THE HIGHLANDS AT BRECKENRIDGE

Highlands Park Property Owners' Association
Design Guidelines
As Amended
June 2020
June 2021
June 2022
May 2023
March 2024

***Please Note* ANY consultation with the DRA and Allen-Guerra Architecture will incur fees as outlined in the design review guidelines. Some submittals may not require Design Review Administrator review and only board approval, thus waiving any associated fees. Please contact Alpine Edge if clarification is needed before starting the review process.**

Guidelines for: Highlands Park
Discovery Hill
Discovery Ridge

Note: DRC meeting is 1st Thursday of every month**

**The meeting may be in person or virtual.
Contact Alpine Edge Property Management:
aepropertymanagement.com
(970) 453-2334
to confirm the date, time, location, and format.

Please submit all payments to Alpine Edge Property Management, including the lot number and address.

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1 INTRODUCTION

We welcome you to our family of Highlands Park owners and look forward to working with you and your design professionals to make your high-country home a reality.

Highlands Park is an extraordinary place, and we want its natural essence to remain after all of our construction endeavors have been completed. Its beauty can endure, but only if we all approach the development of these properties with care and proper stewardship of nature's gifts to us. Therefore, our primary objective shall be sensitivity to the natural environment. This objective is best realized when each home is custom designed for its specific setting to enhance and accommodate its site's natural features without destroying or imposing itself upon them in the process. Our expectations in this regard can be found in Section 2 of these Guidelines, entitled "Site Planning."

Highlands Park is also a highly visible locale, so our second objective focuses on the residential structures themselves. How can we craft our man-made creations to complement this setting without obscuring it? We have all seen lovely sites pale and lose their appeal beneath an overlay of insensitive or incompatible design solutions. Section 3 of these Guidelines, entitled "Architecture," addresses our intentions for those aspects which comprise the visual exterior of a completed structure. As a model for our architectural expectations, we have attempted to evoke a blend of the appealing attributes of some distinguished historical styles – Prairie Style, Shingle Style, and the Craftsman Bungalow. These three American originals evolved around the turn of the last century under the tutelage of such notable architects as Wright, Richardson, and Greene and Greene. Although their styles were developed in different locales of our nation – the Midwest, New England, and the West Coast, respectively – they each possessed a common affinity for human scale and well-crafted features, which we wish to emulate in Highlands Park. However, it is not our intention to prescribe a neighborhood of homes that all look the same. On the contrary, we expect each Owner/Architect team to create their own unique composition, drawing upon the Shingle Style's textured asymmetry or the Prairie Style's horizontal strength with the coziness and detail of the Craftsman Bungalow. Those classic elements might be blended with the functional simplicity of a mountain ranch house or the forthright structure of rough-hewn logs.

The successful implementation of this architectural 'vision' will depend greatly on the capabilities and experience of the design professionals retained by each Owner. For that reason, each Owner must enlist the active participation of a licensed architect to assume the creative lead in developing their design submittal. As a rule, architects are well-schooled and trained in the diverse skills necessary to properly evaluate a site's attributes, craft a suitable design solution which is responsive to its site while satisfying the requirements of an Owner's building program, and subsequently delineate the features of that design solution for consideration by reviewing boards or town officials. We recommend the retention of an architect licensed in Colorado and familiar with these guidelines, but an Owner may opt for a favored architect from another state.
However, we expect the architect selected, whether local or not, to remain actively involved throughout the design review process as the exclusive communications liaison between the Owner and the Review Board.

In response to our 'vision' for Highlands Park, we have prepared these Design Guidelines as an informational resource for each Owner and their architect. They are promulgated by the Review Board in accordance with the Declaration of Land Use Restrictions for The Highlands Park Subdivision (the "Declaration") and pursuant to the

authority granted therein to the Board of Directors of The Highlands Park Property Owners' Association, Inc. (the "Association"). Although these Guidelines are quite specific in several areas, they should not be simply viewed as a "recipe" which, if followed to the letter, will result in an acceptable design for every circumstance – studied design creativity remains the essential catalyst which will spawn interest and variety from this family of options.

We recognize that no compilation of Guidelines can possibly address or foresee every potential set of circumstances or conditions. Therefore, variances from these individual precepts may be granted on occasion for a quality design solution which is consistent in the aggregate with our stated goals, even though it does not conform exactly to every single stipulation. However, the variance option must be applied judiciously and with restraint; applicants must avoid attempting to misapply the variance process in the hopes of endorsing a design that contravenes our stated goals. In the final analysis, our Review Board shall remain the indisputable judge of the suitability of any design solution.

History has shown that many homeowners approach the design review process feeling it will be fairly quick and allow them to commence construction rapidly. Homeowners need to approach the process in a realistic fashion and remember that it is the quality of the submissions and the adherence to the Design Guidelines which allow the process to move forward smoothly and expeditiously. It is the intention of the Design Review Board to review all submissions on a timely basis so as not to cause unnecessary delays.

Our review procedure is an interactive process by design. We have incorporated several mileposts from conception to completion to provide opportunities for the exchange of ideas and information between the Owner, his or her architect, and the Board. Ongoing communication helps keep us all on the same page, so to speak, thereby reducing your potential for costly digressions in pursuit of an unacceptable design solution. The progressive phases of the Highlands Park Design Review Process are as follows:

- The Pre-Design Conference, during which each Owner along with his architect may present their Site Analysis Sketch (see Section 2.2) and design ideas to the Design Review Administrator before any residential design drawings are begun. This meeting shall occur on the site, and the Owner's architect must attend. It's preferable that the Owner attend as well. (If an Owner and his or her architect desire to utilize logs as a primary material for the home, that intention should be voiced at this initial meeting, so that our Design Review Administrator may advise the applicant of the limited log styles and systems which may be acceptable).
- The Preliminary Submittal, at which time the Review Board may examine the applicant's conceptual drawings to ensure their conformance with these Guidelines and any stipulations arising from the Pre- Design Conference, prior to the start of construction drawings.
- The Final Submittal, at which time the Review Board may review final construction documents to ensure their conformance to these Guidelines and to confirm that they are consistent with the previously approved preliminary drawings.
- The Pre-Construction Conference, at which time a representative of the Review Board may meet with the selected general contractor to review the Highlands Park construction regulations, to assure the builder's understanding thereof and his intended adherence thereto, and to review with him any construction-related provisions which may have been applied to a previous approval.
- The Final Inspection of the completed improvements by a representative of the

Review Board to ascertain whether actual construction has been completed in strict compliance with these Guidelines, the approved construction documents, and any other stipulations for approval.

It is essential that each applicant adhere to these progressive check points in their entirety and in correct sequence; please do not first appear on our doorstep with completed construction drawings in hand, expecting our hearty endorsement! This process works, and more importantly, it can safeguard each applicant from the ill-advised expenditure of time and money on designs or concepts which are unlikely to be approved.

Highlands Park's Design Review Process is intended solely for the implementation of Highlands Park's Design Guidelines, and stands independent of the Town's own technical design review processes. Consequently, each Owner, and his or her architect, shall bear the responsibility for a proposed improvement's adherence to all design, zoning and building code standards for the Town of Breckenridge. Our Design Review Process is intended to operate sequentially and in parallel with the permitting processes of the Town of Breckenridge. Once an Owner's Preliminary Submittal has been approved by our Review Board, and all conditions of that approval have been met or agreed to, he or she may proceed with his or her application for a Development Permit from the Town. Upon the approval of an Owner's Final Submittal by our Review Board, he or she may proceed with the acquisition of a Building Permit from the Town, as well. Once again, it is important to note that the scope of our Board's review of your application is limited to the proposed improvement's style, exterior appearance and placement on the site. Our approval of your plans and specification does not in any way attest to the structural integrity of the proposed improvement, nor does our approval warrant that those plans and specifications comply with applicable governmental ordinances, regulations or codes.

All improvements proposed for Highlands Park (except for initial construction of the Common Elements by the Declarant or the Declarant's successors), including but not limited to buildings, fences, walls, signs, exterior lighting, landscaping and grading, paving and driveways, tree cutting and clearing, are subject to these Design Standards, and thereby require the consideration of and the written approval from our Review Board, prior to their implementation or erection. Likewise, any modification or addition to an existing improvement of any type, requires the Board's review and consent as well. The reconstruction by the Association or the Declarant of any common elements due to their destruction by casualty or otherwise, which is accomplished in substantial compliance with "as built" plans for such common elements, are not subject to the stipulations of these Design Standards or its review process.

Now that we have dispensed with this introductory overview and its essential disclaimers, let's move on to the specific details for making your Highlands Park home a reality!

2. SITE PLANNING

2.1 GENERAL OVERVIEW

A successful residential design evolves in response to its site. It calls to mind a number of descriptive metaphors – a home which is "married to its site", "a peaceful coexistence of man and nature". Conversely, when a design occurs first, and then its site is subsequently manipulated to respond to that design, the resultant product is virtually always

an unsatisfactory solution – a home which "imposes itself upon its natural environment".

A site's specific features – its topography, accessibility, drainage, vegetation, its orientation to views and sun – all have an influence upon the suitability and livability of a residence. It is important for each Owner and his or her architect to thoroughly understand what their site has to offer, before pencil can be put to paper. That inventory of site-specific assets and challenges shall be determined via the preparation of a Site Analysis Sketch.

2.2 SITE ANALYSIS SKETCH

Each residential design shall begin with a Site Analysis Sketch. The base drawing for each Site Analysis Sketch will be a topographic survey of the lot, prepared by a registered Civil Engineer or a licensed Land Surveyor, at each Owner's expense. That survey must delineate lot boundaries and dimensions, its platted Disturbance Envelope, easements, designated wetlands (if any), topography (2 foot contour intervals or less), all trees 8 inches in diameter or greater (at chest height) with appropriate drip lines, major site features such as rock outcrops, edge of pavement and utility locations.

In addition the Owner's architect shall identify and sketch the following items onto the survey print:

- Best access (or mandated access)
- Any "no access zones" along street frontages
- Approximate locations of significant secondary vegetation such as clusters of shrubbery or sage
- Aspect and orientation (sun and shading patterns)
- Prevailing wind patterns
- Impacts relating to snowfall, and its storage or removal
- Areas of preexisting site disturbances
- Adjacent public and semi-public spaces such as golf corridors and trails
- Overall site setting (neighboring land uses; locations of neighboring buildings along with their style, height, massing and orientation)

The Owner and his or her architect must bring two copies of their Site Analysis Sketch to their Pre-Design Conference with the Design Review Administrator. That document will provide the context to facilitate the mutual determination of an approximate location for the future home. One copy will be retained by the Design Review Administrator, and the second copy, along with the findings and comments from that on-site orientation, will become the architect's cornerstone for the development of the building program for the site.

2.3 DISTURBANCE ENVELOPE

The "disturbance envelope" is that portion of each lot within which all improvements and construction activity must occur. Those portions of each lot which occur outside of the envelope must remain in their undisturbed natural condition. The only exceptions shall be:

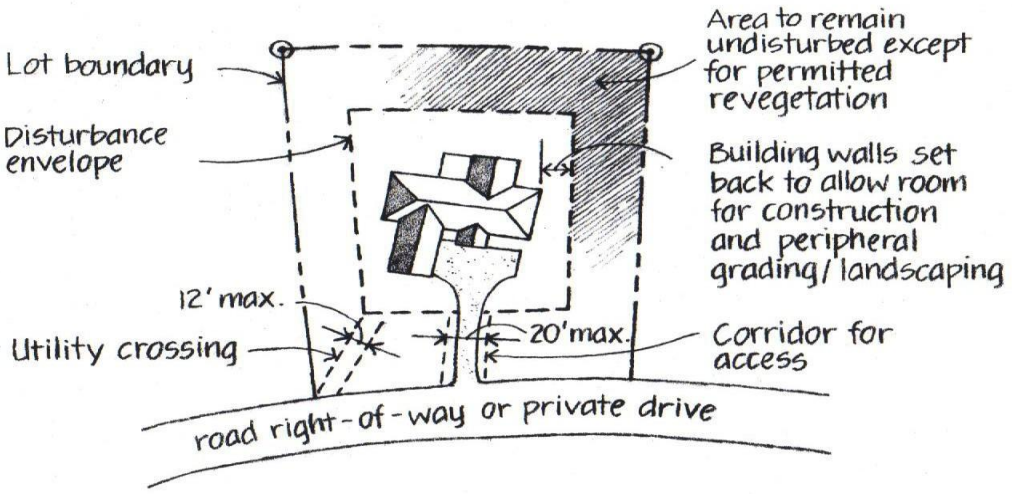
- A single corridor for access, no wider than necessary up to 20 feet maximum, which crosses from a public right- of-way or a private drive to the disturbance envelope.

- Utility service extensions, crossing from service stubs to the disturbance envelope; those disturbances shall be limited to no more than 12 feet in width along the crossing. Whenever possible, service extensions must be grouped into a shared trench to minimize the extent of the site disturbance outside of the envelope.

- Where vegetation is sparse or a preexisting site disturbance has occurred outside of an envelope, the Review Board may permit restoration or supplementation of the natural landscape via the addition of plant species which occur naturally within Highlands Park. When such supplemental planting is permitted by the Board, it shall be accomplished by hand; backhoes, tree spades or similar vehicles may not be utilized outside of the disturbance envelope for this work, unless approved by the board.

Since disturbance to any site may only occur within the disturbance envelope (but for the preceding exceptions), building walls must be set back sufficiently from the envelope line to permit the construction of the residence and all its ancillary improvements without violating the limits of the envelope. Scaffolding, material storage and disposal, passage of vehicles such as backhoes or forklifts, excavation, finish grading and enhanced landscaping may only occur within the disturbance envelope. As a minimum, we recommend a setback of at least one foot for each foot of excavation depth; and a minimum of six (6) feet to any wall of the structure coming to the ground level. This is exclusive of roof overhangs, cantilevered floors or walls above grade, decks, patios, deck supports, and retaining walls, all which must maintain a minimum setback of one (1) foot from the envelope line. In many cases, especially when an owner desires extensive peripheral landscaping, the setbacks must be greater.

All excavated material must be removed as excavated, and must be stored or disposed of off-site. The only permitted exception shall be for those sites where topsoil and/or the material necessary for backfill can be suitably stockpiled within the disturbance envelope, without interfering with construction circulation around the structure, and without necessitating the unnecessary removal of trees or other significant vegetation. This exception



will only be permitted by the Review Board when the General Contractor's construction staging plan clearly demonstrates that these conditions can be met.

DISTURBANCE ENVELOPE (Figure 2.A)

That portion of the disturbance envelope which has been approved for disturbance must be demarcated by a 4 foot high green or black fabric or plastic fence throughout the duration of construction activity. In some situations, in order to protect the natural landscape, a six (6) foot high chain link fence with posts anchored in concrete may be required by the Design Review Board.

Individual lot maps which illustrate the configuration of each disturbance envelope as well as the platted easements on each lot are available from the Property Owners' Association Administrator.

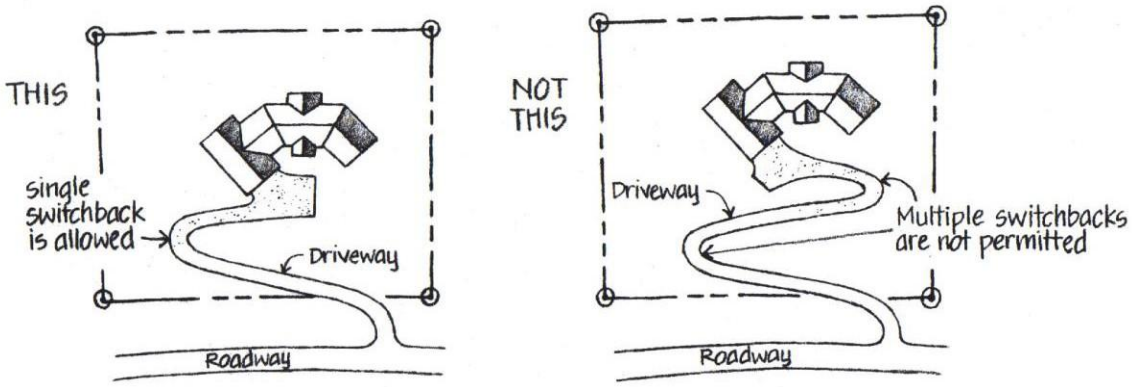
Finally, the "Disturbance Envelope" concept is an extremely important directive of these Design Guidelines. With care and compliance, the protected intervening natural landscape will survive and stand as the unbroken connecting fabric which visually knits the Highlands Park community together!

2.4 DRIVEWAYS

Each residential lot may be accessed by a single driveway only. Loop driveways with two points of access may only occur with Review Board approval on conjoined parcels where two or more lots have been legally combined into a single larger lot, (see Section 2.22 Reconfiguration of Building Sites). Lots with property frontage along two or more public roadways generally will access their homesites from the minor street frontage.

As a condition of the plat approvals for Highlands Park, the driveway entries and alignments for Lots 2, 4, 5, 6, 48, 89 and 93 through 98 shall occur in the location prescribed by the Town of Breckenridge due to topographical or vegetation considerations. In addition, lots 10, 11, 12 and 32 may not be accessed from Tiger Road.

Access drives must be situated to preserve and protect important natural features such as significant trees and vegetation, drainage ways, and rock outcroppings, and must be designed to minimize disruption of the existing landscape. Driveways for hillside lots may incorporate no more than one intermediate switchback (a turn which exceeds 90 degrees) into its alignment; see figure 2.B. Driveways and parking areas must be situated entirely within the Disturbance Envelope except where the single corridor for access crosses from a roadway or private access drive to the envelope; see Section 2.3, "Disturbance Envelope". The term roadway, street, or private access drive when used herein shall have the same meaning as if they are one and the same.



LIMITATION ON SWITCHBACKS (Figure 2.B)

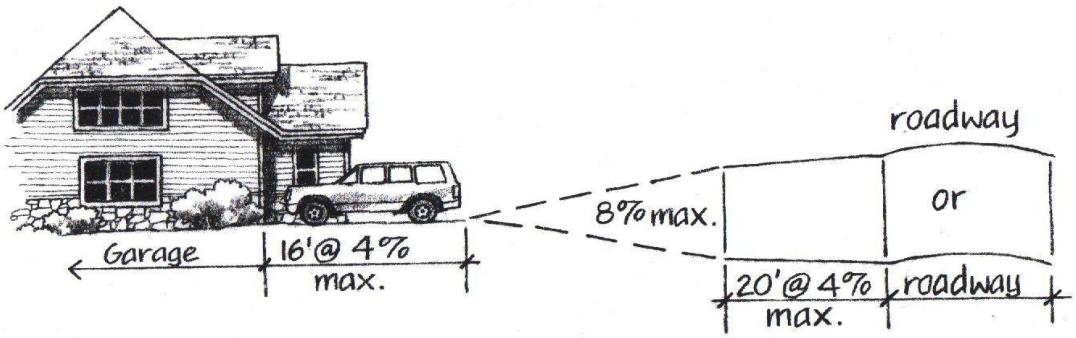
The paved surface of each driveway shall not exceed a width of fourteen feet where it crosses from a roadway edge to the disturbance envelope. Those crossings shall be made as directly as is practical to minimize site disturbance between the roadway and the envelope. The width of site disturbance along those crossings shall be limited to a maximum of 20 feet (which will accommodate a driveway width of 14 feet with 6 feet of combined grading disturbance along the sides of the driveway). Each driveway must intersect the edge of the roadway at an angle no less than 80 degrees (90 degrees is preferred), and that alignment must be maintained along the centerline of the first twenty feet of driveway which touches the road. Driveway edges must be flared at their intersection with a roadway for ease of turning; flared sections shall not exceed a radius of 5 feet.

A polyethylene culvert pipe, with a diameter of 18 inches, shall be installed where necessary beneath each driveway between the road edge and the property line, unless otherwise approved by the Review Board. The invert flowline of the pipe shall be aligned and sloped so that borrow ditch/drainageway flows will continue unimpeded beneath the driveway crossing. The exposed ends of the pipe shall be aesthetically finished with stone headwalls. Headwalls may be dry-stacked or grouted, and stone materials (along with grout color if applicable) are subject to approval by the Review Board. The installation and on-going maintenance of each driveway culvert and the segment of driveway which occurs within the road right-of-way shall be the responsibility of each individual owner.

All driveways and exterior parking areas shall be paved with asphaltic concrete or stone concrete, of a thickness and structural cross section which is appropriate for their site-specific soil conditions, and which satisfy all paving standards prescribed by the Town of Breckenridge. Large unbroken expanses of plain white concrete are not permitted; if stone concrete driveways are utilized, they should incorporate a color admixture, an exposed aggregate finish, a continuous decorative edge band (embossed or inlaid), or an interspersed pattern to break up the ‘sea of concrete’.

Parking areas and driveways should be oriented for optimum solar exposure to facilitate the melting of snow and to prevent the build up of ice. The Town of Breckenridge prohibits the use of salt as a deicing agent for walkways, driveways and parking areas.

Therefore, suitable orientation and moderate slopes are essential for the maintenance of safe driving and walking conditions during periods of ice and snow. As a rule, driveway slopes should not exceed a gradient slope of 8 percent. Additionally, for safety considerations, there must be transition areas with a slope gradient of 4 percent or less extending out a minimum of sixteen feet from garage doors, and extending back a minimum of twenty feet from the edge of a roadway or private driveway.



DRIVEWAY SLOPE (Figure 2.C)

Also, refer to Section 3.16 "Garages, Garage Doors and Carports" for related information.

2.5 VEHICULAR PARKING

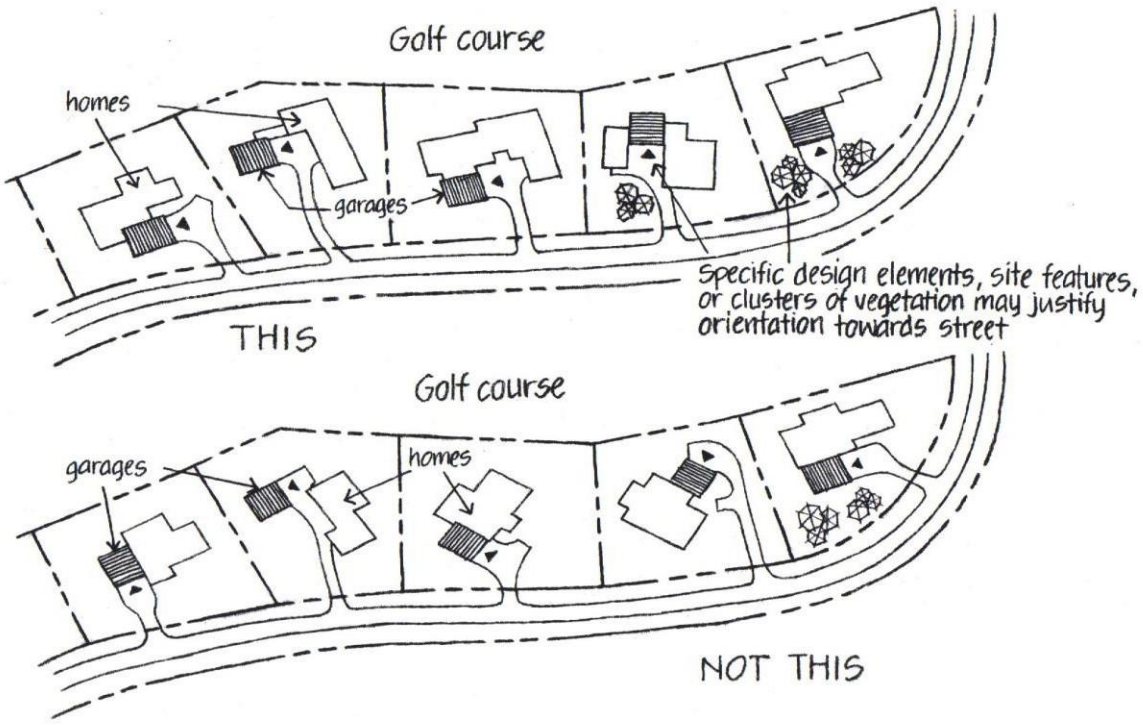
Each home must provide a minimum of two enclosed and two uncovered vehicle parking spaces. The uncovered parking spaces may be achieved by the parking of vehicles in tandem or side-by-side on the driveway, provided that those required spaces occur entirely within the disturbance envelope for the site. Parking of a motor home or trailer, or other large vehicles outside of a garage on any homesite is prohibited by the Declaration of Land Use Restrictions For Highlands Park unless specifically permitted in writing by the Review Board for a limited duration; if such a waiver is granted by the Board, those waived vehicles may not be used for on-site camping.

2.6 GARAGE LOCATION

The appropriate placement and orientation of the garage element is a critical consideration for each residence. One of the foremost contributors to negative feelings about residential subdivisions is the often-present row of garage doors aligned along a street or public way. While recognizing that it is probably impossible to totally eliminate the view of garage doors from the public, it is imperative that the homesite planning for each site minimize those views to the greatest extent possible, within the context of the site's unique set of conditions.

Garage doors must never face directly towards the golf course, and in most circumstances garage doors should not face toward the street. However, the primary consideration for Review Board acceptability shall be the extent of visibility of the doors within the context of a site's set of conditions. For example, a homesite which occurs on the

inside of a roadway curve, may prescribe a garage frontage toward the street, since a side entry garage may afford a higher degree of visibility from the sweeping curve of the street; likewise, a garage element which faces toward the street, but which is set well back on a lot such that it is partially screened by elements of the residence may prove to be an acceptable solution.



GARAGE ORIENTATION (Figure 2.D)

On any residence the point of entry for people should appear more prominent and inviting than the entry for vehicles. Refer to Section 3.16 "Garages, Garage Doors and Carports" for additional discussion of architectural elements essential for the mitigation of garage door impacts.

2.7 SNOW REMOVAL AND STORAGE

The Breckenridge community experiences significant snowfall each year. The removal of snow from paved surfaces and its subsequent storage on site are critical considerations for site planning and design. Driveways and parking areas must be laid out to facilitate the operation of snow removal equipment. In addition, snow storage sites, equivalent in area to 25 percent of the paved areas to be maintained, shall be provided on each site within the disturbance envelope; storage sites should be situated adjacent to the surfaces to be cleared, but away from visually sensitive locations or delicate landscaped areas whenever possible. Snow may not be plowed or blown into the road right-of-way or onto any other adjacent parcels. Heated driveways may be used in lieu of snow storage areas. Driveway drainages may not flow on to road right of way.

2.8 SITE WORK

Sensitivity to site shall be the cardinal principle for Highlands Park. In order to protect the natural landscape, the location and design of proposed structures and landscaping must relate to the existing terrain. The area of soil and vegetation disturbance on each homesite shall be curtailed to that necessary for construction and landscaping purposes. Aside from those limited exceptions noted in Section 2.3 "Disturbance Envelope", that portion of any site which is outside of its disturbance envelope, must remain undisturbed and in its natural state.

No clear cutting of any Disturbance Area or Lot will be permitted; however, it is understood that some selective pruning or removal of trees and shrubs will be necessary for the development of the wooded Lot, including the removal of all standing or fallen dead trees, pine beetle infested trees or defensible space needs in accordance with the Town of Breckenridge ordinance and the Home Owners Association requirements. The retention of trees over 4 inches in diameter or over 30 feet in height is strongly encouraged. Any cutting of trees (dead or alive) or other significant vegetation for any reason must first be approved by the Review Board. The following exceptions do not require Review Board approval; the pruning of dead limbs, the cutting or removal of trees with a trunk diameter of 3 inches or less measured 36 inches above the ground which are bowed, leaning, severely misshapen, diseased, or sparsely foliaged. All other tree removal requires Review Board approval.

The subsequent clearing of trees and vegetation for proposed improvements may not commence until Final Construction Documents have been approved in writing by the Review Board and all Pre-construction requirements have been fulfilled. The unauthorized removal of trees or vegetation will result in the levy of penalty fines in accordance with "Appendix 9F "Schedule of Fines and Fees".

2.8a REFORESTATION

Due to the significant loss of trees within the Highlands Park, Discovery Hill and Discovery Ridge areas over the last several years due to pine beetle infestation and the adoption of defensible space requirements by the Town of Breckenridge, property owners may consider reforestation of their properties to help mitigate some of this tree loss.

The Home Owners Guidelines also encourages a healthy forest. Selective thinning and new plantings should provide a balanced solution that promotes good forest health management while considering the screening and privacy needs of neighboring properties and the public ways.

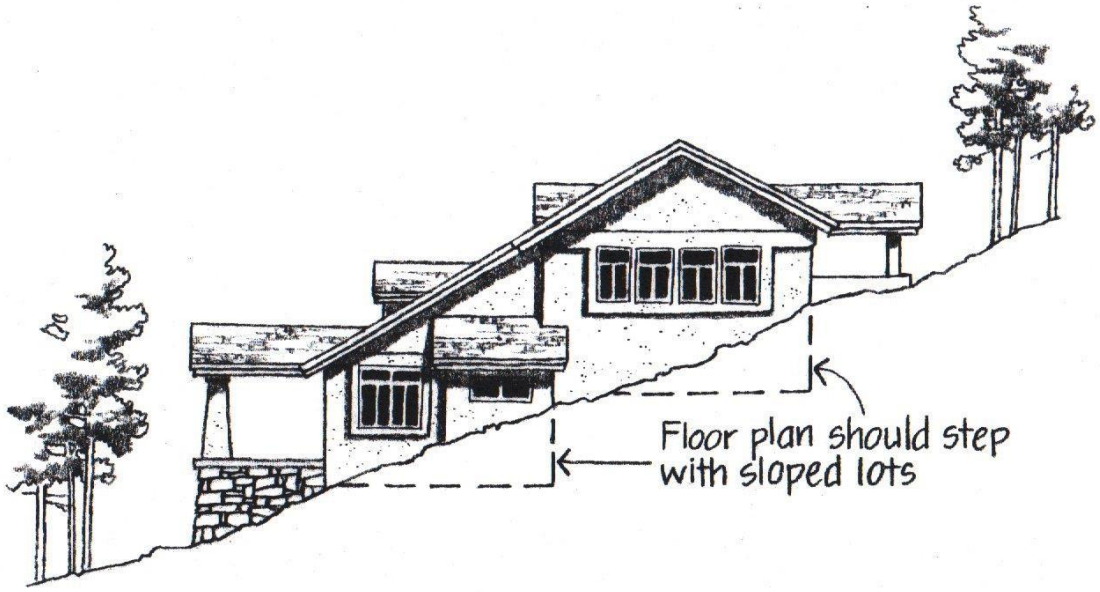
2.9 GRADING AND DRAINAGE

No excessive excavation or fill will be permitted on any lot except where specifically allowed by the Review Board due to unique terrain considerations. Every effort should be made to balance cut and fill and to minimize the necessity for retaining walls.

