



**MOUNTAIN VISTA METROPOLITAN DISTRICT**

Regular Board Meeting held in person and virtually  
8605 Explorer Dr, Colorado Springs, CO 80920

**Thursday, May 2, 2024 – 10:00 a.m.**

**\*\* Please join the meeting from your computer, tablet or smartphone\*\***

<https://video.cloudoffice.avaya.com/join/070305842>

United States: +1 (213) 463-4500

Access Code: 070-305-842

Board of Director	Title	Term
Brian Bahr	President	May 2025
John Eliot	Vice President	May 2025
Richard Vorwaller	Assistant Secretary	May 2027
Autumn Mason	Assistant Secretary	May 2027 (term to be on 2025 ballot)
Craig Anderson	Treasurer/ Secretary	May 2027

**AGENDA**

1. Call to Order
2. Declaration of Quorum/Director Qualifications/ Disclosure Matters
3. Approval of Agenda
4. Consent Agenda (These items are routine and may be approved in one motion. There will be no separate discussion of these items unless requested, in which event, the item will be heard immediately)
  - a. Approval of Board Meeting Minutes from February 1, 2024 (**enclosure**)
  - b. Ratification of Approval of Payables through the Period ending May 2, 2024 (**enclosure**)
  - c. Acceptance of Unaudited Financial Statements as of April 25, 2024, and the Schedule of Cash Position Updated as of April 25, 2024 (**enclosure**)
5. Management Matters
  - a. Manager’s Report (**enclosure**)
    - i. Retaining Wall Project Update
6. Public Comment (Limited to 3 minutes and only items not on the agenda)
7. General Business
  - a. Review and Consider Approval of Storm Grate Modification Proposal (**enclosure**)
  - b. Consider Appointment of Members to the Architectural Committee (AC)
  - c. Review and Consider Approval of Resolution Amending the Design Guidelines (**enclosure**)
  - d. Review and Consider Approval of Resolution Adopting Policy Establishing Best Management Practices for Bioretention Swales (**enclosure**)
  - e. Consider Approval to Amend Landscape Maintenance Contract with Weisburg Landscape for Bioretention Swale Maintenance (**no enclosure**)
8. Adjourn
  - a. Next Regular Meeting Date – August 1, 2024 at 10:00 a.m.





**MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
MOUNTAIN VISTA METROPOLITAN DISTRICT  
HELD FEBRUARY 1, 2024, AT 10:00 AM**

Pursuant to posted notice, the regular meeting of the Board of Directors of the Mountain Vista Metropolitan District was held on Thursday, February 1, 2024, at 10:00 a.m., at 8605 Explorer Dr, Colorado Springs, CO 80920 and virtually via video teleconference.

Attendance

In attendance were Directors:

Brian Bahr  
Craig Anderson  
John Eliot  
Richard Vorwaller

Also in attendance were:

Heather Smith, WSDM  
Pete Susemihl, Susemihl, McDermott & Downie, P.C.  
Autumn Mason, Resident

1. Call to Order: President Bahr called the meeting to order at 10:05 a.m.
2. Declaration of Quorum/ Director Qualifications/ Disclosure Matters: President Bahr confirmed a quorum was present. Mr. Susemihl confirmed all Directors are qualified and disclosures have been filed.
3. Approval of Agenda: Director Vorwaller moved to approve the Agenda as presented; seconded by President Bahr. Motion passed unanimously.
4. Review Letters of Interest to Fill Vacant Position and Consider Appointment: Ms. Smith presented two letters of interest from residents Autumn Mason and Julie Hendershot for the vacant position on the Board. After review, Director Vorwaller moved to appoint Autumn Mason to fill the vacant position on the Board; seconded by Director Eliot. Motion passed unanimously.
5. Consent Agenda: After review, Director Vorwaller moved to approve the Consent Agenda as presented; seconded by Director Mason. Motion passed unanimously.
  - a. Approval of Board Meeting Minutes from November 2, 2023
  - b. Approval of Annual Meeting Minutes from November 2, 2023
  - c. Ratification of Approval of Payables through the Period ending February 1, 2024
  - d. Acceptance of Unaudited Financial Statements as of December 31, 2023, and the Schedule of Cash Position Updated as of December 31, 2023
6. Management Matters
  - a. Manager's Report: Ms. Smith presented the Manager's Report.

7. Public Comment: There was no public comment.
8. Financial Matters
  - a. Review and Consider Approval of 2023 Auditor Engagement: Ms. Smith presented the 2023 Auditor Engagement proposal from BiggsKofford for \$9,600. After review, Director Vorwaller moved to approve the 2023 Auditor Engagement from BiggsKofford for \$9,600; seconded by Director Mason. Motion passed unanimously.
  - b. Review and Consider Approval for Fee Reversal Request: Ms. Smith presented a request from a resident to reverse late fees totaling \$125.00. After review, Director Mason moved to deny the request to reverse late fees; seconded by Director Eliot. Motion passed unanimously.
9. General Business
  - a. Discuss Retaining Wall Project Status, and Review and Consider Approval for Change Order(s): Ms. Smith discussed the retaining wall project status and informed the Board of a large change order for additional fill-dirt that will be coming soon. Director Anderson moved to authorize President Bahr to approve the change order once it's received up to \$100,000 maximum subject to the additional work coinciding with the existing FEMA funding request. Ms. Smith noted that the Board can call a special meeting if needed once the change order is received and does not qualify under the FEMA grant request. The motion was seconded by Director Vorwaller. Motion passed unanimously.
  - b. Review and Consider Approval for Weisburg Landscape Maintenance Contract Renewal: Ms. Smith presented the Weisburg Landscape Maintenance Contract Renewal. After review, Director Mason moved to approve the Weisburg Landscape Maintenance Contract Renewal; seconded by Director Eliot. Motion passed unanimously.
10. Adjourn: There being no further business to come before the Board, President Bahr moved to adjourn at 10:18 a.m.; seconded by Director Vorwaller. Motion passed unanimously.
  - a. Next Regular Meeting Date: May 2, 2024, at 10:00 a.m.

Respectfully Submitted,

---

Craig Anderson, Secretary



**Mountain Vista Metropolitan District**  
**PAYABLES**  
2/22/2024  
**GENERAL FUND ACCOUNT**

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>	<b>Comments</b>
City of Colorado Springs	48022821	2/1/2024	\$ 84.15	
City of Colorado Springs	48023056	2/1/2024	\$ 35.55	
City of Colorado Springs	48023097	2/1/2024	\$ 29.25	
City of Colorado Springs	48028901	2/1/2024	\$ 57.60	
City of Colorado Springs	48028902	2/1/2024	\$ 5.40	
City of Colorado Springs	48028903	2/1/2024	\$ 7.65	
City of Colorado Springs	48032108	2/1/2024	\$ 125.10	
City of Colorado Springs	48032232	2/1/2024	\$ 71.55	
City of Colorado Springs	48033655	2/1/2024	\$ 32.85	
Colorado Springs Utilities	2657352726	2/5/2024	\$ 273.69	
Colorado Springs Utilities	3882724424	2/5/2024	\$ 20.03	
Colorado Springs Utilities	5666367862	2/6/2024	\$ 161.04	
HC Hammers Construction	2023-SW-025.8	2/12/2024	\$ 21,555.00	
HC Hammers Construction	2023WO-019.2	1/25/2024	\$ 80,713.35	
Special District Association	22224	2/24/2024	\$ 1,237.50	
Susemihl Mcdermott Downie P.C.	35946	1/31/2024	\$ 1,552.00	
Weisburg Landscape Maintenance	54355	2/29/2024	\$ 4,506.00	
Weisburg Landscape Maintenance	54261	2/16/2024	\$ 237.50	
Weisburg Landscape Maintenance	54090	2/12/2024	\$ 190.00	
Weisburg Landscape Maintenance	53587	1/31/2024	\$ 4,506.00	
WSDM District Managers	7862	1/31/2024	\$ 4,259.16	
<b>TOTAL</b>			<b>\$ 119,660.37</b>	

**TOTAL FOR ALL FUNDS**

**\$ 119,660.37**

, President

Kirkpatrick Funds                     \$     865,106.05  
12/18 Draw                                 \$    (119,660.37)  
Kirkpatrick Funds After Draw         \$     745,445.68

**Mountain Vista Metropolitan District**  
**PAYABLES**  
3/21/2024  
**GENERAL FUND ACCOUNT**

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>	<b>Comments</b>
City of Colorado Springs	48022821	3/1/2024	\$ 84.15	
City of Colorado Springs	48023056	3/1/2024	\$ 35.55	
City of Colorado Springs	48023097	3/1/2024	\$ 29.25	
City of Colorado Springs	48028901	3/1/2024	\$ 57.60	
City of Colorado Springs	48028902	3/1/2024	\$ 5.40	
City of Colorado Springs	48028903	3/1/2024	\$ 7.65	
City of Colorado Springs	48032108	3/1/2024	\$ 125.10	
City of Colorado Springs	48032232	3/1/2024	\$ 71.55	
City of Colorado Springs	48033655	3/1/2024	\$ 32.85	
Colorado Springs Utilities	2657352726	3/5/2024	\$ 1,347.25	Paid via phone
Colorado Springs Utilities	3882724424	3/5/2024	\$ 18.23	
Colorado Springs Utilities	5666367862	3/5/2024	\$ 150.38	
Susemihl Mcdermott Downie P.C.	36030	2/29/2024	\$ 199.50	
Weisburg Landscape Maintenance	53125	12/20/2023	\$ 237.50	
Weisburg Landscape Maintenance	54669	3/31/2024	\$ 4,506.00	
WSDM District Managers	7907	2/29/2024	\$ 4,460.20	
<b>TOTAL</b>			<b>\$ 11,368.16</b>	

**DEBT SERVICE FUND ACCOUNT**

<b>Company</b>	<b>Invoice</b>	<b>Date</b>	<b>Amount</b>	<b>Comments</b>
UMB	310245	3/10/2024	205,977.21	Nov 23-Feb 24

**TOTAL FOR ALL FUNDS** \$ 217,345.37 \_\_\_\_\_, President

Kirkpatrick Funds \$ 1,022,068.72  
3/21 Draw \$ (217,345.37)  
Kirkpatrick Funds After Draw \$ 804,723.35

