

HERITAGE PARK HOMEOWNERS ASSOCIATION
WRITTEN ACTION BY THE DESIGN REVIEW BOARD
WITHOUT MEETING

The undersigned, being all the directors of the Design Review Board of the Heritage Park Homeowners Association, a Colorado nonprofit corporation (the "DRB"), hereby approve and adopt the following resolutions pursuant to the Colorado Revised Nonprofit Corporation Act:

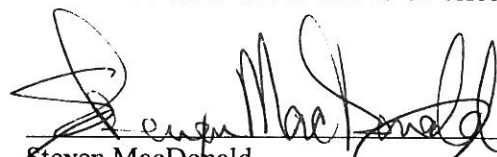
Adoption of Design Review Guidelines

RESOLVED, that pursuant to Section 6.05 of the Declaration of Covenants, Conditions, Restrictions and Easements for Heritage Park, which empowers the DRB to adopt, establish and publish the Design Review Guidelines attached to this Written Action as Exhibit A be, and hereby are, approved, ratified and confirmed in all respects by the DRB.

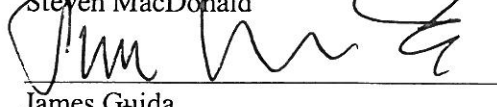
RESOLVED, that this unanimous written action may be executed in one or more counterparts, all of which together shall be deemed to be one and the same instrument; and it is further

RESOLVED, that the execution and delivery of this written action by delivery of a facsimile copy bearing the facsimile signature of a party hereto shall constitute a valid and binding execution and delivery of this consent by such party, and that such facsimile copies shall constitute enforceable original documents.


IN WITNESS WHEREOF, we have hereunto subscribed our names to be effective as of the 1st day of June, 2006.



Steven MacDonald



James Guida



Carol Calinoff

EXHIBIT A
TO
HERITAGE PARK HOMEOWNERS ASSOCIATION
WRITTEN ACTION BY THE DESIGN REVIEW BOARD
WITHOUT MEETING

Design Review Guidelines

See Attached.

HERITAGE PARK
ARCHITECTURAL DESIGN GUIDELINES
&
CONSTRUCTION REGULATIONS
AS OF JULY 21, 2004

(Design Guidelines)

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HERITAGE PARK
ARCHITECTURAL DESIGN GUIDELINES

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1.0 INTRODUCTION

1.1 VISION

Heritage Park (HP) is envisioned as a cohesive development of land, homes, common elements and streetscape, each designed to complement and harmonize with the other, as well as with the surrounding neighborhood and valley character, to create a dynamic, interactive residential neighborhood. The development philosophy of HP is to encourage appropriate improvements that protect and enhance the value of all property within the community, while respecting adjacent and surrounding properties, neighborhoods and environments. Development will be sensitive to the natural environment and to the geographical and historical characteristics of the existing land. Improvements will be constructed in an environmentally prudent manner, employing systems that consider the effects of energy and water consumption.

In the interest of achieving design solutions as consistent as possible with the requirements herein, especially relative to planning, siting, massing and verticality, applicants are encouraged to retain the services of an Architect registered in the State of Colorado, and to create solutions that are site specific.

1.2 PURPOSE

The purpose of these Guidelines is to assist the Applicant in achieving a style, character and quality of development conforming to the goals and objectives for HP. All improvements within HP, whether structures, landscaping or site elements are subject to the requirements stated herein and also subject to approval by the Heritage Park Design Review Board (HPDRB), whether such improvements are proposed as new construction or modifications to existing buildings or sites. The goal of the HPDRB is to ensure development of a consistently high quality by interpreting and implementing these Guidelines, thus protecting and enhancing the lifestyle and investment of HP residents.

1.3 CONFLICTS

Whenever these Guidelines are more restrictive than the PUD Guidelines or the Declaration of Covenants, Conditions, Restrictions and Easements for HP, these Guidelines shall prevail.

These Guidelines shall apply to all properties in HP and are in addition to the requirements of the Eagle County Zoning Regulations and governing building codes. All standards set forth herein are subject to the criteria established in current Federal, State or Eagle County regulations, whichever criteria are more restrictive.

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In addition to approval of plans by the HPDRB, applicants shall comply with Eagle County regulations prior to commencement of construction.

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2.0 SITE DESIGN STANDARDS

2.1 BUILDING SETBACKS

Building setbacks shall be as established and delineated on the final plat, and as stated in the PUD guidelines. Buildings, including above-grade, habitable interior space, covered exterior space and garages shall be contained within established setbacks. Roof overhangs, grade level patios and elevated decks and balconies may project beyond building setbacks, when approved by the HPDRB.

