

ARCHITECTURAL GUIDELINES THE CREEK AT FRISCO

PLANNING AND DESIGN PHILOSOPHY:

The Creek at Frisco is created as a planned residential community to take full advantage of the Property's location and environment. The planning and design philosophy of the Property is to encourage a harmonious and consistent quality expression throughout its boundaries, while also allowing for individuality of architectural expression by its owners.

It is in every Lot Owner's interest and the intent of these Architectural Design Guidelines (the "Guidelines") that all development constructed on the Lots attempt to develop responsive and indigenous architecture, incorporate native and natural materials, and employ sensitive siting of improvements. Buildings should not assert themselves at the expense of neighboring development, but rather relate to each other to form a harmonious community which shares and supports a common interest and appreciation of the environment.

The standards procedures and information herein are intended to formulate and define the means by which properties built at The Creek at Frisco can be compatible with each other and with their setting. The Guidelines which follow are the criteria for judgment and form the basis of control by the Architectural Review Committee ("ARC"). Compliance with the spirit of these Guidelines is crucial to the mutual enhancement and protection of the qualities of the Property and to all the Owners' commitment to the preservation of this ruggedly handsome area.

These Guidelines may change from time to time to reflect new experiences and to accommodate changing conditions without modifying the overall stated intent. Owners contemplating activities covered by these Guidelines should be sure they have obtained the most recent approved version.

A. General Purposes

The Executive Board has developed these Guidelines to maintain standards in the use and development of The Creek at Frisco and to guard against fires and unnecessary and unreasonable interference with the view, natural beauty and ecological integrity of the Property and the residences and other buildings therein. These Guidelines are subject to the Committee's supervision and approval and to the zoning and planning regulations of Frisco, Colorado, and applicable federal and state statutes, rules and ordinances. Although final judgment of any submission must remain discretionary to the Committee, the Committee will be guided in its decisions by the Guidelines defined below, which may be changed from time to time by the Executive Board in the interests of protecting the real and aesthetic benefits of the Property.

B. Design Guidelines

1. Residences and buildings should have exterior elevations, roofs and details that are coordinated and consistent in their architectural treatment. Care should be given to proportion, scale and massing.

2. Generally, simple pitched roofs (4:12 to 12:12) are encouraged because of their varied lines and snow shedding properties, as are roofs which utilize the gable configuration with sheds and dormers as complementary form devices. Flat and hip roofs should be used for linking purposes and as minor design elements for roofs with the gable configuration. Hip roofs are acceptable.

3. At no time prior to commencement of the construction of a home, building, garage, parking area, or driveway or any future additions shall any trees be removed until the owner has notified the ARC that such improvements have been flagged or staked showing which trees will be removed. The ARC shall have three (3) days in which to approve or disapprove of the siting as to tree removal. If no action is taken by the ARC within the three (3) day period, the ARC will be deemed to have approved the proposed tree removal. Removal of trees for view corridors shall fall under the same rules.

C. Building Height

Building height limits promote buildings in harmony with, and subservient to, the surrounding natural features. Consideration must be given to views from neighboring Lots. As specified in the Declaration, building height limits are 35 feet on Lots 1-11 and 40 feet on Lots 12-14.

D. Exterior Walls

Materials allowed for exterior walls are logs, log siding, stone, shakes and shingles, wood siding, native stone integrated with the design, board and batten, brick or textured stucco in natural tones. ~~The Committee may consider exposed architectural concrete when stained, sand-blasted and/or textured.~~

Exterior materials not acceptable for exterior walls are plywood siding, metal siding, ferro cement siding, concrete block, and adobe.

E. Decks, Balconies, Railings

These elements enhance overall architecture by creating variety and detail. Long balconies should be avoided. Railing systems should be subtle and blend into architecture. Decks should be located to capture views, yet obtain good solar exposure.

F. Roofs

As noted above, roof forms are encouraged which are simple and utilize the gable configuration and complementary forms. With the exception of flat connected roofs, roof slopes shall be a minimum of 4:12 to a maximum of 12:12. No roofs shall be built over setback lines. Every attempt should be made to protect pedestrian and vehicular areas from shedding snow. Dormers and chimneys are encouraged as an additional means to break up the roof form. Cold roofs are recommended to avoid ice damage.