# Mountain Vista Metropolitan District

## PAYABLES

4/19/2024

### GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
City of Colorado Springs	48022821	4/1/2024	\$ 84.15	
City of Colorado Springs	48023097	4/1/2024	\$ 29.25	
City of Colorado Springs	48028902	4/1/2024	\$ 5.40	
City of Colorado Springs	48028903	4/1/2024	\$ 7.65	
City of Colorado Springs	48032108	4/1/2024	\$ 125.10	
City of Colorado Springs	48032232	4/1/2024	\$ 71.55	
City of Colorado Springs	48033655	4/1/2024	\$ 32.85	
Colorado Interactive, LLC	14257450	1/1/2024	\$ 315.00	
Colorado Springs Utilities	2657352726	4/5/2024	\$ 270.00	
Colorado Springs Utilities	3882724424	4/5/2024	\$ 37.07	
Colorado Springs Utilities	5666367862	4/5/2024	\$ 493.31	
HC Hammers Construction	2023WO-.019.3	3/25/2024	\$ 58,319.28	
HC Hammers Construction	2024-SW-0125.1	3/25/2024	\$ 550.00	
HC Hammers Construction	2023-SW-029.1	3/25/2024	\$ 400.00	
Weisburg Landscape Maintenance	54778	3/22/2024	\$ 190.00	
Weisburg Landscape Maintenance	55081	4/30/2024	\$ 5,920.00	
WSDM District Managers	7954	3/31/2024	\$ 4,283.70	
<b>TOTAL</b>			<b>\$ 71,134.31</b>	

### DEBT SERVICE FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
UMB	41024	4/10/2024	21,395.92	March 2024

**TOTAL FOR ALL FUNDS**

\$ 92,530.23

\_\_\_\_\_, President

Kirkpatrick Funds	\$	837,798.77
3/21 Draw	\$	(92,530.23)
Kirkpatrick Funds After Draw	\$	745,268.54



# Mountain Vista Metropolitan District

## PAYABLES

4/19/2024

### GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
City of Colorado Springs	48022821	4/1/2024	\$ 84.15	
City of Colorado Springs	48023097	4/1/2024	\$ 29.25	
City of Colorado Springs	48028902	4/1/2024	\$ 5.40	
City of Colorado Springs	48028903	4/1/2024	\$ 7.65	
City of Colorado Springs	48032108	4/1/2024	\$ 125.10	
City of Colorado Springs	48032232	4/1/2024	\$ 71.55	
City of Colorado Springs	48033655	4/1/2024	\$ 32.85	
Colorado Interactive, LLC	14257450	1/1/2024	\$ 315.00	
Colorado Springs Utilities	2657352726	4/5/2024	\$ 270.00	
Colorado Springs Utilities	3882724424	4/5/2024	\$ 37.07	
Colorado Springs Utilities	5666367862	4/5/2024	\$ 493.31	
HC Hammers Construction	2023WO-.019.3	3/25/2024	\$ 58,319.28	
HC Hammers Construction	2024-SW-0125.1	3/25/2024	\$ 550.00	
HC Hammers Construction	2023-SW-029.1	3/25/2024	\$ 400.00	
Weisburg Landscape Maintenance	54778	3/22/2024	\$ 190.00	
Weisburg Landscape Maintenance	55081	4/30/2024	\$ 5,920.00	
WSDM District Managers	7954	3/31/2024	\$ 4,283.70	
<b>TOTAL</b>			<b>\$ 71,134.31</b>	

### DEBT SERVICE FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
UMB	41024	4/10/2024	21,395.92	March 2024

**TOTAL FOR ALL FUNDS**

\$ 92,530.23

\_\_\_\_\_, President

Kirkpatrick Funds	\$	837,798.77
3/21 Draw	\$	(92,530.23)
Kirkpatrick Funds After Draw	\$	745,268.54



## Mountain Vista Metropolitan District

## Balance Sheet

As of April 25, 2024

	<u>Apr 25, 24</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
3079 - Kirkpatrick Checking	874,160.83
UMB Bond Fund 157277.1	257,434.80
UMB Series 2021 Project Fund	1,300,233.41
<b>Total Checking/Savings</b>	<u>2,431,829.04</u>
<b>Other Current Assets</b>	
Property Tax Receivable	296,544.19
12000 · Undeposited Funds	251.56
<b>Total Other Current Assets</b>	<u>296,795.75</u>
<b>Total Current Assets</b>	<u>2,728,624.79</u>
<b>Fixed Assets</b>	
Construction in Progress	10,366,028.70
<b>Total Fixed Assets</b>	<u>10,366,028.70</u>
<b>TOTAL ASSETS</b>	<b><u>13,094,653.49</u></b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
20000 · Accounts Payable	90,610.23
<b>Total Accounts Payable</b>	90,610.23
<b>Other Current Liabilities</b>	
Accrued Interest	300,186.00
Prepaid Trash Fees	15,685.00
Deferred Property Tax Revenue	296,544.19
<b>Total Other Current Liabilities</b>	<u>612,415.19</u>
<b>Total Current Liabilities</b>	703,025.42
<b>Long Term Liabilities</b>	
26000 · Series 2021 Bonds	10,800,000.00
26500 · Barnes Road Set Aside	1,200,000.00
<b>Total Long Term Liabilities</b>	<u>12,000,000.00</u>
<b>Total Liabilities</b>	12,703,025.42
<b>Equity</b>	
30000 · Opening Balance Equity	132,142.06
32000 · Retained Earnings	20,731.68
Net Income	238,754.33
<b>Total Equity</b>	<u>391,628.07</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>13,094,653.49</u></b>