In order to promote spatial movement within front yards along the streets, the location street-facing building facades shall be adjusted for individual dwellings. Portions of street facades of adjoining residences shall vary by a minimum of 3 feet from one another, except where otherwise approved by the HPDRB. Uninterrupted street facades are discouraged.

2.2 PARKING/DRIVEWAYS

Each dwelling shall provide a minimum of three off-street parking spaces, two of which must be fully enclosed in a garage element. The driveway may serve to provide the third space. All driveways, as well as parking areas, are to be hard surfaced. Asphalt, concrete, paver stones and other materials may be approved. Multiple curb cuts will be discouraged. Driveways, or portions thereof, may be shared by more than one property when approved by the HPDRB. Driveways and driveway turnaround areas may be located outboard of building setbacks.

2.3 DOG ENCLOSURES

Dog enclosures shall be concealed from view and incorporated within the design of the structure and subject to review by the HPDRB.

2.4 FENCES

Fences are subject to HPDRB approval. In order to promote a cohesive neighborhood, a strong relationship between home and streetscape and to encourage resident interaction, privacy fences are prohibited. Fences are also prohibited forward of the street facade(s) of the home and are strongly discouraged in any area of the lot. Where necessary, the street facade shall be as interpreted by the HPDRB. Only fences designed as two or three rail split rail, whole log, or other similar designs, to a maximum height of 3 feet at the top rail, will be considered. Opaque or confining fences shall not be permitted. Where pet confinement is desired, applicants are encouraged to consider buried electric pet barriers.

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2.5 EXTERIOR LIGHTING

The beauty of the starlit night at HP will be preserved by prudent use of exterior lighting. Lighting shall be employed only as necessary in response to the functional requirements of safety, security and identification. Unnecessary use of light is prohibited in the interest of energy efficiency and maintenance of the visually quiet nighttime environment.

The design of exterior light fixtures shall be consistent with the style of the home, and shall be of wood, stone, copper, iron and/or translucent glass materials. To the extent practical, the light source shall be shielded to preclude visibility of the light source from off the property. Uplighting or downlighting that softly illuminates exterior spaces defined by overhanging building or roof elements, in appropriate locations, will be permitted. All fixtures shall have low wattage lamps, maximum of 40 watts total per fixture. All exterior fixtures shall be subject to approval. Fixtures shall be located to create isolated pools of soft light on vertical and horizontal surfaces, rather than continuous, saturated conditions. Exterior path downlighting may be approved if the light source is not visible from off the property and subject to approval of the fixtures. General landscape lighting is discouraged. Tree lighting and site uplighting are prohibited.

Temporary-use, under-eave security lighting may be permitted on an individual basis. Appropriate, temporary, exterior holiday lighting is permitted on homes and landscape elements during the months of November, December and January. Such lighting shall not require HPDRB approval, however, the HPDRB may intervene in the unexpected instance of such lighting being inappropriate.

2.6 COMMERCIAL AND RECREATIONAL VEHICLES

No lot, street, private street, drive or parking area, unless specifically designated by the HPHOA, shall be used as a parking, storage, display or accommodation area for any type of house trailer, camping trailer, boat trailer, hauling trailer, boat or accessories thereto, truck larger than a 3/4 ton pickup truck, pickup trucks with dual rear wheels, resident or occupant commercial vehicles, or any type of motor home except as a temporary expedience for loading, delivery, emergency, etc. The same shall be stored, parked or maintained wholly within a garage area of a dwelling unit with the garage door in the closed position. (This restriction shall not apply to the parking of trucks or other commercial vehicles upon properties for construction or maintenance purposes.)

2.7 SIGNAGE

All signs, including street and address number designations, shall be designed to be integral with the building architecture. Locations and designs shall be submitted for review and approval. Additionally, the following sign standards shall apply: Residential - one temporary real estate 'for sale' sign per property may be displayed from inside a window only. Architect/ Developer/

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Contractor signs shall conform to the requirements of Appendix A. 'For sale' signs are not permitted on vacant lots.

2.8 GRADING AND DRAINAGE

A grading plan shall be submitted for approval. The grading plan shall illustrate existing and proposed contours, cut and fill areas and all existing plant material within the subject area. Grading and drainage shall be accomplished to minimize disruption to the lot, to reduce impacts to the surrounding environment and to preclude drainage onto adjacent lots or cause any condition that would lead to additional soil erosion on adjacent property. Regraded areas shall merge naturally with existing terrain. Unretained, sharp contours shall be avoided. Disturbed cut or fill slopes shall be restored and revegetated so that the finished product merges with the surrounding terrain and architecture. Native rock and/or native plant material shall be used to prevent erosion and create visually pleasing treatments.

