereby minimizing flood damage to private property;
- * channels storm flow to catch basins and piped facilities more effectively and protects those facilities from traffic damage;
- * minimizes erosion to the ROW and adjacent private property,
- * reduces City maintenance costs for erosion control and pavement replacement;
- * borrow ditches require greater dedication of ROW to contain storm runoff, thereby reducing available acreage for private property;
- * eliminates the proliferation of individuals either filling in borrow ditches, or placing inadequate drainage pipes for access to property. This leads to runoff and snow removal problems (i.e. higher maintenance costs);
- * minimizes vegetation maintenance;

As more area of the Ridges becomes developed (i.e. more impervious area), the runoff will increase along with maintenance of those existing sections. Long term, staff forecasts this to

accelerate the need for replacement and reconstruction. In addition, the terrain of the Ridges (i.e. rolling hills) only exacerbates the erosion problems and is all the more reason to require street sections with curb and gutter.

The adopted street standards do have a "rural roadway" section for developments where the average daily traffic (ADT) is less than 500 vehicles per day and the area is zoned RSF-R with residential density of no more than one dwelling unit per 2 acres. This allows for a roadway with no curb and gutter, but the density and ADT requirements established minimum parameters to still maintain a safe street section. However, the past pattern of development and concepts for the remaining area make it very unlikely that the rural roadway section will apply.

The street standards require that right-of-way and street widths be determined according to their function and projected traffic volume. This has eliminated excessive rights-of-way and pavement widths, thereby reducing the cost of street construction and maintenance. However, this aspect of planning appears to have been overlooked in several areas of the Ridges. This only leads to expensive infrastructure replacement as the area continues to develop.

Additional cost savings results from the new standards for public utilities. These standards designate the location and depth of utility mains and service lines thereby reducing utility conflicts and relocation costs.

If City Council wished to pursue an alternative street section without curb and gutter, then the design concept of the roadway would change substantially. The street section would be elevated to drain the runoff from the street into borrow ditches (as opposed to the curb and gutter section which is lower by design to collect runoff). As a consequence, it would be very difficult to protect private property from runoff and may reduce the allowable density for a site. Density could be an issue because as properties develop access onto a roadway with borrow ditches, they typically place a culvert. To avoid a string of culverts that reduce the capacity of the borrow ditch and cause maintenance problems, access points may have to be spread out and thereby reducing the density of a parcel.

Pedestrian Systems: The development standards for streets require pedestrian paths or sidewalks. The standards were developed to require sidewalks adjacent to the street section with a 14 foot utility easement outside of the ROW line. This created a street section that minimized the ROW width, reduced develop costs, and minimized maintenance of that section. However, the Ridges area is unique with a developed trail network and large common areas. Therefore, staff recommends an amendment to the street sections for pedestrian trails, not just for the Ridges, but for all the City where the developer proposes to provide pedestrian ways that are not attached.

Staff evaluated the merits of allowing asphalt trails as opposed to the current requirement of concrete and recommend no change. Concrete trails have a far superior maintenance record over that of asphalt due to asphalt's susceptibility to oxidation without vehicle traffic and thereby becoming brittle. This results in cracking and deterioration and loss of service use. In addition, concrete trails have been determined to last 3 to 4 times as long as asphalt trails, making concrete the long term solution.

Another important factor is the durability of the surface. Concrete is more durable than asphalt making it more conducive to roller skating and roller blading, which are new recreational uses not present at the time of the original Ridges development.

Within 15 to 20 years, the asphalt trails will have to be replaced. Staff would propose to replace the asphalt with concrete, making all of the trails in the Ridges uniform.

RECOMMENDATION: Staff concludes that allowing a standard fashioned after past patterns of development would unjustifiably jeopardize public safety and increase maintenance and replacements costs of infrastructure and would not be warranted in the interest of perceived aesthetics of previously developed areas. To accept a standard in only the Ridges with a knowingly higher maintenance cost, should be considered from a perspective of a shift in available City resources to maintain that standard at the expense of the balance of the City. Staff recommends against this.

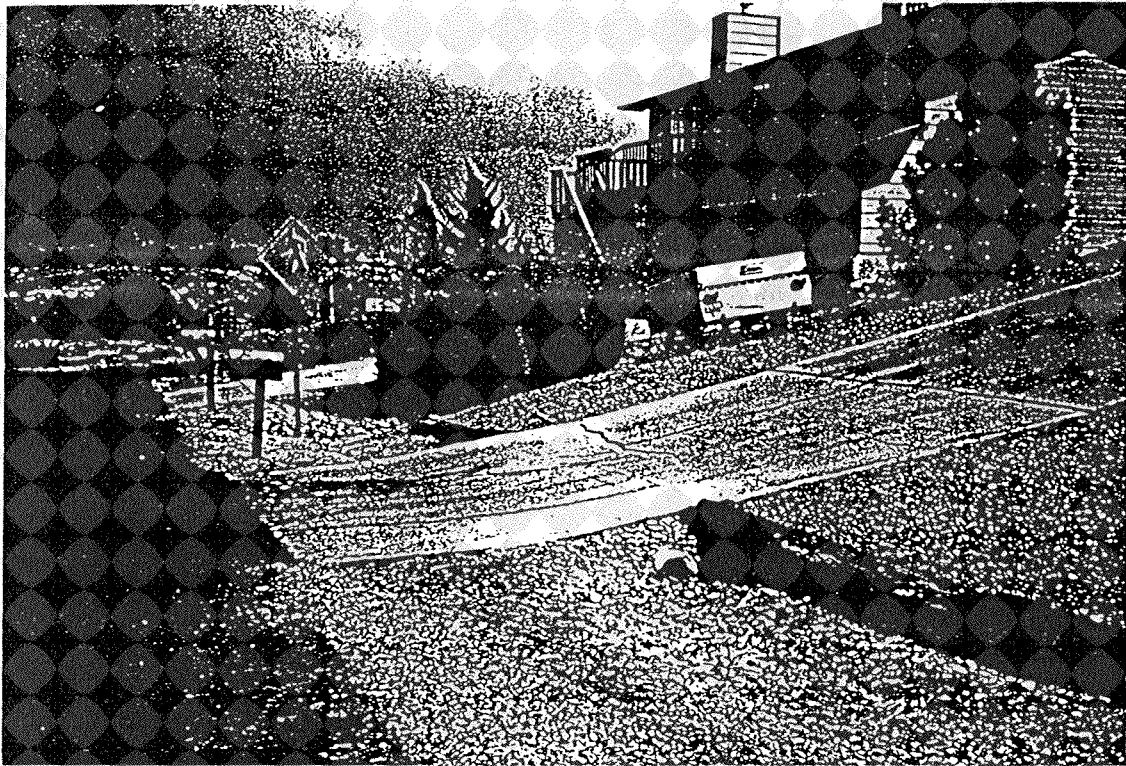
Therefore, staff recommends no reduction of the street standards for the Ridges area. Allowing an option for an offset pedestrian path, or other pedestrian trail system is recommended for all of the City. The balance of the adopted Street and Utility Standards represent a minimum standard for the protection of public health, safety and welfare.