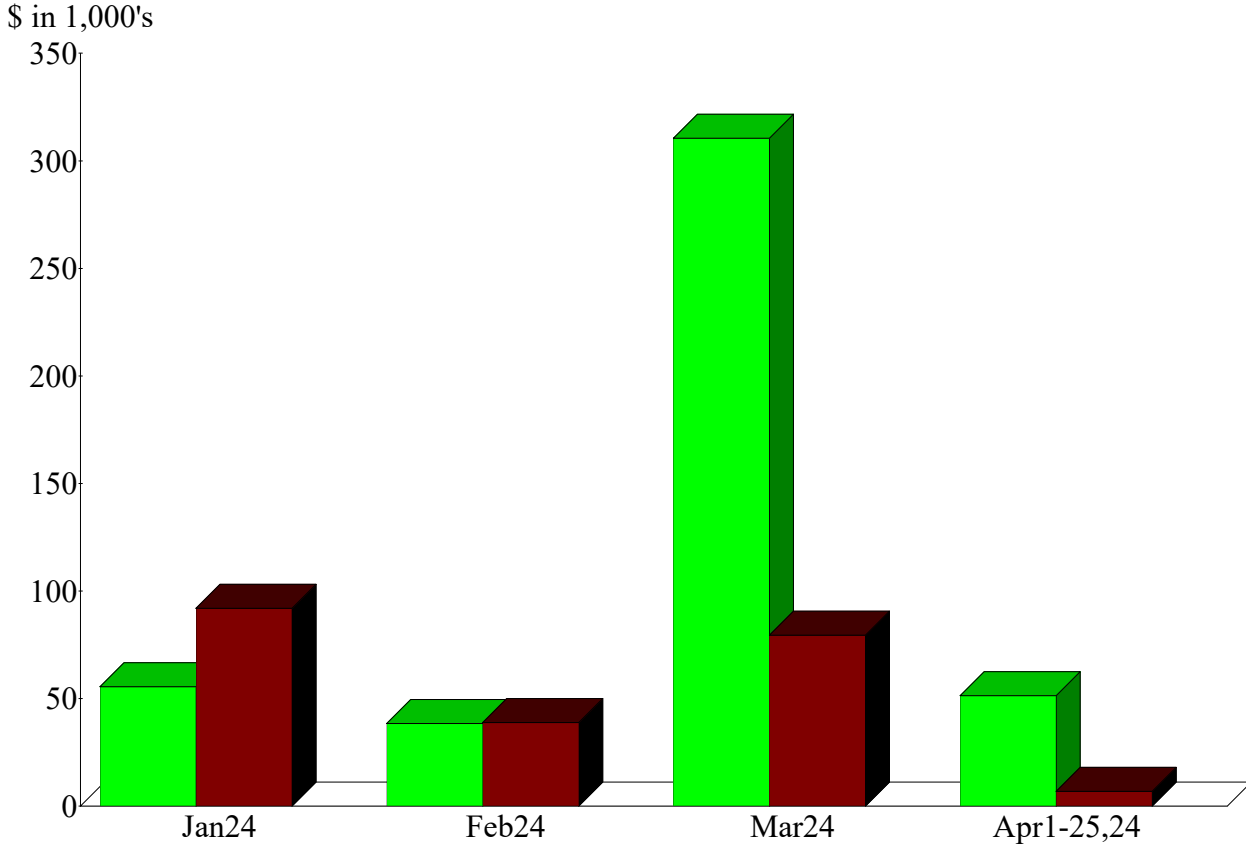
# Mountain Vista Metropolitan District

## Profit & Loss Budget vs. Actual

January 1 through April 25, 2024

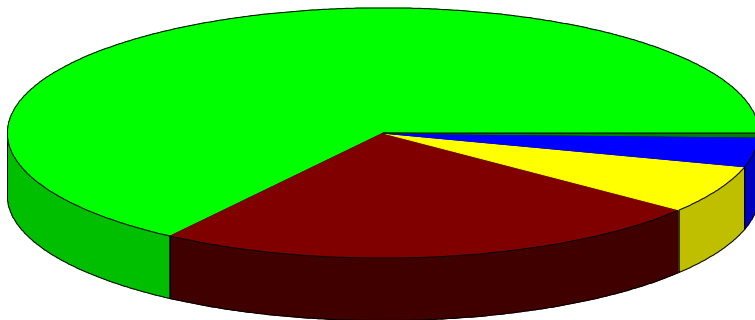
	TOTAL					
	Mar 24	Apr 1 - 25, 24	Jan 1 - Apr 25, 24	Budget	\$ Over Budget	% of Budget
<b>Income</b>						
<b>Building Permit Fees</b>						
1-0010 · Single Family - Fee	38,000.00	12,000.00	110,000.00	110,000.00	0.00	100.0%
<b>Total Building Permit Fees</b>	<b>38,000.00</b>	<b>12,000.00</b>	<b>110,000.00</b>	<b>110,000.00</b>	<b>0.00</b>	<b>100.0%</b>
<b>Treasurer Taxes</b>						
1-1000 · Current Year Tax- O&M	65,221.38	6,139.83	71,361.21	145,497.00	-74,135.79	49.05%
1-1020 · Specific Ownership Tax - O&M	1,125.77	992.15	3,311.64	10,185.00	-6,873.36	32.52%
2-1000 · Current Year Tax- Debt	195,664.13	18,419.48	214,083.61	436,492.00	-222,408.39	49.05%
2-1020 · Specific Ownership tax - Debt	3,377.30	2,976.44	9,934.90	30,554.00	-20,619.10	32.52%
<b>Total Treasurer Taxes</b>	<b>265,388.58</b>	<b>28,527.90</b>	<b>298,691.36</b>	<b>622,728.00</b>	<b>-324,036.64</b>	<b>47.97%</b>
1-2000 · Late Fee	239.00	0.00	630.00	0.00	630.00	100.0%
1-2010 · Trash Service	1,474.49	10,876.43	28,993.59	76,797.00	-47,803.41	37.75%
1-3000 · Interest Income	5,471.93	0.00	17,700.74	45,000.00	-27,299.26	39.34%
<b>Total Income</b>	<b>310,574.00</b>	<b>51,404.33</b>	<b>456,015.69</b>	<b>854,525.00</b>	<b>-398,509.31</b>	<b>53.37%</b>
<b>Expense</b>						
<b>Treasurer Fee</b>						
1-1100 · Treasurer Collection Fee - O&M	978.33	92.10	1,070.43	1,152.00	-81.57	92.92%
2-1100 · Treasurer Collection Fee - Debt	2,934.98	276.31	3,211.29	6,547.00	-3,335.71	49.05%
<b>Total Treasurer Fee</b>	<b>3,913.31</b>	<b>368.41</b>	<b>4,281.72</b>	<b>7,699.00</b>	<b>-3,417.28</b>	<b>55.61%</b>
<b>1-1200 · Professional Services</b>						
1-1210 · Audit/ Accounting	0.00	0.00	0.00	9,605.00	-9,605.00	0.0%
1-1220 · District Management	4,250.00	0.00	12,759.16	51,000.00	-38,240.84	25.02%
1-1230 · Trash Service	5,038.28	5,425.12	21,004.50	84,444.00	-63,439.50	24.87%
1-1250 · Legal	0.00	0.00	1,751.50	10,000.00	-8,248.50	17.52%
<b>Total 1-1200 · Professional Services</b>	<b>9,288.28</b>	<b>5,425.12</b>	<b>35,515.16</b>	<b>155,049.00</b>	<b>-119,533.84</b>	<b>22.91%</b>
<b>1-1270 · Bond Costs</b>						
Trustee Fee	0.00	0.00	0.00	4,000.00	-4,000.00	0.0%
Interest Expense	0.00	0.00	0.00	488,210.00	-488,210.00	0.0%
<b>Total 1-1270 · Bond Costs</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>492,210.00</b>	<b>-492,210.00</b>	<b>0.0%</b>
1-1300 · Bank Fees	272.03	0.00	814.31	1,000.00	-185.69	81.43%
<b>Capital Improvements</b>						
1-1310 · Copies & Postage	33.70	0.00	542.55	2,500.00	-1,957.45	21.7%
1-1320 · Office Supplies	0.00	0.00	0.00	83.00	-83.00	0.0%
1-1400 · Dues & Subscriptions	0.00	0.00	1,237.50	2,000.00	-762.50	61.88%
1-1450 · Insurance	0.00	0.00	-9,600.00	15,000.00	-24,600.00	-64.0%
1-1600 · Landscape Maintenance & Repairs	4,696.00	0.00	18,020.21	115,000.00	-96,979.79	15.67%
1-1615 · Repairs (Retaining Wall)	58,319.28	0.00	160,587.63	0.00	160,587.63	100.0%
1-1620 · Stormwater Fee	1,399.10	665.10	2,962.40	20,000.00	-17,037.60	14.81%
1-1610 · Utilities	1,515.86	491.23	2,899.88	70,000.00	-67,100.12	4.14%
1-1630 · Miscellaneous	0.00	0.00	0.00	50,000.00	-50,000.00	0.0%
<b>Total Expense</b>	<b>79,437.56</b>	<b>6,949.86</b>	<b>217,261.36</b>	<b>2,160,541.00</b>	<b>-1,943,279.64</b>	<b>10.06%</b>
<b>Net Income</b>	<b>231,136.44</b>	<b>44,454.47</b>	<b>238,754.33</b>	<b>-1,306,016.00</b>	<b>1,544,770.33</b>	<b>-18.28%</b>

Income and Expense by Month  
January 1 through April 25, 2024



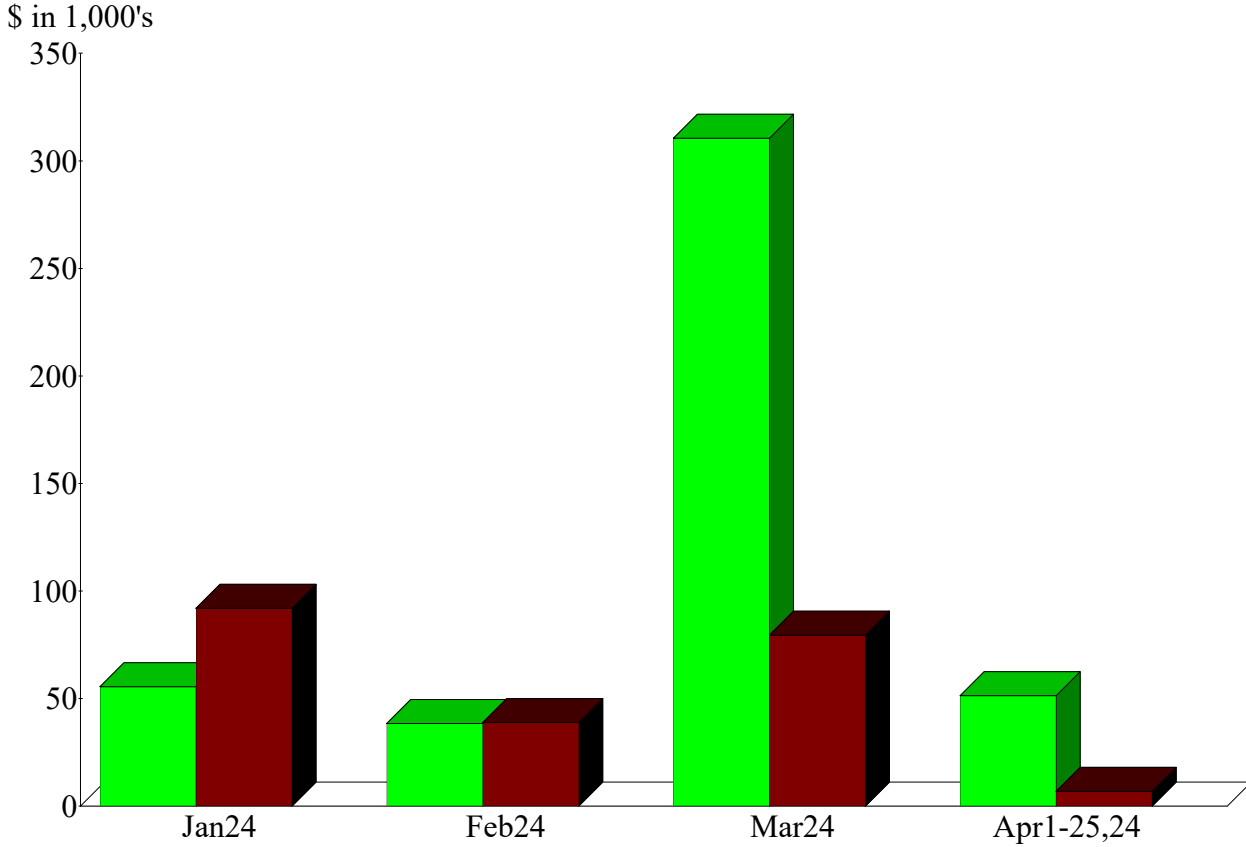
Income Summary  
January 1 through April 25, 2024

Treasurer Taxes	65.50%
Building Permit Fees	24.12
1-2010 · Trash Service	6.36
1-3000 · Interest Income	3.88
1-2000 · Late Fee	0.14
<b>Total</b>	<b>\$456,015.69</b>



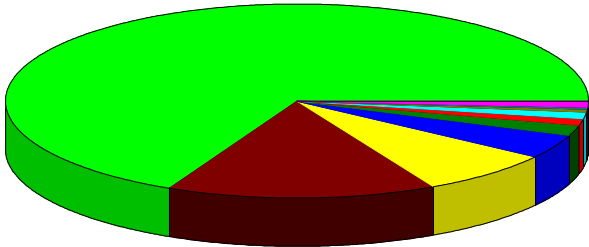
By Account

Income and Expense by Month  
January 1 through April 25, 2024



Expense Summary  
January 1 through April 25, 2024

1-1615 · Repairs (Retaining Wall)	70.79%
1-1200 · Professional Services	15.66
1-1600 · Landscape Maintenance & Repairs	7.94
1-1450 · Insurance	<b>\$-9,600.00</b>
Treasurer Fee	1.89
1-1620 · Stormwater Fee	1.31
1-1610 · Utilities	1.28
1-1400 · Dues & Subscriptions	0.55
1-1300 · Bank Fees	0.36
1-1310 · Copies & Postage	0.24
<b>Sub-Total</b>	<b>\$217,261.36</b>



By Account





---

---

**MEMORANDUM**

---

---

**TO:** MOUNTAIN VISTA METROPOLITAN DISTRICT BOARD OF DIRECTORS  
**FROM:** HEATHER SMITH  
**SUBJECT:** MANAGERS REPORT FOR MAY 2024  
**DATE:** APRIL 29, 2024

Landscape Maintenance:

- Bioswales:
  - The Development Plan outlines Bioswale educational materials to be made available to new Owners in Filings 3 & 4 and for Maintenance Practices to be adopted. This subject is on the agenda for May.
  - Weisburg has suggested removing the native grasses in the swales and adding rock to reduce maintenance. More research is required.

General Maintenance:

- The playground equipment has been inspected and Rocky Mountain Playgrounds is working to provide a report and proposal for repairs.
- Repairs have been completed on the split-rail fencing in Filing 2.

Retaining Wall and Detention Pond Repairs:

- Ponds 4, 5, and 6 have been cleared and restored in full.
- Hammers Construction has completed the soil compaction on the wall site and has scheduled the rebuilding of the keystone wall to begin on May 6<sup>th</sup>.
- The application for funding through FEMA is in process and continues to look optimistic. The final piece of the application is the mitigation cost of the raised grate, which is on the agenda for May.

Billing Update:

- 2<sup>nd</sup> Quarter bills went out 4/8
- 13 Liens remain in place for dues and fees not yet paid.

Mountain Vista Covenant Matters (additional reports attached)

- Violations issued YTD:
  - 14 Violations have been issued to date for 2024.
  - 12 Violations have continued from 2023.
  - 12 Violations are receiving repeated fines.



- Architectural Submissions Reviewed:
  - 5 Submissions have been reviewed to-date for 2024.
    - 40% Fence
    - 40% Patio
    - 20% Gazebo





# HAMMERS CONSTRUCTION, INC

1411 Woolsey Heights. Colorado Springs, Colorado. 80915-5400

(719) 570-1599 | www.hammersconstruction.com

*Specializing in Design/Build*

Steve Hammers, President

April 11, 2024

**Walker Schooler District Managers**

614 N. Tejon St.

Colorado Springs, Colorado 80903

Attn: Rebecca Harris

Re: Mtn. Vista Metro District @ Emergency repair

## Proposal

Hammers Construction Inc., HCI, proposes to provide all labor and materials at site address with an estimated time frame of 1 day to complete.