Acceptable roof materials include fire retardant wood shingles and shakes, asphalt shingles, concrete tile, and metal roofs; provided that use of tile roofing, roll roofing and metal roofing are subject to the Committee's review of visibility, reflectivity and appropriateness. All roofs shall be of a material, color and texture approved by the Committee.

G. Doors

Solid core wood, plank, or hollow metal doors are acceptable for exterior doors. Any painted material must be of an approved color. Door designs complementary to overall residence design preferred.

H. Exposed Metal, Vents, Gutters

All exposed metals such as fascias, flashing, wall vents, roof vents, metal enclosures, and chimneys shall be painted an approved color. Reflective or contrasting finishes are not acceptable. Vents shall be grouped wherever possible. Gutters should be used sparingly due to freezing conditions.

I. Chimneys and Natural Gas Fireplaces

Chimneys and fireplaces can be strong design elements which help to add visual relief to the roof design. The chimney or flue must be enclosed by a chimney cap and be in a material compatible with the materials and finishes of the exterior walls and roof of the residence. Spark arresters must be used on all chimneys and flues. All exposed exterior sheet metal should be painted to match adjacent surfaces.

The use of natural gas fireplaces is required.

J. Architectural Review Committee

The Committee shall consist of three members designated by Declarant to review, study, and approve or reject proposed improvements upon the Property. The composition and terms of the Committee members shall be at Declarant's discretion until such time as Declarant's right to appoint Members to the Executive Board membership in the Association ceases as provided in the Declaration. The Committee shall consist of a Chairman, a Secretary and one other Committee member who may be an accredited architect.

The Chairman shall preside over all Committee meetings and be responsible for the coordination and direction of the Committee's work, and promulgation of its Guidelines and any amendments to same from time to time. The Secretary shall keep the minutes of the Committee's proceedings and its records, and shall publish and disseminate such materials as may be necessary or desirable to guide Owners and enforce these provisions.

The Committee shall meet at the convenience of its members or may utilize the mail or phone as necessary to transact its business. Applicants are encouraged to attend any Committee meeting addressing their application, but the Applicant need not be present for the Committee to act. The initial address of the Committee shall be P.O. Box _____, _____, Colorado _____.

1. Right of Waiver

The Committee may waive or vary procedures or standards and criteria when conditions such as topography, location of property lines, trees, vegetation and other physical limitations, or architectural appropriateness, require it.

2. Non-Liability of Committee and Declarant

Neither the Committee nor Declarant or their respective successors or assigns shall be liable in damages to anyone submitting plans to them for approval, or to any Owner by reason of mistake in judgment, negligence or non-feasance arising out of or in connection with the approval or disapproval or failure to approve any plans and specifications. Every Owner or other person who submits plans to the Committee for approval agrees, by said submission, that he will not bring any action or suit against the Committee or Declarant to recover damages. Approval by the Committee shall not be deemed to constitute compliance with the requirements of any local building codes and it shall be the responsibility of the Owner and his representatives to comply therewith.

3. Enforcement and Review Fee

These Guidelines may be enforced as provided in the Declaration. The Committee may establish a review fee schedule for each application type submitted which fee schedule may be changed from time to time to reflect actual costs. The initial review fee for a single family submittal shall be \$175.00.

4. Information Submitted By An Owner

Any Owner submitting plans for Committee approval shall be responsible for the verification and accuracy of all dimensions, grade, elevations and location of key natural terrain features for his Lot.

5. Resubmittal of Plans and Appeal

Should the Committee deny any Review Process submission, any resubmissions shall follow the same procedures as the rejected submittal. The Owner or his architect shall reply in writing to Committee concerns during the Review Process. Any proposed exterior additions or changes to a residence not part of the original Construction Plan approval shall be submitted for Committee review and approval.

6. Owner Representation

The Owner shall advise all his representatives (eg. architect, engineer, contractor, subcontractors, and their employees) of the standards and procedures outlined in the Declaration and these Guidelines and the PUD, and all such representatives shall abide by said documents.