The staff's recommendation for a pedestrian modification to the street standards would be as follows:

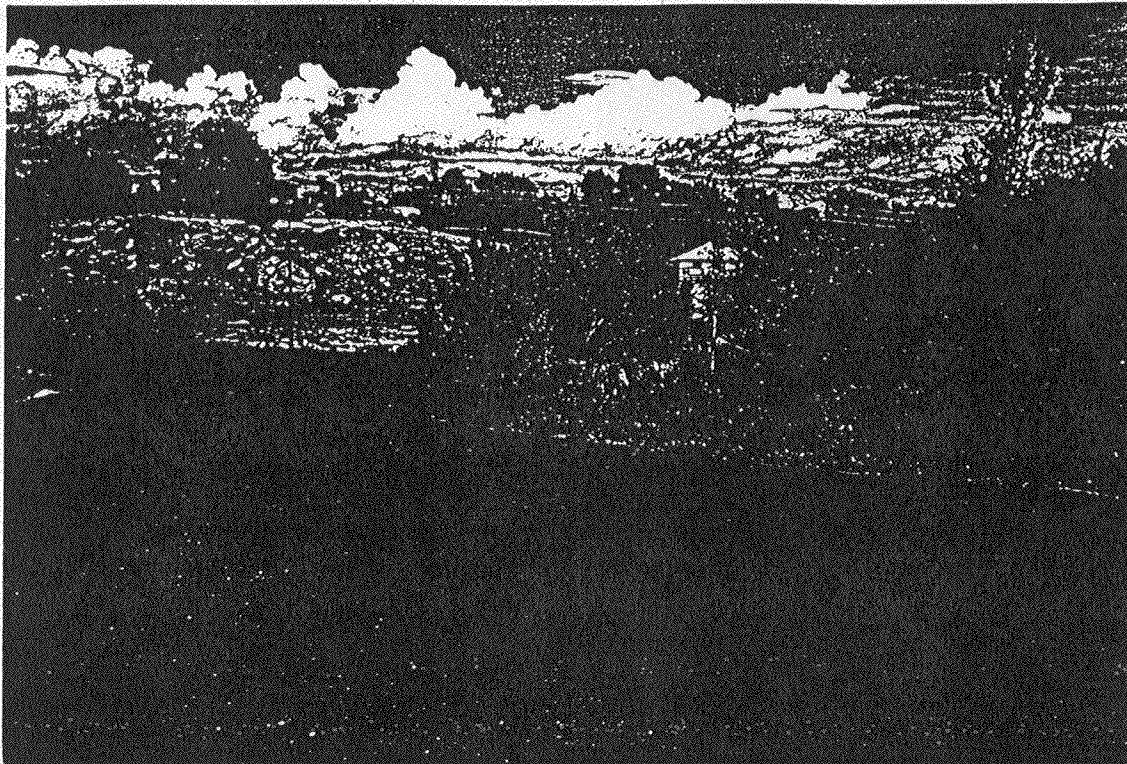
Upon the approval of the Community Development Director, a pedestrian trail system may be substituted for an attached sidewalk if in the opinion of the Director, properties adjacent to the street section could easily access the trail and the destination of the trail system links transportation of recreation nodes outside and within the development. Trail width shall be equal to the standard for a two-way off street bike path.

Staff recommends the modification be presented formally to the City Planning Commission for public review and comment and then forwarded to City Council for adoption.