*Scope of work includes, but is not limited to:*

Item	Description	Qty	Rate	Total	Initial
	<b>Stormwater Detention - Inflow Grate Revision</b>				
1	Remove 2 300 lb grate covers, and build bracket approx. 10" high to except grates				
2	Install upright bars around new brakect to stop debris from flowing in out let				
3	Grate will be built in field,				
4	Galvanized cold spray will be used to coat metal				
	<b>Walker Schooler to provide close location to dump sediment or will be billed at T&amp;M rates.</b>				
				<b>Total</b>	<b>\$4,475.00</b>

### Terms & Conditions

- The Owner shall pay the Contract Price as follows: A deposit amount of (0.00) is required to secure project allocations. Contractor will bill by the end of each month and payment shall be due by the 10th day of the following month. Any payments not paid by the 10th day of such month shall bear interest thereafter at 18% per annum. Contractor may stop work on the project until Owner is brought current on all payments. A final billing will be rendered after completion of the work.
- This proposal assumes that all existing conditions and equipment serving the needs of the facility exist in good working order and comply with code requirements. Hammers Construction, Inc does not warrant the operation of any of the existing conditions or equipment.
- Retainage shall not be held.
- This proposal is valid for thirty (30) days.
- If Hammers Construction, Inc is delayed in the performance or completion of the work for reasons beyond its control, then with timely notice, the time of the performance or completion of said work shall be extended accordingly.
- Hammers Construction, Inc shall take all safety precautions with respect to its work; comply with all safety measures required by all applicable laws, ordinances, rules, regulations, and lawful orders of any public authority for the safety of persons or property.
- Hammers Construction, Inc will guarantee its work against all defects in material or workmanship for a period of one (1) year from the date of completion of the work.
- Reasonable and appropriate care was used in preparation of our proposal, but that does not guarantee further unforeseen or concealed conditions or changed made by governmental authorities exist at the project site. If conditions are encountered at the project site which are subsurface, or otherwise concealed physical conditions (in whole or in part), which differ materially from those indicated in the bid documents; or unknown physical conditions of an unusual nature which differ materially from those ordinarily found to exist and generally recognized as inherent in construction activities of the character provided for in the bid documents, then Hammers Construction, Inc shall be entitled to an equitable adjustment to the contract amount.



**Irrigation Repair Guarantee & Limited Warranty Provision**

1. Hammers Construction, Inc. guarantees our repair and installation of satisfactory and properly operation irrigation system components. Further, HCI warrants the installation, workmanship and materials that are installed by HCI in connection with the underground irrigation system.
  - a. This guarantee and limited warranty shall be effective for a period of one (1) year from installation.
2. Exclusions from this warranty include acts of God, vandalism or improperly maintained systems.
3. During the period of this guarantee and limited warranty, HCI will repair and/or replace any defects that are in conjunction ONLY with work HCI has completed or repaired within the one-year time period.
4. Any repair outside of the warranty items will be billed at a time and materials rate listed within the contract.

**Plant Material Extended Warranty Provision**

1. Plant material includes warranty of one year from date of installation or until irrigation system has been winterized for the
2. To extend the warranty throughout the winter, HCI recommends all plant material associated with this proposal be winter watered on a monthly basis, weather permitting. HCI will not perform winter watering if snow cover or ice is present.
  - a. Winter watering plant material will be billed at \$85.00 per hour. You will only be billed if work is performed. Invoices will include the dates the winter watering was performed.

**Clarifications:**

All work in this proposal is based on verbal conversation and observations made on one (1) site visit. Any work not mentioned above is not a part of this agreement and will be a subject for extra charges to the owner.

**Unforeseen Conditions:**

1. Cold weather work.
2. Weekend or evening work.
3. Project phasing.
4. Prevailing wage.
5. Testing for or abatement of hazardous materials including but not limited to mold, silica and asbestos.
6. Changes by government authorities

The above contract price, terms, conditions, and specifications are hereby accepted and Contractor is authorized to proceed with construction.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

The foregoing contract is submitted by Contractor as of April 11, 2024. All prices are good for 30 days. If you have any questions about this proposal or other services we offer feel free to call me discuss.

**Todd W. Jeffers**  
Project Manager  
Hammers Construction, Inc.



RESOLUTION  
A RESOLUTION OF THE BOARD OF DIRECTORS OF MOUNTAIN VISTA  
METROPOLITAN DISTRICT AMENDING DESIGN GUIDELINES

WHEREAS, Mountain Vista Metropolitan District, El Paso County, Colorado (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing as a Metropolitan District under the laws of the State of Colorado, including particularly Title 32 of the Colorado Revised Statutes;

WHEREAS, Challenger Communities LLC, as Declarant, has caused the recordation of Declaration of Covenants, Conditions, and Restrictions for the Mountain Vista Community (“Covenants”), which Covenants were recorded in the real property records of El Paso County at Reception Number 219040045;

WHEREAS, the Declarant has assigned all of its rights and obligations enforcement of the Covenants to the Colorado not-for-profit corporation, Mountain Vista Covenants;

WHEREAS, the powers and duties of the Mountain Vista Covenants are exercised and facilitated by and through the Board of Directors of the District;

WHEREAS, the Covenants provide for the adoption of design guidelines; and

WHEREAS, the Mountain Vista Covenants, by and through the Board of Directors of the District desires to amend and restate the Design Guidelines for the Mountain Vista Community.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF MOUNTAIN VISTA METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO AS FOLLOWS:

The attached amended and restated Design Guidelines for the Mountain Vista Community are hereby adopted.

ADOPTED AND APPROVED THIS 2<sup>nd</sup> DAY OF MAY 2024.

\_\_\_\_\_  
Brian Bahr, President

ATTEST:

\_\_\_\_\_

# **DESIGN GUIDELINES**

**for the**

## **MOUNTAIN VISTA COMMUNITY**

**as set forth by the**

### **Mountain Vista Covenants**

**and the**

### **Architectural Committee**

**and the**

### **Mountain Vista Metropolitan District**

Adopted June 7, 2019

Amended May 2, 2024

Contents

ARTICLE I ..... 6

GENERAL INFORMATION ..... 6

    Section 1.1 The Purpose..... 6

    Section 1.2 Legal Authority..... 6

    Section 1.3 Supplemental Guidelines to City, County & State Regulations. .... 6

    Section 1.4 Recommendation for Professional Guidance..... 6

    Section 1.5 Non-liability..... 6

    Section 1.6 Aesthetic Considerations..... 7

    Section 1.7 Drainage and Grading Considerations. .... 7

    Section 1.8 Administration of the Design Guidelines..... 7

    Section 1.9 – Amendment and Publication..... 7

ARTICLE II ..... 7

DESIGN REVIEW PROCEDURES ..... 7

    Section 2.1 Submission of Drawings and Plans..... 7

    Section 2.2 Architectural Plan Review. .... 8

    Section 2.3 Landscape Plan and Other Site Improvements Review. .... 8

    Section 2.4 Revisions and Additions to Approved Plans..... 9

    Section 2.5 Action by the AC. .... 9

    Section 2.6 Certification of Accuracy..... 9

    Section 2.7 Review of Work in Progress. .... 9

    Section 2.8 Rights of Appeal. .... 9

    Section 2.9 Effect of Governmental and Other Regulations..... 10

    Section 2.10 Period of Plan Validation..... 10

ARTICLE III..... 10

IMPROVEMENT STANDARDS ..... 10

    Section 3.1 Zoning..... 10

    Section 3.2 Building Setbacks. .... 10

    Section 3.3 Maximum Building Coverage..... 10

    Section 3.4 Home Size..... 10

    Section 3.5 Streetscape Variety. .... 10

    Section 3.6 Grading and Tiering..... 11

    Section 3.7 Bioswale Maintenance..... 11

    Section 3.8 Erosion Control..... 11

    Section 3.9 Driveways and Parking..... 11

    Section 3.10 Garage Doors..... 11

Ancillary Improvement Standards ..... 11



Section 3.11 Accessory Structures.....	11
Section 3.12 Air Conditioning Equipment.....	12
Section 3.13 Awnings/Patio Covers/Shutters. ....	12
Section 3.14 Exterior Lighting.....	12
Section 3.15 Fencing.....	12
Interior Rear Yard Fencing: .....	12
Wing and Side Yard Fencing: .....	12
Dog Run Fencing: .....	12
Extended Height Fencing:.....	12
Section 3.16 Hot Tub/Jacuzzi. ....	13
Section 3.17 Painting/Repainting.....	13
Section 3.18 Play and Sports Equipment. ....	13
Section 3.19 Satellite Dishes/Antennae. ....	13
Section 3.20 Screen/Security Doors and Windows. ....	14
Section 3.21 Signs/Address Numbers. ....	14
Section 3.22 Solar Equipment/Skylights. ....	14
Section 3.23 Swimming Pools. ....	14
Section 3.24 Trash Receptacles. ....	14
Section 3.25 Yard Ornaments. ....	14
Architectural Standards.....	15
Section 3.26 Architectural Style. ....	15
Section 3.27 Massing.....	15
Section 3.28 Architectural Detailing.....	15
Section 3.29 Maximum Building Height.....	15
Section 3.30 Exterior Materials. ....	15
Section 3.31 Roof Form & Material. ....	15
Section 3.32 Decks.....	16
Section 3.33 Patios, Decks and Paving Materials.....	16
Section 3.34 Retaining Walls.....	16
Section 3.35 Vegetable Gardens. ....	16
Section 3.36 Landscaping. ....	16
Front Yard: .....	16
Rear Yard: .....	16
Section 3.37 Landscape Maintenance.....	17
Miscellaneous Other Restrictions .....	17
Section 3.38 Concrete Equipment.....	17

Section 3.39 Pets .....	17
Section 3.40 Animals .....	17
Section 3.41 Pet Noise .....	17
Section 3.42 Pet Waste.....	17
Section 3.43 Subdividing of Lots.....	17
Section 3.44 Maintenance Equipment. ....	17
Section 3.45 Encroachments. ....	18
ARTICLE IV.....	18
CONSTRUCTION PERIOD REGULATIONS .....	18
Section 4.1 OSHA.....	18
Section 4.2 Construction Hours. ....	18
Section 4.3 Construction Access.....	18
Section 4.4 Excavation.....	18
Section 4.5 Debris and Trash Removal.....	18
Section 4.6 Vehicles and Parking. ....	18
Section 4.7 Pets on Construction Sites.....	18
Section 4.8 Blasting. ....	18
Section 4.9 Restoration and Repair.....	18
Section 4.10 Dust, Noise and Odor.....	19
Section 4.11 Prohibited Uses and Activities.....	19
ARTICLE V.....	19
Establishment of Schedule for Fines, Penalties and Charges .....	19
Section 5.1 – Establishment of Enforcement Schedule .....	19
Schedule of Notices .....	19
Schedule of Fines, Penalties and Charges.....	20

## ARTICLE I GENERAL INFORMATION

### Section 1.1 The Purpose.

Early in the planning process for this community, the Developers of the Mountain Vista Metropolitan District in El Paso County, Colorado (the “**District**”) recognized the natural beauty of this site and commissioned a development plan that conserves many of its distinctive features. To ensure that a quality environment is both created and maintained, these Design Guidelines For The Mountain Vista Community (the “**Design Guidelines**”) have been adopted. The Design Guidelines are a tool to be used by the Board of Directors of the Mountain Vista Metropolitan District (the “**Board**”) and designated Architectural Committee (the “**AC**”) to guide development in a sensible, managed process while still allowing for individual freedom of expression.