As previously noted, all excavated material which will not be needed for backfill purposes must be removed from the site at the time of its excavation, for disposal off-

site; on homesites with constrictive disturbance envelopes, or where existing vegetation or slope further limit the availability of suitable storage sites within the envelope, even topsoil and material intended for backfill may have to be stockpiled off-site between the time of its excavation and its subsequent final placement upon the site. Refer to Section 2.3 "Disturbance Envelope" for the provisions for exception to this requirement.

Residential designs for sloping lots with a variation of natural grade elevation in excess of three feet across the footprint of the proposed structure, must incorporate slope considerations into the design solution, so that the proposed structure steps up or down with the natural slope. Artificial terracing of slope sites to create a building pad to accommodate a "flat lot design" will not be permitted.



SLOPED LOT (Figure 2.E)

Ground floor levels should be established at a vertical elevation such that the final placement of backfill and peripheral improvements will support positive drainage away from the structure in all directions. The inclusion of foundation waterproofing and a perforated pipe foundation drainage system (French drain) are recommended along the uphill and sidehill foundation footings on all lots.

Site excavation and grading must occur with minimal disruption to the Lot, without altering the pre- existing alignment of the flowlines of any surface drainage channels or swales. Where appropriate, the Review Board may permit the realignment of a portion of a drainageway within the boundaries of the Disturbance Envelope; such consideration will be done on a case-by-case basis, so an Owner or architect must not assume that realignment will be permitted in all circumstances. Any proposed realignment must be based upon sound hydrological principles, and must not necessitate the unnecessary removal of significant trees or vegetation. Existing points of entry and exit of historic drainage to and from a Lot must be

respected. Any improvement or construction activity which creates an obstruction to surface flows that results in the backup of snowmelt or storm waters onto an adjacent Lot or parcel is strictly prohibited.

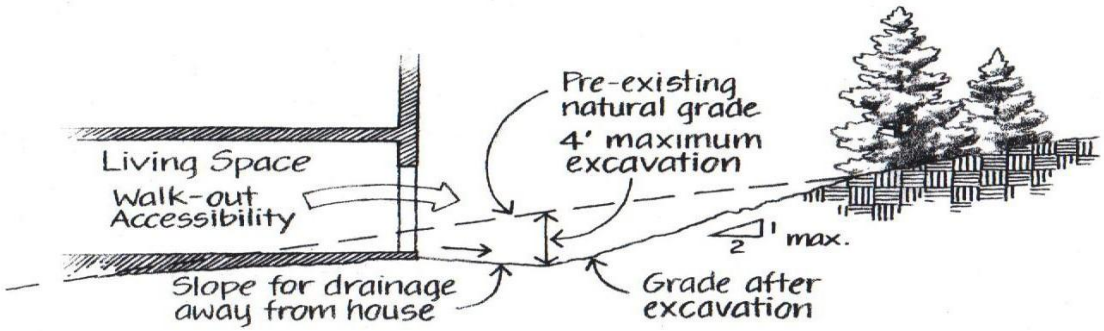
Excavation, grading and the placement of fill may not commence until final Construction Documents have been approved in writing by the Review Board and all Pre-Construction requirements have been fulfilled.

A soils/drainage report is required to be submitted with the preliminary submittal. This report should attempt to identify any soils; underground or surface or water drainage issues that need to be addressed with the design. Provisions required for drywells, dispersion fields, sump pumps, cut-off drains, etc. should be addressed and located within the building envelope where feasible. Locations outside the building envelope will require Town of Breckenridge approval and will be considered on a case-by case basis.

2.10 SLOPING SITES AND RETAINING WALLS

Home designs must respond to their sloping sites; see figure 2.E "Sloped Lot". A sloped site must not be reshaped to accommodate an inappropriate design. It is far better to accommodate grade changes in smaller increments across and within the footprint of a residence, than to opt for more extensive cuts and fills which result in finished landforms which are unappealing and unnatural in appearance. Changes to the grade surface may only occur within the Disturbance Envelope and the access corridor, and may not exceed a slope ratio of 1:2, vertical to horizontal.

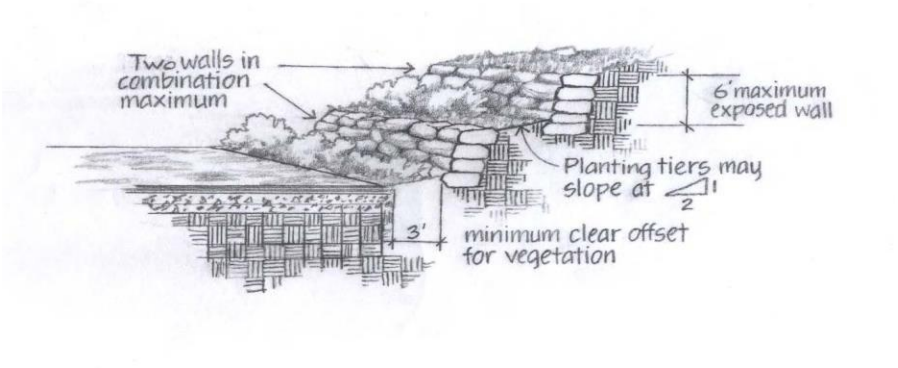
Sites must not be over excavated to unnaturally create "daylighting", or walk out accessibility, from a lower floor. The Town of Breckenridge specifically limits allowable cuts for "daylighting" to a maximum of four feet below existing natural grade for all conditions except for garage access, and within window wells.



LIMITATION ON DAYLIGHTING (Figure 2.F)

Proposed changes in grade, which exceed a slope gradient of 1:2, must incorporate structural retaining walls. Retaining walls must be constructed of dry-stacked sandstone slabs that match that installed throughout the subdivision by the developer during road construction. Stone must be embedded into the earth by a depth equivalent to one-third of the maximum dimension of the stone size utilized. All other retaining wall materials such as boulder walls,

gabion walls, timber or railroad tie retaining walls, unfaced concrete or concrete masonry retaining walls are not permitted. The maximum height of any retaining walls shall be six feet. Multiple terraced retaining walls must be utilized where overall height of retained earth exceeds six feet. Where multiple retaining walls are used, wall height may not exceed six feet, and the base of each succeeding wall must be set back a minimum of three feet from the back of the top of the lower wall to create a planting tier between. Such configuration shall not exceed two walls in combination with one intervening landscaped tier.

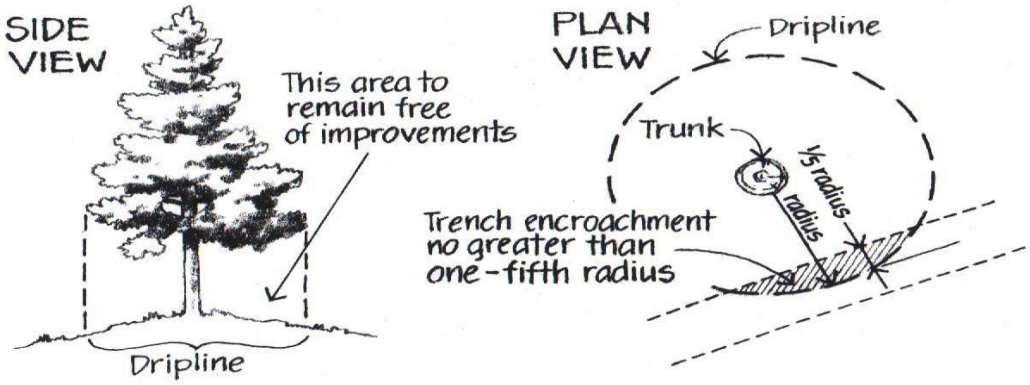


TERRACED RETAINING WALLS (Figure 2.G)

Cross-sections and construction details for all retaining walls must be included in the Final Design Submittal. The aesthetic goal for each site must be the preservation of the existing natural landforms – when the existing landforms are altered as a result of the construction process, the altered areas must be re-created in a manner that replicates the existing natural conditions as they occurred before construction.

2.11 PRESERVATION OF TREES AND VEGETATION

Thoughtful consideration must be given to the design of improvements around existing trees to remain, so that root systems remain intact and functional. The circumference of a tree's root system generally coincides with the circumference of its longest branches projected onto the ground below; this circle is called the "dripline" of the tree. To assure the preservation of a tree, that dripline circle should remain clear of improvements. During construction, the soil within the dripline must be protected from compaction and erosion so that the root system may continue to receive its customary nutrients and moisture. If trenching is necessary in the proximity of a tree to remain, it should not encroach into the dripline by more than one-fifth of the dripline's radius at the deepest point of encroachment. In some circumstances, excavation by hand and the application of moisture blanketing may be necessary to protect exposed root systems. Backfill material must include loose soil of proper characteristics to promote revegetation of all disturbed areas.



TREE DRIPLINE (Figure 2.H)

If trees to remain will be exposed to construction activity, lumber must be strapped to their trunks to protect them from damage. Significant grouping of shrubbery to remain must be protected with barrier fencing. The preservation of a healthy cluster of willows or sage on a meadow site, is every bit as critical as the preservation of significant trees on the wooded lots.

In addition, a relatively new and rapidly growing issue for owners is Pine Beetle infestation. The Town of Breckenridge has a strict Nuisance Ordinance which defines the Rocky Mountain Pine Beetle as a nuisance. This Ordinance requires residents to cut down and remove all beetle infested trees from their property. Notwithstanding the Town of Breckenridge's ordinance, the Highlands Park Property Owners Association is likewise requiring all Owners, at their expense, to cut down and remove all beetle infested trees and standing dead trees from their property. Failure to do so will result in the imposition of fines and/or remedial action undertaken by the Property Owners Association at Owners sole cost and expense. We wish to point out any cutting of trees requires the approval of the Town of Breckenridge.

At the time of preliminary design submission one of the following two conditions must be satisfied or no preliminary design review will be undertaken by the Design Review Board.

- All marked Mountain Pine Beetle and standing dead trees have been cut down and removed from the property, or
- The Design Review Board has received evidence, satisfactory to the Design Review Board that all Mountain Pine Beetle and standing dead trees will have been cut down and removed from the property prior to the time the Mountain Pine Beetle migrates, generally determined to be the middle of July.

The Highlands Park, Discovery Hill and Discovery Ridge community is a Fire Wise Community and Requires all property owners to comply with the Town of Breckenridge ordinance 9-1-19-48A and the HOA's requirements of a defensible space around each home.

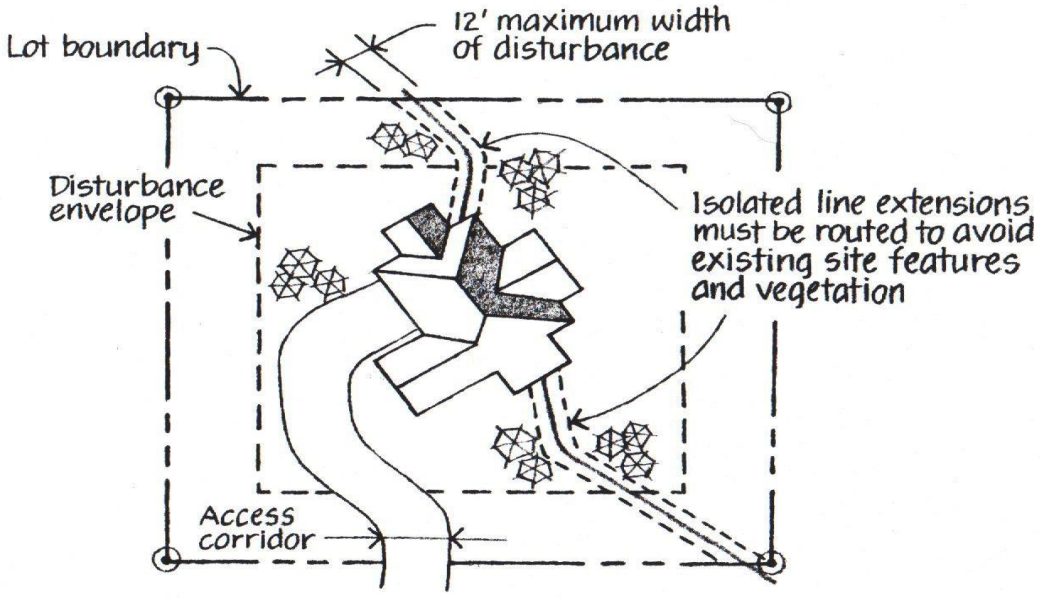
2.12 UTILITIES

Utility services are stubbed to the property line of each lot. Natural gas, power, telephone and cable television service locations are generally clustered in one or more utility easements located on one of the front corners of the lot. Water service is customarily stubbed to the front property line or to the property frontage at a private access. The location of the connecting stub for sanitary sewer varies from lot to lot due to topographic considerations. Certain lots may also require an individual sanitary pump due to topographic considerations.

The location of the points of connection for both water and sewer lines are marked on each Lot. However, due to construction activity or other factors, it is possible for markers to be removed or improperly relocated.
Therefore, marker locations should be verified against as-built utility plans, and those service lines should be physically located prior to the removal of any vegetation for utility trenching. As-built locations may be obtained by contacting the respective utility providers.

The extension of service lines from the stub locations to the residence shall be the responsibility of each Owner. Utility extensions must be installed underground and must be routed to minimize disruption of the natural landscape. These routes must be considered in the site planning phase, and where possible, should be combined with other disturbance activities to minimize the number of impacted areas.

Electrical service meters, gas meters and any other utility or mechanical equipment must be screened from the street, from neighboring homesites, and from the golf course and other common areas. They may be screened by elements of the structure, privacy walls or dense landscaping, in a manner acceptable to the utility provider(s).



UTILITY ROUTING (Figure 2.I)

Line extensions must take advantage of gaps in the existing vegetation, even if the gaps do not represent the most direct route to the building site. Disturbance along those isolated line extensions shall be limited to a maximum width of 12 feet. All areas of the site disturbed as a result of utility trenching must be restored to their natural conditions as nearly as possible as soon after backfilling as weather conditions allow. It is important to restore and repair the entire breadth of disturbance, not just the trench scar itself.

We advise against the routing of water or sewer lines directly beneath paved surfaces, due to the higher potential for freezing; if routing below pavement is unavoidable, those lines should be insulated or placed at a greater depth to avoid problems.

Information regarding current tap and service fees, as well as connection procedures, may be obtained by contacting the respective service providers.

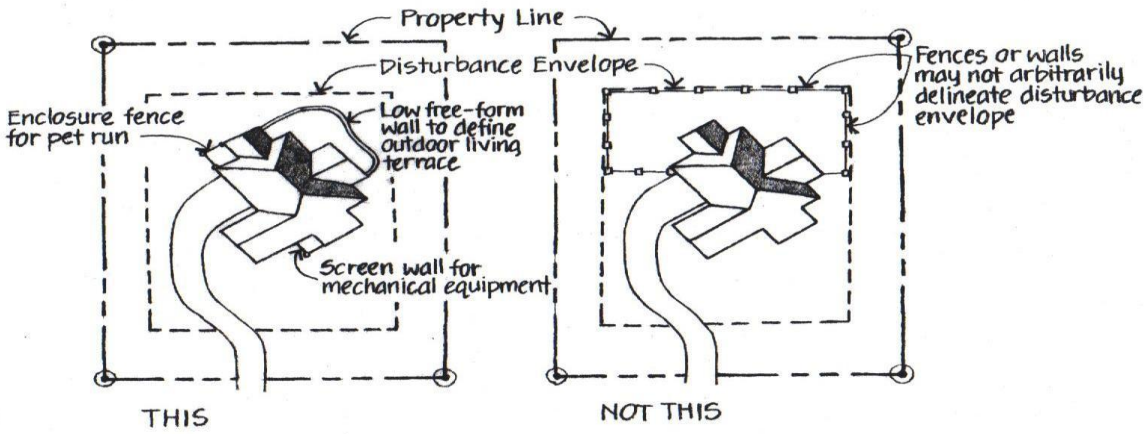
2.13 MECHANICAL AND ELECTRICAL EQUIPMENT

Roof mounted and wall mounted mechanical equipment will not be permitted; any outdoor mechanical equipment, such as an air conditioning compressor or a boiler for a heated driveway, must be pad mounted adjacent to the residence. The equipment must be hidden from view by screen walls or fences consistent with the provisions of Section 2.14 “Utility Walls and Fences”; where unique circumstances allow, the Review Board may permit the use of dense landscaping for screening in lieu of a wall or fence. The equipment, its pad and screening must be situated entirely within the Disturbance Envelope. When selecting a location for exterior equipment, the architect must heed concentrations of roof runoff and site drainage, to avoid any undesirable accumulation of water within the enclosure. More importantly, the equipment must be positioned with consideration to the golf course and adjacent lots in order to minimize noise intrusion into neighboring outdoor recreation and living spaces.

Electrical meters and switching boxes must be situated away from driplines as well. If electrical devices are directly affixed to an exterior wall, they must be protected by deep overhangs, preferably on the gabled end of a building element. If they are placed beneath an eave overhang, they must be further sheltered by a shed roof extension, or by a gabled wall dormer or eyebrow assembly to direct roof runoff aside. Those electrical devices must be situated in an unobtrusive location and must be painted to match adjacent building surfaces. The Review Board strongly prefers that the meter and switchbox be recessed into a shallow weatherproof cabinet or “closet”, indented into the exterior wall of the structure.

2.14 SITE WALLS AND FENCES

Site walls and fences may be used to define pet runs, to screen equipment or outdoor storage areas, or to enclose small yards or terraces in close proximity to the residence. Such walls and fences must be designed as visual extensions of the home and should be compatible in both color and the utilization of materials. All such walls and fences must be contained within the Disturbance Envelope, but may not be used to arbitrarily delineate the Envelope itself. Free-standing stone landscape walls may not exceed a height of 36 inches above finish grade; all other walls and fences may not exceed six feet in height measured above finish grade, and should be constructed primarily of wood or stone. The use of ornamental wrought iron elements in a fence design is subject to approval by the Review Board on a case-by-case basis. Fencing which utilizes chain link, wire or plain concrete block is prohibited.



SITEWALLS AND FENCES (FIGURE 2.J)

2.15 DECKS, TERRACES and SECONDARY STRUCTURES

A well planned deck or terrace can become the focal point for outdoor living at Highlands Park. Each deck or terrace should evolve as the exterior continuation of an interior living space, and as a logical extension of the architecture of the home. Each should be well situated with a comfortable orientation to sunlight and views.
Conversely, a deck or terrace which is always in shadow, or which is removed from other centers of activity, will lend little enjoyment to one's mountain living experience.

Since all decks and terraces must be contained within the Disturbance Envelope, their thoughtful consideration should occur early in the design process, since their desired size and preferred orientation may influence a home's placement on its Lot. Whether one chooses an elevated deck or a terrace or patio at or near grade, that choice should be made in response to the site's natural landforms and vegetation. Each terrace or deck which has access to grade, has the potential to become an important visual connection between indoor spaces and their site, thereby "grounding" the home within its natural setting.

Where patios or terraces occur at grade their interface with the surrounding natural environment should occur comfortably, perhaps through the incorporation of rock features or vegetation into their edge design. If topography or personal preference prescribes an elevated deck, careful attention must be directed to the appropriate screening of its underside, and its access to grade, if any, must be comfortable for use, and graceful in appearance. For example, a deck which incorporates attractive terraced elements for its transition to natural grade is a far better solution than an elevated platform with a long unappealing stairway down to grade below. Finally, since all decks and terraces are an outgrowth of the living spaces of the home, they should appear as logical extensions of that home's architecture as well, incorporating similar or complementary materials and colors.

Secondary structures (such as gazebos, hot tubs or other outdoor spaces) must be contained within the Disturbance Envelope, and must also appear as a logical extension of the home, as noted above.

2.16 SWIMMING POOLS, SPAS AND HOT TUBS

Small swimming pools, spas and hot tubs, if any, must be well-integrated into the design of a residence. Privacy must be maintained for the benefit of the Owners and their neighbors as well, through the use of extended elements of the building, well designed screen walls or courtyards. All pump motors and heaters must be fully screened and sound isolated from streets, adjacent lots, the golf course and other public areas.

2.17 OUTDOOR PLAY STRUCTURES

Jungle gyms, trampolines, swing sets, slides and other play structures are subject to pre-approval by the Review Board, on a case-by-case basis. All such devices must be situated within the Disturbance Envelope and should be located within a fenced or screened rear or side yard area. The height of such items must not exceed eight feet above grade.

The color of a structure and its visibility from the golf course or other public ways will be the primary determinants for Review Board approval. Generally, stained timber and dark colored matte-finish steel assemblies may be acceptable, while brightly colored elements, especially brightly colored plastic or metals, are unacceptable. Highly reflective surfaces, such as an uncoated metal slide, will not be permitted. All finish colors of a play structure must be compatible with the residence and its surroundings.

In addition, thoughtful consideration must be given in the siting of such structures; the unnecessary removal of trees or other significant natural vegetation to make room for a play structure is prohibited.

2.18 YARD ART AND SITE FURNISHINGS

Yard art and site furnishings which will be screened from the view of neighboring properties and public ways by the residence, screen walls or non-deciduous landscaping, do not require prior approval by the Review Board. However, yard art and site furnishings (such as hammock assemblies, and tent-type structures), which will be visible from offsite by a pedestrian, do require prior approval by the Review Board before their installation. And, similar to the criteria governing play structures (Section 2.17 above), the Review Board may approve such outdoor items which are tasteful, subtle, and which blend into their settings, while withholding permission for items which are brightly colored, garish or distasteful. Proposed statues and yard art should be tastefully integrated into other landscaping features such as groupings of plant material and planting beds; freestanding statues or freestanding yard art are not permitted. Proposed items must be indicated accordingly on landscaping and site plans. Please refer to Section 3.18, “Ornamentation”, for similar limitations on exterior ornamentation which is permanently affixed to the residential structure.

2.19 TENNIS, SPORTS COURTS AND BASKETBALL GOALS

Due to the extensive clearing and grading associated with the construction of tennis and other sport courts, such courts will not be permitted in Highlands Park.

Basketball goals will be allowed on a case-by-case basis, where the goal assembly is

mounted directly to the home or an accessory structure such as a detached garage, and where the hoop, backboard and all related hardware are finished to match the supporting building wall. In lieu of painted backboards, clear backboards will be allowed as well. Free-standing post mounted basketball goals may be allowed by the Review Board on a site- specific basis, for those locations where its visibility from off-site will be unobtrusive or adequately screened.
Portable basketball goals must be stored in the garage of the residence when not in use.

2.20 SIGNAGE AND ADDRESS

IDENTIFICATION No signs

are permitted to be mounted on

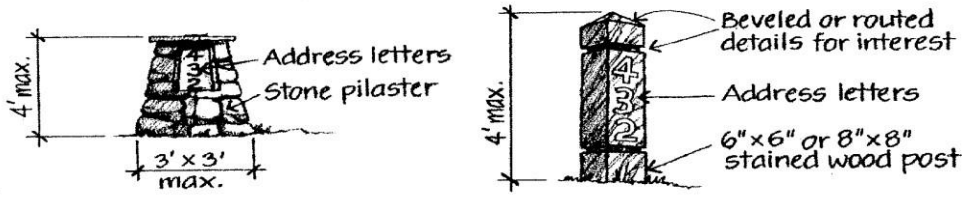
trees.
No sign or signs shall be displayed to the public view from any lot except that:

- The general contractor, architect and interior designer, during the active construction period of a new home or major addition to any existing home, may display a single construction sign, no larger than six (6) square feet in total area, or three separate signs totaling no more than six (6) square feet in total area, in accordance with Design Guidelines Section 5.12 or as may be further restricted by the Town of Breckenridge;
- The general contractor of a market home may, with the consent of the Review Board, continue the display of his construction sign, for advertising and sales purposes after construction has been completed, until such time that a contract for sale has been executed;
- Individual lot Owners may, with the consent of the Review Board, display a single tasteful "for sale" or "for rent" sign, no larger than four (4) square feet. Signs must be approved by The Highlands and obtained from an approved manufacturer. You may call the Property Owners' Association for information on approved manufacturers and specifications. Signs indicating security protection shall be permitted, with the consent of the Review Board, provided that such signs are ground or wall mounted, no larger than one
(1) square foot, limited to two (2) per Lot (one for the front yard and one for the rear yard);

All permitted signs, regardless of type, are subject to the approval of the Review Board for style, design, color, text, location, and duration of exhibit, prior to their placement for display. Any other signs are prohibited and will be removed.

Address number signage is limited to 6" high numbers and letters identifying the street number and name and shall be a color that contrasts with the background color on which they are mounted. Addresses should be located on the residence where visible to the street. Downcast lighting of the address number is encouraged. In those locations where, due to topography or intervening vegetation, numbers affixed to the residential structure would not be visible from the street, the numbers may be placed upon a single stone or wood monument as approved by the Review Board; the address monument may be placed upon either side of the entry drive and must be situated inside of the property line of the Lot. Address monuments may not be placed adjacent to the road edge, or anywhere within the road right-of-way because of their potential for interference with snowplowing, or road-maintenance activities.

The subtle lighting of the proposed monument by a single approved light fixture will be permitted.



ADDRESS MONUMENTS (Figure 2.K)

2.21 EASEMENTS

All homesites at Highlands Park contain easements. Owners may not place, erect, or construct any structure or pavement within these easements except for one access drive no wider than 14 feet. Owners and their architects should refer to the recorded plat for their parcel to determine the location and extent of easements which affect their property. Individual lot maps which include the platted easements on each Lot are available from the Property Owners' Association Administrator.

2.22 RECONFIGURATION OF BUILDING SITES

The residential lots of Highlands Park may not be further subdivided.

Two or more lots may be combined into one upon the granting of a vacation of the common lot line(s) by the Town of Breckenridge. Proposed reconfigurations of this type must first be approved by the Review Board, at which time a new Disturbance Envelope for the combined parcel will be determined. When two (or more) lots are combined in this manner, Association dues and assessments will continue to be levied upon the original number of lots.

In addition, an Owner wishing to reconfigure the Disturbance Envelope on his/her existing lot must first notify the Review Board of their intention to do so, prior to seeking approval from the Town of Breckenridge.

3. ARCHITECTURE

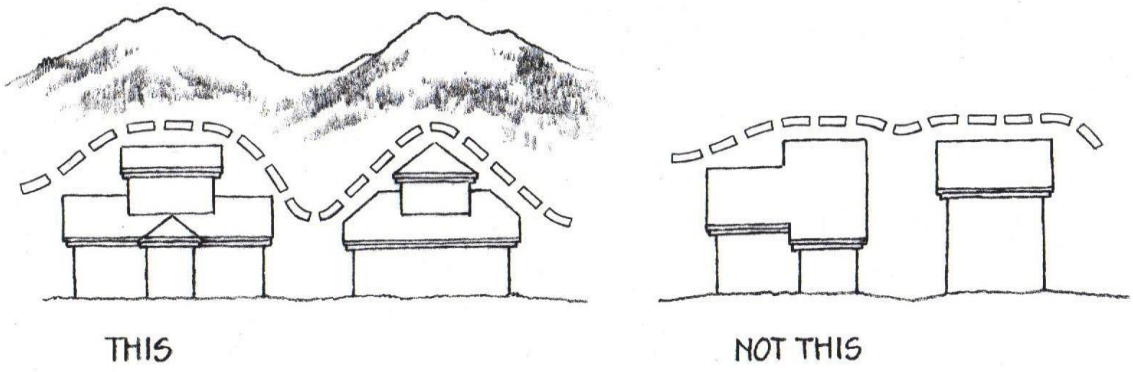
3.1 GENERAL OVERVIEW

Highlands Park offers us a striking high country setting combining open alpine meadows with conifer- wooded hillsides; and we believe that it is imperative that this natural beauty endure as the unifying backdrop for our community of man-made residential creations.

With that in mind, we have directed many of these guideline elements towards the creation of a lower profiled, well-articulated building mass that does not impose itself upon its site, but which nestles comfortably into its natural setting, as unobtrusively as possible. Some of these stipulations may vary in accordance with a lot's visibility or prominence – for

example, the colors permitted for a meadow home will logically differ from those allowed on a wooded site, because the hues and tones of their respective natural "backgrounds" are different.

You will find that these guidelines prescribe single story elements for the most part around the perimeter of a home, with the taller upper story elements situated towards the middle of the structure. These directives should effect a softer wave-like pattern of roof lines, reflective of the natural contours of nearby ridgelines, in contrast to the more abrupt appearance of upright two-story residential edges.



ROOFLINE UNDULATION (Figure 3.A)

You will also find provisions of these guidelines which limit the unbroken horizontal length and vertical height of exterior walls. Some sections will encourage meaningful offsets, or sheltered porches and decks. All of this is done to assure shadow and texture which not only reduce the apparent mass of a structure, but which will adorn each home with a human scale – an identity which says that people live and play here!

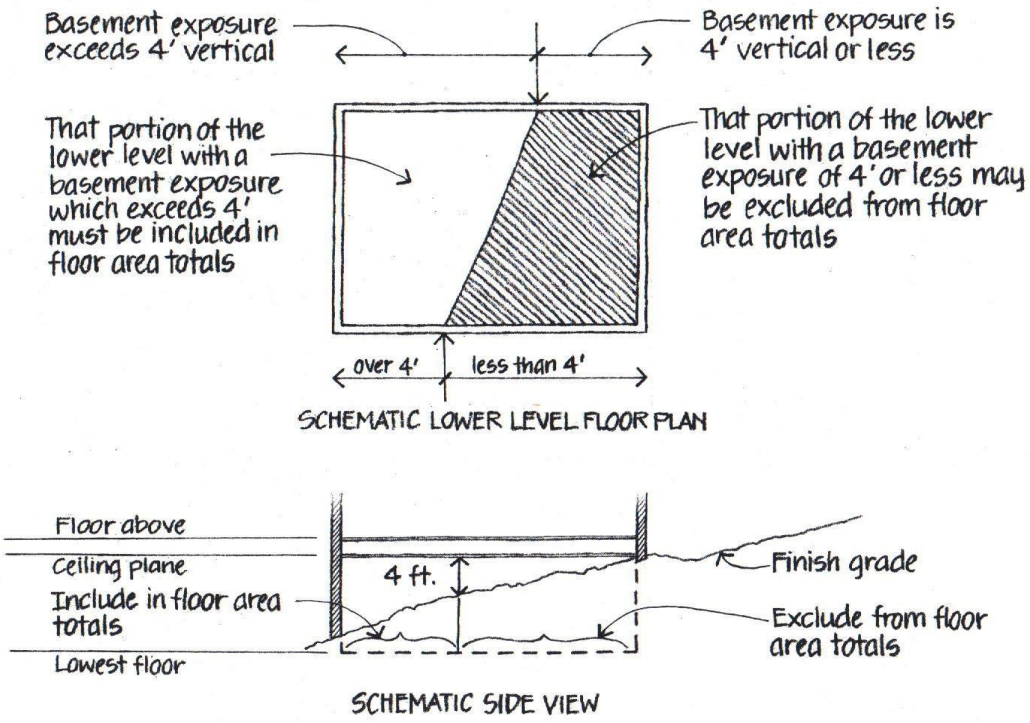
3.2 BUILDING SIZE

Due to the high visibility of a majority of the homesites in Highlands Park, it is important that residential structures not overpower their setting; it is our intent that the natural landscape remains the dominant visual image. Therefore, Owners and their architects should strive to create the highest quality home of the smallest possible volume which satisfies the owners' requirements for space.

