

**Rules and Regulations**  
**Mountain Shadows Estates**

Order: 9ZGWG7HRB  
Address: 1303 County Road 642  
Order Date: 12-07-2023  
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**MOUNTAIN SHADOWS ESTATES HOMEOWNERS ASSOCIATION, INC.  
RULES AND REGULATIONS ADOPTED BY THE BOARD  
AS OF APRIL 2021**

**BACKGROUND:**

Under *MSE HOA Bylaw Article VII (Powers and Duties of the Board of Directors) Section 1 (Powers), Paragraph A (Rules and Regulations)*, the Board has the power to adopt, amend, publish, and repeal rules and regulations regarding and governing the enforcement of the Covenants, the use and maintenance of the properties owned or managed by the HOA, the personal conduct of the members and their guests and invitees, and to establish processes around the determination of and penalties for infractions.

Under *Article VII of the MSE HOA Covenants*, the Board may from time to time, publish, modify, and/or amend supplementary requirements and regulations regarding design review guidelines in addition to those set forth in Article I and elsewhere in the Covenants.

In accordance with the above provisions of the Bylaws and Covenants, the Board has adopted and published the following supplementary Rules and Regulations:

**RULES AND REGULATIONS:**

***Rules/Regulations relating to Covenant Article I, Paragraph B: Conformity with Existing Structures, Alterations, Restaining and Reroofing***

“No building or improvement shall be erected, placed or altered on any premises in said development until the building plans, specifications, and plot plan showing the location of such building or improvement have been approved in writing as to the conformity and harmony of external design with existing structures in the development, and to insure as to location of the building or improvement with respect to topography, boundary lines and finished ground elevation, by the Committee”.

- ***Conformity and Harmony:*** “Conformity and harmony of external design with existing structures” means that, in general, the plans for any proposed building or improvement must be consistent with the general design parameters, materials and colors previously approved and constructed in the development. As an example, and not in limitation of these general requirements, plans for any residence must include a garage designed to allow reasonably sufficient storage of vehicles, recreational vehicles, equipment, trash etc. in light of the other Covenant requirements regarding the storage of those items.
- ***Definition of “Alteration”:*** “Alteration” of a building or improvement shall be defined as including, but not limited to, any addition, modification, replacement or other change to the exterior structure or appearance of an existing structure. Alteration shall also include the replacement of windows, doors, roofing, decking, or other exterior elements, or the restaining, of any existing home, outbuilding, fencing or other structure.
- ***Restain or Reroof:*** Prior ACC approval is required for all homeowners who wish to restain or reroof a previously ACC-approved building or other improvement, even if they plan to restain with the same color or reroof with the same roofing material in the same color. Color name and number of the stain in the case of restaining, or product and color identification in the case of

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reroofing, must be stated on the request for approval, and a sample stain chip or shingle or other roofing material sample should be provided. Colors must comply with the requirements of Article I, Paragraph M, and the Rules/Regulations thereunder (see below.)

- **ACC Approval Process:** If the homeowner plans to restain with the same previously approved color or reroof with the same previously approved roofing material and color, an application must still be submitted, but can be approved by any one ACC member. If the homeowner plans to restain with a different color or reroof with a different material and/or color from the original, the request must be reviewed and approved in accordance with the standard ACC approval requirements.

***Rules/Regulations relating to Covenant Article I, Paragraph E: Trailers, mobile homes, boats, RVs, tents, camping***

“No trailer, mobile home, tent or shack may be erected on a building site covered by these Covenants. Nor shall any structure of a temporary character be allowed or used for human habitation. The keeping of unregistered automobiles, inoperative automobiles, or mobile homes, either with or without wheels, on any parcel of property covered by these Covenants is prohibited. A motor boat, house boat or similar water borne vehicle and recreational vehicles may be maintained, stored, or kept on any parcel of property covered by these Covenants only if housed within a structure which has been approved under the provisions of Paragraph M hereof or housed within an attached part of the dwelling unit or properly screened from surrounding residences and roadways.”