The Design Guidelines pertain to all site and building development (“**Improvements**”) within the District and have been adopted to provide a basis for consistency of development. As such, these Design Guidelines are just that – guidelines: clear and concise enough to give firm direction, yet flexible enough to be adapted to different sites and different development programs. The AC’s express purpose will be to consistently and reasonably interpret these Design Guidelines.

The Design Guidelines provide a framework for site development and architectural appearance to minimize harsh contrasts in the landscape, conserve pleasing and significant natural systems, and encourage unassuming architecture appropriate to this unique environment.

### Section 1.2 Legal Authority.

Authority for design review is grounded in the governing documents for this community, specifically the Service Plan for the Mountain Vista Metropolitan District (the “**Service Plan**”) and the Declaration of Covenants, Conditions, and Restrictions for the Mountain Vista Community (the “**Covenants**”), which provides the Board and AC with authority to enforce any Covenants, design criteria, rules or regulations adopted by the community. Property owners, tenants, guests, and invitees should refer to the recorded Plat and Development Plans, Articles of Incorporation, Covenants, Design Guidelines, Rules and Regulations (if any), and Resolutions adopted by the Board of the District for complete information regarding applicable standards and processes. Under the terms of this document, the Board hereby adopts these Design Guidelines as the basis for all design review. Should these Design Guidelines be revised, such revisions shall take precedence over previous versions. The Covenants shall govern should any discrepancies occur between these Guidelines and other recorded documents.

### Section 1.3 Supplemental Guidelines to City, County & State Regulations.

These Design Guidelines are supplemental to regulations normally in effect for this Property, including the City of Colorado Springs Zoning and Subdivision Regulations and applicable Federal and State regulations, as well as pertinent building codes. All construction shall comply with these Design Guidelines and all other applicable regulations, including but not limited to requirements under the Pikes Peak Regional Building Department (“**PPRBD**”).

### Section 1.4 Recommendation for Professional Guidance.

It is strongly recommended that all persons proposing any construction subject to review under these Design Guidelines seek the assistance of a qualified design professional with skills appropriate to the task at hand, such as an architect, landscape architect, civil engineer, surveyor, etc.

### Section 1.5 Non-liability.

AC approval pursuant to these Design Guidelines does not approve or guarantee engineering or design compliance with law, governmental ordinances, or regulations and does not reflect any representation by the AC, its members, the Board, the District, or the Declarant to assume any liability or responsibility for an applicant’s engineering

design compliance with any applicable laws, governmental ordinances, regulations, or any other matter relating thereto, other than these Design Guidelines. Applicants are encouraged to contact the Colorado Springs Planning Department and the PPRBD for information regarding applicable governmental requirements, regulations, and permit matters. Neither the AC, its members, the Board, the District, the Declarant, nor any of their successors, assigns, agents, employees, or officers, shall be liable to any Owner or other person for any damage, loss, or prejudice suffered or claimed on account of:

1. approval or disapproval of any plans; or
2. performance of any work, whether or not pursuant to approved plans, drawings and specifications; or
3. development of any property within the subdivision.

#### Section 1.6 Aesthetic Considerations.

Aesthetic considerations relating to any Improvement or other matter that is addressed in these Design Guidelines are within the scope of the design review process, and the AC may deny or condition any application or request before it solely on the basis of aesthetic considerations.

#### Section 1.7 Drainage and Grading Considerations.

Portions of the District are within a designated Federal Emergency Management Agency (“FEMA”) Floodplain as determined by the flood insurance rate map, Community Panel Number 08041C0543F, effective March 17, 1977, which must be considered in conjunction to any changes that may affect the grading or drainage of the Lot. Owners are encouraged to consult a drainage professional prior to any alteration of the finished grading of the Lot.

#### Section 1.8 Administration of the Design Guidelines.

To maximize aesthetic benefits to the neighborhood and to bolster property values, all proposed exterior home Improvements and site Improvements will be evaluated by the AC using these Design Guidelines. It is the responsibility of the AC to ensure that all proposed Improvements meet or exceed the requirements of these Design Guidelines to promote the highest quality design for this neighborhood. The AC will aid the Property Owner in meeting these standards.

#### Section 1.9 – Amendment and Publication

The Board may from time-to-time update, modify, change, add to, or eliminate this list and will publish any amendments hereto for public access on the District website.

## **ARTICLE II DESIGN REVIEW PROCEDURES**

#### Section 2.1 Submission of Drawings and Plans.

All Builders, Owners, contractors, subcontractors and/or their designated representatives shall comply with the following Design Review Procedures to gain approval for any Improvement to property within the District. All construction undertaken in the District, whether new residential construction, subsequent exterior renovations, remodels, or home site Improvements, including but not limited to, walks, driveways, drainage, fencing, lighting, landscape planting, or other exterior Improvements, is subject to review and approval under these Design Guidelines. Unless otherwise specifically stated herein, drawings or plans for a proposed Improvement must be submitted to the AC and written approval of the AC must be obtained before the Improvements are made. The AC shall not charge any fees for review; however, any reasonable engineering, consulting, or other fee incurred by the AC for review of proposed Improvement(s) will be assessed to the Owner requesting approval.

## Section 2.2 Architectural Plan Review.

For new building construction or major Improvements, such as room additions, remodels, or structural changes, the Builder or Owner shall submit to the AC one (1) set of construction documents to include the following:

1. One set of architectural plans at a scale of 1/4" = 1'0", including:
  - a. Architectural elevations (front, sides, and rear).
  - b. Floor plans, including square footage for each floor.
  - c. Roof plans indicating pitches, ridges, valleys, and location of mounted equipment.
  - d. Indication of all proposed exterior materials including proposed colors.
  - e. Exterior details, including items such as chimneys, exterior stairs and decks, and railings.
  - f. Any other proposed Improvements (i.e., decks, awnings, hot tubs, etc.)
2. Site Plan of the Lot, at a scale of 1" = 20' or 1" = 30', including:
  - a. Lot lines and dimensions, building setbacks, street right-of-way, curb lines and easements.
  - b. Existing and proposed contour lines at two-foot (2') intervals extending to all property lines, existing or proposed street elevations, finish grade at building corners, and drainage swales may be required. Finish floor, and garage slab elevations also may be required.
  - c. Building footprint, including finish floor and garage elevation.
  - d. Walks, driveways, decks, accessory structures, dog runs or privacy fencing, retaining walls with top and bottom of wall elevations.
3. Upon a Builder receiving approval from the AC for a particular Master Plan model, subsequent submissions to the AC for the same model shall require the AC to only consider the location of the Improvements upon the Lot, compatibility of the model to the Lot and proximity to the same model on other Lots.

## Section 2.3 Landscape Plan and Other Site Improvements Review.

Approval shall be obtained prior to installation, modification, removal, or replacement of any landscape, hardscape, or other site Improvements including, but not limited to, pet enclosures, play and sports equipment, fencing, deck or patio additions, exterior lighting, etc. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, landscape architect, or draftsmen, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the AC. The following guidelines should be utilized in preparing drawings or plans:

The drawing or plan should be done at a scale of 1" = 20' or 1" = 30' and should depict the property lines of the Lot and the "footprint" of the home as located on the Lot. Existing Improvements, in addition to the home, should be shown on the drawing and identified. Such existing Improvements include driveways, walkways, decks, trees, shrubs, etc.

1. All proposed plant locations, types, quantities, and sizes; location of turf and other ground cover materials should be shown on the plan and labeled. The plan should exhibit the existing and proposed grading and layout of all additional landscape Improvements such as berms, walks and structures not covered under the approved Plan Review.
2. Plans for all proposed site Improvements, such as play/sports equipment, dog runs, hot tubs, trellises, retaining walls, lighting, gazebos, etc. should be shown on the plan with a description of the proposed Improvement, including the material and color specifications. In the case of structural Improvements (trellises, gazebos, etc.), an elevation drawn to scale of the proposed Improvement is required.
3. In addition to Lot specific landscape plans, builders may provide and receive advanced approval for a Lot typical plan. Due to the varied size and types of Lots, a "typical plan" must cover the different conditions

that will be encountered such as “Narrow Front/Wide Rear”, “Wide Front/Narrow Rear”, and “Corner Lots”.

#### Section 2.4 Revisions and Additions to Approved Plans.

Any revisions and/or additions to the approved architectural or landscape plans made by either the Builder, Owner, or as required by the City of Colorado Springs, must be resubmitted for approval by the AC. The revised plans must follow the requirements outlined herein. The AC will then review the revised plans and provide a written response no later than thirty (30) days after the submittal.

#### Section 2.5 Action by the AC.

The AC will meet as needed to timely review all plans submitted for approval. The AC may require submission of additional materials and may postpone review until all required materials have been submitted. The AC will contact the applicant, in writing or by phone, if additional materials are necessary or if additional information is needed or alternatives are suggested. The AC will approve or disapprove the plans in writing within thirty (30) days after receipt of all materials required by the AC (unless the time is extended by agreement). If a written response by the AC is not received within the thirty (30) day period, the application will be deemed disapproved.

#### Section 2.6 Certification of Accuracy.

The AC, in its sole discretion, may require the Builder to provide a Certificate of Accuracy from a registered licensed surveyor (hired by the Builder) attesting to the accuracy of the following:

1. The building foundation is located as approved (+/- 6” tolerance) by the AC in the final approved plans.
2. The building foundation elevation is as approved (+/- 6” tolerance) by the AC in the final approved plans.
3. The certificate must be in the form of an Improvement survey showing dimensions of foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of top of foundation walls. Points at which elevations are taken must be clearly identified and correlate with location of top of foundation as shown on the final approved plans.