The total enclosed floor area of a residence including the garage(s) and the living area of its accessory apartment, if applicable shall not exceed 20% (.20) of the area of its lot, up to a maximum floor area of 7,000 square feet. When two or more contiguous lots are owned by the same person or persons, those lots may be combined into a single homesite with the consent of the Review Board and upon the subsequent granting of a vacation of the common lot line(s) by the Town of Breckenridge. At the time of their consideration of an Owner's request to combine lots, the Board will determine the configuration of a new Disturbance

Envelope for the combined parcels. The new legally created homesite shall be subject to a maximum floor area of 10,000 square feet including garage(s) and the living area of an accessory apartment, if applicable. Regardless of lot size, the living area of any accessory apartment may not exceed a maximum of 900 square feet. These maximum floor areas are by no means guaranteed to fit onto each site for which they are imposed; there may be homesites where the maximum allowable floor area may not be aesthetically achievable due to the application of other design stipulations of these Guidelines to the specific context of that site's existing features and constraints.

The floor area of a "basement" space may be excluded from these limitations on total area. For the purposes of this document, a "basement" is that portion of the lowest floor where the plane of its ceiling is no higher than four feet above finish grade outside of the space; that varying vertical difference between the ceiling and finish grade shall be referred to as "basement exposure" for the sake of clarity of these illustrations.



DETERMINATION OF BASEMENTS (Figure 3.B)

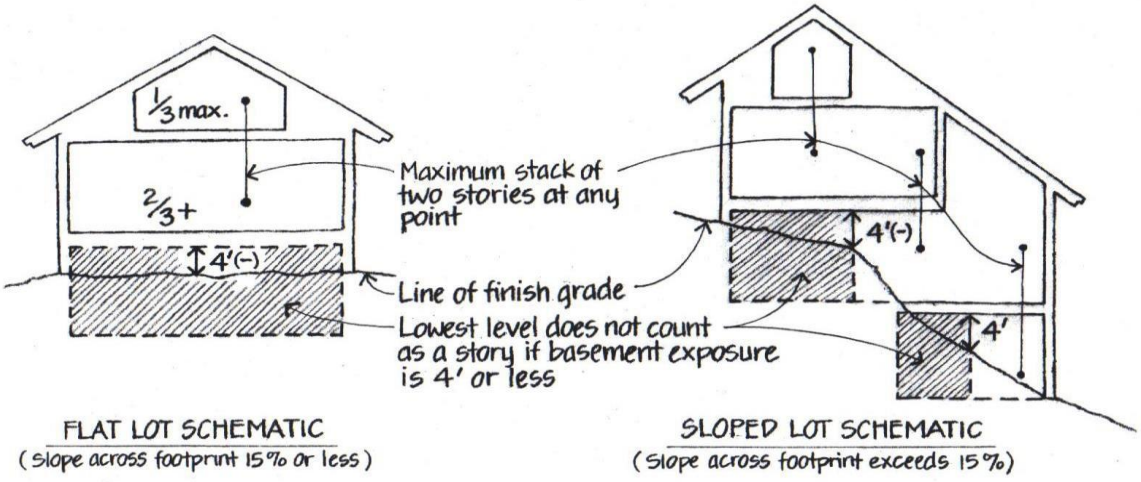
Any applicant who wishes to exclude a portion of their lowest floor level from floor area calculations, must indicate upon the Floor Plan of the lowest level those points along exterior walls where the "basement exposure" becomes greater than four feet.

That portion of the lowest level, which qualifies as basement space according to this criteria, is also exempted from being included as a "story" against our following provision

limiting structures to a maximum stack of two stories.

To assure that each home possesses a lower visual center of gravity and thereby a lower massing profile, residential structures are limited to a maximum 'stack' of two stories at any point. For the purpose of these Guidelines, any floor level within a home, where the combined change in vertical elevation from its highest surface to its lowest is limited to 30 inches or less, shall be treated as a single floor.

As a general rule, on our flatter lots (where the maximum average slope of original grade across the footprint of the structure is 15% or less), no more than one-third (1/3) of the home's livable floor area should be situated on the second (or upper) story of the home. For example, a specific home design containing 4,500 square feet of living area may be limited to a maximum of 1,500 square feet on its upper floor(s); accordingly, at least 3,000 square feet of living area would be situated on the ground floor(s), or below.



FLOOR AREA DISTRIBUTION/LIMITATION ON STORIES (Figure 3.C)

The intent of this fractional distribution is to preclude upright styles of architecture, such as the basic New England saltbox, where two stories of equal floor area are stacked up and capped with a roof form. However the Review Board will consider well-crafted design solutions, which may not satisfy this fractional stipulation to the letter, but which fulfill our stated objective for homes of a lower profile. For example, an architect might successfully disguise a larger upper floor by incorporating it into the roof forms of the residence through the utilization of dormer windows or shed roofed clerestories; such a solution could be a dramatic departure from the undesirable verticality of the saltbox.

"Total enclosed floor area", which was addressed at the beginning of this section, includes all permanently enclosed spaces of a residential structure including garage(s), and storage or mechanical rooms which open to a garage or an outdoor space. The "livable floor area" which is subject to the fraction distribution test includes the heated living area of the home proper, and excludes the garage(s), and storage/mechanical rooms which are not accessible from within the residence. Any portion of floor area which qualifies as "basement" space, and all exterior living spaces such as decks and patios, may be excluded from both

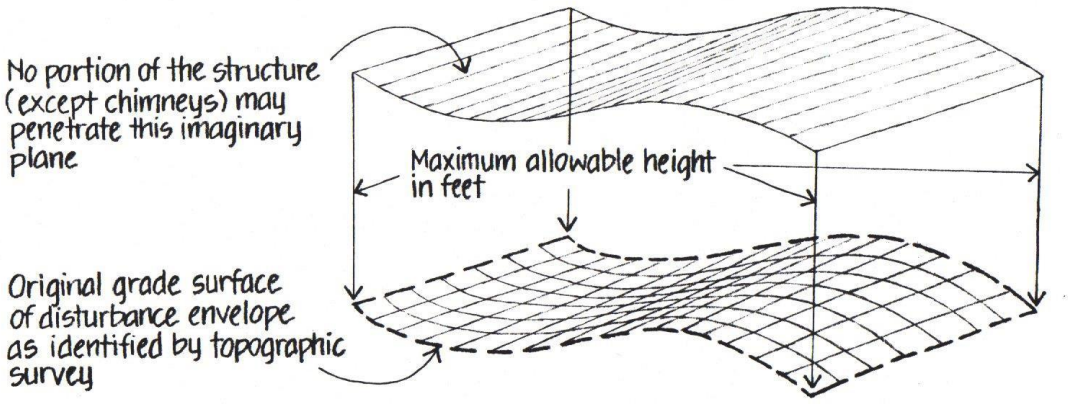
figures. All area calculations shall be figured on an 'outside-to-outside' basis, thereby including the projected area beneath exterior and interior walls. The projected area of an interior stairwell of a two-story or multi-leveled residence shall be counted only once at its lowest level; stair landings at each upper floor level shall be included within the living area of the floor level accessed from that landing.

Hillside applications, where the maximum average slope of original grade across the footprint of the structure exceeds 15%, do not lend themselves as readily to this percentage distribution. For example, a downhill lot might support a larger proportion of its floor area on an upper floor which is accessed directly from grade on its high side. Consequently, for those circumstances, the Review Board will rely heavily on the mandated maximum heights which follow, to assure that "top heavy" architecture does not occur on our hillside homesites.

3.3 MAXIMUM HEIGHTS

In keeping with our goal of reducing building mass in Highlands Park, we have established a maximum building height of 30 feet for all lots. It is our objective that this limitation on height, applied in concert with our other mass reducing directives, will engender lower profiled residential structures of a more pedestrian scale, which is highly desirable.

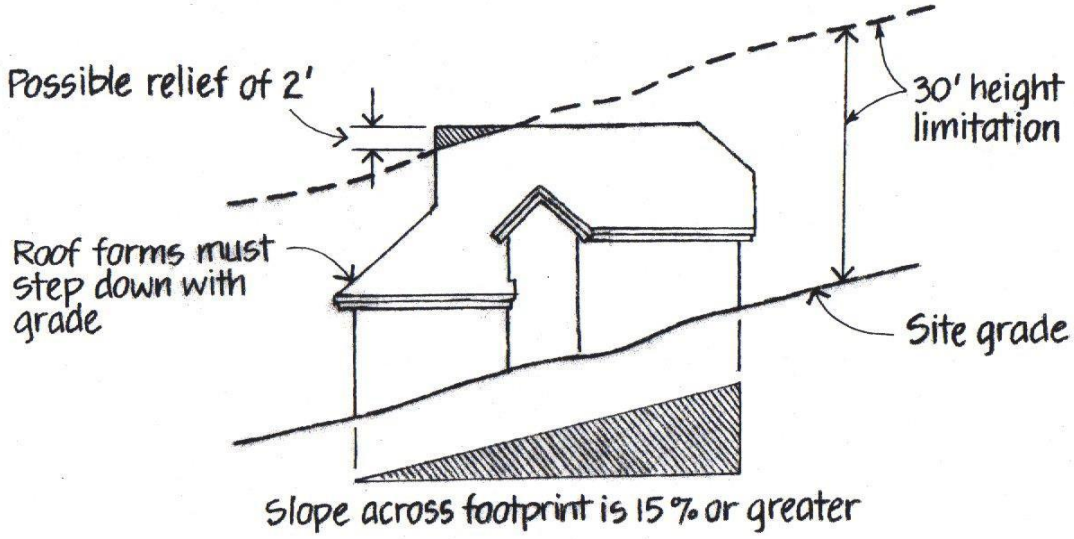
Our maximum height limitation is applied uniformly across the disturbance envelope, with a datum of existing natural grade prior to any construction or grading activity on the site; baseline grades shall be those represented upon the topographic survey required for each homesite prior to the start of design. The height limitation might be best visualized as an irregular imaginary plane, possessing the same contour as the surface of the lot, elevated to a height of thirty feet above the lot. Virtually all elements of a proposed structure (except fireplace chimneys) must fit below that imaginary plane.



MAXIMUM HEIGHTS (Figure 3.D)

Chimney masses, exclusive of well-proportioned caps, may extend a maximum of four feet higher than the highest roof elevation within the immediate proximity of each chimney, unless the applicable building code prescribes a higher termination. See Section 3.13, "Chimneys and Outdoor Fireplaces".

On steeper lots where the average slope across the footprint of the proposed structure exceeds 15%, the Review Board may allow an additional two feet of height for an unobtrusive ridge projection. Such relief shall be considered on a case-by-case basis, and may not be construed as a blanket waiver for sloping lots in general. It is the intent of these Design Guidelines that roof forms for homes on sloping sites step down with the grade to integrate into the natural setting.



MINOR HEIGHT RELIEF FOR SLOPED LOTS (Figure 3.E)

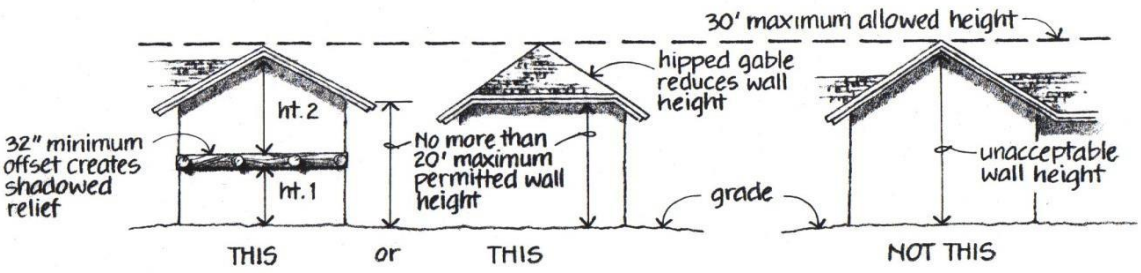
3.4 MASSING OF STRUCTURES

As previously stated, the purpose for our establishment of the maximum allowable height prescribed by the preceding section is to prevent the construction of houses which are too tall, and which thereby would be visually overpowering to its human residents or their guests, and passersby as well. Secondarily, we expect that each residence will settle into its site and neighborhood environs, without standing out among its neighbors, calling attention to itself. Our goal is a well-integrated community of homes, without architectural monuments!

This section speaks to the next level of detail, providing precepts which, when implemented, will further enhance that overall human scale which we desire. Offsets or indentations in wall planes create visual interest and add depth and shadow to a structure. To ensure that "top-heavy" or "stacked" architecture does not occur, no level or story may visually appear larger than the level or story below it.

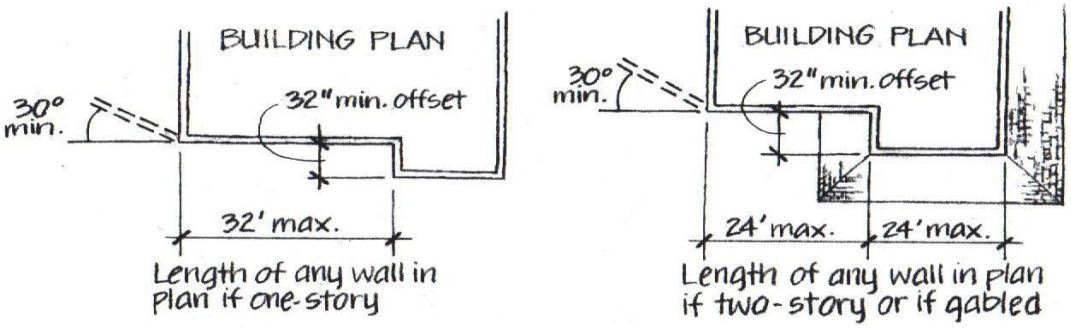
The maximum unbroken vertical height of any exterior wall plane (including chimneys) maynot exceed 20 feet. A horizontal offset in a wall plane by a depth of 32 inches or more, effectively 'breaks' that vertical expanse into two distinct wall surfaces for the purpose of height consideration. The introduction of an element such as a deck or secondary

roof that leaves the wall plane in tact is not considered an effective break in wall plane.



MAXIMUM WALL HEIGHTS (Figure 3.F)

In addition, single story building walls (defined as an eave wall with a maximum nominal plate height of ten feet or less), may not exceed an unbroken length of 32 feet without a perpendicular horizontal offset of 32 inches or greater, or without a bend of 30 degrees or greater in the wall plane. Two story walls and gabled walls may not exceed an unbroken length of 24 feet without a perpendicular horizontal offset of 32 inches or greater, or without a bend of 30 degrees or greater in the wall plane.



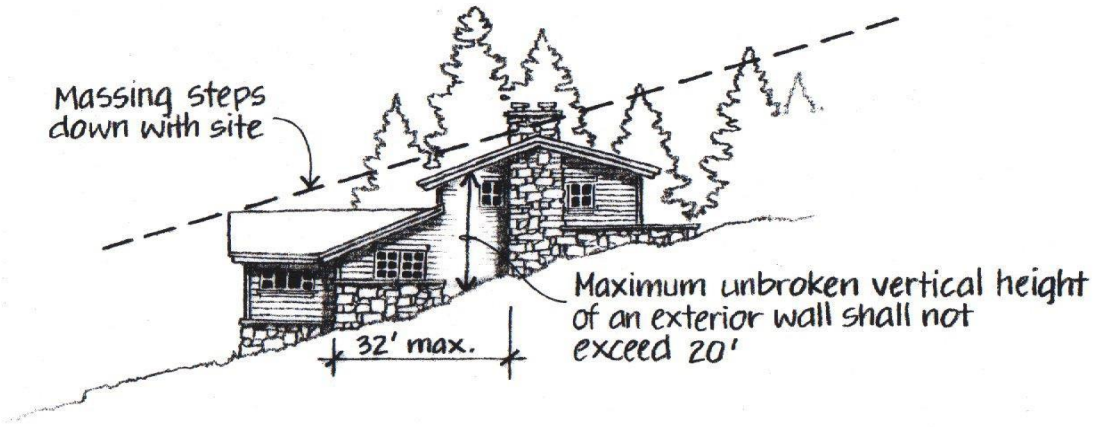
MAXIMUM HORIZONTAL WALL LENGTHS (Figure 3.G)

Building mass may be further mitigated by the creative treatment of its exterior details and accessory elements. Roofed porches or decks, and indented entry elements can add scale and texture to a residence while providing useable outdoor spaces or shelter from winter's elements. Bay windows provide attractive variations to a wall plane, while dormers lend added scale to unbroken expanses of roof.

As previously mentioned, we expect the perimeter of each residence to be predominantly, if not entirely, single story in scale; second story elements should, whenever possible, occur towards the center of a building's footprint, set in from the perimeter of the structure. (Refer to figure 3.A, "Roofline Undulation").

3.5 STEPPED MASSING

Roof forms for homes on sloping sites must step up or down with the natural grade of the site to integrate the massing of the structure into its setting. Further, building masses are expected to step down to lower heights at the perimeter of the structure. If used at all, two-story exterior walls should be minimized.

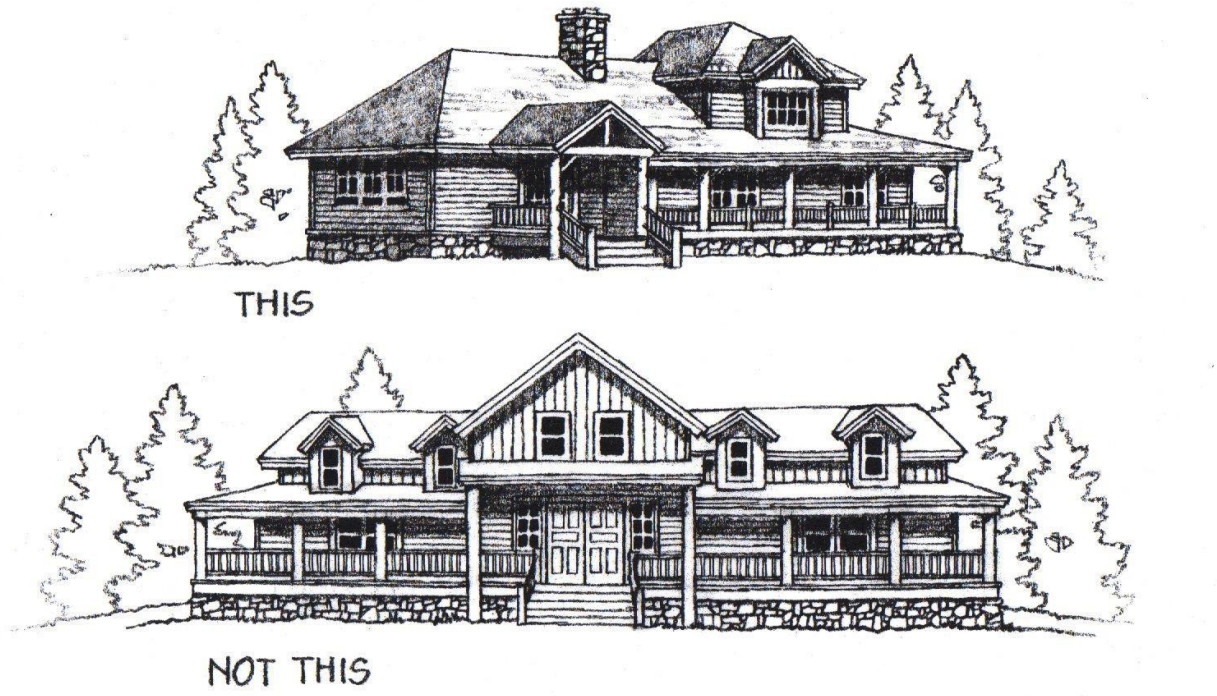


STEP MASSING WITH SLOPE (Figure 3.H)

3.6 ASYMMETRY, PROPORTION AND SCALE

For centuries symmetry in architecture has been employed to convey formality; but the Colorado high country is not a formal setting. To the contrary, this lovely place offers us a comfortable informality reflective of traditional mountain living. Residential designs for Highlands Park must be well-crafted with thoughtful attention to proportion and scale, but they should also reflect that natural informality which exists in the environment around us.

Therefore, we discourage the use of symmetrical massing on homes designed for Highlands Park. While symmetry might be appropriate for a distinct component of a design, such as the gable end of a building element, the balance of massing around that symmetrical element should remain varied and organic in form.



ASYMMETRICAL MASSING (Figure 3.I)

As previously noted, residential designs for Highlands Park must be of a scale and mass which relates comfortably to pedestrians, both residents and passersby. Avoid building mass of an oversized or monumental scale, which has a tendency to overwhelm the human on foot. Peripheral elements of each residence should be single story in nature, with taller two-story elements situated towards the center of the building's footprint. The introduction of a covered porch or terrace can create an inviting and sheltered haven for human enjoyment of the outdoors.

In addition to the implementation of an appropriate scale and proportion for each home design as a whole, the individual elements which make up the whole should maintain that sense of proper proportion as well. For instance, an overly large window in a comparatively small element of the structure may create a glaring mismatch of scale. A four-by-four porch post which is structurally adequate, may appear too spindly in the context of the overall mass of its residence, and may thereby warrant a dimensional increase to six-by-six or even eight-by-eight for aesthetic appeal alone. The harsher climate conditions of the Colorado high country can test the durability of a home as well. Therefore, structural members, railings, fascias and trim should project a sturdy image; delicate intricately detailed designs are impractical and inappropriate for Highlands Park.

3.7 ROOF DESIGN

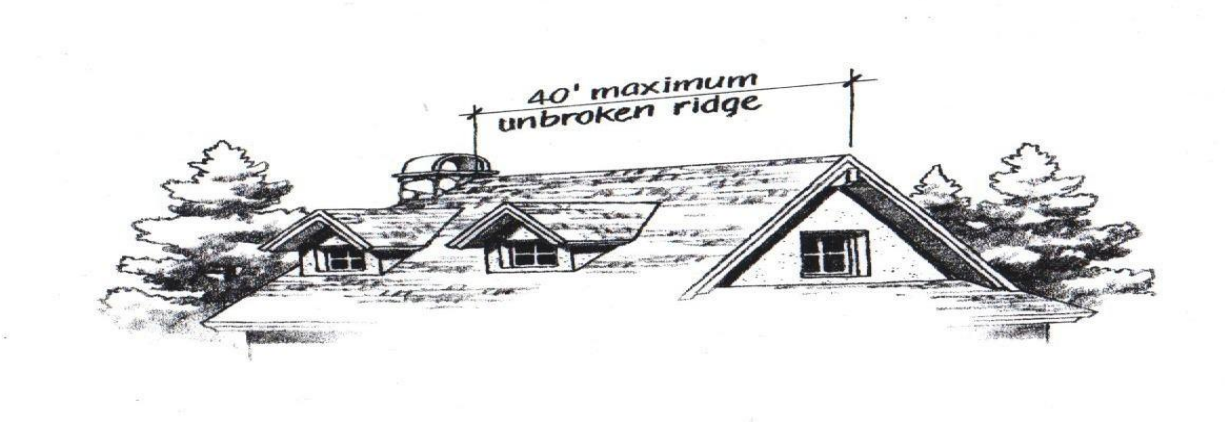
The roof is often times the largest visual element of a structure, and must be

addressed accordingly with as much care as any other element of the design. The roofline of each home should form a comfortable interface with the street, with other common areas and with neighboring residential structures. On sloping sites, the roof shapes should convey a corresponding stepping with natural grade. (See Figure 3.H, “Step Massing with Slope”.)

As noted in the preceding text, asymmetrical roof forms are preferable to those that are obviously symmetrical. The overall shape and articulation of each roof should be sufficiently irregular to avoid boxiness or a sense of overpowering massiveness. The roof must not sit like a cap on top of a box; it must be well integrated into the volume of the residence, and should be drawn down to single story edges where possible to ‘ground’ the structure.

The roofs of all two-story homes should include single story elements, as well. For both one and two-story residences, the roof profile should be irregular and varied; the higher masses should generally occur toward the center of the home’s footprint with the lower profiles occurring at the periphery of the home.

Expansive roof surfaces shall be articulated by gable or shed dormers. Continuous ridges should not exceed an unbroken length of 40 feet without a substantial break in plane of 18” or more.



ARTICULATED ROOF MASSING (Figure 3.J)

All homes at Highlands Park shall have pitched roofs comprised primarily of hipped and/or gabled roof forms. The minimum pitch for all primary roofs shall be eight feet in twelve (8:12); the maximum pitch for a primary roof should not exceed twelve feet in twelve (12:12).

Subordinate accessory roof forms, such as dormers, clerestories and porch roofs shall have shed roofs with pitches of four feet in twelve (4:12) to six feet in twelve (6:12), inclusive. Such accessory roof forms may not exceed 30% of the total horizontal roof area. Mansard, false mansard, gambrel, conical and domed roof forms are not permitted. Roof ornamentation such as finials or scrollwork and decorative turrets are discouraged.

Exceptions to the roof pitch requirements above will be considered on a case-by case basis when the following conditions exist:

- Lot is near or on the Golf Course.
- Lot is flatter and less treed.

- There is diversity in the massing and orientation of the neighboring residences.
- The intent to vary from the basic standard is approved by the Board in advance of making a preliminary design submittal.

Whenever possible, roof slopes should be pitched in directions which avoid the shedding of snow or water onto uncovered steps, entry porches, decks or terraces, and the paved surface immediately in front of garage doors. Building entrances should be inset or protected with roofs. Rain gutters and downspouts must be of sturdy material such as steel or wood, and must be integrated unobtrusively into the architecture of the home. Downspouts should discharge away from the structure into a well-drained area. Snowmelt systems, roof fences and/or roof cleats shall also be unobtrusively integrated into the design and properly terminated.

As a practical matter, we recommend that roof assemblies be designed with the prevention of ice dams in mind. Ice dams can occur when warmth from the interior heated spaces of a home leaks or radiates through the insulated roof assembly, melting the snow on the roof from underneath. The water produced by the melting trickles down onto the colder roof surfaces at the eave overhangs, or cold surfaces over unheated attic spaces. When the water reaches a colder surface, it gradually refreezes, building up a dam of ice along the line of temperature change on the roof surfaces. Subsequent snowmelt then ponds behind the ice dam, and can back up under the shingle edges above, causing potential damage from leakage into the home.

3.8 ROOFING MATERIALS

The predominant roofing materials for Highlands Park shall be high-quality architectural grade asphaltic shingles. Additionally true slate shingles are permitted as well, although we do not expect their use to be as extensive throughout the community. The asphaltic shingles are preferred due to their color consistency over time. As a general rule, the three-dimensional asphaltic shingle product should have a 50 year material warranty. Shadow lines must result from the layered thickness of the shingle product; color differentiated false shadow lines are not permitted. See Appendix 9E "Permitted Exterior Materials and Colors" for acceptable products and manufacturers.

Metal roofs such as painted copper, non-reflective pre-finished steel, and corten may be used for accent on secondary architectural elements, such as dormers and porch roofs; however, metal roofing will not be permitted for use as the primary roofing material of a residence. All metal must be pre-treated, pre-rusted or acid-washed to avoid reflectivity.

Wood shingles, imitation slate shingles, concrete tile, asphaltic roll roofing or reflective metal surfaces will not be permitted.

All metal flashing, vent pipes, furnace caps, etc., must be prefinished or painted to blend unobtrusively with adjacent roofing material or fascia material; unpainted or naturally weathered metal surfaces will not be permitted unless specifically approved.

3.9 SKYLIGHTS

Skylights may be approved in inconspicuous locations. Skylight units must be of a

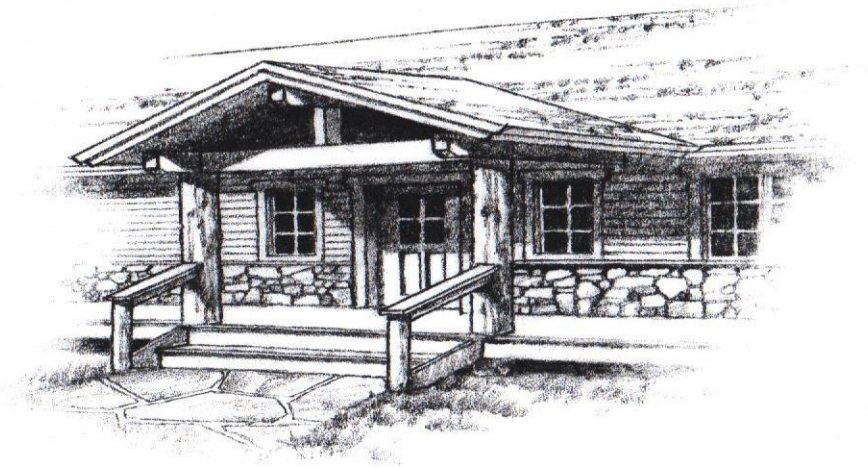
low profile, rising from the roof plane a maximum of 4 inches, and glazing must be flat, rather than domed. Glazing material may be clear, bronze or gray, depending upon adjacent colors; white translucent polycarbonate glazing is not allowed. Skylight frames must be prefinished to complement the adjacent roof surface.



SKYLIGHTS (Figure 3.K)

3.10 ENTRANCES

Entrances proportioned to human scale are more appropriate and inviting than those with exaggerated dimensions. Grandeur, if desired, should be experienced upon entering a house; it should not be worn on its exterior façade. Therefore, entries that are overly ornate, or which are monumental or imposing in scale, will not be permitted. However, the primary entrance to a home should not be understated to the point that it disappears into the architecture. The approach and entry to a residence should be easily recognizable, and more visually prominent and inviting than the garage doors or secondary entrances.



HUMAN SCALED ENTRY (Figure 3.L)

The primary entry to each home should invite the guest from outdoors to indoors through the use of arrival walkways, focalized landscaping, and architecturally integrated porches, terraces, or trellises.

Since only one driveway access is permitted for each residential lot, porte cocheres will only be considered on homesites large enough to accommodate the requisite vehicular turning maneuvers entirely within its disturbance envelope.