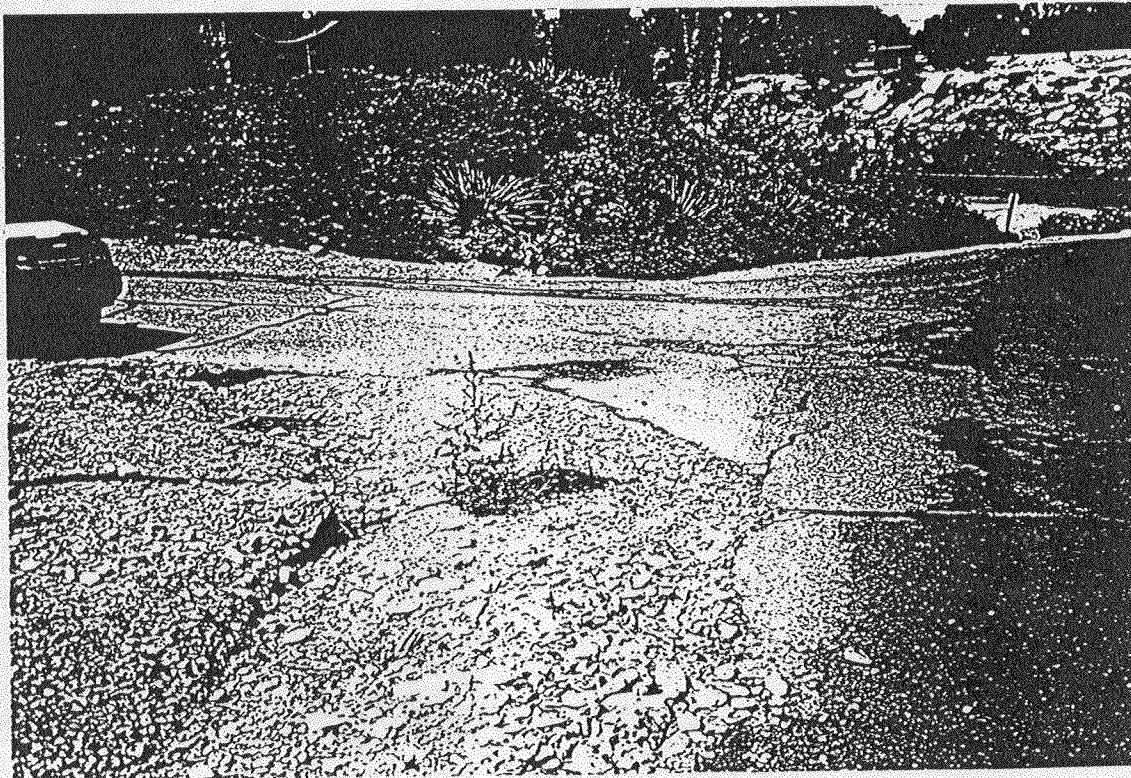
file:ststd.r11



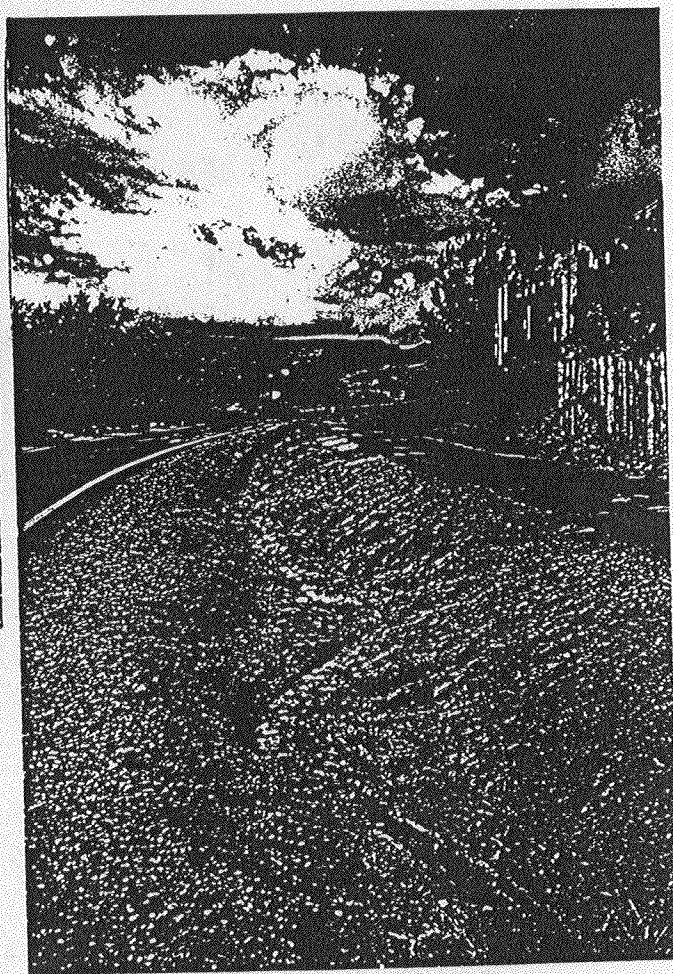
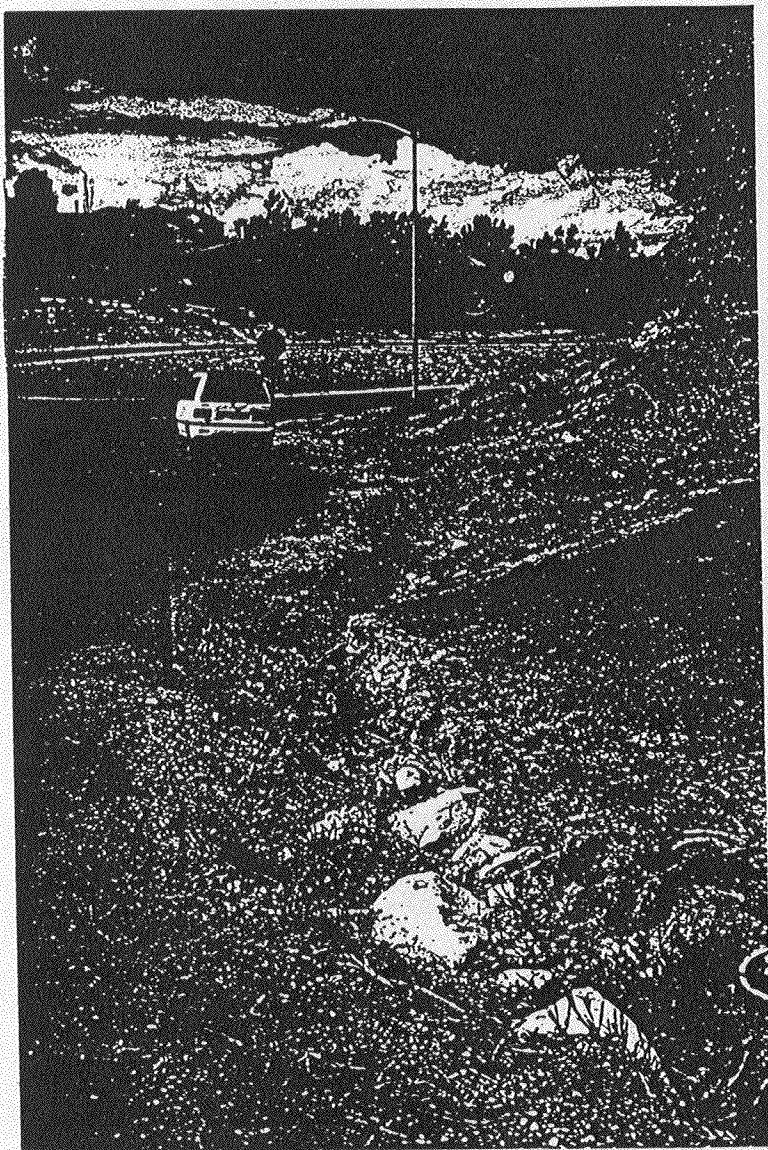
The culvert placed in the ditch for driveway access is probably undersized to carry the flow of water required. Inadequate cover over the pipe is the likely cause of the concrete driveway failure evidenced by the cracks in the concrete. The end of the pipe shows some damage from vehicles. Gravel from the shoulder has washed onto the pavement. The timbers separate the landscaping from the ditch, leaving the area between the pavement and the timbers an unattractive area.



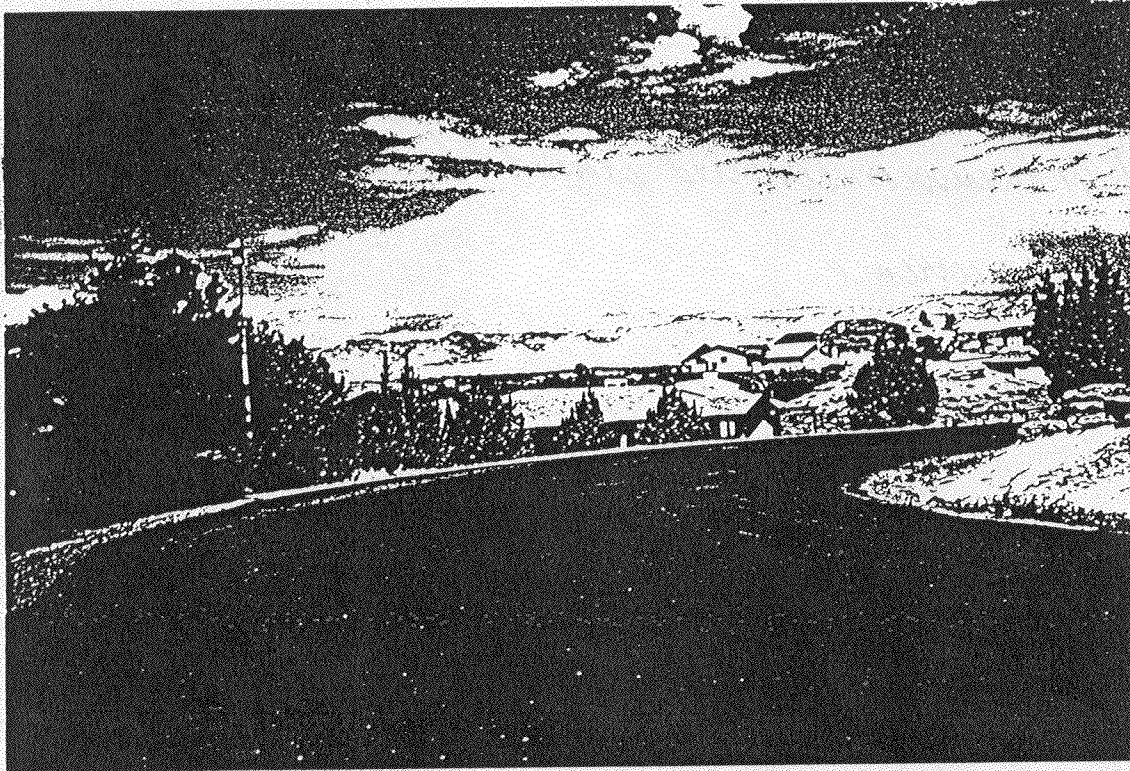
Vegetation has reduced the capacity of the ditch, forcing stormwater onto the pavement.



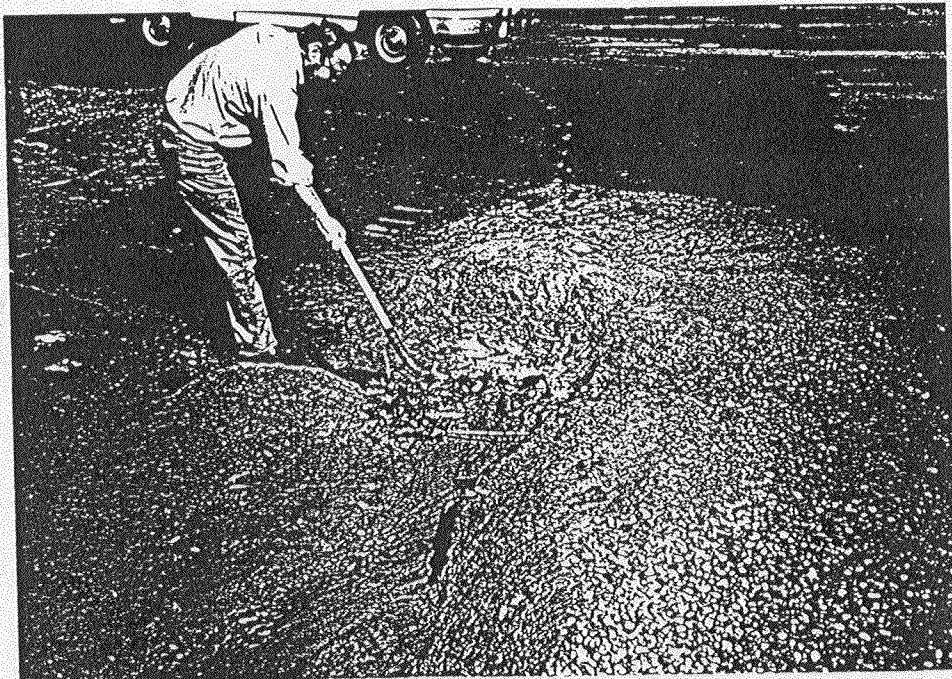
Gravel from the roadside has washed onto the pavement. The roadside ditch must be regraded so water will reach the storm inlet. Gravel from the ditch is being washed out onto the pavement. Behind the inlet, material has eroded away from the edge of pavement. Vehicles traveling too close to the edge may drop a tire off the pavement and pedestrians may stumble.