#### Section 2.7 Review of Work in Progress.

The AC shall have primary authority to enforce the provisions of these Design Guidelines. The AC may review all work in progress to the extent required to ensure that the construction or work complies with all approved plans and construction procedures. Absence of such review or notification during the construction period does not constitute either approval by the AC of work in progress or compliance with these Design Guidelines. The AC may withdraw approval of any project and require all activity at such project to be stopped if deviations from the approved plan or approved construction practices are identified. Deviations from an approved plan must be corrected or reconciled within ten (10) days after written notification to the Builder or Owner, specifying such deviations, or such longer period as the AC may specify. Any AC visits are in addition to standard inspections required by other jurisdictions throughout the construction process.

#### Section 2.8 Rights of Appeal.

Any Builder or Owner aggrieved by a decision of the AC may appeal the decision to the Board of the District by submitting a written request, to the District Manager, clearly outlining the justifications for your appeal or variance, within thirty (30) days of the date on the notification of decision provided by the AC. If the decision of the AC is overruled by the Board on any issue or question, the prior decision of the AC shall be deemed modified to the extent specified by the Board and such decision, as so modified, shall thereafter be deemed the decision of the AC. If not appealed, or as so modified or affirmed, the decision of the AC shall be conclusive and binding on all interested parties.

**Section 2.9 Effect of Governmental and Other Regulations.**

Approval of plans by the AC shall not be deemed to constitute compliance with the requirements of any local, zoning, safety, health, or fire codes, and it shall be the responsibility of the Builder, Owner or duly authorized representative submitting plans to assure compliance with all applicable rules and regulations. Nor shall any approval waive any requirements on the part of the Builder, Owner, or their representative to comply with setbacks, height restrictions, or other requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the AC and the City of Colorado Springs, where applicable.

**Section 2.10 Period of Plan Validation.**

Final approval of plans is valid for twelve (12) months unless otherwise agreed to by the AC and the Builder or Owner in writing. Construction must begin within this period. If not, plans must be resubmitted for review by the AC. A submittal proposing a different dwelling for the same home site requires the resubmittal of plans following the requirements as outlined above.

**ARTICLE III  
IMPROVEMENT STANDARDS**

**Section 3.1 Zoning.**

The Mountain Vista Community, a single-family residential area, is zoned within the City of Colorado Springs.

**Section 3.2 Building Setbacks.**

Building setbacks shall comply with the site-specific setbacks shown on the Development Plan for each specific filing and Lot as approved by the City of Colorado Springs. Where Lot terrain dictates, the AC may consider the City of Colorado Springs setback requirement as the minimum standard for any structure. A variance to the City of Colorado Springs setbacks can only be granted by the City of Colorado Springs. A City of Colorado Springs-approved variance to the setback requirement may also require the approval of the AC.

**Section 3.3 Maximum Building Coverage.**

In conformance with the applicable Development Plan for the District, the maximum coverage of the Lot by structures shall comply with the City of Colorado Springs’ development standards.

**Section 3.4 Home Size.**

The following minimum standards must be met for home size (i.e., square footage of ground floor or footprint exclusive of open porches, basements, and garages)

Two story	600 square feet
Ranch	1,000 square feet

Additionally, some filings may include minimum width requirements for the front elevation.

**Section 3.5 Streetscape Variety.**

**Model Repetition:** Within the development, repetition of models is permitted, subject to the requirements set forth by local municipality.

**Exterior Color Repetition:** Within the development, repetition of colors is permitted subject to the requirements set forth in this Section. To maintain architectural variety within the neighborhoods, the same body color may not be on two adjacent homes, left or right, nor may the same body color be on a home across the street or behind if the Lots overlap by more than fifty percent (50%).



### Section 3.6 Grading and Tiering.

All buildings must be designed to fit the finish contours of the Lot without excessive grading. Where grading is necessary, cut and fill slopes should be kept to 3:1 with a maximum of 2:1.

Retaining Walls: Retaining walls installed for tiering and/or leveling the grade require AC approval and should be utilized where slopes would exceed 2:1. No grading shall extend beyond existing property lines of the home site without expressed written permission of the AC and the adjacent property owner.

### Section 3.7 Bioswale Maintenance.

Lots located in Filing 3 and Filing 4 were developed with Bioretention Swales (“Bioswale”) in the Public Right of Way, between the sidewalk and the street. These Bioswales are subject to the District’s adopted Best Maintenance Practices and Stewardship Responsibilities. Owners of property in Filings 3 and 4 should review the established requirements prior to submitting requests for Improvements impacting the Bioswales.

### Section 3.8 Erosion Control.

During all site construction, techniques for controlling erosion within the home site and onto other sites shall be mandatory and strictly enforced by the AC. Techniques include the use of sedimentation basins, filtration materials such as straw bales or permeable geotextiles, and slope stabilization fabrics or tackifiers.

### Section 3.9 Driveways and Parking.

Driveways shall be paved. Materials and colors other than grey concrete will require AC approval before installation.

The recorded Plat for some filings may restrict access from some Lots onto certain streets (“**Restricted Lots**”). All persons or entities having any interest in any of the Restricted Lots are required to arrange and maintain any drives, dwelling, or other structures so that ingress and egress to and from their Lot(s) complies with the restrictions shown on the recorded plat and the approved Development Plan. Extension or expansion of driveways requires AC approval. Any approved driveway expansion shall not be intended to promote the parking or storage of any vehicle off the driveway on a side yard. The AC will review requests for circular driveways on a case-by-case basis with consideration given to, but not necessarily limited to, the setback of the home from the street, and the size of the Lot and distance of street frontage. On corner Lots, the driveways should be set back from the corner a minimum of thirty feet (30’) from the intersection of the corner street. The width of the driveway shall not exceed twenty-four feet (24’) at the curb.

### Section 3.10 Garage Doors.

Garage doors shall be kept closed except when being used to permit ingress and egress to or from the garage to deter unwanted neighborhood theft and maintain a pleasing appearance at the front of the home, unless the garage is being actively attended for cleaning, etc.

## Ancillary Improvement Standards

All exterior Improvements require AC approval unless specifically noted otherwise:

### Section 3.11 Accessory Structures.

Accessory structures such as storage sheds, gazebos, greenhouses, etc. shall be located in the back yard or in a location not prominently visible to the street or adjacent homes and shall adhere to the standards of site development and architectural standards provided herein or otherwise by the District. Carports are prohibited. Requests for approval for accessory structures will be reviewed on a case-by-case basis, taking into consideration the exterior finish, colors, Lot size, square footage of the home and proposed location of the accessory structure,



etc. Gazebos must be an integral part of the landscape plan. Accessory structures are limited to one story as defined by PPRBD and shall not exceed ten feet (10') without AC approval.

### Section 3.12 Air Conditioning Equipment.

Air conditioning units, including swamp coolers, must be installed on the main level of the home only, located only in a side or rear yard behind privacy fencing and must be substantially screened from adjacent properties.

Window mounted air conditioning units must be temporary in nature and may not protrude beyond the exterior surface of the windowpane.

### Section 3.13 Awnings/Patio Covers/Shutters.

Awnings, patio covers, and shutters must be complementary to the exterior color of the home. Patio covers must be constructed of wood or material complementary to the home and be similar or complimentary in color. Where utilized, support posts for patio covers must be a minimum of four inches by four inches (4"x 4") in size. Unacceptable awning treatments include thin wood lattice, metal, plastic, and untreated or striped fabric. Awnings must be maintained in like-new condition.

### Section 3.14 Exterior Lighting.

AC approval is required to alter or add any exterior lighting. In reviewing lighting requests, the AC will consider the visibility, style, location, and quantity of the light fixtures. Exterior lighting for security and/or other uses must be directed towards the ground and home, whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties.

### Section 3.15 Fencing.

All fencing installations or alterations require prior approval by the AC.

#### Interior Rear Yard Fencing:

All solid rear yard fencing shall be five feet (5') tall and constructed of tan, sand, or almond colored vinyl (or PVC) fencing placed without spacing.

#### Wing and Side Yard Fencing:

Solid wing fencing must be set back a minimum of five feet (5') from the front corner of the home and approximately half the distance between the front and the rear of the home. Wing fencing should match the setback of existing wing fencing on the adjacent property where feasible.

#### Lot/Lot

#### Dog Run Fencing:

The AC encourages the use of underground ("invisible") dog run fences to promote the open character of the neighborhood. The AC may allow above ground dog run fencing on a case-by-case basis. The location and size of the dog run will be determined with consideration given its impact on adjacent properties and streets. Chain link and chicken wire are expressly prohibited.

#### Extended Height Fencing:

Fencing may be extended to a total height of six feet (6') through installation of a twelve-inch (12") fence topper along the top of an existing five-foot (5') solid fence panel. Fence topper must be constructed of tan, sand, or almond colored vinyl (or PVC) and capped with a solid vinyl rail.

Fencing must be maintained in a like-new condition. Individual Lot owners are responsible for the maintenance of their Lot fencing and the inside of District walls on their Lot.

### Section 3.16 Hot Tub/Jacuzzi.

Installation of hot tubs and Jacuzzis require prior AC approval. They should be designed as an integral part of the deck or patio area and must be located in the side or rear yard. It must be installed in such a way that it is at least partially screened from adjacent properties.

### Section 3.17 Painting/Repainting.

AC approval is required for all exterior painting or staining of the home and accessory Improvements, except repainting with the existing color scheme. The submittal must contain a sample of the proposed colors with name and code number for each. Approval will take into consideration, but not be limited to, the color tone and brightness, the home's architecture, stone or brick accents, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties. All exterior finishes should be subdued earth tones such as gray, green, brown, muted blues or other similar colors. White, primary colors, and other bright colors may be considered as accent colors only. Downspouts, vents, and cable or wire sheathing must be painted to match the body or trim color of the home.

### Section 3.18 Play and Sports Equipment.

All play structures and equipment, both permanent and portable, are required to be approved by the AC for design, size, and placement prior to installation. Play/sports equipment (i.e., trampolines, swing sets, basketball hoop and backboards, etc.) should be placed to minimize the visual impact on adjacent properties. Play equipment should be located in the rear yard and set back a minimum of ten feet (10') from property lines unless otherwise approved by the AC.

Consideration shall be given to the location of play equipment so as not to create an undue disturbance on neighboring properties. Play equipment shall be of predominantly muted, earth tone colors (brown, black, dark green) and shall not exceed eight-feet (8') in height unless otherwise approved by the AC. Play equipment or items used for front, unenclosed rear, or side yard play should be stored out of view when not actively in use. Out of view shall be defined as within the confines of the home, garage, or fenced rear yard.