- **Screening:** For purposes of the items covered by Covenant Paragraph E, “properly screened” is defined as enclosed in an actual structure built in accordance with plans approved by the ACC as meeting the requirements of the Covenants and relevant Rules and Regulations, or otherwise screened from view from the road or other properties in the development by approved plantings, fencing, or in such other manner approved by the ACC and consistent with the purpose and intent of the Covenants. In any event, screens may not be constructed of plastic, fabric or camouflage material, steel fabrication or other such materials that are not consistent with the general appearance of the community. The ACC will deem whether such screening is adequate and appropriate for purposes of concealment from view.
- **Definition of recreational vehicle:** “Recreational vehicle” is defined to include, without limitation, motorhomes (whether motorized or hauled), snowmobiles, ATVs, jet skis and similar motorized personal watercraft, as well as trailers used to transport a boat or any such recreational vehicle.
- **Tents and Camping:** Erection of tents for camping by owners and their guests/invitees on their own lots is allowed for a total (in the aggregate including all guests/invitees) of up to ten days per year. If a lot owner engages in short term rentals, tenants must be notified of these restrictions and the lot owner is responsible for keeping track of when the 10-day aggregate maximum has been reached. No camping is allowed on HOA open space.
- **Parking:** No boat or recreational vehicle may be parked at any time on any of the roads or common areas of the HOA; nor may they be parked outside of the permitted and approved driveway/parking area of the lot owner.

- **Definition of “maintained, stored or kept”:** A boat or recreational vehicle will be considered “maintained, stored or kept” if it is parked on a lot owner’s premises overnight, unless it meets one of the two following exceptions:
  1. It is parked on the premises for not more than five [5] consecutive nights and is not returned thereafter, AND (ii) it is the only boat or recreational vehicle parked on the premises during that time that is not housed in or screened by an approved structure, AND (iii) the lot owner (including guests and invitees) has not had this and/or any other boats or recreational vehicles parked on the premises for, in the aggregate, more than ten [10] total nights in any consecutive 12-month period.
    - In other words, if a lot owner, including guests/invitees, will have any boats or recreational vehicles parked outside for more than five [5] consecutive nights or for more than ten [10] total nights in a year, then it will be necessary to arrange for storage at an offsite facility or construct a garage, outbuilding or screening structure with advance ACC approval.
    - If a lot owner engages in short term rentals, tenants must be notified of these restrictions and the lot owner is responsible for keeping track of when the 5-consecutive-night and 10-aggregate-night maximums have been reached.
  2. It is a motorhome inhabited by the lot owner during the course of the construction of and/or move-in to a newly constructed home, so long as (i) the lot owner gives prior notice to the neighboring lot owners to whom the motorhome will be visible and, to the extent feasible, takes into account the impact on the view of the neighbors in determining the specific placement of the motorhome, and (ii) the motorhome is not parked on the premises for more than three [3] days (in the case of move in) or more than thirty [30] days (in the case of construction.)

**Rules/Regulations relating to Covenant Article I, Paragraph G: Animals**

“No animals or poultry of any kind other than house pets and horses shall be kept or maintained on the property. All animals shall be kept corralled, penned, kenneled or under direct Owner control at all times. No more than 3 dogs (excluding puppies under 5 months of age) shall be kept at any dwelling unit. Any animal deemed vicious by the Board shall, upon written demand by the Board to the Owner of said animal, be kept on a leash or properly penned. If the Owner fails to promptly comply with these provisions, the Board shall have the authority to cause such animal(s) to be removed from the premises at the expense of the animal Owner. Any such cost may be collected in the same manner as annual or special assessments. Owners are advised that the well permits for subject property will be household use only permits, which do not allow for watering of domestic animals. Arrangement must be made to transport water which precludes any violation of water usage or upgrade the household use only well through the Colorado Division of Water Resources which would allow for the watering of animals. Further, no more than one horse may be kept for each 2 full acres in each Lot with a maximum of 2 horses per Lot.”

- **Clean up:** Pet owners should carry clean up bags when walking their pets and pick up animal waste deposited on any other homeowner’s property. Animal waste on one’s own property or on any common area (including road easements) must not be allowed to accumulate to the point of creating any nuisance on or to private or common area property.

- **Disturbance:** Pet owners will not allow their pets/animals to unreasonably disturb any person by excessive barking, howling, yelping, or other audible sound.
- **Pets at Large:** Pet owners will not allow their pets/animals to run at large anywhere except on their own property and common areas. Owners shall be with and in complete control of their pets/animals in the common area. Control does not necessarily require a leash; however, the Board reserves the right to require leashes on any pets for which complaints have been received of lack of control or inappropriate crossing of property lines.