The delineator marks the outlet of a culvert into the ditch. Erosion in the ditch has carved an irregular path, and eroded the edge of the pavement. There is a significant drop-off from the pavement into the ditch. In the second photo, shoulder material has been placed along the pavement edge, but erosion is occurring along the path.



Gravel from the shoulders has washed onto the pavement. Since this is a grade (right to left) on a curve, there is a potential for vehicles to skid and lose control.



Debris and silt have clogged the inlet and started to fill in the ditch.

Baughman

RT

Linda

Bessinger?

Reid

Maupin

Wilson

Most of the discussion centered around drainage and curb/gutter

general concurrence

Look for resolution on amendment to street standard

CITY COUNCIL WORKSHOP

DATE: Nov. 14, 1994

CITY OF GRAND JUNCTION

STAFF: Public Works
Mark Relph

ACTION REQUESTED: City Council direction on the possible modification of City adopted Street Standards for the Ridges area of the City of Grand Junction.

EXECUTIVE SUMMARY: The Ridges district originally developed with a different street standard in a terrain more unique than the balance of the City. Therefore, City Council has asked for staff review and recommendation on possible modifications of the City adopted street standards in order to accommodate the existing character of the Ridges neighborhood.

BACKGROUND: City Council originally adopted street standards in 1978, with a major revision being adopted in July, 1992. A minor modification was made in June of 1994, but it was the research and planning effort of 1992 that set the standards now currently used for all development in the City of Grand Junction. Mesa County has also adopted the same standards with only minor differences.

The central question that staff has addressed is asking if there is enough difference between current standards and the past pattern for Ridges development to justify modification of the City's adopted street standards. This difference in development standards was evaluated from:

- * What are the adopted street standards providing the City that the past pattern of development is not?
- * How do prior patterns of development effect the maintenance and eventual replacement of City infrastructure.

Attached to this report are copies of photographs with captions that explain some of the problems that the City has encountered as a result of the past pattern of development. The original photographs will be presented to City Council at the Workshop.

Prior Planning Effort: In 1992, the City and County Public Works, Community Development and Planning Departments developed over a period of 18 months, common standards and details for the development and construction of streets and utilities within the City and urbanizing areas of Mesa County. These standards were developed in cooperation with the Utilities Coordinating Committee, the Home Builders Association of Northwestern Colorado, the Grand Junction Forestry Board, local consulting engineers and various other groups and individuals. In addition, the adopted street standards closely mirror standards recommended by the National Association of Home Builders, American Society of Civil Engineers and the Urban Land Institute. The general goals of the planning effort were:

accelerate the need for replacement and reconstruction. In addition, the terrain of the Ridges (i.e. rolling hills) only exacerbates the erosion problems and is all the more reason to require street sections with curb and gutter.

The adopted street standards do have a "rural roadway" section for developments where the average daily traffic (ADT) is less than 500 vehicles per day and the area is zoned RSF-R with residential density of no more than one dwelling unit per 2 acres. This allows for a roadway with no curb and gutter, but the density and ADT requirements established minimum parameters to still maintain a safe street section. However, the past pattern of development and concepts for the remaining area make it very unlikely that the rural roadway section will apply.

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Additional cost savings results from the new standards for public utilities. These standards designate the location and depth of utility mains and service lines thereby reducing utility conflicts and relocation costs.

If City Council wished to pursue an alternative street section without curb and gutter, then the design concept of the roadway would change substantially. The street section would be elevated to drain the runoff from the street into borrow ditches (as opposed to the curb and gutter section which is lower by design to collect runoff). As a consequence, it would be very difficult to protect private property from runoff and may reduce the allowable density for a site. Density could be an issue because as properties develop access onto a roadway with borrow ditches, they typically place a culvert. To avoid a string of culverts that reduce the capacity of the borrow ditch and cause maintenance problems, access points may have to be spread out and thereby reducing the density of a parcel.

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To: kathy portner
From: Larry Timm
Subject: Fwd: Ridges sidewalks
Date: 11/22/95 Time: 2:55PM

Originated by: MARKA @ CITYHALL on 11/22/95 12:48PM
Forwarded by: LARRYT @ CITYHALL on 11/22/95 2:55PM (CHANGED)

Kathy: fyi. Help to assure that this discussion and decision process takes place before we get any additional Ridges matters to the PC or CC--preferably before we get any more Ridges development proposals. Perhaps a first step is to get it on our development review meeting agendas and keep it there until the matter is resolved. Thanks.

***** ORIGINAL MESSAGE FOLLOWS *****

Council asked in spring 1994 that we consider our sidewalk standards in The Ridges. This resulted hearings on density issues remaining from the County's original development approvals that City staff was attempting to resolve. Then at the August 10, 1994, Council hearing of a Ridges subdivision some CC Members were disappointed because staff had not developed any suggestions on this subject but merely argued against the developer's proposal which did not include full sidewalks. I again reminded staff that we needed to follow through on CC's request.

Now at the November 15, 1995, CC meeting we engaged in the same debate, again without any staff suggestions for the long term. It is very apparent the ACCO and CC are inclined toward a different sidewalk standard in The Ridges or at least existing filings. Yet staff continues to resist without directly confronting the issue. At least one CC Member is extremely upset about staff's lack of response. The others may merely be frustrated the issue continues without any resolution.

BEFORE another Ridges development issue involving sidewalks arises again submit either a recommendation or options for Planning Commission and Council's consideration. Be sure the ACCO is informed of not only the staff's advice but when the issue will be considered by the Commission and CC.

To: LARRYT (Larry Timm)
Cc: jims,markr,marka,jodyk
From: Kathy Portner
Subject: Re: Fwd: Ridges sidewalks
Date: 11/24/95 Time: 9:18AM

Originated by: MARKA @ CITYHALL on 11/22/95 12:48PM
Forwarded by: LARRYT @ CITYHALL on 11/22/95 2:55PM (CHANGED)
Replied by: KATHYP @ CITYHALL on 11/24/95 9:18AM

Larry--Mark Relph and I did some research and confirmed our recollection that we had brought the Ridges street standard issue to the Council. It was discussed at their Nov. 14, 1994 workshop. I have put a copy of Mark Relph's staff report in your box. The report recommends that we not consider a different standard for the Ridges, but that we adopt a modification to the street standards Citywide that states:

Upon the approval of the Community Development Director, a pedestrian trail system may be substituted for an attached sidewalk if, in the opinion of the Director, properties adjacent to the street section could easily access the trail and the destination of the trail system links transportation and recreation nodes outside and within the development. Trail width shall be equal to the standard for a two-way off street bike path.

I listened to the tape of the Council workshop and found general concensus that a different standard for the Ridges should not be pursued. Most of the discussion centered around drainage issues. From voice recognition, I'm pretty sure those present included: Jim Baughman, RT Mantlo, Linda Afman, Bill Bessinger, Reford Theobald, Ron Maupin, Mark Achen and Dan Wilson.

Based on that discussion staff has been telling developers in the Ridges that they must meet City standards, but that a detached trail system would be considered. However, we felt that if a detached system were proposed it would still have to provide access for all lots.

This last decision on Cobblestone Ridges has led to more confusion on what we should be telling developers in the Ridges. Staff thought we had been given direction before on what to require in the Ridges, now we have another decision. Perhaps we now need to bring the discussion before Council again? Does the decision on Cobblestone mean that a detached trail system should be required on one side of all collectors and no where else? Does it apply to all of the Ridges Metro District lands? Does it only apply to the existing filings?