Any type of play set, swing set, or trampoline must be properly screened as a condition of approval to ensure that no unauthorized access occurs. Properly screened shall be defined as within a completely fenced yard where the fencing is in compliance with the Design Guidelines. Trampolines should be installed at grade level to minimize visual and auditory impact on neighboring Lots and must be secured using a minimum of six (6), eighteen-inch (18") anchors. No color, other than black or dark green shall be permitted on any play set, swing set or trampoline unless the color is screened from neighboring Lots by a privacy fence around the rear yard.

Requests for free standing, pole mounted backboards will be considered by the AC in the front yard along the side of the driveway only or in side and rear yards subject to the following considerations: Proximity to the property lines, adjoining homes, landscaping, traffic, and vehicle parking. Portable freestanding basketball backboards are permitted only with AC approval for use in the front of the home and must be collapsed, rolled away, and stored out of view when not actively in use. Unattended play equipment located in the street is subject to regulation by the City of Colorado Springs.

Pole supports shall be black in color (or as approved by the AC on a case-by-case basis.) No radical or neon colors on backboards shall be permitted. Acceptable backboard colors are considered as white or clear for the backboard, white for the net and orange or black for the rim.

### Section 3.19 Satellite Dishes/Antennae.

In compliance with the Telecommunications Act of 1996, one satellite dish/antennae may be installed on a residential Lot subject to the following conditions:

1. Intent of installation shall be registered with the AC prior to installation (see Registration form in the Appendix).
2. The satellite dish/antennae measure one meter or less in diameter.
3. To the extent feasible, the satellite dish/antennae shall be placed in the side or rear yard in such a manner that it is screened from adjacent streets and neighboring properties.
4. The satellite dish/antennae shall be installed at the lowest possible placement unless a signal is unattainable.

#### Section 3.20 Screen/Security Doors and Windows.

AC approval is not required for the addition of screen doors or storm windows added to a home if the material and color matches the existing doors and windows on the home. The AC must approve security treatments (but not security systems) for doors and windows.

#### Section 3.21 Signs/Address Numbers.

One (1) temporary sign advertising the real property for sale which is no more than six square feet in size, the style of which is compatible with the appearance of the District, may be installed on the Lot without AC approval. At no time may such signage be installed upon any common area or fencing.

Trade signs, which include, but are not limited to, landscaping, painting, remodeling, etc., may be displayed while work is in progress and must be removed upon completion of the job. The AC, on a case-by-case basis, may approve all other signs, including address numbers and nameplate signs, and shall consider a request for placement of additional temporary signage where unique circumstances exist. The AC must approve all other signs, including address numbers and nameplate signs.

#### Section 3.22 Solar Equipment/Skylights.

AC approval is required for installation of all solar equipment and skylights. Solar equipment and skylights shall be incorporated into the structure and building's mass and be architecturally compatible with the home.

#### Section 3.23 Swimming Pools.

Requests for swimming pools will be reviewed on a case-by-case basis by the AC with consideration given to, but not necessarily limited to, the size of the yard area, setback from impact on neighboring properties and size of pool enclosure. Recognizing the specific requirements of the City of Colorado Springs, the placement of pools on a home site shall be given scrutiny by the AC.

#### Section 3.24 Trash Receptacles.

Owners are to store their trash containers in the garage, or secured and screened behind privacy fencing, except for the day of collection services. Containers are to have a secured lid and all trash must be bagged to prevent waste from blowing away. Recycling containers must be maintained in a likewise manner.

#### Section 3.25 Yard Ornaments.

Yard ornaments, including but not limited to, birdbaths, birdhouses, fountains, sculptures, statues, flags, and banners require AC approval. Location of yard ornaments in the front yard is discouraged. Flagpoles shall be considered on a case-by-case basis. Owners may display American flags in accordance with the Federal Flag Code. Owners may not display more than one (1) political sign per ballot issue or office, which must be removed within seven (7) days following any election.

## Architectural Standards

### Section 3.26 Architectural Style.

It is the intent of these standards to create an aesthetically cohesive landscape throughout the District. The interpretation and review of the Design Guidelines has been delegated to the AC and the AC may recommend amendments to the Design Guidelines for consideration and adoption by the Board.

### Section 3.27 Massing.

In reviewing the forms of a proposed building, scrutiny will be given to the massing, proportions, and overall scale of the building in relation to the building site. The AC will encourage designs that reduce building scale and increase individuality and diversity.

The walls of a building are an important part of its overall visual impact and should be carefully detailed. Exterior materials should be consistently used throughout the building. The connection from the walls to the foundation should be treated such that the foundation becomes a very minor element. Location, type, and size of window openings should be carefully considered for effect on proportions, continuity, and illumination. Entries should be well articulated. Covered entries and recessed openings at doors and windows are strongly encouraged. Homes situated on highly exposed sites (i.e., corner Lot, double fronted Lot) may require additional architectural features on the elevations that are highly visible.

### Section 3.28 Architectural Detailing.

To add definition and break up flat planes of walls, the use of architectural elements to create shadow lines is encouraged to be incorporated in the design of the home. Architectural elements to accomplish this definition include recessed windows, deep eaves and offset wall planes window shutters, well-proportioned porches with brackets, trellises and arbors, decks, detailed fascia, belly bands, etc.

### Section 3.29 Maximum Building Height.

Building height and profile should be in scale with the surrounding structures and topography. The maximum building height shall be in conformance with the City of Colorado Springs development standards.

### Section 3.30 Exterior Materials.

Use of bright, unfinished, colored, and reflective or mirrored surfaces or glass is not permitted. Exposed concrete foundation walls shall be minimized by grading, retaining walls or landscaping. The maximum width of masonry or wood lap siding is nine inches (9”).

### Section 3.31 Roof Form & Material.

The roof form is the most prominent visual element of a home and central to define its architectural character. Therefore, the form and materials used to create a building’s roof will be carefully reviewed by the AC. Styles such as gable, hip and shed roofs will generally be acceptable for residential construction, while mansard, gambrel, flat and A-frame roofs are strongly discouraged. Care must be given when combining roof forms to maintain the integrity of the architectural forms. Well -detailed fascia and eaves treatment serve to frame the roof as a strong design element. Roofing materials must be considered with respect to harmony of color and texture with other materials on the home and adjacent properties.

Concrete tile or slates and composition shingles are acceptable roofing materials.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. must be carefully located and finished to complement other elements of the design. Unfinished and exposed metal detailing should be painted. When possible, flues and vents should be located out of view of the front of the home.

### Section 3.32 Decks.

Decks must maintain the overall form and be a natural extension of the architecture. Deck supports must have a substantial scale that visually anchors them to the ground and should be a minimum of four inches by four inches (4"x 4") in size.

### Section 3.33 Patios, Decks and Paving Materials.

Outdoor living areas are encouraged. Patios, decks, and other materials should be compatible and harmonious in color and texture with the structure and surrounding neighborhood and must be an integral part of the landscape architectural design.

### Section 3.34 Retaining Walls.

Retaining walls may be used to accommodate or create changes in grade. Walls must be properly anchored to withstand overturning forces and should incorporate weep holes into the wall design to permit water to be released behind them. Walls should not exceed four feet in height unless specifically approved and should be located to not alter existing drainage patterns.

The use of rock boulders, stone, and/or masonry is required.

### Section 3.35 Vegetable Gardens.

Vegetable gardens should be located in the side or rear yard of the home so that both the garden and its accessory operating areas are substantially screened from view of adjacent homes and public areas.

### Section 3.36 Landscaping.

All portions of a Lot excluding the home, driveway, walkways, patios or decks (referred to as the unimproved area of a Lot) shall be landscaped by the Owner; provided, however, that this obligation shall not apply to any Lots landscaped by Declarant, Builders, or their assignees. All landscaping shall be installed in accordance with landscaping plans submitted to and approved by the AC, which plans shall be drawn to scale and shall set forth the location of landscaping, type of landscape materials, and be in accord with the requirements of this section. The AC may impose a fee for review of homeowner changes, including modification to landscaping plan. The front and rear yards of each Lot improved with a Home shall be fully landscaped no later than six (6) months (weather permitting) after the date of conveyance from a Builder or its assignee to an Owner.

#### Front Yard:

Landscape rock shall be installed in the area between the sidewalk and streets. At least two (2) trees, which may be a one and one-half inch (1 ½") caliper deciduous tree or an evergreen tree of at least six feet (6') in height, must be planted in the front yard. Any Lots less than five-thousand square feet (5,000 ft<sup>2</sup>) or located on the corner of two streets may be considered for only one (1) tree. Unless otherwise approved in writing by the AC, each front yard must contain a minimum total of nine (9), five-gallon (5 gal) shrubs and eighteen (18), one-gallon (1 gal) shrubs, ornamental grasses, or perennials.

The front yard of each Lot is defined as that area between the street and a line extended from the front corners of the home to each side Lot line. The landscaping plan shall include an adequate underground irrigation system, which shall be installed at the time of initial landscaping.

#### Rear Yard:

The rear yard of each Lot shall be landscaped with turf, artificial turf, landscape rock, or utilizing "long lived" ground cover such as bluegrass or brome fescue.

The quantity of rear yard bushes, ornamental grasses or perennials is at the discretion of the builder or owner.

The District and/or the AC, have the right to enforce the landscape requirements and may assess fines for failure to comply. Owners may request an extension for installation of initial landscape of up-to six (6) months due to inclement weather.

#### Section 3.37 Landscape Maintenance.

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal, and replacement of dead or dying plant material, elimination of weeds and undesirable grasses and removed of trash.

### **Miscellaneous Other Restrictions**

#### Section 3.38 Concrete Equipment.

Concrete equipment cleaning or dumping shall be prohibited, except where provided.

#### Section 3.39 Pets.

Domesticated birds or fish and other small domestic animals permanently confined indoors will be allowed. No other animals, except an aggregate of not more than four (4) domesticated dogs or cats (which must be fenced or restrained at all times within the Lot), will be permitted within the Property. No animal of any kind shall be permitted which, in the opinion of the AC, makes any unreasonable amount of noise or odor is a nuisance and as further outlined Covenants.

#### Section 3.40 Animals.

No animals shall be kept, bred, or maintained within the Property for any commercial purposes. Pets are not to be allowed to run freely throughout the community, whether unattended or under the direct control of its owner. When off an Owner's Lot, all Pets must be leashed with the leash in the hands of a responsible individual. In accordance with City code, animals must be kept under control for their own protection and to preserve the public's health and safety. Dogs, cats, and other animals found off the owner's or keeper's property are called strays and may be impounded. The owner or keeper may also be fined pursuant to City code and the Covenants.

#### Section 3.41 Pet Noise.

Incessant barking can be very disturbing to the peace and quiet of a neighborhood. In addition, it is a violation of City code to harbor such a disturbance. City code states it shall be unlawful for any person to own or keep any pet which by barking, howling, yelping, crying, or other utterance disturbs the peace and quiet of the neighborhood. If such barking occurs, residents are encouraged to contact the City of Colorado Springs Animal Control for enforcement of the City's code.