**Rules/Regulations relating to Covenant Article I, Paragraph H: Fences, Walls, Hedges, Driveway Gates**

“No fence, wall, hedge or mass planting shall be permitted to extend beyond the trail easements as established on the final plat. Any fences built must be constructed of wooden materials with a railing design using either 1 x 6 or 2 x 6 material or natural lodge pole rails. No fence shall exceed 42 inches in height. No more than one acre may be fenced within any Lot.”

- **Plan approval:** Plans for any fence, wall, hedge or mass planting must be first submitted to the ACC on the approved form for prior approval. The ACC will determine whether the criteria for fences as outlined in the Covenants are met.
- **Color:** Such application will be accompanied with a stain chip showing desired color, which must comply with the general staining requirements for construction. Fences and walls cannot be painted. Any restaining or waterproofing of fences must also be submitted to the ACC for prior approval.
- **Gates:** Driveway gates of wrought iron or other natural materials may be permitted upon prior written approval of the ACC so long as they are finished in a way to avoid glare and otherwise are in keeping with the general construction color requirements. Chains across driveways are not allowed.

**Rules/Regulations relating to Covenant Article I, Paragraph J: Signage**

“There shall be no signs except: 1) signs as may deemed reasonable and necessary by the Committee, such as, but not limited to “No Trespassing”, “No Hunting”, “Private Trails”, “Slow-Children Playing”, etc. 2) signs used to identify the residential addresses or names of occupants. The combined or total area of such signs shall not exceed 2 square feet in area on any residential Lot; 3) standard “For Sale” signs not to exceed 4 square feet. All signs except standard “For Sale” signs shall be made of wood with routed letters. No back lighted or neon type illuminated signs shall be allowed on the property.”

- **Number:** Only one “For Sale” sign per lot is allowed, and only while the lot actually is for sale.
- **No Signage in Common Area:** Signage of any kind cannot be placed in any HOA common area for any reason by or on behalf of a homeowner without first obtaining written consent from the Board.

**Rules/Regulations relating to Covenant Article I, Paragraph M (part 1): Exterior materials and colors**

“No building or improvement shall be approved by the Committee which is to be constructed of materials other than an exterior surface of natural wood, stone, brick, stucco or glass. Wood may have a clear finish or stain but shall not be painted. Stains shall be muted greens, browns, gray tones or earth tones. Roof surfaces shall be three (3) tab composition, [wood shake shingles,] artificial shake shingles or metal roof with prebaked enamel finish, provided they are of earth tone colors, or tar and gravel built-up surface. The Association may allow the use of other materials for wall and roof surfaces, provided such materials are designed and located in harmony with surrounding structures and natural land features, and shall not be offensive in color in the opinion of the Committee.”

- **Earth tones:** Earth tones are defined per the Merriam-Webster Dictionary as “any of various rich colors containing some brown.” Decisions as to what colors are allowed will be determined on a case by case basis, and solely at the discretion of the ACC.
- **Windows:** Prior ACC approval is required for all homeowners installing or replacing windows. Windows must be wood framing, but may be clad, and a color chip must accompany the application. Per the plat, all south-facing windows must be non-reflective glass; it is highly recommended that all windows be non-reflective to avoid glare issues for neighbors.
- **Incidental metal trim items:** Trim items that of necessity are constructed of metal (e.g. gutters/downspouts), as well as any metal deck railing or window cladding, must be pre-weathered, powder-coated or otherwise finished in approved earth tones to avoid glare.
- **Shingles:** While the Covenants as originally written allowed wood shake shingles, these are no longer allowed under local building code or design standards and will not be approved.

**Rules/Regulations relating to Covenant Article I, Paragraph M (part 2): Outbuildings**

“Outbuildings are allowed only by approval from the Committee. In making a determination to approve or deny an outbuilding, the Committee shall assess the impacts to neighboring lots as to size, location and design consistent with the dwelling. If allowed, all outbuildings shall be constructed of the same exterior siding and roofing materials of the dwelling. All structures on any lot shall be properly maintained. Further, all construction and improvements located on any Lot shall comply with the Three Lakes Design review regulations as approved and adopted by the Grand County Planning Commission and the Grand County Board of Commissioners. In the event of a discrepancy between these Covenants and the Three Lakes Design review regulations, the most restrictive regulation shall apply.”

- **Driveway access:** Any approved outbuilding, including any detached garage, must be accessed from the single driveway allowed on the lot that (as located and roughed in at the time of plat approval.)
- **Detached garage: overflow guest accommodations:**
  - One detached garage is allowed per lot, which may contain overflow guest accommodations (so long as the requisite upgraded well permit has been obtained or the guest accommodations are served by a separate source of third party purchased and delivered water.)
  - No separate detached guest house is allowed as an outbuilding, as the Covenants require that any guest house be attached to the primary residence.