To: KATHYP (Kathy Portner)
Cc: larryt,markr,jodyk,jims,daveva
From: Mark Achen
Subject: Re: Fwd: Ridges sidewalks
Date: 11/24/95 Time: 1:25PM

Originated by: MARKA @ CITYHALL on 11/22/95 12:48PM
Forwarded by: LARRYT @ CITYHALL on 11/22/95 2:55PM (CHANGED)
Replied by: KATHYP @ CITYHALL on 11/24/95 9:18AM
Replied by: MARKA @ CITYHALL on 11/24/95 1:25PM

My apologies! I let my memory lapse and a CC Member's irritation influence my reaction.

I talked with JimS Tuesday who remembered the workshop discussion. I now have a vague recollection as well, but apparently not all of CC does and the majority don't seem to feel very committed to the direction we thought they (a different "they" actually) gave a year ago.

Your questions are on the mark. More detailed CC direction is needed including the issue of direct access for individual lots, current filings, future filings, collectors, residential streets, etc.

I agree that we should raise this again with Council and do so with Ridges' representatives (ACCO, etc.) participating, too. Staff should prepare another report on the issues for a workshop shortly after the New Year. Thanks and apologies, again.

To: Refordt
Cc: *city council,larryt,jims,kathyp,markr,jodyk
From: Mark Achen
Subject: Ridges sidewalk standards
Date: 11/24/95 Time: 1:50PM

Staff reminded me of Council's November, 1994, workshop discussion of street standards (specifically the sidewalk requirement) in The Ridges. This followed early discussions in 1994 that indicated some Ridges resident sentiment to have a trail, rather than sidewalk, requirement.

The workshop resulted in general consensus that a different standard should not be applied to The Ridges. A new City-wide policy was agreed upon that authorizes the Comm Dvlp Dir to accept trails in lieu of sidewalks if all lots easily access the trail, the trail links to transportation and recreation nodes inside and outside the development and the trail is designed to two-way bike path standard.

Staff agrees that the Cobblestone Ridges decision reveals Council receptivity to something different in The Ridges. Staff will provide background for Council to reconsider this issue at a workshop in early 1996.

To: kathy portner
From: Larry Timm
Subject: Fwd: Re: School site in Ridges
Date: 1/5/96 Time: 3:42PM

Originated by: MARKA @ CITYHALL on 1/5/96 10:19AM
Replied by: TIMW @ CITYHALL on 1/5/96 3:31PM
Forwarded by: LARRYT @ CITYHALL on 1/5/96 3:42PM (CHANGED)

KP: fyi

***** ORIGINAL MESSAGE FOLLOWS *****

I researched the ownership in 1994 and concluded that the property is owned jointly by the City & Mesa County.

A brief history: Filing 5 was platted by the Ridges Development Corporation in 1980. This particular tract was clearly laid out as a subdivided lot (Lot 1, Block 22). Although it was labeled "Proposed School Site", neither this property or the various open space lands were dedicated to the public or any other entity. The Ridges Development Corporation retained ownership. Minutes from County Commissioner meetings indicate that the developers gave the County \$95,294 to hold in escrow until the open space lands could be conveyed. In 1981, the developers deeded the proposed school site to "The Board of Commissioners of Mesa County and the Ridges Metropolitan District". Simultaneous deeds conveyed the open space to the Metro District only. Following annexation of the Ridges, the Metro District conveyed all its real estate interests to the City, including the proposed school site. timw.

RIDGES ARCHITECTURAL REVIEW COMMITTEE

Lee Garrett
2397 Mariposa
Grand Junction, Co. 81503
243-0572

Cynthia Adair
399 W. Valley Circle
Grand Junction, Co. 81503
256-9644

* Ted Munkres
2693 East Carmel Court
Grand Junction, Co. 81506
243-0929, 241-5100

current contact (3/14/00)
* Glenn B. Carlsrud
2341 Rattlesnake Court
Grand Junction, Co. 81503
241-5724, 248-6494

~~Roxanne Lewis
383 Hidden Valley Court
Grand Junction, Co. 81503
241-5028~~

Alternate:
Thomas R. Zender
387 Ridgeway Drive
Grand Junction, Co. 81503
241-7971

Meetings: 2nd & 4th Thursday

Contact: Lee Garrett - 243-0572

Updated April 17, 1996

RIDGES ARCHITECTURAL REVIEW COMMITTEE

Five Members

Terms continual

NAME	ADDRESS	PHONE #	APPTED	REAPPTED	EXP
Sharon Canella	361 Plateau Dr. 81503	263-8406 h 256-1134 w	07-18-01		06-30-05
Ted Munkres	2693 East Carmel Ct 81506	243-0929 241-5100			06-30-03
Robert Andersen	392 Hillview Dr. 81503	245-1974 h	07-18-01		06-30-05
Cynthia Adair	399 W. Valley Cr 81503	256-9644			06-30-04
Frank Rinaldi	390 Hillview Dr., 81503	255-6836 h 241-0900 w	07-18-01		06-30-05
Tom Tetting (alternate)	390 Ridge Circle Dr. 81503	244-8387 h 242-3647 w	07-18-01		06-30-03

Meetings: 2nd & 4th Thursday

Contact: Ted Munkres – 243-0929

RIDGES ARCHITECTURAL REVIEW COMMITTEE

Five Members

Terms continual

Glen Carlsrud
has resigned,
currently
advertising

NAME	ADDRESS	PHONE #	APPTED	REAPPTED	EXP
Lee Garrett	375 Hillview 81503	243-0572			
Ted Munkres	2693 East Carmel Ct 81506	243-0929 241-5100			
Thomas Zender	387 Ridgeway Dr., 81503	241-7971			
Cynthia Adair	399 W. Valley Cr 81503	256-9644			
Glenn Carlsrud	2341 Rattlesnake Ct 81503	241-5724 248-6494			
Frank Renaldi (alternate)	390 Hillview Dr., 81503	255-6836 h 241-0900 w			

Meetings: 2nd & 4th Thursday

Contact: Ted Munkres – 243-0929

5/2/96

CC: LINDA NEWMAN
MARK NEWMAN
J.M.S

RECEIVED
MAY 01 1996

MJP

April 25, 1996

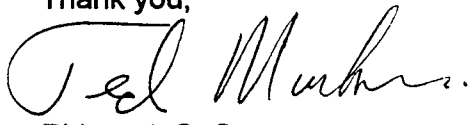
121 Chipeta Avenue
Grand Junction, CO 81501

Jody Kliska
City Development Engineer
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Dear Ms. Kliska:

The Ridges A.C.Co. recently reviewed your request for a color selection to be made for the walking trails in the Ridges. After much discussion on the merits of color vs. standard concrete, we collectively decided that standard concrete is the unanimous choice of the committee. Samples are being prepared for your presentation to City Planning and the Council, including a color option if the City insists, and a sample of standard concrete for comparison.

Thank you,



Ridges A.C. Co.

Ted Munkres, President
Lee Garrett, Vice President
Roxanne Lewis, Secretary
Cynthia Adair, Treasurer
Glenn Carlsrud, Member

TWM/ep

PROTECTIVE COVENANTS FOR "THE RIDGES" PUD

KNOW ALL MEN BY THESE PRESENTS that Ridges Development Corp., hereinafter "RDC", being the owners of the land comprising "The Ridges Filing Number Five," located in Mesa County, Colorado, and being desirous of protecting property values, and protecting the health, convenience, welfare and use of the owners of lots within said subdivision, does hereby declare and adopt the following use and building restrictions each and all of which shall be applicable to and run with the land in "The Ridges Filing Number Five."