3.11 PORCHES, TERRACES AND DECKS

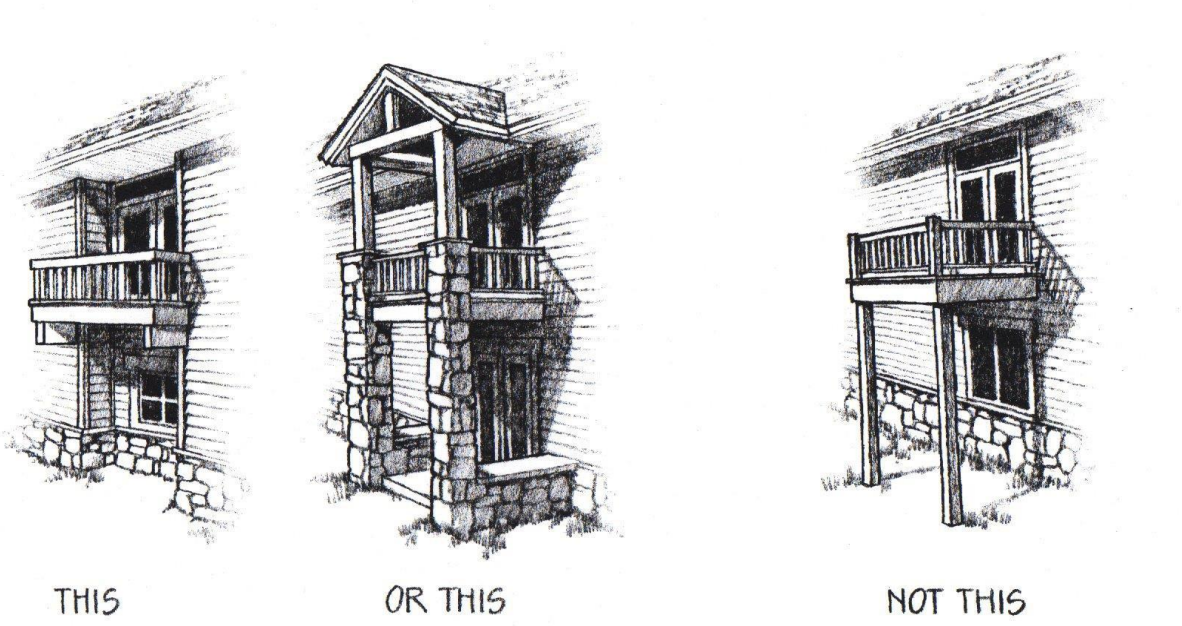
Front porches or front-facing terraces are desirable elements of our architectural vision for Highlands Park. Properly designed, these street oriented elements can augment the accustomed orientation towards the rear yard. A traditional front porch or terrace can enhance the human enjoyment of a home in a number of ways:

- The focal point of the residence becomes the people-oriented entrance rather than the more common garage door domination of the streetscape.
- An enhanced sense of entry is achievable without monumentality.
- There are often times excellent views from the front of the house. A space for limited seating, with the benefit of a low wall and a sheltering roof facilitates the enjoyment of those view opportunities.
- The living area of the house can be made to feel larger by the opening up of the home to its front yard with an indoor to outdoor space.

Although front porches are not required for every home, they are strongly encouraged.

All above ground decks must be visually integrated into the architecture of their home. This aspect of design becomes especially critical for second story decks due to their greater visibility. If decks are contemplated for upper story living spaces, they must display a strong interconnection to their main structure through the use of substantial support assemblies and logical roof extensions; or the deck must be niched or inset into the architectural mass of the residence. Deck assemblies which are insubstantially anchored to their parent structure, or which appear 'tacked on', will not be permitted. Whenever possible, due to winter's weather extremes, second story decks should be protected (at least partially) by sheltering roof forms.

High quality synthetic material may be used for decking material with Review Board approval. No synthetic railing or balusters will be allowed. Other alternative "green" materials are encouraged but will be reviewed on a case-by-case basis for approval by the Review Board.

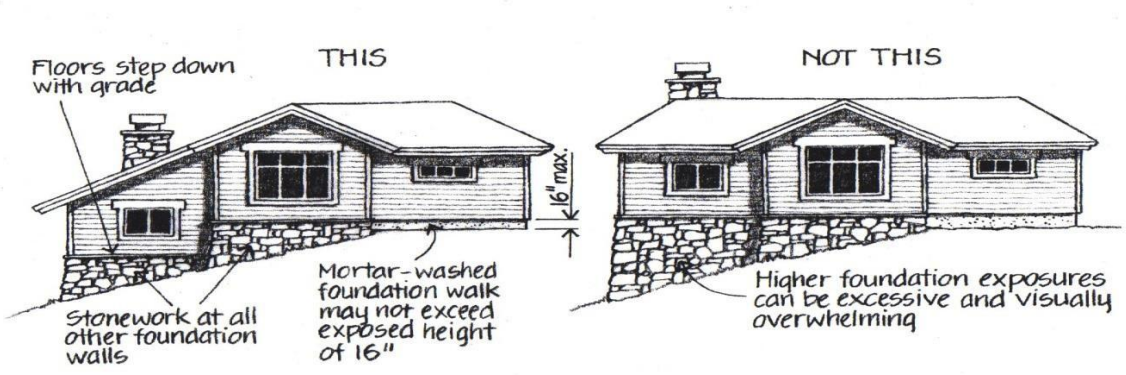


SECOND STORY DECKS (Figure 3.M)

3.12 FOUNDATION WALLS

Foundation walls may be constructed of cast in place concrete or reinforced concrete masonry. As a rule, exposed surfaces of foundation walls must be finished with stone masonry. Although stone masonry is the preferred finish for most foundation walls, the Review Board may allow a mortar wash application in lieu of stone on those foundation walls which do not exceed an exposed vertical dimension of 16 inches; for those situations, the mortar wash application must be of sufficient thickness and texture to hide irregularities in the concrete, or the joints between concrete masonry units. Foundation walls which occur beneath a skirted deck, and are therefore no longer visible, are exempt from these facing requirements.

The floor levels of homes on hillside lots are expected to step down or up with their site's changes in grade; likewise, we expect the underlying foundation walls to do the same. And since all foundation walls with an exposure greater than 16 inches must be faced with stone, and since appropriate stonework is an aesthetically appealing finish material which visually anchors a home to its site, we have not prescribed a maximum allowable height for foundation walls. However, do not expect to utilize this flexibility to forego the essential stepping of floor levels with site grades – any foundation wall which approaches a height of one story, is probably too much of a good thing, and may therefore be denied. For similar reasons any foundation wall which appears visually overwhelming due to its height and breadth of exposure, will be disallowed as well. A well grounded home is our objective.



STEPPED FOUNDATION WALLS (Figure 3.N)

3.13 CHIMNEYS AND OUTDOOR FIREPLACES

If permitted and approved by the Town of Breckenridge, only one wood-burning fireplace per home is allowed. Wood-burning fireplaces are not permitted in any accessory apartment.

Well-proportioned chimney masses can be incorporated as sculptural features which complement the overall design of a home; chimneys lend themselves to a variety of angular or curvilinear forms which can enliven the three-dimensional quality of a structure.

Exposed metal flues are not permitted; therefore, all zero-clearance fireplaces, as well as boiler, furnace and stove flues must have a chimney structure.

It is important that the scale of each chimney element fit appropriately with the scale and mass of the residence. While a two foot by two foot element may be sufficient to enclose a flue, it would appear much too thin and unsubstantial in the context of the design as a whole. Therefore, as a minimum, the area (measured in plan view) of any single fireplace chimney shall be no less than 12 square feet, and may not exceed an area of 48 square feet. The minimum area of a chimney for a stove or furnace flue shall be no less than 9 square feet, up to a maximum area in plan of 24 square feet.

The Review Board recommends the use of stone consistent with the design of the building on the chimney enclosure element. “Tacked-on” or exposed metal flue elements will not be allowed. An architectural metal or masonry chimney cap must conceal the four sides of the chimney flue and termination cap. Open tops are encouraged with sides being a minimum of 50% solid for effective screening of the flue and termination cap within.

Due to the potential for fire danger in the high country region, all chimneys, including outdoor fireplaces, must be equipped with a spark arrestor approved by Underwriters Laboratory (U.L.) or the International Conference of Building Officials (I.C.B.O.). All wood-burning devices, including but not limited to indoor and outdoor fireplaces, fireboxes, stoves, chiminea, etc. must be certified solid-fuel burning as defined by the Town of Breckenridge building code amendments. Unscreened or uncovered open flame wood-burning outdoor fire pits of any kind are prohibited. Natural gas fueled fire pits are allowed. Barbecues are

permitted, provided that they are lidded. Built-in permanent grilles must be specifically approved by the Review Board. All other types of uncovered portable or freestanding barbecues are prohibited.

Chimneys may be constructed of any permitted wall material, although the use of stone is strongly encouraged.

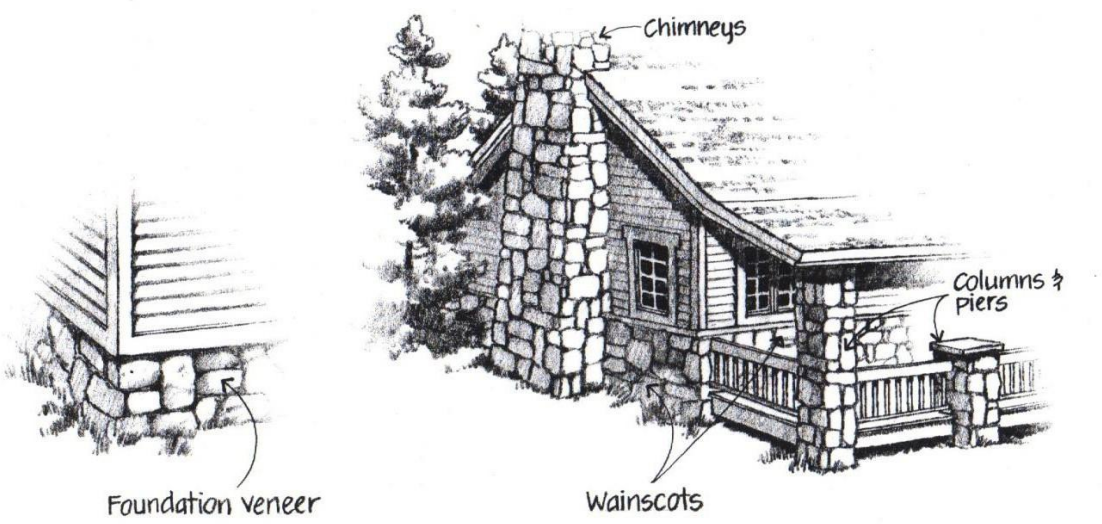
3.14 WALL CLADDING

The predominant exterior wall materials for the homes of Highlands Park shall be natural stone and wood. The types and patterns of natural stone which will be permitted are listed in Appendix 9E "Permitted Exterior Materials and Colors". Please note that rounded river rock, which does occur in abundance throughout the central Colorado Rockies, is not included among the types permitted due to its widespread overuse throughout the Breckenridge area. Synthetic or "cultured" stone is prohibited as well.

Stone materials must be installed by an experienced competent mason. Stonework may be applied with a mortared joint, or it may be dry-stacked, where the individual stone pieces fit tightly together, thereby minimizing the exposure of their mortar matrix. When mortar joints are visible, the color of the mortar must blend inconspicuously with the color or colors of the stone material; mortar colors which contrast noticeably with the color(s) of the stone will not be permitted. White and light-gray grouts are prohibited.

We encourage the use of stone for foundation facings, wainscots and on selected vertical elements such as chimneys, porch columns and railing piers. Historically, mountain structures have been founded on strong stone bases which anchor them to their sites. A stone foundation, (or today's more common visual equivalent, the stone- veneered foundation), projects an image of substance – a heavier more massive base to withstand the elements and the accumulation of snow.

As a rule, stone should be used as a complementary material in combination with wood cladding materials; however, a creative residential design which proposes an all-stone exterior, may be permitted by the Review Board if its aesthetics so merit. Wall claddings of wood may include shingles; beveled, channel-lapped or tongue-in-groove board siding; and board-on-board or board and batten siding. Plywood siding is prohibited.



EXTERIOR STONEWORK APPLICATIONS (Figure 3.O)

A sample of each wood siding material proposed for use must be submitted to the Review Board for approval. Siding materials must meet or exceed the following dimensions and quality standards:

Type of siding	Minimum thickness allowed	Lowest permitted grade
Shiplap	3/4 inch	Select knotty
T & G	3/4 inch	"A" or better
Board and batten	3/4 inch	Select tight knot
Channel rustic	3/4 inch	Select tight knot
Lap or bevel	7/8 inch	"A" or better
Shingle siding	7/8 inch at butt end 1/2 inch at butt end	
Shingle paneling		

Midwestern red cedar and redwood are the preferred species. The minimum dimensions listed above are actual. All siding material should be kiln dried and pre-stained on all surfaces.

If a residential design proposes wood products as the sole wall cladding material, there should be some variation in pattern and/or texture to provide interest and relief. For example, board widths may be varied in a creative fashion, or a traditional board siding may be used in tasteful combination with wood shingled accents, or vice versa. However, do not get too carried away with the mix-and-match of materials; compositions which are visually "too busy" will not be approved. Board siding may not be utilized in diagonal patterns. Also, the scale of a siding's components should be proportionately appropriate for the expanse of wall which they cover; four inch wide boards may be fine for smaller building elements such as dormers,

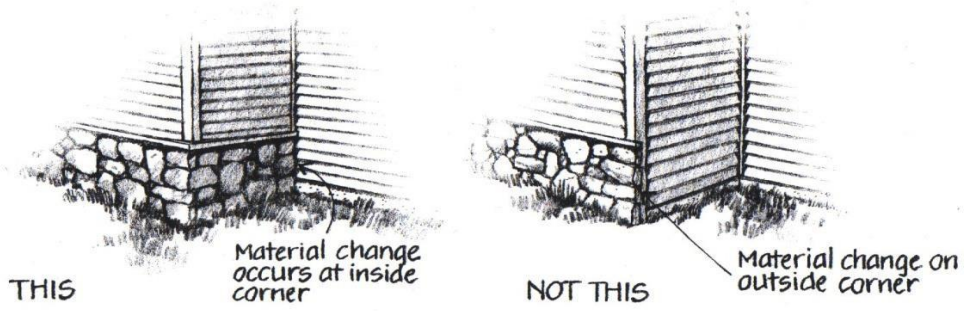
while larger wall expanses may warrant boards of greater dimension.

Custom designed log homes (as distinguished from standardized log home "kits") may be permitted on a case-by-case basis. The Review Board will consider rough-hewn rectangular logs or peeled round logs, which are naturally tapered. The minimum depth or diameter of each log should exceed 12 inches. Logs must have an irregular rustic appearance; milled or modular logs of uniform depth or diameter will not be permitted. The distinguishing character of an exemplary log home is derived from the handcrafted appearance of its log members, while modular logs possess a look of sameness evocative of tract housing applications. For similar reasons, wood siding products, which are milled to imitate logs in appearance, will not be permitted. Log joints may be tightly fitted or interlocking as in Swedish coped style, or may be irregularly spaced and filled with cementitious or polymer chinking materials.

Similar to our prohibition against a marked contrast between stone masonry and its grout, the selected color of chinking material for any log application must blend unobtrusively with the approved finish color of the logs.
White, light-gray and light-tan grouts will not be permitted. While on the subject of color, it is important to note that the natural color of several of the species of wood utilized for log construction tends toward a garish yellow- orange color when oiled; that linseed-oiled "look" will not be permitted at Highlands Park. Logs must be stained with darker more subdued colors, so that the home will blend unobtrusively into its natural environment. If an Owner wishes to utilize logs as a primary material for his or her home, the log product intended for use should be raised for discussion at the Pre-Design Conference. Our design review representative can direct an Owner and his or her architect toward the consideration of appropriate log types and systems, so that time, money and resources are not unnecessarily wasted on the preparation of plans which are unlikely to be approved.

The use of stucco; formed concrete or precast concrete; brick or concrete masonry; or sidings made of vinyl, fiberglass, asbestos, or other cementitious materials such as masonite, are prohibited from use as an exterior wall finish at Highlands Park. Metal siding as an accent/secondary wall material may be permitted on a case by case basis as determined by the Review Board.

All exterior wall materials must be utilized in a three-dimensional context – movie set appliqués, where a material appears in two dimensions on a single elevation, are prohibited. For example, a wainscot of stone on a front elevation must wrap around onto the side elevations until it intersects an inside corner; material and color changes should not occur on an outside corner.



EXTERIOR MATERIAL CHANGES (Figure 3.P)

3.15 WINDOWS, DOORS, DRAPERIES AND SHUTTERS

Wood windows are required in keeping with the family of styles which we have identified in our "Introduction" as precursors to the hybrid architectural style which we wish to nurture for Highlands Park. Their exteriors surfaces may be clad in another matte finish material for improved maintenance if so desired.

Our parent styles also relied heavily on "divided light" window assemblies where a pattern of mullions and muntins reduced the glazed expanse of their window openings to a more human scale. Therefore, we expect predominant use of true divided light window units, or high quality simulated divided light assemblies which closely resemble their "true" counterparts. When simulated divided light assemblies are proposed for use, their mullion and muntins must be three-dimensional in profile; flat strip appliqués are unacceptable. Muntins should be a minimum of ¾ inch in width, as well.

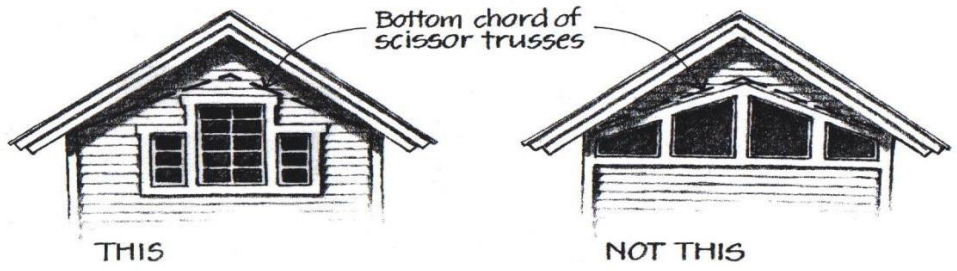
Large uninterrupted expanse of glass must be avoided. The single exception shall be in the primary "view wall" or a great room or family room; in those situations uninterrupted expanses of glass up to 25 square feet may be permitted provided that each does not exceed a maximum height of 84 inches or a maximum width of 48 inches.
The Review Board may grant some additional relief from those limitations if the glass expanses are deeply recessed into the mass of the home, or if they are set back sufficiently beneath deep roof overhangs so that the glass expanses recede in prominence and visibility. When larger window glass is utilized, it should be set in larger profiled wood frames, which suggests visual strength and substance. Use of muntin bars to break larger window glass sizes is not allowed. Additionally, the use of muntin bars to meet the stated maximum sizes noted above will not be permitted.

Windows should not simply appear as openings cut into the side of a box, but rather as architectural features with their glazed surfaces recessed, projected or bordered by surrounding trim of sufficient dimension to create shadow patterns and reduce reflectiveness. Window and door trim must be at least 1 ¼ inches thick. The variation of trim widths within a composition, coupled with distinctive detailing often helps to alleviate the overused "picture frame" uniformity. For example, a six inch wide head trim with extended ends might be used

effectively with four inch wide jamb members. While the architectural elevations may differ on each facade of a residence, all window and door openings must be treated with consistency and with the same attention to detail afforded to the front or street elevation. Some combination of window, door or other openings (such as louvered assemblies for attic ventilation) should be incorporated into the composition of each primary facade; large expanses of blank wall are discouraged.

Studied attention to the placement of windows and their relationship to one another will enhance the composition of each elevation. Windows in combination are usually more appealing than a number of individual single units, and the repetition of consistent sizes, shapes and types are better than an unrelated jumble of window units. Except for stacked window arrangements, head heights should be consistent throughout each floor level, and the vertical alignment of window units or their edges is preferred in a two story wall.

Window units which embody a vertical form or a square form are preferred over windows of a horizontal aspect. However, this is not to imply that horizontal design compositions are discouraged; the elegant Prairie Style of architecture relied heavily on square or vertically shaped windows, set side by side in combination, to create its trademark of horizontal linearity. Octagonal, hexagonal, circular and triangular window units are generally discouraged, although creative compositions which include any of these irregular window forms may be permitted on the basis of their specific aesthetic merits. Window heads which are configured to match roof lines must relate to the lines of the exterior facade , not to some disparate plane of the interior space, such as a ceiling attached to the bottom chords of scissor trusses.



WINDOW HEADS (Figure 3.Q)

Since windows and doors are the exterior elements most closely associated with the human being, it is there that a residence may express the most individuality. The Review Board may permit a brighter accent color on the primary entry door, for example. Similarly, mullions and muntins of divided light door or window assemblies are relatively small and difficult to distinguish from a distance. Dark colored or shiny finishes may disappear respectively into the transparency or the reflection of the glass, thereby defeating the scale enhancing effect intended by their use. Therefore, window sashes, mullions and muntins may display brighter (but not white or light-gray) matte finish accent colors to complement the more subdued colors of the primary structure and adjacent trim.

The glazing of windows, doors and skylights must not be highly reflective. Shiny

coatings or applied sun screening films are prohibited. Cladding material for windows and doors shall be non-reflective; cladding must receive a painted matte finish, or must be anodized or pre-finished with baked enamel.

Golf safety-zone easements exist across the rear yards of homesites along the golf course. Owners of these lots may wish to utilize unbreakable glazing in areas where windows may be subjected to impact by errant golf balls. As a minimum, those exposures should be shielded as much as possible by elements of the architecture, such as trellis structures or deepened overhangs, or by the placement of taller landscaping materials.

3.16 GARAGES, GARAGE DOORS AND CARPORTS

Garages, large enough to accommodate at least two automobiles, but no more than three, are required for each residence; in addition one additional garage bay may be added for an accessory apartment. Carports are prohibited. Please refer to Section 2.5 “Vehicular Parking” for additional stipulations relating to exterior parking requirements.

The placement and orientation of the garage for each residence warrants studied design consideration. Too often subdivisions are dominated by a seemingly endless lineup of garage doors along their streets. Within Highlands Park, we wish to preclude such an occurrence. Garage doors must not dominate a residence when viewed from the street, public common areas such as the golf course, or even adjacent homesites. Designs for this community of homes should emphasize and enhance the pedestrian’s approach to each house; front doors should be apparent and inviting, while the automobile’s entry should assume a secondary aspect. Any design submittal which features its garage doors as the primary focal point from the street will not be approved. Please refer to Section 2.6 “Garage Location” for directives regarding garage orientation and to Section 2.4 “Driveways” for related information regarding driveway access.

Garage structures may be integrated into the main residential structure; may be less formally attached by a connecting building element such as a breezeway, trellis or site wall; or may be totally freestanding, in the manner of historic carriage houses. (However, if any living space, such an accessory apartment, occurs over the garage, it must be integrally connected to the main residence). Living space located within a detached garage structure may include a sink and toilet, but may not be serviced by 220 volt electricity nor natural gas supply. Finished space that includes any shower, bathtub, clothes closet, and/or kitchen must be integrally and substantially connected to the main home. Accessory apartments located separate from the home are not permitted. Any freestanding garage building must be composed of the same family of materials, details, and colors as its associated residential structure.

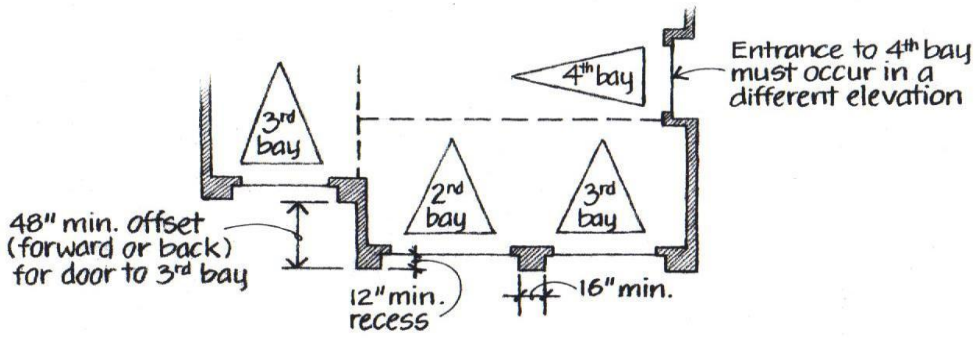
Single-bay garage doors will usually be required by the Review Board due to their preferable scale.

Exceptions to allow the use of a double garage door in lieu of two singles will only be granted if it is situated in a location which is well screened and if the applicant can demonstrate that the scale of the larger door is appropriate proportionally to the balance of the home’s design. Roof overhangs which produce shadow and texture above garage doors, and creative architectural detailing such as the utilization of arched openings for the doors themselves, may serve to mitigate or soften the visual impact of the garage entry. Large unbroken wall planes above the garage doors will not be approved.

Wood panel, wood sided or wood-faced insulated sectional overhead doors with fenestration or an applied panel pattern sufficient to provide visual relief are strongly recommended. Light weight hollow metal doors, insulated metal doors, masonite doors, fiber glass doors, plastic doors, or any combination thereof, are prohibited. Garage doors must be faced with a veneer of siding material which matches or is complementary to the siding on the residence. Panelized doors are preferred. Garage doors may include glazing, if desired; however, if glazing is utilized, careful attention must be directed to the selection and placement of interior lighting, to reasonably avoid the emission of objectionable glare during nighttime hours.

Garage doors may not exceed a height of nine feet. Adjacent garage doors must be separated by a substantial intervening pier or column at least 16 inches in breadth; all garage doors must be recessed into their surrounding wall by a minimum of 12 inches.

No more than two garage bays may occur in a single wall plane, and no more than three garage doors may occur in a single elevation. When three garage bays are desired, the third garage door must occur in a secondary plane, offset from the primary front wall of the garage by a minimum of 4 feet. If a fourth bay is utilized, which may only occur when a single garage permitted for an accessory apartment is combined with the maximum of three permitted for each residence, its door must occur in a different elevation.



ARRANGEMENT OF GARAGE DOORS (Figure 3.R)

Garage doors shall be the same color as the body of the house, or a slightly darker shade of the same color. When going to a darker shade, the doors should not be darkened so much that they noticeably contrast with the body of the structure.

3.17 EXTERIOR DETAILING AND TRIM

The architectural styles which we have chosen to emulate were rich (but forthright) in exterior detail. From those examples we have learned that innovative architectural detailing of the exterior of a home engenders added appeal and individuality. Well-crafted components may be utilized to express the structure and even the function of a residence. However, the strength and quality of a home's details must be emphasized over sheer quantity of detail; a few well-designed elements, utilized in a thematic fashion throughout a design, are far more

effective than haphazard ornamentation, for ornamentation's sake.

The use of exposed structure and substantial trim can give a dwelling its own unique appeal. Attention to the detailing of those focal points where the pedestrian comes in closest contact with the structure can be most effective; entrances and porches warrant close attention. To withstand our alpine climate, details should be rugged and appropriately substantial in scale. Exposed structure, fascias, railings, and even door and window trim, must project a sturdy visual image. Delicate, intricately designed details are neither practical nor desirable at Highlands Park.

3.18 ORNAMENTATION

For centuries ornamentation has been added to structures with the intent of enhancing their beauty or interest; many efforts have succeeded while others have failed miserably. However, ornamentation remains a non- essential embellishment, and will only be permitted when it is tastefully and unobtrusively executed.

If proposed ornamentation – such as wood sculptures, carved newels or posts, figurines, weather vanes, or other similar items – will be permanently affixed to the structure, it must be indicated on all plans submitted for consideration by the Review Board. If permanent ornamentation is to be added to a structure or to the landscaping of a lot already approved by the Review Board or already completed, the addition of that ornamentation shall be treated as an improvement or improvements under paragraph 6.13, "Subsequent Changes, Remodels, and Additions" and subject to the requirements of that paragraph.

No ornamentation, permanent or non-permanent, will be permitted outside of the disturbance envelope, with the exception of stone or wood address monuments consistent with the provisions of Section 2.20. "Signage and Address Identification".

The Review Board may, if requested by one or more members of the Association, require the relocation or, if absolutely necessary, the removal of non-permanent ornamentation.

3.19 EXTERIOR COLORS

Our Review Board intends to preserve the appearance of the natural landscape of Highlands Park and preclude the use of colors that would appear out of place.

A home should never appear predominantly brighter than its natural surroundings. The colors for all exterior building materials must blend together in unobtrusive harmony, and should replicate the hues of their immediate natural setting whenever possible. To that end, our resultant color palette is understandably darker and less vibrant than the range of colors permitted elsewhere in the Breckenridge area; but we feel we have a special setting here at Highlands Park, which warrants its own unique solutions, in order to realize the incomparable finished neighborhood which we all envision.

The exterior finishes and colors listed in Appendix 9E "Permitted Exterior Materials and Colors" are those which will be generally acceptable to the Highlands Review Board. The list is by no means all inclusive; but it clearly illustrates the tenor of our expectations. You may select a color which is not specifically listed, provided it remains true to our goal of

visual environmental compatibility. Conversely, a listed color may not prove suitable for use in every situation or locale within Highlands Park. Each proposed color, whether listed or not, will be evaluated in the context of its specific natural setting, and the preexistent colors of completed neighboring homes. Quite simply, only colors which will blend unobtrusively into their natural setting, while complementing the colors of completed neighboring homes, will be permitted; colors which are garish, which stand out or call attention to themselves, or which clash with their setting or precedent neighbors, will not.

White, off-white, and most lighter grays will not be permitted due to their brightness; as a general guideline, all colors should be within a Light Reflectance Range (LRV) of 15 to 40. Primary colors of red, blue, and yellow, as well as orange will only be considered for limited use in accent applications, which will be considered on a case-by-case basis. Accent colors which emphasize the human elements of a residence, such as doors and windows are more likely to be approved than uses which call attention to vents, roof appurtenances, mechanical equipment or larger surfaces of the home. Shiny or reflective surfaces will not be permitted. When more than one color is approved for a single structure, all changes in color must occur at an inside corner; see figure 3.P “Exterior Material Changes”.

The final approval of all colors will occur at the site. A range of colors, represented by manufacturer’s paint chips will be evaluated conceptually along with other materials submitted for design review. However, those small color samples, printed on paper, may not accurately depict how a finished color will appear upon an expansive surface of real construction material. Therefore, a field test, where proposed colors are applied over larger surfaces of real materials, is essential. Site samples must be at least sixteen square feet in size for field colors, or must cover ten linear feet for trim, fascia, or railing samples. We strongly suggest that this final site evaluation be completed, prior to the ordering or purchase of exterior finish materials in quantity.

3.20 EXTERIOR LIGHTING

The primary objective of this section is the prevention of “light pollution” and “light trespass” within Highlands Park. “Light pollution” is the casting of ambient light into the night sky, resulting in reflections from elements of the structure, nearby trees and low clouds. “Light trespass” is the casting of light across property lines; if a shadow is cast into a property by a light source of a neighboring residence, light trespass is occurring.

To the greatest practical extent, homesites should be treated in a rural unlit manner. Where lighting is essential for safety or any other justifiable reason, every effort must be made to mask or screen the unwanted spillover of light. Aside from those safety and security considerations, we desire to maintain a nighttime landscape which is as dark as possible, in the rural tradition. Area floodlighting is prohibited except for lighting activated by motion detectors for limited duration; those fixtures must be shielded, and may only be directed at areas of the site which are within the Disturbance Envelope. In addition, they must be affixed to the residential structure at a height which is no greater than 15 feet above finish grade. The random lighting of exterior elements of a home for accent or any other purpose is subject to the prior approval of the Design Review Board. Spotlights on the residence or in the landscaping will not be allowed; uplighting of the home or trees will not be permitted. With the exception of a single shielded light fixture on the address monument (see figure 2.K, “Address Monuments”), no light source may be situated outside of the disturbance envelope.