- In light of potential increased density and traffic, and the requirement that outbuildings be incidental to a single family residence, (i) no more than one outbuilding incorporating overflow guest accommodations will be allowed on any lot, and (ii) no such overflow guest accommodations may be rented out separate from the primary residence.

***Rules/Regulations relating to Covenant Article I, Paragraph R: Screening, trash, wood piles, storage tanks, open burns***

“All clothes lines, equipment, service yards, woodpiles, above ground fuel tanks, satellite dishes or storage piles on any Lot shall be kept screened by adequate planting or fencing so as to conceal them from the view of neighboring Lots, streets, and access roads. All rubbish and trash shall be removed from each Lot and shall not be allowed to accumulate and shall not be burned thereon, except in burns approved by the Board as to location, design, materials and construction, and except at such hours of the day as established by the Board. If an Owner does not comply with this paragraph, the Board shall be authorized to go on the Lot and remove or cause such rubbish and trash to be removed and charge Owner the cost therefore. All trash shall be stored in “bear-proof” contains as approved by the North American Bear Society, or that are approved by the Division of Wildlife of the State of Colorado. Individual trash receptacles shall be stored inside except on the day of trash pick-up”.

- ***Screening:*** For purposes of the items covered by Covenant Paragraph R, a homeowner must submit an application to the ACC, in the approved form, showing the type of screening, which may be a structure, planting and/or fencing. Screening will not be made of fabric or camouflage material, metal, plastic, or other such materials that are not consistent with the general construction requirements under the Covenants, Rules & Regulations or otherwise conducive with the general appearance of the community. The ACC will deem whether such screening is adequate and appropriate for purposes of concealment from view.
- ***Trash:*** Trash containers may be considered “bear-proof” if they are usual and customary for the area and approved by the company collecting the trash unless bears or other animals actually access trash from the container, in which case the Board may require a more secure container.
- ***Wood piles:*** Wood piles that require screening are piles of lumber or other unnatural wood products. Piles of logs resulting from removal of dead wood from a lot may be stored on the lot so long as they are neatly stacked, unless confirmed complaints are received to the effect that the piles are unsightly, in which case the piles must be more neatly stacked or screened.
- ***Storage tanks:*** Propane tanks are recommended to be buried, in accordance with recommendations and parameters provided by the fuel provider. Above ground propane and other storage tanks (including storage tanks for water delivered by third party providers) must be screened in accordance with the screening requirements, above.
- ***Open burns:*** Owner must obtain proper permits in advance from the appropriate Grand County officials and comply with all governmental rules and regulations.

**Rules/Regulations relating to Covenant Article I, Paragraph S: Towers, Radio or Television**

“No towers, radio or television antennae higher than three (3) feet above the highest roof of a dwelling house shall be erected on any Lot without the prior authorization of the Committee. All such towers and antennae must be attached to the dwelling house”.

- **Application for approval:** Owner must submit an ACC application showing the type of tower and/or antennae and its location, dimensions and method of attachment to the dwelling house prior to installation.
- **Satellite dishes:** Satellite dishes of less than four feet in diameter are permitted as long as they are positioned to blend with the surrounding area and are not offensive from any neighboring property, road or common area. Determination of offensiveness shall be at the sole discretion of the Committee.

**Rules/Regulations relating to Covenant Article I, Paragraph T.3.b: Driveway**

“3. Subject to the written approval of the Board, trees may be removed on any Lot as follows:

- a. Actual land occupied for buildings, plus a twenty (20) foot clearance strip adjacent to the perimeter thereof,
  - b. One (1) entrance driveway not more than thirty (30) feet in width, and an off-street parking area no larger than required to accommodate eight (8) parking spaces;
  - c. A recreational area not to exceed ten percent (10%) of the total area of the Lot.”
- **Perimeter clearance strip:** Wildfire mitigation regulations promulgated by the Colorado State Forest Service from time to time that mandate or recommend a wider perimeter clearance will take precedence over this Covenant provision, per Covenant Article I Paragraph T.6.
  - **Single driveway:** A single entrance driveway is allowed on each lot (as located and roughed in at the time of plat approval.) The location may not be changed without County (per plat restriction) and Board approval.