ARTICLE I
DEFINITIONS

1. a. ACCO - Architectural Control Committee.
See Article 2 of Protective Covenants for regulations and uses.
- b. RDC - Ridges Development Corp.
- c. RMD - Ridges Metropolitan District
2. COMMERCIAL AREAS - The area will be used for commercial uses only, such as offices, shopping centers, movie theaters, restaurants, etc.
3. COMMUNITY SERVICE AREAS - The area will be used for a community oriented purpose, such as churches, firestations, service clubs, etc.
4. OPEN SPACE - Means and includes property owned by the RMD for the common use and enjoyment.
5. Any area includes and means the land and air above such land as described and shown in the plat recorded related to this property.
6. FEE SIMPLE TITLE - Fee Simple Title, as used herein, shall mean fee simple title to a site if such an estate or interest exists with respect to a site or,

if not, that estate or interest with respect to a site which is more nearly equivalent to fee simple title.

- 7. LOT OR SITES - A "Site" shall mean each separately parcel of real property within "The Ridges", including each multi-family area, and only parcels owned by the RDC, excepting, however, any parcel of property owned, held or used as hereinafter specifically designated as common open space, or for other defined purposes.

A parcel of property owned or held by the RDC shall not be considered a site prior to construction of improvements thereon or delineation of boundaries thereof.

A parcel of property owned, held or used in its entirety by the RDC or RMD hereinafter referred to, or by any governmental entity, or for or in connection with the actual distribution of electricity, gas, water, sewer, telephone, television or other utility service or for access to any property within or without "The Ridges" PUD shall not be considered a site.

- 8. M.F. UNIT (Multiple Family Unit) - Shall mean a structure containing two or more dwelling units with accessory use facilities approved by the RDC, such as garage, carport, parking, office, laundry and recreation facilities for use by the occupants.
- 9. OWNER - Shall mean the person or persons, entity or entities who own fee simple title to a site. It shall include the RDC to the extent that it is the owner of fee simple title to a site(s).
- 10. PUD - means "The Ridges" planned unit development.
- 11. PUD PLAT - means the plat or plats from time to time filed of record in the Mesa County Clerk and Recorder's

Office, which depict a portion of "The Ridges."

12. S.F. UNIT - means a site for a dwelling house with improvements thereon designed for one family occupancy, including non-residential accessory structure to be used as a garage or for other approved purposes as may be allowed. The single family site shall include the land upon which the permitted dwelling house is located on a surrounding tract sufficient to accommodate the dwelling and approved accessory uses, the boundaries of which shall be approved by the RDC. Single family houses may be on detached separate sites, or may be contiguous or joined by one common wall, such as described in patio home restrictions. "A" lots may include a duplex. Lots may be re-subdivided by permission of the ACCO or the RDC.
13. The classification of any parcel of land for all purposes herein shall be as it is set forth by the original deed from the RDC to its grantee, including RMD. The number of dwelling units allowed in a M.F. unit (multiple family unit) shall be the number set forth in the deed from the RDC to its grantee, provided that such grantee or subsequent grantees may apply to the ACCO which may, in its discretion, if it finds the same does not operate to the detriment of surrounding property owners or other owners in "The Ridges" subdivision, allow an increase in such density. The ACCO shall not as a condition to the approval of development plans for any M.F. unit require the reduction of density of living units therein below that set forth in the deed from the RDC to its original grantee.

ARTICLE II

ARCHITECTURAL CONTROL COMMITTEE

1. The Ridges Development Corp. (RDC) shall appoint an Architectural Control Committee (ACCO) of not less than three nor more than five persons to serve at the pleasure of the RDC as an ACCO. The Architectural Control Committee (herein abbreviated as ACCO) shall meet as required to consider and approve or disapprove applications for any proposed change in the existing state of property. Said ACCO shall have and exercise all of the powers, duties and responsibilities set out in this instrument.

2. No exterior improvements of any kind, including driveways leading to the various structures within the PUD shall ever be constructed, remodeled, or altered in any fashion on any lands within the PUD, nor may any vegetation be altered or destroyed, nor any landscaping performed unless two complete sets of plans and specifications for such construction or alteration or landscaping are submitted to and approved by the ACCO prior to the commencement of such work. No residential lot shall be re-subdivided so as to create an additional lot without the written approval of the ACCO or the RDC. All applications shall be submitted to the ACCO in writing and all decisions of the ACCO shall be answered in writing. In the event the ACCO fails to take any action within thirty (30) days after complete architectural plans and specifications for such work have been submitted to it, then all of such submitted plans and specifications shall be deemed to be approved. The ACCO may adopt rules and regulations for processing of such applications.

3. Plans and specifications submitted hereunder shall show the nature, kind, shape, height, materials, floor plans, location, exterior color scheme, alterations, grading, landscaping, drainage, erosion control, and all other matters necessary for

the ACCO to properly consider and make a determination thereon. The ACCO shall disapprove any plans and specifications submitted to it which are not sufficient for it to exercise the judgment required of it by these covenants.

4. Where circumstances such as topography, location of trees, brush, rock outcroppings, area aesthetic considerations, or other matters require or allow, the ACCO may, by a two-thirds vote, allow reasonable variances, but within county requirements, as to any of the covenants, including but not limited to required minimum size of structuring, setbacks, or other requirements contained in this instrument. Approval by adjoining property owners shall be favorably considered in any such decisions.

5. The ACCO shall exercise its best judgment to see that all improvements, structures, landscaping, and all alterations on the lands within the PUD conform and harmonize with the natural surroundings and with existing structures as to external design, materials, color, siding, height, topography, grade, drainage, erosion control and finished ground elevation.

6. After approval of any proposed improvements, the same shall be completed with due diligence in conformity with conditions of approval. Failure to accomplish the improvements within one year after date of approval or to complete the improvements in accordance with terms of approval shall operate automatically to revoke the approval and the RDC may require the property to be restored as nearly as possible to its previous state. Builder or owner shall contain all trash to the site during construction and remove all excess building materials and trash upon completion of structure(s). Also, upon completion, builder or owner shall complete all finished site grading in full compliance with prior ACCO approved drainage plan. Landscaping shall be approved and completed within one year of occupancy of the structure. The time

for completion of any such work may be extended by the ACCO.

7. The ACCO, RDC, or any owner shall not be liable in damages to any person or association submitting any plans and specifications or to any owner by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove any such plans and specifications. Any owner submitting or causing to be submitted any plans and specifications to the ACCO agrees and covenants that he will not bring any action or suit to recover damages against the ACCO, RDC, or any owner collectively, its members individually or its advisors, employees, or agents.

8. The ACCO shall keep and safeguard for at least five (5) years complete permanent written records of all applications for approval submitted to it, including one set of all plans and specifications so submitted and of all actions of approval or disapproval and all other actions taken by it under the provisions of this instrument.

9. The provision of these Protective Covenants herein contained shall run with the land and shall be binding until January 30, 1997, and shall be automatically extended for successive periods of ten (10) years, unless by vote reflected by signed document duly recorded by a majority of the then owners, it is agreed to change or repeal said covenants in whole or in part. Any provisions violating the rule against perpetuities or the rule prohibiting unreasonable restraints on alienation shall continue and remain in full force and effect for a period of twenty-one (21) years following the death of the survivor of William E. Foster and Warren E. Gardner, or until this Protective Covenant is terminated as hereinabove provided, whichever first occurs.

10. Any provision contained in this Protective Covenant may be amended or repealed by recording of a written instrument or instruments specifying the amendment or the repeal, executed

by the RDC and by owners of not less than fifty percent (50%) of the sites within Filing Number Five of "The Ridges," as shown by the records in the office of the Mesa County Clerk and Recorder. As long as the RDC is owner of fifty percent (50%) or more of the lots in any filing, it shall have the right to change the Covenants. As long as the RDC is the owner of ten percent (10%) or more of the sites within Filing Number Five of "The Ridges," no amendment shall be made without the RDC joining in such amendment or approving the same in writing.