It is required that exterior light fixtures produce a “down-cast” lighting. Such fixtures

must fully conceal the entire light source and be “dark sky compliant fixtures” as identified by the Town of Breckenridge. Fixtures may not produce a horizontal or lateral light cast. Translucent glass if utilized must be opaque so that no visible light is emitted through the glass. No clear lenses, resulting in visibility of the light source will be allowed.

When planning your exterior lighting consider the International Dark-Sky Association *Five Principles for Responsible Outdoor Lighting.* All light should serve a clear and necessary purpose. Light should be directed only to where needed. Light should be no brighter than necessary. Light should be used only when it is useful. Use warmer color lights where possible.

Energy efficient LED lighting is recommended. A bulb with a Kelvin rating of 3000 or lower is considered warmer and emits less harmful blue light. For home lighting, a Kelvin rating of 2700 or less is recommended. Avoid over-lighting. Bulbs emitting 700 lumens or less are recommended. A 60-watt incandescent bulb is the maximum wattage allowed.

Vapor lighting of any kind, including but not limited to sodium or mercury vapor, will not be allowed.

Landscape lighting of limited intensity and low profile may be allowed in small quantities when associated with the human element. For example, a few low-wattage post or bollard fixtures might be utilized to illuminate an entry walk between a driveway and a porch. Those freestanding fixtures shall be limited to a maximum height of seven feet above grade, and must be situated within the Disturbance Envelope.

Catalog sheets or photographs, along with supporting documentation of wattage, finish, and proposed location(s), must be submitted as a part of the Final Design Submittal.

3.21 INTERIOR LIGHTING

Typically, interior lighting does not fall subject to Review Board consideration; each Owner and his or her architect may illuminate the interior of a home in any fashion which they desire. However, on occasion, a poorly placed interior fixture may generate excessive glare through an undraped window or a skylight. So, we ask you to be kind to your neighbors, by keeping them in mind during the selection and placement of your interior lighting fixtures.

3.22 HARDWARE AND ACCESSORIES

Unless specifically approved to the contrary, materials such as chimney flues, spark arrestors, vents through roofs or exterior walls, louvers, flashing, chimney caps, metal railings, utility boxes, exterior mechanical equipment and exterior metal work of any kind must be painted or pre-finished to match one of the other approved colors in the home's color palette. The color selected for each of these elements must blend inconspicuously with its surrounding colors and finishes.

To assure minimum visual impact to the neighborhood, bright brass, polished copper, mill finished aluminum, galvanized metal, and other moderate to highly-reflective materials will not be permitted on the exterior of a residence.

3.23 ANTENNAE AND SATELLITE DISHES

Antennae and satellite dishes are generally discouraged at Highlands Park because of their urban image.

Television reception will be available via a central cable system. Owners desiring a supplementary receiving device may have a single dish, up to 18 inches in diameter, provided

that its location is approved by the Review Board. The dish must be positioned in a location which is unobtrusive when viewed from nearby homesites, the golf course or other common areas, or road rights-of-way. The placement of such a dish must be designed into the residential form; it must not appear as a tacked on afterthought. Where appropriate, the dish must be painted to blend unobtrusively with adjacent surfaces. The clearing of trees to create a line of sight for a satellite dish is prohibited. Catalog cut sheets for such devices, along with their proposed location on the Roof Plan and relevant Elevations must be included in the Final Design Submittal.

3.24 SOLAR APPLICATIONS

Passive solar design is encouraged. Radiation from winter sun into a residence can provide a sunny naturally lighted interior while reducing the use of fuels for heating. Exterior hardware for active solar applications can cause excessive glare by reflection; consequently active solar applications will only be approved when their exterior hardware is integrated into the structure such that they are unobtrusive to neighboring properties and public rights-of-way.

3.25 REFUSE CAN ENCLOSURES

On certain predesignated days a disposal company will collect refuse and items for recycle from homesites within the Highlands. Each Owner must acquire containers of the appropriate size and style required by the provider. On those days designated for collection, the containers may be set outside in the appropriate location designated for pickup. On all other days, those containers must remain out of sight, within the residence or its garage. If the containers are situated within an internal enclosure which is directly accessible from outside of the structure, the exterior doors must be designated to resist trespass by animals. Freestanding refuse enclosures are not permitted.

3.26 OUTDOOR STORAGE

Outdoor areas may not be used to store snow blowers, yard maintenance equipment, sports equipment, refuse containers, etc. Firewood may be stored in an unscreened area provided it is neatly stacked in an inconspicuous location. Tarps which are black, dark brown or dark green in color may be used to cover firewood. Pre-fabricated, stand-alone storage sheds are prohibited.

3.27 EXTERIOR SPEAKERS

Sound cannot be amplified in any way on the exterior of any residence if, in the judgment of the Review Board, the sound can be heard by neighboring residents, or anyone on the golf course, trails system, common areas, or rights-of-way. The installation of exterior sound speakers is strongly discouraged due to the likelihood of causing disturbance to neighboring residents.

3.28 SEASONAL DECORATIONS

In keeping with our desire to maintain a low ambient light level during nighttime hours, the use of exterior lighting as decoration is limited to the period from Thanksgiving through January 31. The Highlands Park Review Board may distribute more detailed guidelines for seasonal decoration based on whatever need for constraints may emerge within the community. In general, seasonal lighting will be limited to placing lights on a few trees per house, and will preclude the use of any kind of flood lighting, lights with pulsating intensity or plastic ornaments.

4. LANDSCAPING

4.1 GENERAL OVERVIEW

Hopefully, by this point in your reading (*), you have come to understand and appreciate the sanctity of our inherited environment at Highlands Park – those natural characteristics are what attracted each of us to this special setting in the first place. So, logically, our goal for landscape design is the successful integration of each residential structure into its immediate environment, by drawing upon and enhancing each site's natural features and patterns of vegetation. Consequently, you should not expect to replace all existing natural vegetation and site features with lush lawns, formal gardens and a potpourri of ornamental plants; but conversely, we do not intend to deny you the opportunity to enhance the existing landscape in order to suitably complement your home and its outdoor living space.

In our previous Section 2.3, we discussed the crucial concept of the Disturbance Envelope which when implemented and respected will preserve the continuity of the underlying natural landscape which links these individual homesites into a unified community of homes. Your landscape design should accomplish a second essential "connection" - a creative landscape solution which interacts appropriately with your site's natural vegetation and features will anchor the home to its site. We want each home to nestle into its natural setting, so that only months after completion, it appears to have been there for years.

This is by no means a simple task; it cannot be accomplished by waiting until the structure is finished, planting an evergreen on all four corners and calling it done! To the contrary, the seeds of thought for a landscape design should be planted at the same time as the architectural seeds, and their maturation to finished concept should occur in concert with the evolution of the home's design. In Section 2.2 we require the preparation of a comprehensive site inventory in the form of a "Site Analysis Sketch". Since those findings will become a valuable resource which will materially influence the landscaping concept, we urge each Owner to retain the assistance of an experienced and competent landscape architect or designer who is well-versed in high country horticulture early on in the process in order to assist in the preparation of this inventory. That way, the landscape professional will have a working knowledge of the design's determinants, and will be better prepared to generate the required landscaping elements for both the preliminary and final design submittals.

Whether or not your site occurs in an alpine meadow or upon forested slopes, the process is the same.
Evaluate what the site has to offer in terms of the types and patterns of vegetation, orientation, along with views and other site features. Then, preserve and incorporate as many of these assets and characteristics into your landscaping concept as is practical. Sites with sparse

vegetation may warrant the planting of supplementary plant material, while a site which is heavily vegetated might be able to rest on its laurels, so to speak, in a predominantly natural condition. The majority of supplementary planting should consist of materials which occur on or in close proximity to the site to emulate, expand or restore the naturally occurring stands of vegetation upon the Lot. In some situations the supplementary material which is utilized in closer proximity to the structure may come from plant species which do not occur on the site itself, but which thrive in some other similar setting or locale in the Upper Blue River watershed. For example, evergreen tree clusters might be used to frame a desired view while screening an undesirable one, or they might be utilized for defense against the elements, to buffer prevailing winds or provide summer shade; specimen plants or plant groups could be effectively utilized to introduce the seasonal color of blossoms or foliage. Regardless of their intended function, all planting should appear natural and irregular, in the manner it would occur in the wilderness. In Section 3, we discouraged the use of symmetry in the architecture because of its formality - landscaping is no different; it should reflect the rustic informality of the American West.

*Perhaps if you are a landscape architect or designer who has been retained by one of our Owners to craft his or her landscape design, you may have begun your reading with this chapter. If that is the case, we urge you to take the time to go back and read our Introduction and the prior sections. “Site Planning” and “Architecture” to better understand and appreciate our rationale for these landscape directives.

We will address the suitability of planting materials in the context of three landscape zones – the native landscape area, the manicured landscape area, and the intervening transitional area between them.

4.2 NATIVE LANDSCAPE AREA

As you will recall from Section 2.3, “Disturbance Envelope” those portions of each Lot which occur outside of the Disturbance Envelope must remain in their undisturbed natural condition, except for a driveway crossing and utility line crossings; and occasionally on sites which have been scarred or which are sparsely vegetated, some restoration or supplementation of those native areas may be permitted by handwork. So the majority of the Native Landscape Area consists of those preserved natural areas which occur outside of the envelope, and it is those very areas left natural around each home which form the connecting common landscape described in the preceding section.

In the following section, which discusses Manicured Landscape Areas, you will find that those more heavily landscaped areas may only occur where there is a direct access and/or visual connection to an indoor living space. Consequently, in locations where there are solid segments of exterior wall, or walls where windows are limited to the provision of light or ventilation (as opposed to windows for view), the surrounding Native Landscape Area should extend into the Disturbance Envelope, all the way to the wall of the structure. Those “fingers” of native vegetation, which reinforce the relationship between the building and its natural environment, combined with the undisturbed natural landscape outside of the envelope, comprise the Native Landscape Area for a Lot.

That portion of the Native Landscape Area which occurs outside of the Disturbance Envelope shall remain untouched and in its natural condition. On occasion, on a lot which is sparsely vegetated or where some prior scarring of the natural landscape outside of the envelope has occurred, the Board may permit limited restoration work or the addition of

supplementary native plant material to repair or revegetate those scarred or barren areas as appropriate. However, all such work outside of the envelope must be specifically approved by the Board, and must be implemented by handwork to minimize any additional disturbance to the natural landscape. No vehicles or machinery may be used outside of the envelope, although a ball cart may be permitted to transport larger plants to their approved planting sites. All pathways created by foot or cart traffic during an approved restoration endeavor must be seeded or revegetated to remove all traces of disturbance; the spreading of indigenous leaves or pine needles to emulate a naturally appearing ground coverage is also a viable means for mitigating disturbance.

Some portions of the Native Landscape Area which occur inside of the Disturbance Envelope will probably be disturbed by construction activity. Those areas must be revegetated with plant materials which are indigenous to Highlands Park, unless they have been approved for a Manicured Landscape application. The introduction of non- indigenous plant material into any area designated for Native Landscape is prohibited. The indigenous plants approved for use at Highlands Park are listed in Appendix 9A, “Native Landscape Area-List of Approved Plants”.

Each species selected from this list must be appropriate for its micro climatic condition, and should be utilized in a fashion which is consistent with existing plant geography and associations, as well as the coverage patterns and densities which occur naturally across the Lot.

Above ground irrigation systems may be approved by the Board for temporary use in the re-establishment of native vegetation. However, temporary systems must be removed after one growing season, unless an extension for use in granted by the Board, so that the newly established plant material can adapt to the natural moisture conditions which occur on its site. Consequently, the plants listed in Appendix 9 "Native Landscape Area - List of Approved Plants" are the only plants suitable for use in any Native Landscape Area due to their low water usage. Irrigation systems must also include integral moisture or rain sensor devices to prevent the over watering of this vegetation during its establishment.

In those locations where portions of the Native Landscape Area extends to the wall of a structure, erosion control must be implemented beneath the drip edge of the roof above to prevent soil erosion from roof runoff.

Splash blocks are recommended beneath all points of discharge of concentrated runoff, such as roof valleys and downspouts.

4.3 MANICURED LANDSCAPE AREA

Manicured Landscape Areas may only occur within the Disturbance Envelope, in those locations which have a direct access or a visual connection to an interior living space. These Manicured Landscape Areas should be designed as extensions of those interior living spaces, thereby providing the bridge between indoor and outdoor living. All other areas around a structure should consist of or transition to Native Landscape Areas.

Manicured Landscape Areas may be comprised of lawns, planting beds, patios or terraces, or other more formal landscape improvements, as approved by the Review Board. All plant material in a Manicure Landscape Area must be low water usage plants adaptable to USDA Zone 3, as defined by the 1990 USDA climate map; such plants are listed in

Appendix 9C, “Manicured Landscape Areas-List of Approved Plants”. Ornamental plants should be situated adjacent to the residence and its outdoor living spaces such as patios or entry porches; however, annuals and ornamental planting are not permitted along driveway edges or anywhere outside of the Disturbance envelope.

Trees should be planted in varying sizes to emulate a natural appearance. The slope of a site should be considered when selecting tree heights to provide for greater variation. Generally, clustered evergreen trees should range in height from 8 to 12 feet as a minimum, and each proposed tree must be indicated on the Final Landscape Plan. Trees proposed for visually prominent settings, and trees that are clearly visible from public areas, should be at least 14 feet in height. Deciduous trees must be 2 to 3 inch caliper or larger at chest height. All shrubs must be 5-gallon or larger. While plants should be utilized to visually soften and ground the structure, typical foundation planting in rows should be avoided.

In addition to the areas around entries and outdoor living spaces, a modest area around an approved address monument may be improved to enhance the monument’s visibility. However, this area should not be as finely trimmed as other Manicured Landscaping Areas, rather it should take on the appearance of a moderately enhanced Native Landscape Area. This composition might consist of native evergreens as a backdrop to the monument, with native shrubs of a lower profile on one or both sides of the marker, with native perennial flowers or groundcover occurring in the foreground. They may reach into the road right-of-way along the edge of the driveway; however, plant material in the right-of-way shall be limited to native flowers and groundcovers since they may be covered with the snow when streets are plowed. It is important to note that any and all plant material which is placed in the right-of-way may be damaged or stressed by road maintenance activity; replacement of damaged plant material shall be at the Owner’s expense.

4.4 TRANSITION AREA

The purpose of the Transition Area is exactly as its name implies – it is the subtle transition and “blurring” of the interface between a Manicured Landscape area and an adjacent Native Landscape Area. When properly implemented its edges should not be readily apparent. Consequently, Transition Areas should be irregular in width and soft edged in appearance. Minor alterations to the natural landscape may occur within the Transition Area in addition to the use of plants found in Appendix 9B, “Transition Areas – List of Approved Plants”. All Transition Areas must be situated entirely within the Disturbance Envelope. Permanent irrigation should be discontinued as the distance from the residence increases, and plant groupings should be situated to mirror their natural occurrence across the site.

So when all landscaping has been complete, the manicured areas blend subtly through transition back to the native vegetation – the formal landscape occurs adjacent to the residence for the enjoyment of each Owner and his or her guests, while the predominant view towards a residence from off-site will consist predominantly of native or transition vegetation.

4.5 PROHIBITED PLANTS

The plant materials identified in Appendix 9D, “ List of Prohibited Plants”, are species have objectionable characteristics or which are potentially detrimental to the native environment of Highlands Park, and are thereby strictly prohibited.

4.6 TERRACES, PATIOS AND WALKWAYS

Well-designed terraces, patios and walkways can serve as a functional and visually attractive connection between a residential structure and its natural site. Terraces and patios must be situated as the logical outdoor extension of an interior living space, and their size or expanse should be proportionally appropriate for the structure and its immediate setting – a terrace which is too small may prove unusable to its Owner, while on which is too large may visually overpower its site while sacrificing all aspects of intimacy or privacy.

Acceptable paving materials for terraces, patios and walkways include flagstone, sandstone, cobbles, concrete pavers, and textured concrete. Porous stones such as slate usually prove unacceptable due to their tendency to spall during freeze and thaw cycles.

4.7 FIRE MITIGATION PRACTICES

All landscaping plans must be in compliance with fire mitigation practices as outlined in Colorado State University Extension website publication "Creating Wildfire Defensible Zone No. 6.302". By F.C. Dennis

5 CONSTRUCTION REGULATIONS

5.1 GENERAL OVERVIEW

On a well-managed construction site good things happen! Suppliers find a market for their goods and products, a variety of craftsmen and laborers apply their skills, an Owner watches his or her dream become a reality, neighbors can enjoy the gradual revelation of this latest addition to their neighborhood, and the General Contractor can take pleasure in the satisfaction of making it all happen.

Unfortunately, it is seldom so simple and rosy. The ideal scenario presented above requires the heedful awareness and sensitivity of every player in this diverse cast; everyone involved from the driver of the delivery truck to the laborer responsible for clean-up chores must be cognizant of our expectations, and the rules of operation which govern construction activity in Highlands Park. We encourage every General Contractor and Sub-Contractor to read this section carefully, and then to share it with each of their personnel and suppliers.

However, awareness is only half of the equation - knowing the rules do no good unless it is accompanied by a unanimous spirit of cooperation to respect and abide by these stipulations to the greatest extent possible.
Mistakes may occur because we are human, but those of you who demonstrate an earnest respect for and willingness to adhere to these mandates will enjoy the opportunity for many satisfying years of construction involvement in Highlands Park; conversely, those who do not, will not!

5.2 ENFORCEMENT AND LIABILITY

These construction regulations are probably more stringent than those associated with

most other communities in this region. They are designed to allow the reasonable construction of each residence and its related improvements, while preventing the occurrence of the unnecessary nuisances and damage to the environment associated with poorly managed building sites. As noted earlier, compliance begins with across the board knowledge of the rules; “I didn’t know”, is no excuse!

These regulations will be strictly enforced. A representative of the Review Board will regularly conduct inspections of each construction site and neighboring parcels to confirm compliance by all construction personnel and materials suppliers of these regulations. Violation of these regulations may result in the imposition of fines or corrective action; repeated or wanton violations may also result in the banning of the offender from further involvement in construction within Highlands Park.

In addition, the Design Review Board will hold the Builder/Contractor responsible for obtaining all necessary approvals for design and construction modifications by notification in writing to Owner and Architect, with a copy to the Design Review Board, that additional approvals are needed. Failure to do so may result in the imposition of fines and/or corrective action on behalf of the Design Review Board at the Builder/Contractor and/or Owner expense.

Any violation of these Construction Regulations, or other related Guidelines, by an Owner’s agent, representative, General Contractor, Sub-Contractor, or supplier, pursuant to the construction of his or her home or related improvements, shall be deemed a violation by the Owner, whether the violation occurs on the site or elsewhere within the Highlands Park community. Outstanding balances, fees, or fines on other projects must also be resolved prior to new applications being accepted by the same Entities, Owners, General Contractors, or Members involved in new projects.

5.3 CONSTRUCTION COMPLIANCE DEPOSIT

A five-thousand-dollar ($5,000) Construction Compliance Deposit shall be deposited with the Review Board to be held in escrow in an interest-bearing account until the end of construction to ensure that all design guidelines and regulations have been met, or violation fines paid (see Section 5.4 below). Should the balance of the Construction Compliance Deposit fall below one thousand dollars ($1,000) for any reason, then it will be necessary to provide an additional deposit to restore the balance to the original five thousand dollars ($5,000) upon notice from the Board. Any costs incurred by the HOA for street sweeping of dirt or mud resulting from construction will be deducted from the deposit. Interest on the escrowed amount shall accrue to the benefit of the Owner. The Board may set the amount of the Construction Compliance Deposit in an amount greater than $5,000, if, in the sole discretion of the Board, a greater amount is necessary due to the nature of the project or if past violations of these Design Guidelines by a general contractor or sub-contractor warrants greater accountability.

In the event that all construction including landscaping and paving has not been completed within eighteen
(18) months of the commencement of construction, these deposits will be forfeited. An extension of up to six (6) months to complete construction may be requested by submitting a written request to the Design Review Board prior to the expiration of the (18) month time period. This extension may or may not be granted by the Review Board depending on the individual circumstances.

5.4 CONSTRUCTION FINES

The Review Board may assess fines for violations of any provision of these guidelines as follows: First violation, Warning Letter; second violation, two hundred dollars ($200); third violation, three hundred dollars ($300); subsequent violations five hundred dollars ($500). In the event that any person fails to cure (or fails to commence and proceed with diligence to complete the work necessary to cure) any violation of the Design Guidelines, including these Construction Regulations, within fourteen (14) days of the date of the written notice from the Review Board designating the particular violation, the Review Board shall have the power and authority to impose upon that person a subsequent fine as outlined above.

There shall be no limit to the number or the aggregate amount of Violation Fines, which may be levied against a person for the same violation if not timely cured. The Violation Fines, together with interest at the highest lawful rate per annum and any costs of collection, including reasonable attorneys' fees, shall be a continuing lien upon the Lot against which such Violation Fine is made. Any Violation Fines which are not paid when due shall be deducted from the Builder/Contractor and/or Owner Construction Compliance Deposits.

In some cases, a fine may be assessed immediately without written notice. This would apply to violations witnessed by the Review Board or its representative in areas which are immediate in nature, repetitive or cause immediate damage such as noise violations, pets on-site, port-a-let outside building envelope, damage to setback areas, beyond construction fencing or neighboring property, etc. A written notice will be provided to the Owner and Contractor of any immediate fines assessed.

The continued or habitual violation of these Design Guidelines by a general contractor, sub-contractor, or materials supplier will result in the withdrawal by the Review Board of his/their approval to perform work at The Highlands.

5.5 CONSTRUCTION STAGING PLAN

A construction staging plan must be included as an element of the Final Design submittal, for consideration by the Review Board. The plan should illustrate locations for site access, construction fencing, sanitary facilities, a refuse container, a construction trailer (if applicable), storage of building materials, storage of excavated material (if allowed by the Board), concrete washout along with any other items requested by the Review Board, it's representative, or the Town of Breckenridge.

Once a Construction Staging Plan has been approved by the Board, any deviation from that plan without the prior written consent of the Board, will result in a construction fine. This provision includes, but is not limited to, the removal or relocation of construction fencing from its approved location, and the stockpiling of excavated rock or soil, or construction materials in any location other than those approved for such storage. The General Contractor must keep one copy of the approved Construction Staging Plan at the job site at all times.

5.6 CONSTRUCTION INSURANCE REQUIREMENTS

All contractors must post evidence of insurance with the Owner prior to entering the construction site. The required insurance must provide coverage not less than the applicable minimums for coverage relating to comprehensive general liability, automotive liability and workmen's compensation (or an exemption there from).

5.7 CONSTRUCTION ACCESS

The approved access corridor for the entry drive shall be the only construction access to the lot; that portion of the access corridor which extends from the edge of the roadway (or a private drive) back to the Disturbance Envelope shall be limited to a maximum width of disturbance of twenty feet. See Section 2.3 "Disturbance Envelope" for related information. A six (6) foot high chain link fence must demarcate the edges of the access corridor with posts set in concrete like the fencing that marks the Disturbance Envelope, for the duration of construction.

The construction access must be stabilized within one week of the start of construction with a minimum pad of 2 inches of aggregate over a filter cloth, for the control of dust and erosion. This temporary driving surface must be maintained and restored as necessary throughout the construction process.

5.8 DISTURBANCE ENVELOPE

All construction activities, including but not limited to the movement of vehicles or personnel around the structure, the storage of materials, scaffolding, and even on site lunch breaks, must be confined to the designated Disturbance Envelope. To clearly identify the limits of this area where construction disturbance may occur, the envelope must be demarcated around its entire perimeter by a six (6) foot high chain link fence with posts set in concrete. In some situations, in order to protect the natural landscape, the fencing may be pulled inside of the building envelope to protect areas from disturbance. Temporary fencing of four (4) foot high green or black fabric or plastic fence may be utilized along utility line extensions from stub locations to a point inside the chain link fencing. Once utilities are installed, the temporary fencing should be removed and chain link fencing installed to close off any gap. The ends of this continuous loop of enclosure fencing must terminate at the front property line on each side of the construction access. The fencing must remain in place throughout the construction process. Please refer to Section 2.3 "Disturbance Envelope" for related information.

5.9 PROTECTION OF VEGETATION, SITE FEATURES, AND NEIGHBORING PROPERTIES

The growing season is comparatively brief in the high country; trees or other native vegetation which are damaged may take years to recover, if they recover at all. Consequently, the use of, or transit over, the native areas outside of the Disturbance Envelope is prohibited. For similar reasons, the use of, or transit over any other Lot or Tract, including the golf course, is prohibited as well. Construction personnel shall refrain from parking, eating, depositing of rubbish or scrap materials (including concrete washout) on any other Lot or tract within Highlands Park community. The same restrictions apply to the road rights-of-way (or private access) as well, except for the overflow parking permitted by Section 5.13 of the Guidelines.

Trees and other significant vegetation, or natural features such as rock outcrops, which are slated for preservation, and which occur within the Disturbance Envelope must be protected by fencing or other barriers. As an alternative to fencing, trees may be protected by dimensional lumber strapped (not nailed) around the perimeter of their trunks. The Review Board has the right to flag or identify additional site features or vegetation for protective fencing, both within and outside of the Disturbance Envelope. Any trees or branches which are removed during construction must be promptly collected and removed from the site. Any plants or small trees which are intended for salvage and replanting, must be temporarily transplanted to a holding area withinthe envelope, for safe keeping during the construction process.

Construction personnel and Owners as well may not place or dispose of any excavated material, lawn clippings, oil, chemicals, or trash of any kind in the natural areas outside of the Disturbance Envelope, or on any other Lot or tract within the Highlands Park community.

5.10 TEMPORARY BEST MANAGEMENT PRACTICES

Many areas of Highlands Park drain into sensitive wetlands which are strictly protected by various government agencies. Their delicate ecological balance can be disturbed by even small amounts of sediment, such as topsoil, by water-borne pollutants, or even a few drops of oil from a piece of construction machinery. As stewards of this environment we all must be mindful of our potential for pollution and must be prepared to employ all appropriate methodology which is necessary for prevention.

Temporary Best Management Practices are techniques or devices commonly implemented throughout the construction industry for the purposes of preventing or reducing such damage to the natural environment. The Temporary Best Management Practices which may be necessary on a site during construction are itemized below.

Temporary Soil Stabilization Practices

- pineneedle mulch (preferred method)
- hydromulch
- jute netting
- wood excelsior blanket
- erosion control blankets or geotextiles
- approved chemical mulches or tackifiers
- filter strips

Temporary Runoff Control (Diversions) and Slopes

- diversion dikes and swales
- perimeter dikes and swales
- interceptor dikes and swales

Temporary Grade Stabilization Structures

- flexible downdrain
- pipe slope drain
- section down drain
- chute, flumes, spillways

Rainwater and snow melt should be allowed to percolate, where practical, into the ground rather than running along the surface, where it can pick up and transport pollutants. Percolation helps to filter and clean the water. Soil which is exposed by construction, either by excavation or the scarification or trampling of its protective cover of vegetation, must be stabilized, to avoid its erosion from the site by rainfall or snowmelt. Silt fences may be required on lots where there exists the potential for runoff impacts onto the Golf Course or other neighboring downhill properties.

5.11 CONSTRUCTION TRAILER

A Construction Staging Plan, in accordance with Section 5.5 of the Guidelines, is required for each homesite. Once the Review Board has approved the Staging Plan, a construction trailer or portable field office may be situated on the building site, in its approved location within the Disturbance Envelope, as indicated by the Staging Plan. The type, size and color of any portable office must be approved by the representative of the Review Board, during the Pre-Construction Conference; at the same time the method for provision of temporary power and telephone will be determined. The trailer or field office may not be placed on the site earlier than two weeks before the onset of continuous construction activity; the trailer or field office may not remain on the site longer than six months, unless the Review Board consents in writing to a longer duration.

5.12 CONSTRUCTION SIGNAGE

Temporary construction signs shall be limited to one sign per site not to exceed six (6) square feet of total surface area. This sign is intended primarily for job site identification; therefore, it must be located within the Disturbance Envelope, facing the street frontage of the Lot. It may identify the general contractor and architect by name with address, license number and telephone number (s) and it may identify the job site by Lot number or Owner's name. The sign shall be free standing, not to exceed four (4) feet in height above natural grade. The sign's design, color, style, text, duration of display, and location upon the Lot must be approved in advance by the Review Board.

The construction sign may not be erected on a site earlier than two weeks prior to the onset of continuing construction activity and must be removed within two weeks of the issuance of a certificate of occupancy by the Town of Breckenridge, or immediately upon the passage of 30 calendar days without significant construction activity. The general contractor of a completed market home may apply to the Review Board for continuation of his construction sign for advertising and sales purpose after construction has been completed, until such time that a contract for sale had been executed.

Individual signs, or construction sign attachments identifying individual sub-contractors, tradesmen, or suppliers are prohibited; identification of licensed tradesmen, when required by state or city statues, shall be confined to the posting location of the building permit.

Attachment of signs or similar material to trees is strictly prohibited.

5.13 VEHICLES AND PARKING AREAS

Construction personnel must park their vehicles within the Disturbance Envelope, in the location (s) indicated on the approved Construction Staging Plan and may not be parked overnight. During periods of intense construction activity, when multiple trades are active on the site, it may be physically impossible to park all of their vehicles within the envelope; during those limited occurrences, overflow vehicles may be temporarily parked along only one side of the roadway. Those vehicles must be situated off of the paved surface of the roadway or cul-d-sac to allow continual unrestrained access by normal traffic, by snowplows and by emergency vehicles such as fire trucks or ambulances. Vehicles may not be parked on neighboring lots or open space, on nearby driveways, or in front of neighboring occupied residences.

During those times of intensive construction activity, we strongly urge the utilization of car-pooling to help reduce the number of overflow vehicles. There must not be any overnight parking on the street or shoulder of the roadway.

The changing of oil or other vehicle maintenance, and the discharge of any petrochemical substances are strictly prohibited at Highlands Park.

5.14 MATERIAL DELIVERIES

All building materials, equipment and machinery required to construct a residence on any Lot at Highlands Park must be delivered to and remain within the Disturbance Envelope of each Lot, clear of all setbacks, and be delivered or removed only during construction hours as set forth herein. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes and any other equipment or machinery that will remain overnight at Highlands Park. Material delivery vehicles may not drive across adjacent Lots or tracts to access a construction site.

5.15 TRASH RECEPTACLES AND DEBRIS REMOVAL

Owners and builders shall clean up all trash and debris at the end of each day; a commercial dumpster must be present on the site at all times during active construction for the purpose of containment of all construction waste and packaging. The receptacle must be situated within the Disturbance Envelope in the location prescribed by the approved Staging Plan. If an Owner or his General Contractor can demonstrate that a particular construction site is too constricted to accommodate a dumpster, or its periodic replacement or emptying, the Review Board may consider alternative locations for its placement, on a case-by-case basis.