#### Section 3.42 Pet Waste.

Pet owners are expected to pick up and properly dispose of any feces deposited by their dogs within the Community Area. Fines may be imposed for each instance of failure by an owner (or any of their tenants, family, guests, or invitees) to pick up and properly dispose of feces by any dog owned by them or under their control. This assessment is intended to defray the actual costs incurred by the District for removal of uncollected dog feces and repair of associated damage to landscaping or property.

#### Section 3.43 Subdividing of Lots.

No Lot may be subdivided into two or more Lots.

#### Section 3.44 Maintenance Equipment.

All maintenance equipment shall be stored in an enclosed structure or otherwise adequately screened so as not to be visible from neighboring properties or adjoining streets.



### Section 3.45 Encroachments.

Encroachments of Improvements onto or over District property will require immediate removal of the encroaching Improvement.

## ARTICLE IV CONSTRUCTION PERIOD REGULATIONS

**In the interest of all Builders and Owners**, the following regulations shall be enforced during construction. These regulations shall be a part of the construction documents contract for each home, and all Builders and Owners shall abide by these regulations.

### Section 4.1 OSHA.

Applicable OSHA regulations and guidelines must be strictly a at all times.

### Section 4.2 Construction Hours.

Construction hours shall be between the hours of 7:00 a.m. and 7:00 p.m., daily.

### Section 4.3 Construction Access.

Declarant or the AC may designate specific access points for exclusive and limited use by construction vehicles.

### Section 4.4 Excavation.

Excess excavation material shall be removed from the property and shall not be placed in public areas or on roads. Excavation, except for utility trenching, shall be on the Owner's home site only. Contractors are prohibited from spreading excess debris or material over the remainder of the home site, roadway, other property, or any other home site without approval. Builders and Owners shall take extreme care to protect and preserve existing vegetation and other natural features on their Lots.

### Section 4.5 Debris and Trash Removal.

Regular cleanup of the construction home site is mandatory. All trash and debris shall be stored in a commercial trash container with precautions taken to prevent waste from blowing away during high winds and shall be removed from the trash disposal area on a weekly basis or when full, whichever occurs first. All soil and debris flowing into the street(s) or open spaces from the construction home site shall be cleaned as needed. A fine may be imposed by the AC for noncompliance with these requirements.

### Section 4.6 Vehicles and Parking.

All vehicles must be parked so as not to inhibit traffic or damage surrounding natural landscape. Construction worker vehicles and/or equipment shall not be left on community roads overnight. The AC may designate, at time of plan review or during construction, specific areas for parking of construction workers vehicles and/or equipment.

### Section 4.7 Pets on Construction Sites.

Contractors, subcontractors, and employees are prohibited from bringing dogs and other pets to the construction site.

### Section 4.8 Blasting.

If any blasting is to occur, the contractor shall be responsible for providing a minimum of seven (7) days' notice to all residents in the proximity of the blasting home site.

### Section 4.9 Restoration and Repair.

Damage to any property other than the Lot Owner's shall be promptly repaired at the expense of the person or entity causing the damage.

#### Section 4.10 Dust, Noise and Odor.

Every effort shall be made to control dust, noise (including the personal use of radios, CD, and tape players), and odor emitted from a construction area. The contractor will be responsible for watering, screening or oiling dust problem areas as well as controlling noise and offensive odors from the home site.

#### Section 4.11 Prohibited Uses and Activities.

The following items are prohibited in this community:

1. Concrete equipment cleaning or concrete dumping shall be confined to the home site and shall be removed prior to completion of home or a designated wash out area.
2. Removing any rocks, trees, plants, or topsoil from any portion of the property.
3. Careless use of cigarettes or flammable items.
4. Driving across any open space or non-designated construction areas.

### ARTICLE V

#### Establishment of Schedule for Fines, Penalties and Charges

##### Section 5.1 – Establishment of Enforcement Schedule

To facilitate compliance, the AC establishes the following schedule for enforcement of the Covenants, Rules and Regulations, and Design Guidelines:

##### Schedule of Notices

The AC and Board have established the following enforcement process applicable to Property Owners whose property or persons (residents, tenants, or guests) are found to be in violation of the Covenants, Rules and Regulations, or Design Guidelines at any time.

- 1) **1st Notice of Violation (*Courtesy Notice*):** Written notice to the Property Owner advising the nature of the alleged violation and requesting confirmation of compliance within fourteen (14) days.
- 2) **2nd Notice of Violation (*First Fine*):** Written notice to the Property Owner advising that the previously alleged violation has not been corrected, advising of the commencement of fines, and requesting confirmation of compliance within fourteen (14) days.
- 3) **Notice of Continued Violation (*Continued Fines*):** Written notice to the Property Owner advising that the previously alleged violation has not been corrected, advising of the imposition of automatically reoccurring fines every thirty (30) days until the Property Owner has provided verification of correction of the violation to Management.
- 4) **Perpetual Fines:** No additional notices are required, beyond the Notice of Continued Violation. The sole responsibility for confirmation of compliance is borne by the Property Owner, who must correct the violation and provide timely proof of the corrected violation to the District Manager to halt additional fines. The Board, the AC, and the District Manager share no responsibility for pursuit of proof of correction. Additional fines will not be waived for reported delays in delivery of proof of correction, which result in additional fines.



### Schedule of Fines, Penalties and Charges

The AC and Board has established the following Schedule of Fines, Penalties and Charges (“Fine Schedule”) applicable to the Schedule of Notices.

- 1) **1st Notice of Violation (*Courtesy Notice*):** No Fine
- 2) **2nd Notice of Violation (*First Fine*):** \$25
- 3) **Notice of Continued Violation (*Continued Fines*):** \$50
- 4) **Perpetual Fines:** \$100 each 30-day period perpetually

All fines imposed in accordance with this Fine Schedule shall be considered due and payable within thirty (30) days from the date of each Notice and shall be subject to late fees for each subsequent thirty (30) day period in which any portion of the fine remains unpaid; in addition to interest at the established per annum rate.



RESOLUTION  
A RESOLUTION OF THE BOARD OF DIRECTORS OF MOUNTAIN VISTA  
METROPOLITAN DISTRICT  
ADOPTING BEST MANAGEMENT PRACTICES

WHEREAS, Mountain Vista Metropolitan District, El Paso County, Colorado (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing as a metropolitan district under the laws of the State of Colorado, particularly Title 32 of the Colorado Revised Statutes;

WHEREAS, Filing 3 and Filing 4 contain Biofiltration Swales in the Right of Way (ROW) out front of the residences, which are subject to Roadside Best Management Practices (BMPs) established by the City of Colorado Springs;

WHEREAS, the development of Filing 3 and Filing 4 were developed in accordance with the Enclaves at Mountain Vista Ranch Filing 1-3 PUD Development Plan Amendment and the Enclaves at Mountain Vista Ranch Filing 4 PUD Development Plan respectively (the “Development Plans”) as approved by the City of Colorado Springs, State of Colorado;

WHEREAS, the Development Plans establish that the District shall be responsible for maintenance of Roadside BMP improvements and related infrastructure within the ROW and shall act as primary enforcer, determining its own approach to encourage property owners to adhere to Roadside BMPs maintenance agreement; and

WHEREAS, the District desires to adopt Best Management Practices (BPM) to provide education for Owners and establish responsibilities and expectations for the ongoing maintenance of the Biofiltration Swales.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF MOUNTAIN VISTA METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO AS FOLLOWS:

The attached Best Maintenance Practices are hereby adopted.

ADOPTED AND APPROVED THIS 2<sup>nd</sup> DAY OF MAY 2024.

---

Brian Bahr, President

ATTEST:

---

**Mountain Vista Metropolitan District**  
**Stormwater Infrastructure**  
**Best Management Practices**

**Owner Responsibilities:**

In accordance with the City Code of Colorado Springs, Colorado, Article 4.4.105, each Owner of private property holds a legal responsibility for maintenance of the public right-of-way (“ROW”) adjacent to their Lot. The ROW (often referred to as the “Parkway” or “Tree Lawn”) is typically located between the curb and private property line. The ROW adjacent to private Lots within Fillings No. 3 and No. 4 contain Roadside Biofiltration Swales (“Bioswales”), which require specific care and maintenance.

In addition to the general maintenance of the landscaping on the Lot, each Owner of private property shall be responsible for the following items as they pertain to the ROW and Bioswales therein:

- **No Parking!** Avoid vehicle and foot traffic on Bioswales, year-round and report violators by emailing a photo of the violation with the address of the violator to Management.
- **Prevent Clogging.** Survey Bioswales and eliminate trash and debris monthly, year-round.
- **Prevent Entry of Sediment.** Sediment build-up on surrounding areas or upstream from Bioswales must be promptly removed, year-round.
- **Maintain Native Grasses.** Revegetate native grasses where grasses have become sparse, and rock is not present. Native grasses should be maintained between 4” to 9” in height. The District now offers property owners the option of eliminating native grasses in the ROW by installing rock throughout the entirety of a Bioswale. Owners interested in making this change in the ROW at their property should submit an Architectural Request Form for review and approval.
- **Eliminate Weeds and Invasive Species.** Hand-pull weeds in rock beds and native grasses as needed, year-round.
- **Minimize Irrigation.** Irrigation or manual watering should occur only when native grasses are being established to eliminate excess water entering the stormwater system.
- **Control Pests.** Conduct mosquito treatment when standing water is present and eliminate rodents to prevent rodent damage year-round.
- **Maintain Bioswale Structure.** Underground perforated pipes may become crushed, weed control fabric may become torn, granite/rock may become scattered, and atrium grate drain covers may become cracked; each resulting in an avoidable failure of the Bioswale. Steps should be taken to prevent all potential to failures.

**District Responsibilities:**

The Mountain Vista Metropolitan District (“District”) has engaged an Annual Maintenance Agreement to provide professional oversight of the Bioswale Maintenance. In addition to annual inspection and evaluation, focused on ensuring the Bioswales are not incurring erosion and are functioning as intended, the District shall provide the following services on the Bioswales specifically:

- **Trimming.** Native grasses will be mowed 3 times per year, during the growing season.
- **Weed Spraying.** Chemical weed control will be applied in rock beds 3 times per year, during the growing season.
- **Herbicide Spraying.** Chemical herbicide will be applied in native swales 1 time per year, during the growing season.

Concerns regarding the Bioswales should be reported to the District Manager promptly.

Should any property Owner fail to maintain a Bioswale adjacent to their property in accordance with the Owner Responsibilities established herein, the District reserves the right to remediate said failure(s) on behalf of the Owner, and to bill any and all associated expenses incurred to said Owner.

Adopted and effective, May 2, 2024.

---

Brian Bahr, President