11. Each provision of these Protective Covenants, and all provisions necessarily implied therefrom, shall be deemed incorporated in each Deed or other instrument of conveyance; be deemed accepted, ratified and declared as a personal covenant of each owner and binding thereon; be deemed and declared for the benefit of RDC and each owner and shall be deemed a real covenant and an equitable servitude running as a burden with and upon the title to each parcel of land.

12. Each provision of these Protective Covenants shall be enforceable by RDC or any owner by proceeding for prohibitive or mandatory injunction or suit to recover damages, or, in the discretion of the RDC, for so long as any owner fails to comply with any provisions, by exclusion of such owner and such owner's guests from use or enjoyment of any facility or sponsored function of "The Ridges." If court proceedings are instituted in connection with the rights of enforcement and remedies provided in this Covenant, the prevailing party shall be entitled to recover costs and expenses, including reasonable attorney fees.

13. No violation or breach of this Covenant, or enforcement action shall impair the lien of any mortgage, deed of trust or other lien in good faith and for value created prior to recording of lis pendens or other document by a plaintiff showing violation or breach.

14. Neither RDC, its Board of Directors, or the ACCO, nor any member, agent or employee shall be liable to any party for any action or for any failure to act with respect to any matter if the action taken or failure to act was in good faith and without malice.

15. Except as otherwise provided herein, this Covenant shall be binding upon and inure to the benefit of RDC and each owner and the heirs, personal representatives, successors and assigns of each.

RDC shall have the right to delegate, assign or transfer duties and functions herein imposed on RDC to the ACCO, or to a political subdivision created for the purpose, inter alia, of performing such functions or any of them.

16. Until such time as RDC owns less than ten percent (10%) of the property within "The Ridges" PUD, the right to appoint and remove all members and alternate members of the ACCO shall be and is hereby vested solely in RDC unless prior to said time RDC records a declaration waiving its rights hereunder. By specific agreement, the Board and RDC may delegate specified functions of the ACCO to a subcommittee, appointed by the RDC, to function in the same manner as the ACCO. When RDC waives or no longer has the right to appoint and remove the members of the ACCO, said right shall be vested solely in the RMD; provided, however, that no member or alternate member once appointed may be removed from the ACCO except by the vote or written consent of four-fifths of the members of the RMD. Exercise of the right of appointment and removal, as set forth herein, shall be evidenced by a Board RESOLUTION available to all members identifying each ACCO member replaced or removed from the ACCO.

Any member or alternate member of the ACCO may at any time resign from the ACCO upon written notice delivered to RDC or to the RMD, whichever then has the right to appoint members.

Vacancies on the ACCO, however caused, shall be filled by the RDC or the RMD, whichever then has the power to appoint members.

17. Invalidity or unenforceability of any provision of this Covenant in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of these Protective Covenants.

18. The captions and headings in this instrument are for convenience only and shall not be considered in construing any provisions of these Protective Covenants.

19. Failure to enforce any provisions of these Protective Covenants shall not operate as a waiver of any such provision or of any other provision of these Protective Covenants.

20. RDC reserves the right to relocate and modify road and easement alignments and designs and has full power over design and amendment of all preliminary and final plats as per agreements with the County.

21. It is the intention of the creation of the ACCO to make its decisions final. It is the further intention of these covenants not to create inflexible rules for rules sake, but to create a good living environment for the residents of "The Ridges" and all decisions made by the ACCO should be made with that thought in mind.

ARTICLE III

ALLOWED USES, RIDGES FILING FIVE

1. Three classifications of site or lot uses for single family residences shall be designated as "A", "B", or "C" lots as shown on final plats. General requirements of all lots shall be as follows. Specific requirements of each lot designation are presented in paragraphs 2, 3, and 4 below.

- a. All setback measurements shall be on an outside wall, including open porches, garages, carports or common elements.
- b. No building, garage, carport, or accessory structure shall be located nearer to the front property line than 20 feet.
- c. Side lot setbacks shall be 10 feet for both principal and accessory structures. Optional side lot setbacks for "A" lots only are as outlined in paragraph 2.a. and 2.c. below.
- d. Rear lot line setbacks shall be 10 feet for both principal and accessory structures.
- e. Maximum height, excluding chimneys, shall not exceed 25 feet. Height shall be measured from the highest natural finished grade line immediately adjoining the foundation or structure.
- f. A paved driveway shall be required and such driveway may be used for the additional two-car offstreet parking required of each classification. Such driveway shall also be paved between the property line and the adjoining street pavement.

- g. No residential lot shall be re-subdivided so as to create an additional lot without the written approval of the ACCO or the RDC.

2. "A" Lots

a. Single Family/Patio Homes

- One unit per lot with optional zero side lot line.
- Two units on two contiguous lots with common wall on lot line.

Duplexes/Fourplexes

- Two units per lot with optional zero side lot line.
- Two units on two contiguous lots with common wall on lot line.
- Four units on two contiguous lots with common wall on lot line. (Two units per each lot).

b. Minimum size per family unit shall be:

- (1) Single one-level above ground - 900 sq. ft. for single family unit and 700 sq. ft. for duplex or fourplex unit.
- (2) Two levels above ground - 700 sq. ft. on main floor for single family unit and 500 sq. ft. on main floor for duplex or fourplex unit.
- (3) All square footage measurements shall be on an outside foundation wall, not including open porches, garages, carports or common elements.

c. All single family or duplex structures built on one or the other side yard property line must be a minimum of 10 feet from any then

existing building without a common wall on adjacent property. This 10 foot setback must be made available for use as a home maintenance easement. All zero lot line structures shall comply with current building codes.

- d. There shall be an attached two-width car garage or covered carport with an additional two-car paved off street parking available per family unit.

3. "B" Lots

- a. One individual residence per lot.
- b. Minimum size of structure shall be:
 - (1) Single level above ground - 1100 sq. ft.
 - (2) Two levels above ground - 800 sq. ft. on main floor.
 - (3) All square footage measurements shall be on an outside foundation wall, not including open porches, garages, carports or common elements.
- c. There shall be an attached two-width car garage with additional two-car paved off street parking available.

4. "C" Lots

- a. One individual residence per lot.
- b. Minimum size of structure shall be:
 - (1) Single level above ground - 1500 sq. ft.
 - (2) Two levels above ground - 1000 sq. ft. on main floor.
 - (3) All square footage measurements shall be on an outside foundation wall, not including open porches, garages, carports or common elements.

c. There shall be an attached two-width car garage with an additional two-car paved off street parking available.

5. Other Land Uses

a. Multi-family, commercial, school and community service areas.

b. Maximum height shall not exceed:

(1) 28 feet above natural ground if constructed on top of ridges or mesas.

(2) 20 feet above the highest level of the closest adjacent ridge or mesa if constructed on lower elevations.

c. Parking requirements shall be as follows:

(1) Multi-family - 2.2 spaces minimum per unit.

(2) Commercial - 1 space minimum per 250 sq. ft. gross floor area.

(3) School and community service areas shall be approved by ACCO on an individual basis with compliance with local building codes.

d. ACCO shall have the sole authority to approve all improvements on an individual basis regarding the design and planned concept of these areas.

6. All open spaces, parks and recreational facilities, conveyed and accepted by the RMD, and all irrigation, domestic water and sanitary sewer shall be under the control of the Board of Directors of the RMD.

7. There is created a blanket easement upon, across, over and under all of the open areas and designs for ingress and egress, installation, replacement, repair and maintenance of all utilities, including but not limited to water, sewer, gas, telephone, and television. By virtue of this easement it shall be expressly permissible to erect and maintain necessary

equipment and appurtenances, including lines and conduits for electrical, telephone and television services. An easement is further granted to all law enforcement, fire protection, ambulance and other similar and necessary entities to enter open areas in the performance of their duties.

8. No noxious or offensive activity shall be carried on upon any property nor shall anything be done or placed on any property which is or may become a nuisance or cause embarrassment, disturbance or annoyance to others, or which may constitute a health hazard.