Trash receptacles must be emptied on a timely basis to avoid overflow or refuse. Disposal shall occur at a suitable offsite facility. In the event garbage and/or construction debris blows onto other lots, Owners and Contractors will be required to provide a cover for the dumpster and all containers throughout the entire construction period. Owners and Contractors are prohibited from dumping, burying, or burning trash anywhere on the building site, or at any other location in Highlands Park. Heavy debris, such as broken stone, wood scrap, or the like must be removed from the site and legally disposed of upon completion of the work of each trade that has generated the debris. All concrete washout, from both trucks and mixers, must occur within the Disturbance Envelope of the building site in a location where it will ultimately be concealed by structure or covered by backfill. Washout in road rights-of-way, setbacks, on adjacent properties, or anywhere outside the Disturbance Envelope is strictly prohibited. Violations of these concrete washout regulations will result in fines

being assessed against the Owner and Contractor. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or detriment to other lots or open space. Any clean-up costs incurred by the Homeowner's Association in enforcing these requirements shall be payable by the Owner. Dirt, mud, or debris resulting from activity on each construction site shall be removed daily from public or private roads, open spaces and driveways or other portions of Highlands Park.

5.16 EXCAVATION MATERIALS AND BLASTING

As previously noted in Section 2.3 "Disturbance Envelope" and in Section 2.9 "Grading and Drainage", all excavated material which will not be needed for backfill purposes must be removed from the site at the time of its excavation, for disposal off-site. In addition, on homesites with constrictive Disturbance Envelopes, or where existing vegetation or slope further limit the availability of suitable storage sites within the envelope, even topsoil and material intended for backfill may have to be stockpiled off-site between the times of its excavation and its subsequent final placement upon the site. The Construction Staging Plan must clearly demonstrate to the Review Board the existence of sufficient and appropriate areas within the Disturbance Envelope for storage of excavated materials intended for replacement on the site, or the material must be stockpiled off-site during construction.

Trenching for utilities may only occur along the alignments indicated by the Final Site Plan as approved by the Review Board. Any deviation from those approved alignments, due to an encounter with subterranean groundwater or hard rock, requires the prior consent of the Review Board or their designated representative. The maximum width of disturbance to the site along those utility extensions may not exceed 12 feet. Manual excavation methods and moisture blanketing may be necessary to protect and preserve the root systems of plant material to remain. Backfill materials must include loose permeable soils which will support revegetation; backfilled surfaces must be kept moist until vegetation is re-established. See section 2.11 "Preservation of Trees and Vegetation", and Section 2.12 "Utilities" for related information.

If any blasting is required, the Review Board must be notified in advance and the appropriate approval must be obtained from the Town of Breckenridge. In addition, at least 48 hours prior to the occurrence of any blasting, written notice must be posted on site, and must be provided to neighboring and nearby property Owners, as well. The Review Board shall determine the range of notification which is required.

Blasting may only be performed by licensed demolition personnel. The work must be covered by appropriate liability and damage insurance, specific to the blasting activity proposed within Highlands Park, and as required by the Town of Breckenridge or the State of Colorado. The Review Board shall have the authority to require in writing the documentation of anticipated seismic effects, with confirmation that such effects will not be injurious to persons or other properties, both public and private, and that all appropriate measures for protection of life and property will be utilized.

All earth and rock materials which result from blasting must be handled in the same fashion as other products of excavation; all surplus material must be removed from the site immediately after the blasting activity. Any retention on site of blasting-generated material intended for reuse as backfill, shall be subject to the availability of approved sites for storage within the Disturbance Envelope.

5.17 DUST AND NOISE CONTROL

The General Contractor shall be responsible for the control of dust and noise generated upon and from this construction site. Dirt and mud which is 'tracked' from the construction site onto nearby roadways public or private, must be cleaned up on a daily basis. Any segment of a site which has the potential for the generation of fugitive windblown dust or soil, must be suitably covered or dampened as necessary.

On all lots which abut the golf course, the playing of radios or other audio equipment is prohibited. On all other sites, the sound from such devices must not be audible beyond the property perimeter of each lot; repeated violations of this provision may precipitate a total prohibition of any continued on-site use of radios or audio equipment on those lots as well.

5.18 CONSTRUCTION HOURS

Construction working hours shall be limited to the time span beginning 30 minutes before sunrise, or 7:00 a.m., whichever is later, and lasting until 30 minutes after sunset, or 6:00 p.m., whichever is earlier, Monday through Friday, and from 8:00 a.m. to 6:00 p.m. on Saturday, or as further restricted by the sunrise/sunset criterion. There shall be no construction work on Sunday or any National Holiday.

5.19 TEMPORARY POWER AND WATER

The General Contractor, and all construction personnel, must utilize the power supply service specific to their Lot for temporary power. If the power stub is not yet installed or activated, fueled generators may be used, but only when absolutely necessary, and only until such time as the primary power service is in and activated.

In like manner, we encourage the activation and use of the water service stub to the Lot for construction water; in the event that the water service is not yet available or activated, construction water must be hauled to the site, or must be purchased from a neighboring homeowner, with their knowledge and prior consent.

Any clandestine borrowing of water or power from a nearby residence or homesite, without the permission of its Owner, is theft and shall be punishable by the administration of a fine or fines. Repeated violations of this nature may result in civil action (by the effected Owner), and/or the banning of the offender from further construction activity within Highlands Park.

5.20 HEALTH AND SAFETY COMPLIANCE

All applicable statues, ordinances, or rules pertaining to health and safety, including all applicable provisions of the Occupational Safety and Health Act (O.S.H.A.), and restrictions pertaining to the handling or disposal of hazardous materials and toxic substances or waste, must be observed and obeyed throughout the construction process.

5.21 SANITARY FACILITIES

Each Owner or General Contractor shall be responsible for the provision of adequate sanitary facilities for the use of jobsite personnel, throughout the active construction process.

Each portable toilet shall be situated within the Disturbance Envelope in the location indicated on the approved Construction Staging Plan. Each toilet must be emptied or exchanged as often as it is necessary to prevent the attraction of insects or the generation of objectionable odors.

5.22 FIREARMS

The possession or discharge of any type of firearm by construction personnel anywhere within the Highlands Park community is prohibited.

5.23 ALCOHOL AND CONTROLLED SUBSTANCES

The consumption of alcoholic beverages or the use of any controlled substance by construction personnel within the Highlands Park community is prohibited.

5.24 SITE VISITATIONS

Due to the inherent danger associated with an active construction site, visitors to any site should be limited to those persons with official business relating to the construction activity, such as construction workers and tradesmen, building officials, security staff, design review observers, sales personnel, and the Owner. Construction personnel should not invite or bring family members or friends, especially children, to the job site.

5.25 PETS

Pets at a construction site are strongly discouraged. Any pets brought to the site must be appropriately leashed or restrained at all times.

5.26 FIRES AND FLAMMABLE MATERIALS

Careless disposal of cigarettes, cigars or other products of smoking is strictly prohibited. In addition, the improper disposal of or dangerous accumulation of flammable materials, which thereby create a potential fire hazard, is prohibited as well.

At least two fully-charged 20-pound ABC-Rated Dry Chemical Fire Extinguishers shall be present and available in conspicuous locations on each construction site at all times; further, any and all additional fire safety precautions suggested or mandated by the Red, White and Blue Fire District must be strictly observed.

No on-site fires are allowed, except for small, confined, attended fires for the sole purpose of heating water for masonry.

Additional restrictions may be imposed by the Review Board during periods of high fire danger.

5.27 RESTORATION OF PROPERTY

Upon the completion of construction, each Owner and his or her General Contractor shall clean the site and repair all property which has been damaged, including but not limited to reshaping and revegetation of disturbed grades, and the repair of streets, driveways, pathways or bicycle trails, drains, culverts, drainageways, signs, lighting and fencing.

In addition, each Owner and his or her General Contractor shall be held financially responsible for the cost of site restoration or revegetation and refuse removal necessitated upon any adjacent or neighboring property as a result of trespass or negligence by their construction personnel, sub-contractors, or material suppliers.

5.28 FINAL INSPECTION

See Section 6.16 FINAL INSPECTION

5.29 BE A GOOD NEIGHBOR

There is no question that the construction of each "next new home" is disruptive to its surrounding neighborhood. By its very nature, home-building is a noisy, dusty, traffic-generating activity. We acknowledge that it is virtually impossible to eliminate all of the annoying aspects of construction; but we also know for a fact that the level of annoyance can be significantly reduced by the builder who maintains a mindful respect and regard for the sensibilities of nearby residents. For example, whenever possible, schedule a noisy delivery or activity through the middle of the day, instead of at dawn's early light when others might still be asleep, or during the fading twilight when others might be sitting down for a quiet dinner. Remember that your fellow Owners, and even the golfing public should not have to forfeit their rights to enjoyment of Highlands Park for the construction of your new home.

When neighbors are treated with respect they become more tolerant. Our Review Board receives fewer complaints, and your construction progresses to completion with fewer corrective interruptions. So, be a good neighbor – it's best for us all!

6 DESIGN REVIEW PROCEDURES

6.1 GENERAL OVERVIEW

Site-sensitive, site-specific design shall be fundamental at Highlands Park. Each custom creation should evolve in response to the setting and features of its particular site. Therefore, Owners and their architects must refrain from approaching a site with a predetermined design, in hopes of "making it fit", with little consideration for that site's natural characteristics and constraints. The Design Review Process for Highlands Park is both interactive and sequential, providing logical checkpoints for periodic communication between the applicant and the Review Board, as each unique design matures from its initial concept to a completed reality.

History has shown that many homeowners approach the design review process feeling it will be a fairly quick one and one which will allow them to commence construction rapidly. Homeowners need to approach the process in a realistic fashion and remember it is the quality of the submissions and adherence to the Design Guidelines which allow the process to move forward smoothly and expeditiously. It is the intention of the Design Review Board to review all submissions on a timely basis so as not to cause unnecessary delays.

Submittals shall be made to the Review Board, in their proper sequence, in accordance with the following schedule of conferences and junctures for review. A flow chart which graphically depicts the steps of this process can be found in Appendix 9P "Procedural Flow Chart", and may be a useful reference.

The Design Review process is intended to operate sequentially with the permitting processes of the Town of Breckenridge. Once an Owner's Preliminary Design Submission has been approved by the Design Review Board, and al conditions of the approval have been met or agreed to, an Owner may then proceed with their application for a Developmental Permit from the Town of Breckenridge. Upon approval of an Owner's Final Design Submission by the Design Review Board, they may then proceed with their application for a Town of Breckenridge Building Permit.

If an Owner proceeds to make an application for a Development Permit and/or Building Permit from the Town of Breckenridge prior to obtaining a Preliminary Design Approval and/or Final Design Approval from the Design Review Board, an immediate fine of one thousand dollars ($1,000) will be imposed.

Furthermore, it is the Owner's responsibility to obtain an approval from the Design Review Board prior to implementing or constructing any change which deviates from the Final Design Approval which the Owner had previously received from the Design Review Board. Changes such as but not limited to, relocating of utility boxes, altering the footprint and square footage of the structure, modifying the color scheme of the home, installing of satellite dishes, locating of solar or other energy devices on the roof or grounds of the property, etc. are just a few examples which require prior approval. You are advised to err on the side of caution and bring your proposed changes to the attention of the Design Review Board prior to proceeding with the change, alteration, modification or installation of the item in question. Failure to promptly notify and obtain approval from the Design Review Board will result in an immediate one-thousand dollar ($1,000) fine.

6.2 PRE-DESIGN CONFERENCE

Prior to the preparation of any residential design drawings, each Owner may, and his or her architect must, meet on their site with the Design Review Administrator. They must bring to that meeting two copies of their Site Analysis Sketch, which will provide the context for the mutual determination of the appropriate siting of the proposed residence. Refer to Section 2.2 "Site Analysis Sketch" for detailed information regarding the items to be included on the Sketch. As conclusions are reached regarding the site's opportunities and constraints, they will be noted on the two sketch documents. One copy will be retained by the Review Board for the project file, and the second copy, along with the findings and comments from the on-site orientation, will become the architect's starting point for the development of preliminary design drawings for the home and its related improvements.

In addition, this initial conference offers and excellent opportunity for the Owner and architect to express their conceptual thoughts regarding the proposed residence and to ask any questions which they might have about these Design Guidelines or review procedures. If an Owner and his or her architect desire to utilize logs as a primary material for the home, they should indicate those intentions at this initial conference, so that our design review representative may direct them towards the limited log styles and systems which may be acceptable.

On occasion, a prospective purchaser may wish to participate in an informal Pre-Design Conference for a Lot to ascertain before closing whether or not the site is a suitable match for the building program which he or she desires. The interested buyer may choose to ask his or her architect to prepare a comprehensive Site Analysis Sketch for his pre-closing conference; those who do, and who then move forward with the purchase of the Lot in

question, will have fulfilled their obligation for a Pre-Design Conference, and may move on to preliminary design drawings. However, if a prospective purchaser opts to forego the expenses associated with the preparation of a Site Analysis Sketch for a pre-closing conference - perhaps because he or she is considering several potential lots and the costs of preparing a Site Analysis Sketch for each one would be prohibitive - the scope of the on-site discussion will be much more general and broad-brush in nature. Consequently, a proper Pre-Design Conference, along with the requisite Site Analysis Sketch, must take place at a later time, prior to the start of preliminary drawings for the residential structure.

Pre-Design Conferences are assessed a base fee of two hundred ($200) to cover the time involved. Fees must be paid prior to or at the meeting itself, before it will be held. Fees should be made payable to The Highlands Park Property Owners Association.

The parameters and directives identified during each Pre-Design Conference will remain valid for one year only. If a preliminary Design Submittal has not been received for review within twelve months of a Pre-Design Conference, a second supplementary conference is in order to review any changes in the site's conditions or revisions to these Design Guidelines, which may have occurred in the interim.

6.3 PRELIMINARY DESIGN SUBMITTAL

The Preliminary Design Submittal must follow within twelve months of the fulfillment of the requisite Pre- Design Conference. The submittal must include all of the following items or exhibits; the Review Board will not commence their consideration of the Preliminary Design Submittal unless it is complete:

1. A completed "Design Review Application" (The form may be found in Appendix 9G)

2. A completed "Preliminary Design Review Checklist" (The form may be found in Appendix 9H)

3. Soils/Drainage Report, prepared by a licensed geotechnical engineer familiar with the property, outlining any concerns and solutions proposed for dealing with soil conditions and underground and surface water conditions.

4. Overall Site Setting Plan (scaled at 1" = 40' minimum). Provide a general vicinity map showing all lots within a 250' radius of the property. The intent is to show existing or under construction/review residence footprints, driveways, decks and patios for nearby lots that may impact the design. Pictures of these structures should also be provided to aid in evaluating the proposed exterior materials and color scheme against nearby homes to help avoid excessive similarity. Materials on projects under construction or under review may be viewed at the office of the Design Review Administrator.

5. Site Plan (scaled at 1" = 10' or 1" = 8'), showing the entire property, locations of the Disturbance Envelope, the residence and all accessory structure showing roofs in plan with ridge elevations (base upon the same datum as the topography), driveway, parking and snow storage areas, existing and proposed topography, proposed finished floor elevations (using the same datum as the topography), all trees of 8 inch diameter or greater at chest height with approximate driplines of each, special terrain features to be preserved , and trees

proposed for removal.

6. Survey (scaled at 1"=10' or 1" = 8') by a registered land surveyor or licensed civil engineer showing the Disturbance Envelope, Lot boundaries and dimensions, topography (contours at 2 feet or less), major terrain features, all trees of 8 inch diameter or greater at chest height with approximate driplines of each, the edge of pavement, easements and utility service locations.

7. All floor plans (scaled at 1/4" = 1' or 1/8" = 1'), indicating proposed finish floor elevations. If an applicant wishes to utilize the floor area exemption for basements as permitted by Section 3.2 "Building Size", the points where basement exposure begins to exceed four feet must be indicated on all effected floor plans.

8. Roof Plan (scaled 1/4" = 1') showing all roof pitches and ridge elevations (using the same datum as site contours). Also, show percentage of roof greater than 8/12 and less than 8/12.

9. All exterior elevations (scaled at 1/4" = 1' or 1/8" = 1'), showing both existing and proposed grade lines along exterior walls, plate height, ridge heights, overall maximum building height in relation to existing grade below, roof pitches and a preliminary indication of all proposed exterior materials.

10. A Preliminary Landscaping Plan (scaled at 1" = 10' or 1" = 8') showing general conceptual layout, with sizes and types of materials (both plants and otherwise) proposed for use.

11. A preliminary materials/colors board or boards (8 1/2" x 11" or 8 1/2 "x 14" maximum size). No color copies may be submitted. Samples may be obtained from the various manufacturers. Also, provide a colored elevation of the street or front view of the building.

12. If the Review Board deems it necessary, due to slope considerations or complexity of design, a three dimensional study model may be required, at the same scale as the Site Plan, which accurately depicts the proposed improvements and their relationship to the site.

13. Any other drawings, materials, or samples requested by the Review Board.

14. A payment of the Design Review Fee in the amount of 85 cents per square foot of total enclosed floor area (including covered decks) of the residence and accessory buildings, or $4,600.00, whichever is greater. Fees should be made payable to Highlands Park Property Owners Association. An applicant will not receive a Preliminary Design Review unless this fee has been paid in full.

15. A letter from the Highlands Park Property Owners' Association stating that all Association dues, fees, assessments and other charges are current and paid. The Review Board shall not take any action on a submittal if any amounts are delinquent.

The submittal shall consist of one set of prints and other items required for a complete application in hard copy format, which the Review Board shall retain, and one

electronic copy of everything. The organization of electronic files is essential & subject to the Design Review Administrator's requirements. In addition, at the time of preliminary design submission one of the following two conditions must be satisfied or no preliminary design review will be undertaken by the Design Review Board. 1. All marked Mountain Pine Beetle and standing dead trees have been cut down and removed from the property, or 2. The Design Review Board has received evidence, satisfactory to the Design Review Board that all Mountain Pine Beetle and standing dead trees will have been cut down and removed from the property prior to the time the Mountain Pine Beetle migrates, generally determined to be the middle of July.

A complete Preliminary Design Submittal must be received at the designated address of the Board (See Section 7.4 “Address of the Review Board”) by noon of the Friday preceding a scheduled meeting of the Review Board, in order to be included on their agenda for consideration. All submittals received during each Saturday through Friday time span, regardless of the actual day of the week received, shall bear an “effective date of submittal” which corresponds to the Friday ending that particular seven day span.

Once again, it is important to note that the Submittal must include a completed “Design Review Application” and the Design Review Fee remittance to be scheduled for consideration.

6.4 PRELIMINARY DESIGN REVIEW

The Review Board will convene and review the completed Preliminary Design Submittal and will issue their written response to the applicant within thirty (30) days, barring unavoidable delays, after the effective date of submittal. The Board may approve the submittal, with or without conditions; may deny the submittal, noting the reasons for denial; or may postpone the review pending the receipt of any supplementary items or drawings which the Board deems necessary to complete their review. If a preliminary submittal is denied any subsequent preliminary submittal will incur an additional review fee of $750 with additional fees corresponding to more extensive review work if required.

The Board will not discuss the results or findings of their review by telephone with any Owner, or his or her architect or builder, however, any Owner, architect or builder may attend the meetings of the Review Board. Any response an Owner may wish to make regarding the written findings of the review must be addressed to the Board in writing.

Review Board meetings may be held virtually by video conference if circumstances require. Persons who desire to attend a meeting should verify the location and manner of the meeting by contacting the POA Administrator.

Once the Preliminary Design Submittal is approved, with or without conditions, the applicant and his or her architect may proceed with the preparations of their Final Design Submittal. The preliminary approval shall remain valid for a period of six (6) months; if a Final Design Submittal is not forthcoming within the six months following the granting of its preliminary design approval, that preliminary approval will expire. It is important to note that a preliminary approval is not an authorization for any construction activity of any kind on the site.

6.5 FINAL DESIGN SUBMITTAL

A Final Design Submittal must follow within six months of the Board's granting of an approval for its preliminary design. A Final Design Submittal made after 6 months has elapsed since the Preliminary Design Approval will be reviewed as both a Preliminary and Final Design submittal which must comply with the then most current version of the Design Guidelines with any associated changes. The following documents or exhibits are to be submitted for final review; the Board will not commence its final review until the submittal is complete.

1. A cover letter which describes how each of the conditions of preliminary approval has been addressed.

2. A completed "Final Design Review Checklist". The form may be found in Appendix 9I

3. Site Plan (scaled at 1"=10' or 1" = 8') showing the entire property, the location of the Disturbance Envelope, the residence and all accessory structures showing roofs in plan with ridge elevations (based upon the same datum as the topography), driveway, parking and snow storage areas, existing and proposed topography (contours at 2 feet or less), finished floor elevations (using the same datum as topography), all protected trees or plant groups to be preserved, trees to be removed, any other special site features to be preserved, site walls, culverts, and all utility sources and the routes for their service lines to each residence or accessory building.

4 Foundation Plan (scaled at 1/4 " = 1' or 1/8" = 1'), showing footing and top of wall elevations.

5. All Floor Plans (scaled at 1/4 " = 1') showing finish floor elevations. If the applicant has chosen to utilize the floor area exemption for basements as permitted by Section 3.2 "Building Size", the points where basement exposure begins to exceed four feet must be indicated on all effected floor.

6. Roof Plan (scaled 1/4" = 1') showing all roof pitches and ridge elevations (using the same datum as site contours). Also, show percentage of roof greater than 8/12 and less than 8/12.

7. Building Cross Section (scaled at 1/4" = 1'), showing the roof at its highest point and indicating existing and proposed grade lines.

8. All exterior elevations (scaled at 1/4" = 1') showing both existing and proposed grade lines along exterior walls, plate heights, ridge heights, overall maximum building height in relation to existing grade below, roof pitches and an indication of all exterior materials, finishes and colors.

9. Building Details (scaled at 1-1/2" or 3" = 1') showing architectural detailing of the exterior of the building to include trim, railings, chimney enclosures and caps, fascias, material transitions, stone caps, accent features, etc. This should typically consist of 1 to 2 sheets of architectural details. Builder sets with limited or no detailing will not be accepted.

10. Landscaping Plan (scaled at 1" = 10' or 1" = 8'), which indicates the size, type and location for all plant and decorative landscape materials (including yard art proposed for use, existing trees and plants to be saved, landscape border and site walls, location and type of irrigation system(s), and landscape lighting. Provide planting details, edging locations and details at eave, driveway or drainage rip-rap areas, etc. Also, provide specifics on all seed mix proposed for re-vegetation and show all areas to be re-vegetated including utility extensions and areas of disturbance inside the construction fencing.

11. Final materials/color board or boards (8 1/2" x11" or 8 1/2" x14"), with color samples and literature as requested by the Board depicting or describing all exterior materials. No color copies may be submitted. Samples may be obtained from the various manufacturers.

12. Lighting Plan. Provide cut sheets of exterior lighting fixtures. The lighting location must be shown on the plans or elevations.

13. On-site staking of all building corners and other improvements if requested by the Review Board.

14. Construction Staging Plan (scaled at 1" = 10' or 1" = 8') in accordance with Section 5.5 delineating

    the Disturbance Envelope and all areas and limits of proposed disturbance to the site. Identify staging and storage areas, proposed locations for a construction trailer (if applicable), a refuse container, a portable toilet, all construction fencing construction signage locations and restrictions, gravel material within the construction driveway access, silt fence location and details (if applicable), a description of the type and location of tree protection devices to be utilized, and a comprehensive schedule for construction. The schedule should address construction start, major milestones of construction including paving, landscaping C.O., final inspection and final release anticipated dates.

15. A Construction Compliance Deposit totaling the amount of five thousand dollars ($5,000) in accordance with Section 5.3 of these Guidelines.

The submittal shall consist of one set of prints and other items required for a complete application in hard copy format, which the Review Board shall retain, and one electronic copy of everything. The organization of electronic files is essential & subject to the Design Review Administrator's requirements.

A complete Final Design Submittal must be received at the designated address of the Review Board (see Section 7.4, “Address of the Review Board”) by noon of the Friday preceding a scheduled meeting of the Board, in order to be included on their agenda for consideration. All submittals received during each Saturday through Friday time span, regardless of the actual day of the week received, shall bear an “effective date of submittal” which corresponds to the Friday ending that particular seven day span.

6.6 DEFERRAL OF MATERIAL OR COLOR SELECTION

An applicant may wish to delay the confirmation of final landscaping intentions (if any) and final color or stonework selections until some point in time after the start of construction in order to better visualize landscape considerations or to test an assortment of potential colors with actual materials intended for use. The Review Board will cooperate with the applicant in this regard, provided that no landscape work may be started, nor color or material applied, until such time as the Review Board has had the opportunity to review and consent to the final selections. We advise that any deferred submittal should occur before the placement of any orders for materials to avoid potential restocking costs in the event of denial of the submitted item(s). Further, this provision shall be a condition of Final Design Approval; therefore, application of any material, coating, or finish without the requisite submittal to the Review Board shall have the effect of voiding the approval in its entirety, and a fine in accordance with Section 5.4 may be imposed. This deferral in no way eliminates the need to provide a preliminary indication of the applicant's intentions as required by the preliminary design submittal.

6.7 SITE INSPECTION

As soon as the submission of final plans is complete, a representative of the Review Board will inspect the Lot to determine that the conditions as depicted in the final submittal are accurate and complete.

6.8 FINAL DESIGN REVIEW

The Review Board will convene and review the completed Final Design Submittal and will issue their written response to the applicant within thirty (30) calendar days, barring unavoidable delays, after the effective date of submittal. The Board may approve the submittal, with or without conditions; may deny the submittal, noting the reasons for denial; or may postpone the review pending their receipt of any supplementary items or drawings which the Board deems necessary to complete their review.

The Board will not discuss the results or findings of their review by telephone with any Owner, or his or her architect or builder, however, any Owner, architect or builder may attend the meetings of the Review Board. Any response an Owner may wish to make regarding the written findings of the review must be addressed to the Board in writing.

Review Board meetings may be held virtually by video conference if circumstances require. Persons who desire to attend a meeting should verify the location and manner of the meeting by contacting the POA Administrator.

The Review Board's approval of a Final Design Submittal shall remain valid for a period of twelve (12) months; if construction of the residence has not commenced within the twelve months which follow the Board's granting of final approval, the approval will expire. Once a Final Design Submittal is approved, the applicant and his or her Builder may request a Pre-Construction Conference.

6.9 APPEALS, LATE SUBMITTALS AND RESUBMITTAL OF PLANS

The Design Review Board will review an appeal of a decision it has made, subject to prior receipt of a fee of five hundred dollars ($500.00). Plans and/or payment submitted after a cut-off date may be accepted for review at the discretion of the Architectural Administrator

and subject to the prior receipt of a late submittal fee of two hundred and fifty dollars ($250.00) each.

In the event of disapproval by the Review Board of either a Preliminary or Final Submittal, any subsequent resubmission must follow the same procedure as the original submittal. Repeat submittals, which have been necessitated by the expiration of a previous approval must revisit the process as well, unless the follow-up review is waived by the Review Board. The Review Board will assess an additional design review fee of $750 or more with possible higher fees corresponding to more extensive review work if required as it deems appropriate, on subsequent submittals and submittals which diverge from previously reviewed applications for the same site, whether previously approved or denied.

6.10 PRE - CONSTRUCTION CONFERENCE

After the granting of Final Design Approval for a home, and prior to the commencement of any construction activity, the selected Builder must meet with a representative of the Board to review the Highlands Park construction regulations, along with any construction related stipulations appended to the Final Design Approval for the home. This meeting must occur on the site, since the Construction Staging Plan will be discussed at this conference as well. Prior to the Pre-Construction Conference, the Builder must thoroughly familiarize himself with these Guidelines and all relevant conditions for approval specific to his site so that he comes to the meeting prepared to ask questions as necessary to clarify any regulations or stipulations which are unclear. "I didn't know" loses any validity once the Pre-Construction Conference is completed. Pre-Construction Conferences are assessed a base fee of three hundred and fifty dollars ($350) to cover the time involved. Fees must be paid prior to or at the meeting itself, before it will be held. Fees should be made payable to The Highlands Park Property Owners Association.

If a Builder or his sub-contractor commences any construction activity prior to the requisite Pre- Construction Conference, a fine of one-thousand dollars ($1,000) will be imposed in accordance with Section 5.4.

The Owner and Builder/Contractor, prior to the commencement of construction, will each be required to sign an affidavit (Appendix 9N and 9O respectively) stipulating that each has received a copy of the Design Guidelines, has read them and is fully familiar with their contents, including the sections relating to Enforcement And Liability, Construction Compliance Deposits, Construction Fines, Final Inspection and the Final Release. Construction will not commence until signed affidavits from both the Builder/Contractor and Owner have been received by the Design Review Board. Failure of the Design Review Board to receive such affidavits prior to the commencement of construction will result in the immediate imposition of an one-thousand dollar ($1,000) fine.

6.11 COMMENCEMENT OF CONSTRUCTION

After an Owner has received his or her Final Design Approval from the Board, and has accepted or satisfied all conditions for that approval, he or she must complete the applicable review processes of the Town of Breckenridge necessary to obtain a Building Permit. Once those steps and the requisite Pre-Construction Conference have been completed, construction activity may commence.

Construction activity pursuant to the approved plans must commence within one year

of the date of the Final Design Approval; if an Owner fails to begin construction within this one year window of time, the approval shall automatically expire. Subsequent renewal of the approval for the same plans requires the resubmittal of the plans in accordance with Section 6.9, and the payment of a resubmittal fee in the amount of seven hundred fifty dollars ($750). Any resubmittal may be subject to being measured against a differing set of standards from those originally encountered since all submittals, both new and repeated, are reviewed in accordance with the Design Guidelines which are in effect at the time of the review. Additional fees will be assessed corresponding to more extensive review work if required, on subsequent submittals, which diverge from previously reviewed applications for the same site, whether previously approved or denied.

Once construction activity has begun on a home and its improvements it must be entirely completed within eighteen months of the date of commencement. The start date for the eighteen-month construction period is the date of the Pre-Construction Conference. Extensions of equivalent time may be permitted by the Board for construction pursued in earnest but which has been unavoidably interrupted by fire or casualty, labor strikes, national emergencies or natural calamities. If an Owner fails to comply with this schedule or if diligent and earnest pursuit of the completion of improvements ceases or is abandoned for a period of one calendar month, or a cumulative period of four weeks during any eight week span, the Review Board may, upon the passage of sixty days after a written notification of the Owner, proceed to have the exterior of the structure(s) and its surrounding improvements completed in accordance with the approved plans, or may choose to remove all of the structures and improvements and to restore the Lot to its pre-construction condition as nearly as possible. All costs relating to this remedial completion or removal shall be borne and reimbursed to the Board by the Owner; these costs shall be secured by a continuing lien on the Lot.