K. REVIEW PROCESS

These Guidelines provide a framework for the Committee to review, process and approve residential construction in the Property. An Owner must comply with the following procedures to secure necessary approvals, as well as all Town of Frisco planning, zoning and building code requirements. An Owner should reply in writing to any concerns expressed by the Committee during the Review Process.

Address all written submittals to The Creek at Frisco Architectural Committee, _____ . Submitted documents should be reproducible for ease of Committee review and may be to the scale set forth below or as required by the Town of Frisco. The Committee shall attempt to respond to all written submittals within seven (7) days of their receipt, but failure to respond within fourteen (14) days shall be deemed approval. All Committee approvals shall be valid for a period of one (1) year from the date of issue. If construction of an approved structure has not commenced within said period, the Review Process must be started anew.

All plans presented to the ARC must take into account all requirements of the PUD that refer to building envelopes, 25' water quality setback, driveway placement, landscaping, and any other items pertaining to construction of a residence or building.

1. Orientation Meeting and Statement of Design Intent (Discretionary with Committee)

Purpose: To ensure familiarity with the Guidelines and communicate the Owner's design intentions to the Committee.

Composition of Meeting: An on-site meeting between the Committee or its Chairman and the Owner and his architect to address applicable standards and constraints.

Form of Submittal:

a. Two copies of a written and/or graphic explanation to include the design approach, siting philosophy, and materials to be used.

b. Two copies of a preliminary site plan (Scale 1/8"=1') to include building location, driveway, parking, grading, tree locations and any other explanatory materials the Owner may wish to submit.

2. Sketch Plan Review

Purpose: To communicate to the Committee through drawings and relating materials the Owner's design and conformance to the Guidelines.

Note: An Owner who submits combined preliminary and working drawings does so at his own risk. If the Committee requires material changes, a resubmittal evidencing such changes must be presented to the Committee.

Form of Submittal: Two copies of the following items:

- a. Lot plan (Scale $1/8"=1'$) to include, but not be limited to, building location, driveway, parking, grading, tree locations identified for removal or protection by snow fencing, designated storage areas for excess fill, construction debris and materials, a designated parking area for construction vehicles, other temporary structures to facilitate construction, existing and proposed contour lines at 2' intervals, decks, utilities and accessory development of any kind.
- b. Floor plans, roof plans, building sections ($1/4" = 1'$).
- c. Exterior elevations ($1/4"=1'$) to include existing and proposed grade levels, material and color indications.
- d. Schematic landscape plan to include existing and proposed plant material and configuration.
- e. At Committee discretion, a model or perspective sketches to explain building form and character.

3. Construction Plan (Working Drawings) Review

Purpose: To ensure working drawings conform with the approved Sketch Plan. Preliminary design changes should be clearly delineated.

Form of Submittal: Two copies of the following items:

- a. Lot plan $1/8" = 1'$; Lot plan and roof plan at $1" = 100'$.
- b. Floor plans, roof plans, exterior elevations, details, building sections at $1/4" = 1'$.
- c. One collage ($8-1/2" \times 11"$) of exterior materials, colors, texture.
- d. Specifications, finish schedules, including compliance with the Construction Period Regulations (see Appendix 2).
- e. "Site staking" of building corners, driveway, other improvements.

f. A construction schedule to include starting and completion dates of the building as well as the revegetation work.

Construction plans and documents must be approved in writing by the Committee prior to submission to the Town of Frisco Building Department for a building permit.

4. Construction Progress Review

A Committee member or its agent may periodically visit the construction site to monitor compliance with the approved Construction Plans and the Construction Period Regulations. Any items of non-compliance will be immediately corrected or removed by the Owner and his representative.

5. Project Completion Review

The Owner or his representative shall inform the Committee in writing ten (10) days prior to the occupancy permit inspection by the Town of Frisco Building Department. The Committee shall then schedule an on-site meeting with the Owner and/or his representative to review the construction to ensure the final exterior building form is substantially in accordance with the approved contract documents. Non-conforming Improvements identified by the Committee shall be promptly removed or corrected by the Owner or his representative.

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