9. All signs, including "For Rent" or "For Sale" signs, shall be of a style and design approved by the ACCO. No signs, advertising, or billboards shall be created, altered, or permitted without written approval of ACCO.

10. No animals, poultry or birds shall be kept or maintained on any lands in the PUD except ordinary house pets, not to exceed County regulations as to number and such livestock as may be allowed to graze on the open areas by the written approval of ACCO. All pets must be so maintained that they do not become a nuisance to the neighborhood and do not run at large or endanger or harass other animals, including wildlife upon neighboring lands, and public domain. Ordinary house pets shall be contained on owner's property or on leash. Horses may be maintained in any area designated in any final plat for that purpose. This restriction shall not prevent the riding of horses within designated areas or along designated trails within the PUD.

11. No single family unit shall be divided into two or more units, nor conveyed or encumbered in a dimension less than the full original dimensions.

12. All clotheslines, equipment, service yards, wood piles or storage piles shall be kept screened by adequate vegetation or fencing to conceal them from view. All rubbish and trash shall be removed and shall not be allowed to accumulate.

13. Towers, radio or television antennas may not exceed 3 feet above the highest roof line of the structure and must be attached to the structure.

14. No elevated or exposed tanks of any kind shall be permitted, except for those tanks as deemed necessary by the RMD.

15. No previously used, previously erected or temporary structure, trailer, or non-permanent out-building shall ever be placed, erected or allowed except by the developer until the entire Ridges PUD is completed and construction companies during construction periods. No structure shall be occupied prior to its completion.

16. All exterior lights and light standards, other than ordinary low intensity lights, shall be subject to approval by the ACCO for harmonious development and prevention of lighting nuisances.

17. All lots are subject to and bound by Public Service Company tariffs which are now and may in the future be filed with the Public Utilities Commission of the State of Colorado relating to street lighting in this subdivision, together with rates, rules and regulations therein provided and subject to all future amendments and changes thereto. The owner or owners shall pay as billed a portion of the cost of public street lighting in the subdivision according to Public Service Company rates, rules and regulations, including future amendments and changes on file with the Public Utilities Commission of the State of Colorado.

18. No recreational vehicles, motorcycles, dirt bikes, etc., shall be operated in the PUD, except for transportation in and out of the PUD upon established roads.

19. No activities shall be conducted on any property and no improvements constructed on any property which are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any property, and no open fires shall be lighted or permitted on any property, except in a contained barbeque unit while attended and in use for cooking purposes or within a safe and well-designated interior fireplace or except such campfires or picnic fires on property designated for such use by RDC or RMD, and except such controlled and attended fires required for clearing or maintenance of land by RDC or RMD personnel.

20. No gas lines, light and power lines, telephone lines or television cables shall be permitted unless said lines are buried underground from their primary source at the lot line to the unit. The owner shall pay all costs. ACCO may, however, allow overhead light, power, telephone and television lines from primary source if the cost of placing the same underground would be excessive as determined by ACCO in its sole discretion and by a two-thirds vote.

21. Each single family unit and multi-family structure shall be completed no later than one (1) year after commencement of construction. Landscaping shall be approved and completed within one (1) year of occupancy of the structure.

22. The owner of each unit shall keep the same clear and free of rubbish and trash and shall keep the structure(s) thereon in good repair, doing such maintenance as may be required for this purpose.

23. No hunting, shooting, trapping or otherwise killing or harming of wildlife shall be permitted in the PUD, it being the intent hereof to conserve and protect all wildlife to the fullest extent possible.

24. Except as in approved grading, drainage, and erosion control, no structures shall be placed or located in such a manner that will obstruct, divert or otherwise alter the natural water drainage courses and patterns, and no landscaping or changes to the existing terrain shall be made which shall obstruct, divert or otherwise alter such drainage.

25. No hedges or fences shall be constructed, grown, or maintained on any single family or multi-family lot in the PUD higher than 4½ feet, except patio fences in connection with dwellings. All fences shall be constructed of wooden or rock materials and if painted shall be of wood tones. No fences shall be placed on that portion of a lot fronting on a public street between a line drawn parallel to such street through the closest edge of the house or garage on such lot and the public street. No fences shall be erected on any cut or fill slopes on road sections.

26. No property shall be used for the purpose of mining, quarrying, drilling, boring or exploring for or removing water, oil, gas or other hydrocarbons, minerals, rocks, stones, gravel or earth, unless by written approval of the RDC.

27. No cesspools or septic tanks shall be permitted on any property and each residence shall contain at least one fully equipped and operational bathroom.

28. Detached accessory buildings shall not exceed an area 10% of the number of square feet in the exterior measurements in the principal dwelling as measured in the classification of sites in paragraph 1 hereof. Accessory buildings shall blend with the compliment of general architectural scheme and design of the family dwelling.

29. There shall not be permitted or maintained upon any single family or multi-family lots or part thereof any trade, business, or industry, except:

b. The following uses:

- (1) Sales offices for RDC use.
- (2) Rental or sales offices for multi-family complexes.
- (3) Utility substations.
- (4) Pre-school and day care centers.
- (5) Family foster homes (no more than

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a. Home occupations consisting of any use for gain or support customarily found within a dwelling and carried on by the occupants thereof as long as such use meets all of the following conditions:

- (1) Must be clearly secondary to the primary use of the building as a dwelling.
- (2) No article may be sold or offered for sale for delivery on the premises.
- (3) It is operated in its entirety within the dwelling unit.
- (4) No person other than those who reside within the dwelling unit may be employed in such occupation.
- (5) There is no advertising except as provided within each specific zone.
- (6) No additions to or alterations of the exterior of the dwelling unit including outside entrances for the purpose of the home occupation shall be permitted.
- (7) The office or business does not utilize more than 25% of the gross floor area of the dwelling unit, and in any case not more than 400 square feet; provided, however, that this does not apply to nursery schools.
- (8) The houses of such uses and the external effects must not interfere with the peace, quiet and dignity of the neighborhood and adjoining properties.

building. Vehicles shall be parked within designated parking areas. Any traffic flow markings and signs regulating traffic on the premises shall be strictly observed.

33. No lot shall be used as a parking, storage, display or accommodation area for any type of house trailer, camping trailer, boat trailer, hauling trailer, self-contained motorized recreational vehicle, running gear, boat or accessories thereto, motor driven cycle, truck, any junk vehicle or one under repair, or any type of van with exception to a reasonable time of loading and unloading such vehicle. Recreational vehicles as determined by the RMD may be stored in the Recreational Vehicle Storage Compound provided by the RMD. The RMD accepts no responsibility for theft or vandalism which may occur. All other vehicles shall be stored, parked or maintained wholly within the enclosed garage area.

34. Any activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting, or servicing vehicles of any kind must be performed within an enclosed garage. The foregoing restriction shall not be deemed to prevent washing and polishing of such motor vehicle, boat, trailer, or motor driven cycle together with those activities normally incident and necessary to such washing and polishing.

35. No sound shall be emitted on any property which is unreasonably loud or annoying and no odor shall be emitted on any property which is noxious or offensive to others.

36. Exterior paint or stain shall range from light sand color to dark brown, light green to dark green, or natural wood. Any variations must be approved by ACCO.

IN WITNESS WHEREOF, Ridges Development Corp. has hereby executed this Declaration this 12 day of September, 1980.

RIDGES DEVELOPMENT CORP.

By William E. Foster
President

ATTEST:

Warren E. Gardner
Secretary

STATE OF COLORADO }
COUNTY OF MESA } ss:

The foregoing was acknowledged before me this 12 day of Sept., 1980, by William E. Foster as President and Warren E. Gardner as Secretary of Ridges Development Corp.

WITNESS MY HAND AND OFFICIAL SEAL.



Julia A. Mahr
Notary Public

My commission expires:

May 9, 1984