6.12 INSPECTION OF WORK IN PROGRESS

The Review Board may inspect work in progress and give notice of noncompliance. However, the absence of such inspection or notification during the construction period does not constitute an approval by the Board of the work in progress, nor a defacto acknowledgement that the work is in compliance with these Guidelines.

6.13 CHANGES DURING CONSTRUCTION

A supplementary Design Review Fee which correlates to the costs associated with the review of subsequent submittals for any change to previously approved plans, shall be assessed by the Board. The minimum assessment shall be two hundred and fifty dollars ($250) for simple modifications such as a change of color or a modest addition of landscaping plus 85 cents per square foot of any gross enclosed area, decks, patios, and exterior stair changes as a minimum fee with possibly higher fees corresponding to more extensive review work if required. Accordingly, the fee will increase for more time consuming reviews of subsequent submittals which diverge from previously reviewed applications for the same site.

All submittals for changes or additions must adequately describe and illustrate the intended modification; drawings must be of professional quality and must include sufficient design detail to clarify each request. See appendix 9J for an application form that must accompany all such submittals.

6.14 MINOR CHANGES OR IMPROVEMENTS AFTER FINAL RELEASE

Minor construction or other improvements to a residence or Lot, after completion of and final approval of property, must be submitted to the Review Board for approval prior to making such changes or improvements. The addition of an exterior hot tub or color scheme changes are considered minor changes. New landscaping improvements within the building envelope may not require a formal approval from the Review Board; however, should be brought to the attention of the Design Review Administrator for clarifications on what can be accomplished without a formal review. Clarifications on what constitutes a minor landscaping improvement can also be received by contacting the Review Board.

The review fee for any minor improvements will be five hundred dollars ($500) plus 85 cents per s.f. of new patios, retaining walls, and exterior stairs as a minimum fee with additional fees corresponding to more extensive review work if required. To receive a review of any change, a submittal must be made outlining the intended improvements. All drawings must be of professional quality with sufficient design detail. See appendix 9J for appropriate Modification Forms.

6.15 MAJOR CHANGES, REMODELS OR ADDITIONS

Additional construction or other improvements to a residence or Lot, after completion of an approved structure, must be submitted to the Review Board for approval prior to making such changes or remodels or additions.

The minimum review fee for any major change, remodel, or addition will be seventeen hundred dollars ($1,700) plus 85 cents per s.f. of any gross enclosed area, decks, patios, and exterior stairs as a minimum fee with additional fees corresponding to more extensive review work if required. To receive a review of any changes, a submittal must be made outlining the intended improvements. All drawings must be of professional quality with sufficient design detail. See appendix 9J for appropriate Modification Forms.

The Review Board's approval shall remain valid for a period of twelve (12) months. If construction of the major change, remodel or addition has not commenced within the twelve months which follow the Board's granting of approval, the approval will expire. Pre-Construction Meetings and Construction Compliance Deposits may or may not be required depending on the extent of the improvement.

6.16 FINAL INSPECTION

Thirty (30) days following receipt of a Certificate of Occupancy by the Town of Breckenridge, the Owner must promptly request in writing a Final Inspection by the Design Review Board as well as provide the Design Review Board with a copy of the Certificate of Occupancy. Failure to promptly request a Final Inspection in writing will result in an immediate one thousand dollar ($1,000) fine. No Final Inspections will be conducted after November 15th or before May 1st (unless weather conditions allow). No partial release of the Construction Compliance Deposits will be granted. The purpose of the Design Review Board's inspection shall be to confirm that all construction and improvements have been completed in accordance with the approved plans, and/or identify any deficiencies which must be corrected prior to the issuance of a Final Release. If additional inspections or multiple reviews for outstanding items are required, additional fees will be billed to the Owner or General Contractor, corresponding to the amount of additional inspection or review work

required. The minimum reinspection fee shall be three hundred fifty dollars ($350).

6.17 FINAL RELEASE

Within 10 days of receipt from Owner of a request for a Final Inspection, a representative of the Review Board will inspect the residence or other improvements for compliance with these Design Guidelines, its Final Design Approval and any conditions of that approval. When all improvements comply, the Board will issue its written acceptance to the Owner in recordable form, constituting a final release of the improvements by the Review Board. This notice will be issued within 30 days of the final inspection. No Final Inspection will be conducted after November 15th and before May 1st (unless weather conditions allow).

If the inspection discloses that the work was not completed in strict compliance with the approved plans or the provisions of these Design Guidelines, the Review Board may issue a written Notice of Noncompliance to the Owner, describing the particulars of noncompliance. Notice of Noncompliance will be issued within 30 days of the final inspection.

The Owner shall have 30 days from the date of the Notice of Noncompliance to remedy the noncomplying elements of his or her improvements. If by the end of the 30 day period the Owner has failed to remedy the noncompliance (s), the Review Board may take action to remove the noncomplying improvements as provided for in the Guidelines, including, without limitation, injunctive relief or the imposition of a fine.

Once a final release has been issued indicating that all improvements, landscaping and paving have been completed in conformance with the approved plans, the refundable balance of the Builder/Contractor and the Owner Construction Compliance Deposits less any outstanding fines for violations and less the street sweeping fee of $400, will be returned. Under no circumstances will a Final Release be issued if there are any unpaid fees or fines outstanding.

If the Review Board fails to issue a final release or a notice of noncompliance within one calendar year of their receipt of an Owner's written notice of completion, the completed improvements shall be deemed to be in compliance with these Design Guidelines.

6.18 NONWAIVER

The approval by the Review Board of any plans, drawings or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any provision of these Design Guidelines shall not constitute a waiver of same.

6.19 RIGHT OF WAIVER OR VARIANCE

The Review Board reserves the right of waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown. Upon submission of a written narrative request for a variance or waiver of one or more provisions of these Design Guidelines, the Review Board may, from time to time, in its sole discretion, permit Owners to

construct, erect or install improvements which are in variance with these Design Guidelines. No member of the Review Board shall be liable to any Owner or other person for any claims, causes of actions, or damages arising out of the granting or denial of any variance request by an Owner or his agent. Each request for a variance submitted hereunder shall be reviewed separately and apart from other such requests and the grant of a variance to an Owner shall not constitute a waiver of the Review Board's right to strictly enforce these Design Guidelines against any other Owner. Each such written request must identify and set forth in a narrative detail the specific guideline or standard from which a variance is sought, describe in detail the exact nature of the variance sought and be accompanied by the appropriate fee, as prescribed by the Review Board. Any grant of variance by the Review Board must be in writing and must identify in narrative detail both the standard from which a variance is being sought and the specific variance being granted.

6.20 EXEMPTIONS

Utility and maintenance buildings, structures, and cabinets located on non-residential tracts are exempted from the "Architecture" portion of this document. However, the Review Board will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

The reconstruction by the Association or the Declarant after damage or destruction by casualty or otherwise of any Common Elements which is accomplished in substantial compliance with "as built" plans for such Common Elements shall not require compliance with the provisions of these Design Guidelines.

Repainting or restaining associated with the prudent maintenance of an existing residence does not usually require subsequent approval by the Review Board, provided the paint/stain colors are identical to those initially approved by the Board for application to the residence. However, the Review Board may from time to time determine that a color which was previously approved is no longer acceptable. Perhaps the color appeared much lighter or more intense than its sample panel when spread over the entire structure; sometimes subsequent
reapplications of the same color, particularly if the paint or stain is heavily pigmented or opaque, may overly intensify or visually lighten its appearance which may be objectionable. In those rare circumstances, the Review Board will notify the Owner in writing that the existing color of his or her home will require some modification at the time of the next repainting or restraining of the residence.

6.21 DESIGN REVIEW FEES

Pre-Design meetings are assessed a base fee of two hundred dollars ($200) and must be paid prior to or at the meeting itself.

Our primary Design Review Fee of 85 cents times the gross enclosed floor area, decks, patios, and exterior stairs of the residence or accessory buildings as defined in Section 3.2 and is subject to a minimum fee of four thousand six hundred dollars ($4,600.00). The fee is assessed at the time of the Preliminary Design Submittal, on new construction. Changes, additions, or variance requests made after the submittal during the design phase shall be assessed a minimum fee of $200, with additional fees corresponding to more extensive review work if required. The fee is non-refundable regardless of whether or not the variance is granted or denied. All fees must be paid in advance before a review will take

place. All fees are payable to Highlands Park Property Owners Association.

Major and Minor changes, additions, and remodels after Final Release will be assessed fees as outlined in Section 6.14 and 6.15.

7 REVIEW BOARD ORGANIZATION

7.1 MEMBERS

As provided in Article IX as the Declaration, the Review Board shall consist of a minimum of three members appointed by the Board of Directors of the Association.

7.2 DELEGATION OF AUTHORITY

The Review Board may delegate its design and plan review responsibilities of one or more of its members acting as a subcommittee of the Review Board, and/or professional design consultants retained by the Review Board on behalf of the Association. Upon such delegation, the approval or disapproval of plans and specifications by such member or consultants shall be equivalent to approval or disapproval by the entire Review Board.

7.3 DUTIES

It shall be the duty of the Review Board to perform those duties specified in the Declaration and these Design Guidelines to consider and act upon such proposals or plans related to the construction of improvements within the Highlands Park project as are

submitted pursuant to the Declaration and these Design Guidelines, and to amend these Design Guidelines whenever, and in a manner, deemed appropriate by the Review Board.

7.4 ADDRESS(S) OF REVIEW BOARD

The address of the Review Board shall be the address established for giving notice to the Association, unless otherwise specified by the Review Board.

The present address for the Highlands Park Design

Review Board is: Highlands Park

Design Review Board
Post Office Box 8029
Breckenridge, Colorado 80424
Steven@aepropertymanagement.com

All plans & design materials must be submitted to the Design Review Administrator at:

Yves Mariethoz
Post Office Box 5540
711 Granite St.
Frisco, Colorado 80443
yves@allen-guerra.com

7.5 MEETINGS

The Review Board shall convene at least once monthly as necessary to properly perform its duties. The vote of a majority of the members shall constitute an act by the Board.

The Review Board shall keep on file all submittals and copies of all written responses to Owners to serve as record of all actions taken. All submittals and Review Board responses will be retained by the HOA for a period of five years from the date of Final Release.

7.6 COMPENSATION

Unless authorized by the Association, the members of the Review Board shall not receive any compensation for services rendered. However, a professional design consultant, retained to advise and assist the Review Board, may be paid such compensation as the other Review Board members determine, regardless of whether or not the consultant is a voting member of the Board.

All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with their performance of their duties. Professional consultants or representatives of the Review Board retained for assistance in the review process shall be paid such compensation as the Review Board determines.

7.7 AMENDMENT OF DESIGN GUIDELINES

The Review Board may, from time to time and at its sole discretion, amend or revise any portion of these design guidelines. All such amendments or revisions shall be effective as

of the date of the modification and appended to and made a part of the Design Guidelines. An Owner will determine which Design Guidelines, as amended and modified, they are subject to based on the Design Guidelines, as amended and modified, which were in effect at the time they submitted their Preliminary Design for review and paid their Design Review Fee. If the Preliminary Design Approval period has expired (Section 6.4) or if the Final Design Approval has expired (Section 6.11), an Owner will then have to comply with the most current version of the Design Guidelines, as amended and modified. Each Owner is responsible for obtaining from the Review Board a copy of the most recently revised Design Guidelines.

7.8 NONLIABILITY

Plans and specifications shall be considered by the Review Board as to style, exterior design, appearance and location, but are not reviewed for engineering design or for compliance with zoning and building ordinances, and by approving such plans and specifications, neither the Review Board, the members or agents thereof, the Association, the Board of Directors of the Association, not the Declarant assumes any liability or responsibility there for, or for any defect in any structure constructed from such plans and specifications. Neither the Review Board, any member or agent thereof, the Association, the Board of Directors of the Association, nor the Declarant shall be liable to any other person for any damage, loss or prejudice suffered or claimed on account of:

- the approval or disapproval of any plans, drawings and specifications, whether or not defective;
- the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications;
- the development, or manner of development of any property within Highlands Park or,
- the execution and filing of a compliance or non-compliance certificate pursuant to these Design Guidelines, whether or not the facts therein are correct; provided, however, that such action, with the actual knowledge possessed by him was taken in good faith.

Every Owner or other person, by submission of plans and specifications to the review Board for approval, agrees that he will not bring any action or suit against the Review Board, any of its members or agents, the Association, the Board of Directors of the Association, or the Declarant, regarding any action taken by or on behalf of the Review Board. Approval by the Review Board of plans and specifications by or on behalf of the Review Board, or of the construction of any improvement at Highlands Park, applies only to these Design Guidelines, and in no way implies, and shall not be deemed to be a representation or warranty that, the submitted plans or specifications for the improvements comply with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and building codes.

7.9 ENFORCEMENT

The Review Board or its representative may, at any time, inspect a Lot or improvement and, upon discovering a violation of these Design Guidelines, provide a written notice of noncompliance to the Owner and the Contractor causing the noncompliance, including a reasonable time limit within which to correct the violation. If an Owner or Contractor fails to comply within this time period, the Review Board or its authorized agents may enter the Lot and correct the violation at the expense of the Owner of such Lot; said expense to be secured by a lien upon
such Lot enforceable in accordance with the Declaration. In some cases, a fine may be assessed immediately without written notice. This would apply to violations witnessed by the

Review Board or its representative in areas which are immediate in nature, repetitive or cause immediate damage such as noise violations, pets on-site, port-a- let outside building envelope, damage to setback areas or neighboring property beyond construction fencing, etc. A written notice will be provided to the Owner and the Contractor of any immediate fines assessed.

In the event of any violation of these Design Guidelines, the Review Board may, at its sole discretion and in addition to restoration or completion expenses, impose without limitation a punitive fine, commensurate with the severity of the violation.

7.10 SEVERABILITY

If any provision of these Design Guidelines, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance is held invalid, the validity of the remainder of these Design Guidelines and of the application of any such provision, section, sentence, clause, phrase or work in any other circumstances, shall not be affected thereby, and the remainder of these Design Guidelines shall be construed as if such invalid part were never included therein.

7.11 OBLIGATION OF OWNERS TO MAINTAIN LOTS

The adoption of these Design Guidelines, including the standards and procedures for architectural approval, shall not be construed as changing any rights, obligations or restrictions upon Owners to maintain or repair their Lots as may otherwise be specified in the Declaration or the rules and regulations of the Association.

7.12 INSPECTION OF CONSTRUCTION

Any member or authorized consultant of the Review Board, or any authorized officer, director, employee or agent of the Association, may at any reasonable time enter, without being deemed guilty of trespass, upon any Lot, in order to inspect improvements constructed or being constructed on such Lot to ascertain that such improvements have been or are being built in compliance with these Design Guidelines and the Declaration.

7.13 RELIANCE BY SUBSEQUENT OWNERS

As to purchasers and encumbrances of a Lot in good faith and for value, unless notice of noncompletion or nonconformance identifying the violating Lot and specifying the reason for the notice executed by the Review Board, shall be recorded with the Summit County Clerk and given to the Owner of such Lot within one year after the expiration of the 18 month time limitation for completion imposed under Design Guidelines Section 6.11, or if later, within one year following completion of the improvement, or unless legal proceedings shall have been instituted to enforce compliance or completion within such one-year period, the completed improvement shall be deemed to be in compliance with plans and specifications approved by the Review Board and in compliance with the architectural standards of these Design Guidelines and the Declaration.

8 PROMULGATION AND BINDING EFFECT

These Design Guidelines are promulgated by the Review Board in accordance with, and pursuant to the authority granted in Article IX Declaration of Land Use Restrictions for Highlands Park ("The Declarant") recorded June 29, 2000, Reception Number 625880 and as subsequently amended in the public records of Summit County, Colorado. These Design Guidelines shall be deemed incorporated into the Declaration for all intents and purposes and shall be binding upon all Lots within the Highlands Park project and upon all Owners or other persons having any interest in or to a Lot within Highlands Park, subject to the Declaration and any Supplemental Declaration

involving the lots at Highlands Park. In the event of any conflict or inconsistency between the provisions of these Design Guidelines and the provisions of the Declaration pertaining to architectural control, standards or procedures, or to the Review Board, the provisions of these Design Guidelines shall be controlling.

APPENDIX 9A: NATIVE LANDSCAPE AREA – LIST OF APPROVED PLANTS

TREE

S	Populus tremuloides	Quaking Aspen
	Populus angustifolia	Narrowleaf Cottonwood
	Populus balsamifera	Balsam Poplar
	Picea engelmannii	Engelmann Spruce
	Picea pungens	Colorado Spruce
	Pinus aristata	Bristlecone Pine
	Pinus contorta 'latifolia'	Lodgepole Pine
	Abies lasiocarpa	Alpine Fir

SHRUBS

	Alnus tenufolia	Thin leaf Alder
	Betula glandulosa	Bog Birch
	Ribes inerme	Gooseberry
	Ribes alpinum	Alpine Currant
	Ribes aureum	Golden Currant
	Ribes cereum	Squaw Currant
	Juniperus communis	Common Juniper
	Mahonia repens	Creeping Mahonia
	Lonicera involucrata	Twinberry Honeysuckle
	Artcostaphyllus uva-ursi	Kinnikinnick
	Salix spp.	Willows
	Artemesia tridentata	Bigleaf Sage
	Rosa woodsii	Wood's Rose
	Rubus idaeus v. strigosis	Wild Raspberry
	Potentilla species	Native Potentilla
	Sambucus pubens	Red-berried Elder
	Chrysothamnus nauseosus	Rabbitbrush

FLOWERING PLANTS

	Rocky Mountain Penstemon	Rocky Mountain Columbine
	Common Yarrow	Western Native Columbine
	Native Lupine	Indian Paintbrush
	Pasque Flower	Cinquefoil
	Native Sedum	Old-Man-on-the-Mountain
	Pussytoes	Rocky Mountain Locoweed
	Fernleaf Fleabane	Fireweed
	Monkshood	Marsh Marigold
	Shooting Star	Wild Strawberry
	Gentian	Sticky Geranium
	Moneyflower	Blue Bells (Mertensia)
	Delphinium	Pink Plumes (Geum)
	Jacob's Ladder	Creeping Phlox
	Sulphurs Flower	Showy Fleabane
	Indian Paintbrush	Pasque Flower

APPENDIX 9A NATIVE LANDSCAPE AREA – LIST OF APPROVED PLANTS
FORBES (continued)

Hybird Sedums	Domestic Strawberry
Hybrid Geraniums	Hybrid Geum
Hybrid Columbine	Penstemons
Anthemis	Alliums
Blue Flax	Wolf's Alyssum
Campanula	Dianthus
Gaillardia	Hens and Chicks
Maltese Cross	Meadow Rue
Iceland Poppy	Hybrid Yarrow
Veronica, creeping	Thyme
Garden Sage	Chives
Beebalm	Mints
Chamomile	Comfrey
Costmary	Horseradish
Lovage	Tansy
Wormwood	Gentian

APPENDIX 9B TRANSITIONAL AREA – LIST OF APPROVED PLANTS
Supplemental Irrigation Required

TREE

S	Populus tremuloides	Aspen
	Populus angustifolia	Narrowleaf Cottonwood
	Picea engelmannii	Engelmann Spruce
	Picea pungens	Colorado Spruce
	Pinus aristata	Bristlecone Pine
	Pinus contorta 'latifolia'	Lodgepole Pine

SHRUBS

Betula glandulosa	Bog Birch
Ribes inerme	Gooseberry
Ribes alpinum	Alpine Currant
Ribes aureum	Golden Currant
Ribes cereum	Squaw Currant
Juniperus communis	Common Juniper
Mahonia repens	Creeping Mahonia
Lonicera involucrata	Twinberry Honeysuckle
Lonicera tatarica 'A.R.'	Arnold's Red Honeysuckle
Arctostaphyllus uva-ursi	Kinnikinnick
Salix spp.	Willows (Bluestem, Creeping , Mountain)
Artemesia tridentata	Bigleaf Sage
Rosa woodii	Wood's Rose
Rubus idaeus v. strigosis	Native Raspberry
Potentilla species	Cinquefoil (Many cultivars)
Alnus tenufolia	Thin Leaf Alder
Sambucus pubens	Red-Berried Elder
Sambucus canadensis 'aurea'	Golden Elder
Syringa x.prestoniae	Canadian Lilac
Syringa s.swegiflexa	Miss Canada & James McFarland
Cotoneaster acutifolius	Peking Cotoneaster
Caragana arborescens	Siberian Peashrub
Chrysothanmus nauseosus	
	Rabbitbrus

h GROUNDCOVERS AND VINES

Cerastium tomentosa	Snow In Summer
Mahonia repens	Creeping Mahonia
Potentilla anserina	Silverweed
Ranunculus repens	Creeping Buttercup
Polygonum affine	Border Jewel
Humulus lup. neomexicanus	Native Hop Vine

APPENDIX 9C – MANICURED LANDSCAPE AREA LIST OF APPROVED PLANTS
In close proximity to residence
Supplemental Irrigation Required

TREES

Picea pungens Bradford'	Colorado Spruce
Populus tremuloides	Quaking Aspen
Populus angustifolia	Narrowleaf Cottonwood
Malus Bechtel	Bechtel Crab
Malus radiant	Radiant Crab
Pinus aristate	Bristlecone Pine
Pinus contorta latifolia	Lodgepole Pine
Abies lasiocarpa	Alpine Fir
Prunus virginiana 'Schubert'	Red Cherry, Canadian
Pyrus calleryana '	Bradford Pear

SHRUBS

Acer ginnala	Amur Maple
Cotoneaster acutifolia	Peking Cotoneaster
Juniperus sabina 'Buffalo'	Buffalo Juniper
Lonicera involucrate	Twinberry
Potentilla fruticosa 'Abbotswood'	Honeysuckle
Potentilla Potentilla fruticosa 'Gold Drop'	Abbotswood Gold Drop Potentilla
Potentilla fruticosa 'Jackman"	Jackman Potentilla
Prunus cistena	Purple Leaf Plum
Rosa foetida bicolor	Austrian Copper Rose
Salix irrorate	Blue Stem Willow
Salix purpurea 'Nana'	Dwarf Artic Willow
Spireae 'Vanhouttei'	Vanhoutte Spirea
Syringa vulgaris	Common Lilac
Alnus tenufolia	Thin Leaf Alder

GROUND COVERS AND VINES

Cotoneaster horizontalis	Rock Cotoneaster
Cerastium tomentosum	Snow-In-Summer
Clematis ligusticifolia	Virgins Bower
Clematis orientalis	Yellow Clematis
Galium odoratum	Sweet Woodruff
Juniperus horizontalis	Horizontal Juniper
Lonicera japonica 'Halliana'	Hall's Honeysuckle
Parthenocissus quinquefolia	Virginia Creeper
Polygonum aubertii	Silver Lace Vine
Sempervivum tectorum	Hen and Chicks

PERENNIALS

Aquilegia sp.	Columbine
Dicentra ‘Luxuriant’	Bleeding Heart
Gaillardia aristata	Blanket Flower
Gaillardia aristataa ‘Goblin’	Dwarf Banket Flower
Geranium sp.	True Geranium
Linum perenne	Perennial Blue Flax
Lupinus sp.	Lupine
Penstemon sp.	Penstemon, Beard Tongue

APPENDIX 9D LIST OF PROHIBITED PLANTS

Elaeagnus angutifloia	Russian Olive
Ulmus parcifolia	Chinese Elm
Populus nigra ‘Italica’	Lombardy Poplar
Tamarix sp.	Tamarix
Ulmus hollandica	Dutch Elm
All species of palm trees	Palms

APPENDIX 9E

Permitted Exterior Materials and Colors

The purpose of Appendix 9E is to facilitate the vision of harmony and continuity between homes and the natural landscape. Consider this list as a place to begin material and color selections. The following exterior material finishes may be used on homes in Highlands Park and Discovery Hill, however, no exterior finish, even if listed here, is pre-approved. The colors in the mid-range of this list are most likely to be approved. If the colors at the extreme dark and light ends of the color range are used, they must be carefully considered and demonstrated to be appropriate. Additional colors may be approved on a case-by-case basis. Color and material choice depend on the individual homesite and the siting, surrounding landscape, exposure and architecture of the home. The colors and materials of nearby structures will also influence exterior color and material selections. Colors for individual applications will be considered as part of the **Preliminary and Final Design Submittal**.

ROOFING

COMPOSITION SHINGLE ROOFING

All roofing must be Class A fire rated. Roof materials must be subtle and blend in with the natural colors of the landscape; no large variations in color, false shadow lines or high contrast roofing material will be allowed per section 3.8. As a general rule, the three-dimensional asphaltic shingle product should have a 50 year material warranty.

METAL ROOFING

Only matte finishes will be allowed; painted metal must have a reflectance of less than 20 units of gloss reflection at an 85º slope. Standing seam, corrugated, shingle and flat stock profiles will be considered.

1. ASTRAZINC
   Pre-Weathered Zinc

2. PACIFIC METAL SALES
   a. LOW-GL0SS KYNAR-500 STANDING SEAM
      Midnight Bronze
      Thunderhead Grey
      Weathered Copper

3. AEP SPAN METAL ROOFING
   a. SNAP-SEAM
      Leaf Green
      Hemlock Green
      Felt Green
      Slate Grey
      Zinc Grey
      Medium Bronze
      Dark Bronze
      Copper treated with approved solution

4. KOVACH ROOF SYSTEMS
   (Colors in the acceptable range of products listed above.)

5. CORTEN STEEL OR STEEL WITH NATURAL RUSTED FINISH [It must be proven to rust to a deep, dull, bronze-colored finish; bright orange will not be allowed.]

SLATE ROOFING

Even the highest grades of slate are naturally brittle. Because of heavy snow and wind loads, slate roofs in mountain climates require the highest quality materials, expert design and installation, as well as annual maintenance.

1. AMERICAN SLATE COMPANY
   Copper Gray
   Standard Green
   Strata Gray

2. EVERGREEN SLATE CO.
   Semi-Weathering Gray
   Mottled Gray-Black
   Unfading Green
   Semi-Weathering Gray-Black

3. GREENSTONE SLATE
   Semi-Weathering Gray
   Semi-Weathering Vermont Black
   Unfading Green
   Vermont Strata Gray
   Vermont Semi-Weathering Gray-Black

4. GREENST ONE SLATE
   Semi-Weathering Gray
   Semi-Weathering Vermont Black Unfading Green
   Vermont Strata Gray
   Vermont Semi-Weathering Gray-Black

WINDOWS AND DOORS ALUMINUM-CLAD WOOD

1. Geld Wen
   Bronze
   Champagne
   Hudson Blue
   Wedgewood
   Ivy
   Hartford Green
   Hunter Green
   Redwood
   Desert Sand
   Deep Summer
   Sage Brown

Chestnut Bronze
Garnet

2. EAGLE
   Cinnamon Toast
   Pebble Tan
   Sierra Bronze
   Forest Green
   Mallard Green
   Chocolate Chip
   Clay Canyon
   Smokey Gray Slate

3. HURD
   Sand
   Bronze
   Green

4. MARVIN
   Bahama Brown
   Pebble Gray
   Medium Bronze
   Evergreen

5. PELLA HARTFORD
   Green Hemlock
   Brown Bronze

VINYL CLAD WOOD

1. ANDERSEN
   Sandstone
   Terratone
   Forest Green

WOOD EXTERIOR

See stain colors for WALLS below.

WALLS

WOOD STAINS

1. OLYMPIC STAINS
   2. SEMI-TRANSPARENTS (primarily to be used for wood siding materials)
      700, 705 –709, 711, 712, 713, 714, 723, 725, 726, 729, 730, 905-920
   3. SEMI-SOLIDS (primarily to be used for trim and accents)

Beige Gray Cape Cod Gray

Stonehenge
Sandstone
Heritage Blue
Monterey Gray
Butternut
Beachwood
Cedar
Cocoa
Taupe
Fawn
Willow Mist
Chocolate
Avocado
Oxford Brown
Forest
California Rustic

2. CABOT STAINS
   a. SEMI-TRANSPARENTS (primarily to be used for wood siding materials)

Desert
Sand
New Redwood
Pewter Gray
Redwood
Dark Gray
Sequoia
Spanish Moss
Oak Brown
Spruce Blue
Sandstone
Sagebrush
Bark
New Cedar
Cordovan Brown
Red Cedar
Chestnut Brown

   b. SEMI-SOLIDS (primarily to be used for trim and accents)

Dune Gray
New Redwood
Desert Sand
Redwood
Driftwood Gray
Sequoia
Pewter Gray
Chestnut Brown
Dark Gray
Oak Brown
Spanish Moss
Mission Brown
Beechwood Gray
Bark
Spruce Blue
Cordovan Brown
Sagebrush
Beige
Slate Gray
Taupe
New Cedar
Bluestone
Red Cedar
Federal Blue
Sandstone
Evergreen

3. SUPERDECK
   a. REDWOOD
      DB 1908 Coastal Gray
      DB 1907 Canyon Brown

   b. CEDAR
      DB 1902 Red Cedar
      DB 1906 Valley
      DB 1907 Canyon Brown
      DB 1908 Coastal Gray

4. SHERWIN WILLIAMS
   (Colors in the acceptable range of products listed above.)

5. BENJAMIN MOORE MOORWOOD
   (Colors in the acceptable range of products listed above.)

STONE

Stone or masonry veneers will be reviewed on a case-by-case basis. However, in general weather natural stones with an angular shape are desired. The types of stone allowed for use will be limited to a few approved patterns, shape and color mixes which will be utilized as a consistent element utilized by all homes.

1. Weathered gray / brown toned flagstone that appears native to the area.
2. Colorado and Wyoming Mossrocks
3. Mountain Ash Granites

CONCRETE

Concrete surfaces must be covered by a masonry veneer or textured to some degree. Unfinished, smooth or polished concrete surfaces are not allowed.

1. A Stucco wash in an approved color that is dark enough to resemble the masonry utilized elsewhere on the building.
2. Stains or admixtures presented to and accepted by the Design Review Board.

MISCELLANEOUS EXTERIOR MATERIALS

METAL

Chimney caps, Flashing, Vents, and Flues, etc.

1. Blued Steel
2. Weathered Copper
3. Corten Steel
4. Matte Black
5. Natural Pre-Rusted Steel [Material must be rusted to a deep and dull finish prior to installation; bright orange rusting steel is not allowed.]
6. Wrought Iron
7. Zinc [Must be pre-weathered.]
8. See colors for metal roofs in this Appendix

MISCELLANEOUS ACCENT MATERIALS

In order to facilitate individual expression within an environment of relatively uniform color, certain small areas of a home may be accented with colors or materials must be presented to and approved by the Design Review Board.

APPENDIX 9F

Schedule of Fines and Fees

Design Review Fees:

Section 6.2 – Pre-Design Conference Meeting: $200

Section 6.4 – Additional Review of Preliminary Submittal: $750*
Additional fees corresponding to more extensive review work if required per Sections 6.4 and 6.9 may be assessed. *Assessed for each additional Review.

Section 6.21 - Standard Design Review Fee: $.85 per gross sq. foot*, $4,600.00 minimum.
*Includes s.f. of enclosed space, decks, patios & exterior stairs of the residence and/or accessory buildings. Changes, additions, or variance requests made after submittal during the design phase shall be assessed a minimum fee of $200, with additional fees corresponding to more extensive review work if required.

Section 6.9 – Appeals, Late Submittals, and Resubmittal of Plans: $500, $250, $750
The Design Review Board will review an appeal of a decision it has made, subject to prior receipt of a fee of $500.00.

Plans and/or payment submitted after a cut-off date may be accepted for review at the discretion of the Architectural Administrator and subject to the prior receipt of a late submittal fee of $250.00 each.

Additional fees corresponding to more extensive review work if required per Sections 6.4 and 6.9 may be assessed. $750 is assessed for each additional Review.

Section 6.10 - Pre-Construction Conference: $350

Section 6.13 – Changes During Construction: Minor $250; Substantial $250 fee plus 85 cents per s.f. of any gross enclosed area, decks, patios, and exterior stair changes as a minimum fee with additional fees corresponding to more extensive review work if required.

Section 6.14 – Minor Changes After Final Release: $500 plus 85 cents per s.f. of new patios, retaining walls, and exterior stairs as a minimum fee with additional fees corresponding to more extensive review work if required.

Section 6.15 – Major Changes, Remodels or Additions: $1,700 plus $.85 per gross additional s.f. enclosed floor area, decks, patios, and exterior stairs as a minimum fee with additional fees corresponding to more extensive review work if required.

Section 6.16 – Final Inspection and Final Release per Section 6.16 and 6.17:
If additional inspections or multiple reviews for outstanding items are required, additional fees will be billed to the Owner or General Contractor, corresponding to the amount of additional inspection or review work required. The minimum reinspection fee is $350.

Section 6.19 – Waiver or Variance Requests: $500 minimum, with additional fees corresponding to the time involved in the review of the particular request.

Payment of Fees:

Scheduled fees for the Pre-Design Conference, Pre-Construction Conference, and Final Inspection must be paid at the time of the Conference or Inspection. **Failure to pay the fee may result in the Conference of Inspection being cancelled and/or a late payment fee of $250 being assessed**.

Scheduled fees for Preliminary Design Review shall be paid at the time of the Preliminary Design Submittal.

Scheduled fees for Resubmittals, applications for Changes during Construction, Minor Changes or Improvements after Final Release, Major Changes, Remodels or Additions and Requests for Waiver or Variance must be paid at the time of Submittal.

Submittals without payment of the required fees will not be considered or reviewed until the required fees are paid.

Design Submittal Deadline:

Pursuant to Section 6.3 and 6.5, a complete submittal must be received by noon of the Friday preceding a scheduled meeting of the Design Review Board (presently the first Thursday of the month) in order to be considered by the Design Review Board at that meeting.

Re-submittals, applications for Changes during Construction, Minor Changes or Improvements after Final Release, Major Changes, Remodels or Additions and Requests for Waiver or Variance must also be received by the same deadline to be considered at the next meeting.

Construction Compliance Deposit

See Section 5.3 Construction Compliance Deposit

Construction Fines

See Section 5.4 Construction Fines

BEST MANAGEMENT PRACTICES
Failure to maintain vegetation
protection fencing Failure to
stabilize construction entrance

CONSTRUCTION VIOLATIONS
Initiating major new construction (house, garage, additions)
without DRB approval Failure to complete project within
predetermined time
Unauthorized earthwork or
site alteration Unauthorized
blasting

Initiating minor new construction (sheds, decks, alterations) without DRB approval Excessive street dirt and debris
Other deviations from approved plans

TREE, BRUSH, AND LIMB REMOVAL
Tree removal from common area or neighboring property Unauthorized tree removal from own property
Excess brush removal from unimproved property Unauthorized removal of limbs
Failure to dispose of vegetative debris

TRAILERS AND SIGNAGE
Unauthorized trailer or trailer location Trailer on site for more than nine months
Unauthorized sign or sign location

COMPLETION OF CONSTRUCTION
Failure to restore site

TRASH RECEPTACLES AND DEBRIS REMOVAL
Failure to remove excess dirt, mud, or debris daily from the public or private roads, open space, or driveways
Concrete washout in road, rights-of-way, setbacks or adjacent properties
Trash receptacles missing or in unauthorized location Sanitary closet missing or in unauthorized location

VEHICLES, ACCESS AND PARKING AREAS
Access of building site by means other than approved route (future driveway) Receipt of deliveries outside of designated construction area
Parking location disruptive to residents, traffic or Landscape

SAFETY
Possession or discharge of firearms or other weapons Fire extinguishers missing or inadequate
Pets or other domestic animals on site
Unauthorized visitors or children on site

NOISE AND NUISANCE
Construction outside of approved hours

Radio or other audio equipment audible beyond property lines

OTHER VIOLATIONS
Fines for violations not listed may be assessed on a case-by-case basis.

APPENDIX 9G

DESIGN REVIEW APPLICATION

Project Name: _____ Submittal Date: _____

Lot No.: _____ Filing No.: _____ Address: _____
No. of Bedrooms: _____ No. of Baths: _____ Car Garage _____
Lot Size: _____ Building Size: _____
Lot Coverage: _____ Building Height: _____

Owner: _____
Mailing Addr _____
Phone No. _____
Email _____

Architect: _____
Mailing Addr _____
Phone No. _____ License No. _____ State _____
Email _____

Contractor: _____
Mailing Addr _____
Phone No. _____
Email _____

☐ Check the box to confirm that all outstanding balances, fees, and fines on this or other projects in Highlands Park, Discovery Hill, & Discovery Ridge are satisfied and that each entity, owner, architect, general contractor and/or member involved in this application is in good standing with those subdivisions.

Design Review Fee:
Total enclosed square footage _____ S.F. x 85¢ = $_____ or (Minimum fee $4,600.00)
Total deck, patios, & exterior stair square footage _____ S.F. x 85¢ = $_____
(Please make checks payable to The Highlands Park Property Owners' Association)

Design Review Process:
☐ Pre-Design Meeting Date: _____
☐ Prelim-Design Approval Issued: _____
☐ Final Design Approval Issued: _____
☐ Construction Compliance Deposit Received: _____
☐ Pre-Construction Meeting Date: _____
☐ Final Inspection Date: _____
☐ Final Release Issued: _____
☐ Construction Compliance Deposit Returned: _____

Violation Fines:

Amount	**Date**	**Reason**

APPENDIX 9H **PRELIMINARY DESIGN REVIEW CHECKLIST**

Project Name _____ Address: _____

Submittal Date: _____ Lot No.: _____ Filing No.: _____

1. **Application, Preliminary Checklist and Design Review Fee** _____
2. **Topographic survey -**
   - Trees 8" diameter or larger with drip lines _____
   - Easements and Setbacks _____
   - Natural site features _____
   - Existing Utilities _____
3. **Soils Test** _____
4. **Overall Site Setting Plan -**
   - Show all residences, driveways, decks and patios within 250' radius of property _____
   - Provide pictures of structures within 250' radius of property _____
   - Scale 1" = 40'-0 minimum _____
5. **Site Plan -**
   - Title block/North arrow _____
   - Building with roof plan shown _____
   - Ridge heights labeled per U.S.G.S survey contours _____
   - Existing trees with approximate driplines shown _____
   - Trees to be removed shown _____
   - Proposed finish floor elevations shown per U.S.G.S. survey contours _____
   - Utility locations and meters _____
   - Building envelope & easements shown _____
   - Driveway, walks, retaining walls and grading shown _____
   - Driveway culvert shown if required _____
   - Scale 1"=10'-0" or 1"=8'-0" _____
6. **Preliminary Landscape Plan -**
   - General conceptual layout, planting beds, grass areas _____
   - Walks, patios, decks, retaining walls and site features _____
   - Sizes and types of plant materials _____
   - Scale 1" = 10'0" or 1" = 8' 0" _____
7. **Floor Plans -**
   - Room Names _____
   - S.F. of each level shown _____
   - Title block/North arrow _____
   - All door and window opening locations _____
   - Decks, porches and balconies _____
   - U.S.G.S floor elevations shown _____
   - Scale 1/4"=1'-0" or 1/8"=1'-0" _____
8. **Roof Plan -**
   - Roof pitches labeled _____
   - Ridge heights labeled _____
   - Percentage of roof greater than 8/12 and less than 8/12 labeled _____
9. **Exterior Elevations -**
   - Existing and proposed grade lines shown _____
   - Plate heights labeled _____
   - Ridge heights labeled _____
   - Roof pitch labeled _____
   - Primary and secondary roof pitch %'s noted _____
   - Chimneys _____
   - Railings _____
   - Preliminary indication of all exterior materials shown _____
   - Building height labeled _____
   - Scale 1/4"=1'-0" or 1/8"=1'-0" _____
10. **Preliminary material/color sample board (8 1/2" x 11" max, no color copy)** _____
    - Include colored elevation of street or front view building _____
11. **Retaining wall cross sections if any exist** _____
12. **Letter from Homeowners Association** stating current on all dues, fees, assessments _____
13. **Mountain Pine Beetle and Standing Dead Trees**
    - Resolved to the satisfaction of the Design Review Board _____
14. **Placement of Satellite Dish** _____

APPENDIX 9I

FINAL DESIGN REVIEW CHECKLIST

Project Name _____ Address: _____
Submittal Date: _____ Lot No.: _____ Filing No.: _____

1. **Cover Letter addressing Preliminary Approval Conditions** _____
2. **Final Checklist** _____
3. **Site Plan –**
   - Title block/North arrow _____
   - Building with roof plan shown _____
   - Ridge heights labeled per U.S.G.S. _____
   - Existing trees with approximate driplines shown _____
   - Trees to be removed shown _____
   - Proposed finish floor elevations shown per U.S.G.S. survey contours _____
   - Utility locations and meters _____
   - Building envelope & easements shown _____
   - Driveway, walks, retaining walls and grading shown _____
   - Driveway culvert shown if required _____
   - Scale 1”=10’-0" or 1"=8'-0" _____
4. **Final Landscape Plan -**
   - Final specific layout, planting beds, grass areas _____
   - Walks, patios, decks, retaining walls and site features _____
   - Sizes and types of plant materials, installation methods _____
   - Landscape edging, lighting, steps, etc. _____
   - Description of erosion control techniques _____
   - Delineation of all areas to be seeded including utility areas _____
   - Scale 1” = 10’0 or 1” = 8’0 _____
5. **Foundation Plan -**
   - Depths of all footings _____
   - Top of wall heights _____
   - Dimension and thickness of walls _____
   - Scale 1/4” = 1’0 _____
6. **Floor Plans -**
   - Room Names _____
   - S.F. of each level shown _____
   - Title block/North arrow _____
   - All door and window opening locations and sizes _____
   - Decks, porches and balconies _____
   - U.S.G.S.Finished floor elevations shown _____
   - All exterior dimensions _____
   - Wall partitions and stairways _____
   - Line of proposed roof overhangs _____
   - Scale 1/4" = 1'-0" _____
7. **Roof Plan**
   - Roof pitches labeled _____
   - Ridge heights labeled _____
   - Percentage of roof greater than 8/12 and less than 8/12 shown _____
8. **Elevations -**
   - Existing and proposed grade lines shown _____
   - Plate heights labeled _____
   - Ridge heights labeled _____
   - Roof pitch labeled _____
   - Chimneys _____
   - Railings _____
   - Final indication of all exterior materials shown _____
   - Building height labeled _____
   - Garage door material and color _____
   - Scale 1/4" = 1’0” _____

9. **Building Sections -**
   - Cross section through highest part of building _____
   - Foundation materials _____
   - Exterior wall materials and height _____
   - Roof construction, material and slope _____
   - Existing and proposed grade _____
   - Ridge height elevation _____
   - Floor elevations _____
   - Scale 1/4" = 1'-0" _____

10. **Final Material/Color Sample Board (8 1/2" x 11" max, no color copy)**
   - Wood siding sample _____
   - Stone sample if requested by preliminary approval letter _____

11. **Details**
   - Trim details, color, size _____
   - Exterior railing details _____
   - Chimney enclosures and cap details _____
   - Fascia details _____
   - Material Transitions _____
   - 1 to 2 sheets of architectural details _____

12. **Lighting**
   - Cut sheets of exterior lighting fixtures _____
   - Lighting location shown on plan or elevations _____

13. **Construction Staging Plan –**
   - Contractor contact information (name, phone, mailing address) _____
   - Construction trailer or office _____
   - Staging areas _____
   - Material storage areas _____
   - Topsoil storage areas _____
   - Gravel in construction driveway access _____
   - Construction fencing _____
   - Existing tree protection strapping details _____
   - Parking _____
   - Port-a-let _____
   - Construction Signage and location _____
   - Construction Schedule _____
   - Construction Compliance Deposit _____

Appendix 9J

REQUEST FOR MODIFICATIONS OR VARIANCE

Project Name _____

Street Address: _____

Submittal Date: _____ Lot No.: _____ Filing No.: _____

Requested by _____ Phone _____

Owner: _____
Mailing Addr _____
Phone No. _____
Email _____

Architect: _____
Mailing Addr _____
Phone No. _____ License No. _____ State _____
Email _____

Contractor: _____
Mailing Addr _____
Phone No. _____
Email _____

☐ Check the box to confirm that all outstanding balances, fees, and fines on this or other projects in Highlands Park, Discovery Hill, & Discovery Ridge are satisfied and that each entity, owner, architect, general contractor and/or member involved in this application is in good standing with those subdivisions.

Design Review Fee unless otherwise stated in section 6.13 or 6.14:
Total new or modified enclosed square footage _____ S.F. x 85¢ = $_____ plus (Minimum fee 1,700.00)
Total new or modified deck, patios, & exterior stair square footage _____ S.F. x 85¢ = $_____
plus (minimum fee $500)

☐ Describe in narrative detail the specific change(s) requested from the approved documents and the reason for the change:

_____
_____
_____
_____
_____
_____
_____

☐ Describe in narrative detail the specific waiver or variance requested from the Design Guidelines. List the reasons the variance is requested, how it will not detract or negatively impact the subdivision and list specific actions that will mitigate any impacts created by the variance.

_____
_____
_____
_____
_____
_____
_____

- **Attach additional information, narrative or graphic, which helps further explain the nature of the request and why it should be granted.**

- **Enclose a check payable to Highlands Park Property Owners Association for the minimum review fee as stated in 6.13, 6.14, 6.15. The applicant will be notified of any additional fees relative to the time involved with the review of the request.**

Requests will be considered on a case-by-case basis. The fee provided to Highlands Park Property Owners Association in regard to the review of the request, regardless of the outcome, shall be borne by the applicant. This fee is in addition to the standard Design Review Fee.

APPENDIX 9K

7 NOTICE OF NON COMPLIANCE TO CONSTRUCTION REGULATIONS

To: General Contractor: _____

Owner: _____

Location: Lot Number_____ Date_____ Fine Amount _____

Reference	Nature of Offense
• 6.16 Final Inspection	_____
• 5.11 Construction Trailers	_____
• 5.15 Trash Receptacle and Debris Removal	_____
• 5.21 Sanitary Facilities	_____
• 5.7 Construction Access	_____
• 5.13 Vehicles and Parking Areas	_____
• 5.9 Conservation of Native Landscaping	_____
• 5.16 Excavation Materials and Blasting	_____
• 5.17 Dust and Noise Control	_____
• 5.14 Material Deliveries	_____
• 5.22 Firearms	_____
• 5.23 Alcohol and Controlled Substances	_____
• 5.26 Fires and Flammable Materials	_____
• 5.25 Pets	_____
• 5.10 Best Management Practices	_____
• 5.27 Restoration of Property	_____
• 5.12 Construction Signage	_____
• 5.18 Construction Hours	_____
• 5.24 Site Visitations	_____

You are hereby requested to cease or correct the offending action(s).

- Immediately or additional fines will be issued
- Within 14 days of the date of this notice or a fine will be issued.

Failure to remedy the violation(s) in a timely manner will result in the imposition of additional fines, in accordance with Section 5.4 of the CONSTRUCTION REGULATIONS.

APPENDIX 9L
MAXIMUM ALLOWED SQUARE FOOTAGES
(Per recorded Settlement Agreement w/ Town of Breckenridge, 1/12/99)

FILING	LOT #	ACRES	MAX SQ FT.
HIGHLANDS PARK	1	2.37	7,000
HIGHLANDS PARK	2	1.91	7,000
HIGHLANDS PARK	3	1.62	7,000
HIGHLANDS PARK	4	2.15	7,000
HIGHLANDS PARK	5	2.20	7,000
HIGHLANDS PARK	6	1.29	7,000
HIGHLANDS PARK	7	1.01	7,000
HIGHLANDS PARK	8	1.07	7,000
HIGHLANDS PARK	9	1.07	7,000
HIGHLANDS PARK	10	1.22	7,000
HIGHLANDS PARK	11	1.13	7,000
HIGHLANDS PARK	12	1.02	7,000
HIGHLANDS PARK	13	0.76	6,621
HIGHLANDS PARK	14	0.63	5,489
HIGHLANDS PARK	15	0.60	5,227
HIGHLANDS PARK	16	0.60	5,227
HIGHLANDS PARK	17	0.60	5,227
HIGHLANDS PARK	18	0.61	5,314
HIGHLANDS PARK	19	0.61	5,314
HIGHLANDS PARK	20	0.60	5,227
HIGHLANDS PARK	21	0.62	5,401
HIGHLANDS PARK	22	0.70	6,098
HIGHLANDS PARK	23	0.86	7,000
HIGHLANDS PARK	24	0.66	5,750
HIGHLANDS PARK	25	0.63	5,489
HIGHLANDS PARK	26	0.64	5,576
HIGHLANDS PARK	27	0.77	6,708
HIGHLANDS PARK	28	1.48	7,000
HIGHLANDS PARK	29	1.20	7,000
HIGHLANDS PARK	30	0.97	7,000
HIGHLANDS PARK	31	0.64	5,576
HIGHLANDS PARK	32	0.58	5,053
HIGHLANDS PARK	34	0.82	7,000
HIGHLANDS PARK	35	0.74	6,447
HIGHLANDS PARK	36	0.71	6,186
HIGHLANDS PARK	37	0.71	6,186
HIGHLANDS PARK	38	0.73	6,360
HIGHLANDS PARK	39	1.01	7,000
HIGHLANDS PARK	40	1.68	7,000
HIGHLANDS PARK	41	0.62	5,401
HIGHLANDS PARK	42	0.64	5,576
HIGHLANDS PARK	43	0.90	7,000
HIGHLANDS PARK	44	0.91	7,000
HIGHLANDS PARK	45	0.66	5,750
HIGHLANDS PARK	46	0.65	5,663
HIGHLANDS PARK	47	0.75	6,534
HIGHLANDS PARK	48	1.00	7,000
HIGHLANDS PARK	49	0.77	6,708
HIGHLANDS PARK	50	0.81	7,000
HIGHLANDS PARK	51	0.62	5,401
HIGHLANDS PARK	52	0.81	7,000
HIGHLANDS PARK	53	1.17	7,000
HIGHLANDS PARK	54	0.71	6,186
HIGHLANDS PARK	55	0.74	6,447
HIGHLANDS PARK	56	0.68	5,924
HIGHLANDS PARK	57	0.81	7,000
HIGHLANDS PARK	58	1.53	7,000
HIGHLANDS PARK	59	1.32	7,000
HIGHLANDS PARK	60	2.10	7,000
HIGHLANDS PARK	61	1.51	7,000
HIGHLANDS PARK	62	0.83	7,000
HIGHLANDS PARK	63	0.66	5,750
HIGHLANDS PARK	64	0.90	7,000
HIGHLANDS PARK	65	0.65	5,663
HIGHLANDS PARK	66	0.89	7,000
HIGHLANDS PARK	67	0.64	5,576
HIGHLANDS PARK	68	0.61	5,314
HIGHLANDS PARK	69	0.64	5,576
HIGHLANDS PARK	70	0.66	5,750
HIGHLANDS PARK	71	0.82	7,000
HIGHLANDS PARK	72	0.62	5,401
HIGHLANDS PARK	73	0.81	7,000
HIGHLANDS PARK	74	0.93	7,000
HIGHLANDS PARK	75	0.69	6,011
HIGHLANDS PARK	76	0.61	5,314
HIGHLANDS PARK	77	0.73	6,360
HIGHLANDS PARK	78	0.63	5,489
HIGHLANDS PARK	79	0.64	5,576
HIGHLANDS PARK	80	0.60	5,227
HIGHLANDS PARK	81	0.60	5,227
HIGHLANDS PARK	82	0.98	7,000
HIGHLANDS PARK	83	0.93	7,000
HIGHLANDS PARK	84	1.03	7,000
HIGHLANDS PARK	85	0.83	7,000
HIGHLANDS PARK	86	0.63	5,489
HIGHLANDS PARK	87	0.61	5,314
HIGHLANDS PARK	88	0.92	7,000
HIGHLANDS PARK	89	0.63	5,489
HIGHLANDS PARK	90	1.15	7,000
HIGHLANDS PARK	91	0.87	7,000
HIGHLANDS PARK	92	0.71	6,186
HIGHLANDS PARK	93	0.74	6,447
HIGHLANDS PARK	94	0.81	7,000
HIGHLANDS PARK	95	1.02	7,000
HIGHLANDS PARK	96	1.01	7,000
HIGHLANDS PARK	97	1.00	7,000
HIGHLANDS PARK	98	0.96	7,000
DISCOVERY RIDGE	153	0.91	7,000
DISCOVERY RIDGE	154	0.90	7,000
DISCOVERY RIDGE	155	0.69	6,011
DISCOVERY RIDGE	156	0.68	5,924
DISCOVERY RIDGE	157	0.60	5,227
DISCOVERY RIDGE	158	0.64	5,576
DISCOVERY RIDGE	159	0.73	6,360
DISCOVERY RIDGE	160	0.71	6,186
DISCOVERY RIDGE	161	0.78	6,795
DISCOVERY RIDGE	162	1.08	7,000

GENERAL NOTE: ALL DISCOVERY HILL HOME SITES ARE LIMITED TO A MAXIMUM SQUARE FOOTAGE OF 7,000 SF (UNLESS OTHERWISE APPROVED BY THE DESIGN REVIEW BOARD).

APPENDIX 9M: GLOSSARY OF TERMS

Access corridor - The single route for vehicular access to any residential lot, extending from a public right-of-way or a private drive to the Disturbance Envelope of the Lot. Site disturbance along the corridor shall be limited to twenty feet (20') in width (see Section 2.3 and 2.4).

Accessory apartment - A single secondary living unit as defined in the Development Code. Accessory apartments are limited to a maximum Livable Floor Area of 900 square feet in Highlands Park and must be situated within the primary residential structure.

Architect - Any person duly licensed as an Architect by any of the fifty United States.

Association (or "Property Owners' Association) - The Highlands Park Property Owners' Association, Inc., a Colorado non-profit corporation, its successors and assigns.

Basement - For purposes of these Design Guidelines, a basement is that portion of the lowest floor or story where the plane of the ceiling is no higher than four feet (4') above finished grade immediately outside the space (see Section 3.2).

Best Management Practice (BMP) - Any of several techniques or devices implemented to control pollution that has no single identifiable source by the stabilization of loose soil, erosion prevention and run-off diversion or retention. (See Section 5.10).

Building Permit - A permit issued for construction by the Building Department of the Town of Breckenridge.

Construction Compliance Deposit - A partially refundable deposit from the Builder/Contractor and Owner which must be remitted to the Association prior to the start of construction of a residence. After notice to the Builder/Contractor and Owner, this deposit may be applied by the Association to satisfy fines imposed by the Review Board for violations of the Construction Regulation or to complete remedial work for the completion of the improvements.

Construction Staging Plan - A Site Plan drawing prepared by the General Contractor delineating the builder's intentions for management of the site during construction. The Construction Staging Plan is required as part of the Final Design Submittal (see Section 5.5).

Contractor (or "General Contractor" or "Builder") - A person or company which bears the overall responsibility to an Owner for the construction of his or her home, or the improvements or modifications thereto, including the oversight and coordination of all associated building trades.

Day-lighting - The excavation of a site to create walk-out access to grade from a lower floor which would otherwise be below grade. The Town of Breckenridge limits such excavation to a maximum of four feet (4') below existing natural grade (see Section 2.10).

Declarant - Lincoln Highlands III Limited, a Colorado limited partnership, its successors and assigns.

Declaration - The Declaration of Land Use Restrictions for Highlands Park subdivision.

Design Guidelines (or "Guidelines") - These rules and regulations governing the design and construction of all improvements, including but not limited to, structures, landscaping, exterior lighting, paving, signage and any other improvements to a Lot, and any changes or modifications thereto.

Design Review Fee - A non-refundable fee assessed on both new construction and additions or modifications to existing improvements, payable at the time of the Preliminary Design Submittal for such improvements. The fee is assessed on the enclosed floor area of the proposed improvement, subject to a minimum base fee (see Section 6.3).

Development Code - The Development Code of the Town of Breckenridge as it may be amended from time to time.

Development Permit - The permit issued by the Town of Breckenridge which authorizes the construction of improvements or modification thereto. Site with slopes of 15% grade or less require a Class C permit. Sites with slopes in excess of 15% grade may require a Class B permit.

Disturbance Envelope - That portion of each Lot within which all improvements and construction activity must occur. With limited exceptions, all portions of a Lot outside the Disturbance Envelope must remain in an undisturbed natural condition (see Section 2.3).

Driveway, Private - A private roadway shared by 2, 3 or 4 lots for access purposes. Maintenance of a shared driveway is the joint responsibility of the Owners of all Lots served by the driveway.

Effective Date of Submittal - The record date for any application submitted for review by the Review Board. Each application shall have an effective date which corresponds to the Friday which ends the Saturday-through-Friday time span during which the submittal is received.

Floor Area, Total Enclosed - The combined floor area of all permanently enclosed spaces of a residential structure including the Accessory Apartment, if applicable, garage(s). storage and mechanical rooms which open to a garage or outdoor space (see Section 3.2).

Floor Area, Livable - The heated living area of a residential structure proper including the Accessory Apartment, if applicable, but excluding the garage(s), storage and mechanical rooms which are not accessible from within the residence (see Section 3.2).

Footprint - The location of a home or accessory structure as defined by the exterior perimeter of its foundation.

Golf Course - The public golf course, owned an operated by the Town of Breckenridge, which is adjacent to portions of Highlands Park subdivision.

Grade - The level of the surface of the ground relative to a structure.

Lot (or "Site" or "Home site") - A parcel of real property located within Highlands Park subdivision that is designated by a separate number as a Lot on the subdivision plat recorded in the real property records of Summit County, Colorado.

Lot, "Flat" or "Flatter" - A Lot within which the slope of natural grade across the building footprint of a proposed residence is 15% or less.

Lot, "Sloped" or "Hillside" - A Lot within which the slope of natural grade across the building footprint of a proposed residence exceeds 15%.

Master Plan Agreement - The Delaware Flats Master Plan dated March 28, 1984, between the Declarant and the Town of Breckenridge which governs the development of Highlands Park subdivision.

Open Space - The portion of the property designated on the recorded plat of Highlands Park subdivision as open space or private open space.

Owner - The person(s) holding legal title to a Lot as according to the real property records of Summit County, Colorado. If more than one person holds title, each is considered an Owner.

Property - All of the real property which is or becomes a part of Highlands Park subdivision in accordance with Article IX of the Declaration.

Review Board (or "Board" or "Design Review Board" - The Design Review Board established by the Association in accordance with Article IX of the Declaration (see Chapter 7 of these Guidelines).

Right-of-Way - A path or route that may lawfully be used by the public, individuals or other entities, including, but not limited to, roads, trails, access easements and other designated areas.

Settlement Agreement - An Agreement dated January 12, 1999, between the Declarant and the Town of Breckenridge regarding the Master Plan Agreement, which modifies certain conditions for development applicable to Highlands Park subdivision.

Site Analysis Sketch - A study document prepared by an Architect noting a Lot's features, vegetation, attributes and constraints depicted on a topographic map of the Lot. This sketch is a required for reference during the Pre-design Conference (see Section 2.2 and 6.2).

Slope - The rate of change in the vertical elevation of grade across a corresponding horizontal distance, expressed as a percentage (vertical change in grade divided by horizontal distance equals percentage of slope).

Survey - A topographic map of a Lot, prepared by a registered land surveyor or licensed civil engineer, which indicates boundaries, topographic lines (grade elevations), trees and site features in accordance with Section 6.2 of

these Guidelines. This document is the essential base map for the Site Analysis Sketch. The cost of the survey shall be borne by each Owner.

Town - The Town of Breckenridge, Summit County, Colorado.

Appendix 9N

Owner Affidavit

Owner acknowledges by signature of this form that Owner has received the latest copy of the Design Guidelines, as currently published on the Highlands website, has read them and is fully familiar with their contents, including the sections relating to Enforcement and Liability, Construction Compliance Deposits, Construction Fines, Final Inspection and the Final Release.

_____
Lot No. & Street Address

_____
Owner Signature

_____
Owner Printed Name

_____
Date

Appendix 9O

PRE-CONSTRUCTION CONFERENCE CHECKLIST

Date: _____

Project Name: _____

Lot No.:_____ Filing No.:_____ Street Address: _____

Owner:_____ Phone No: _____
Mail Address:_____ Email: _____

Architect:_____ Phone No: _____
Mail Address:_____ Email: _____

Contractor:_____ Phone No: _____
Mail Address:_____ Email: _____

Reviewed Items:

Construction Staging Plan: _____
- Construction fencing: _____
  - Limits of construction fenced _____
  - Trees to be removed, marked _____
  - Black or Green fencing in place _____
  - Chain link when required, 6' high, posts in concrete _____
- Building footprint staked and labeled _____
- Utility trenching location staked and labeled _____
- Construction trailer or office location, details reviewed _____
- Construction access, 2" of aggregate over filter cloth _____
- Staging area(s) indicated _____
- Material storage area(s) indicated _____
- Topsoil storage area(s), if allowed _____
- Equipment access identified _____
- Parking identified _____
- Portalet location indicated _____
- Dumpster location indicated _____
- Signage _____
  - Location on-site indicated _____
  - Size and content reviewed _____

Construction insurance: _____
- Copy of certificates of insurance _____

Construction Schedule reviewed: _____
Construction Compliance Deposit: _____
- Checks made out to Highlands at Breckenridge _____
- Date received receipt _____
- Contractor has copy of and has reviewed Design Guidelines: _____

Review of Construction Regulations: _____
Review of Modifications Process: _____
Construction Fines: _____

Contractor acknowledges by signature of this form that they have reviewed the checked items with the Construction Review Administrator, and they understand and agree to comply with the Construction Regulations of the latest Design Guidelines as currently published on the Highlands website, including the sections relating to Enforcement and Liability, Construction Compliance Deposit, Construction Fines, Final Inspection and the Final Release.

Contractor Signature:_____ Printed Name:_____