Retaining walls may be used in lieu of, or in combination with graded slopes to minimize grading and encourage terracing. Retaining locations and heights shall be logical and practical. Walls shall be constructed of materials that are harmonious with adjacent structure(s) and the indigenous materials of the site. Designated drainage easements shall be maintained and shall remain unobstructed. When needed to promote proper drainage, driveway culverts shall be installed in accordance with Eagle County requirements.

2.9 EXTERIOR STORAGE

Garbage, refuse and other material, equipment, tools, lawn furniture, etc., shall be stored in a manner precluding visibility from off the property. Covering such stored items with tarps or other temporary means shall not be deemed compliance with this requirement. Presuming firewood is consumable, it may be temporarily stored visibly, except that when in a visible location, firewood shall not be covered with tarps or other temporary means. Should firewood not be consumed on a routine basis, it shall be considered refuse and treated accordingly.

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3.0 BUILDING DESIGN STANDARDS

3.1 ARCHITECTURAL DESIGN THEME

Architecture within HP shall be appropriate to the goal of creating a dynamic, cohesive residential neighborhood in a mountain ranch setting, sensitive to existing adjacent neighborhoods, and with a priority upon creativity. Emphasis shall be given to quality of space and material, rather than to quantity, improperly scaled volume or size. Successful design solutions may draw upon appropriate traditional vernacular and may also be modern interpretations of appropriate, traditional elements, functions, materials and spaces. As designs of homes within the neighborhood are completed and approved, each successive design proposal shall acknowledge and be sensitive to prior solutions, in order to promote architectural cohesiveness and avoid discord.

Each home shall be appropriately sited to establish privacy, both inwardly and outwardly, and avail interior spaces of views and general solar benefits. Consideration shall be given to passive solar management, to quality exterior living spaces and to establishing a strong relationship with the street and neighborhood.

The relationship of buildings to their respective sites, existing adjacent neighborhoods and the general valley setting shall be a priority. Site design solutions shall sensitively merge buildings with existing topography. Massing shall respond to movement of the land and the presence of adjacent structures, within and without HP.

Building forms shall generally be pure and straightforward, embracing architectural clarity, yet additive rather than blocky and stark. Emphasis shall be given to a balance between positive and negative form. While verticality is unavoidable, to the extent practical, massing shall generally progress from lower forms at the building perimeter, to taller forms in the central portions of the building. Garages shall be designed integrally with the primary structure.

Exterior finishes shall promote organic richness of material, texture and color. A measure of consistency, whether in massing, material, color or detail, shall prevail from home-to-home within HP.

Uninterrupted vertical facades are discouraged, and on the downhill side(s) of the structure, unbroken three-story facades are prohibited. Facades may be interrupted by movement in the wall and/or roof massing, by the use of negative space, by placement of elevated exterior decks or balconies or by other means of creating relief. When employed, elevated decks and balconies shall be supported with appropriately sized and detailed structural elements.

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3.2 ROOFS

Emphasis shall be given to well-resolved roof forms and massing. Unresolved roofs, incomplete roof planes and colliding roof geometries shall not be permitted. Roof pitches shall generally range from 4:12 to 12:12. Primary roof forms shall be gabled and hipped. Gambrel, mansard and geodesic roof forms are prohibited. As minor roof forms, shed, flat and nearly flat roofs are permitted in certain appropriate areas, when such roofs are integral with and a complement to the building architecture.

There shall be no specific requirement regarding roof overhang dimensions, however, applicants are encouraged to recognize the aesthetic and functional value of broad overhangs, including shadow patterns, weather protection of walls and open windows and passive solar management. Generally, overhanging roofs are encouraged, yet as integral to the building architecture, roof overhangs shall be reviewed and approved on an individual basis.

Roofs should generally be surfaced with wood shakes, wood shingles, or approved composite shingles, such as "Presidential Series" by Celotex (40 year roof) or "Prestique Plus" by Elk (50 year roof). Concrete tiles are generally discouraged, but may be permitted if flat and of a color in harmony with the building and surrounding neighborhood. Certain appropriate metal panels or shingles may be permitted on an individual basis, for minor roof elements when integral with and a complement to the building architecture.

3.3 EXTERIOR MATERIALS, COLORS, FINISHES

Predominate exterior finishes shall generally be rich, yet understated, in muted, earth-tones, such as brown, rust, sepia, sand, tan, buff, olive, warm grey. Complementary accent colors may be approved on secondary elements. Bright or highly reflective colors or materials are prohibited on all wall and roof surfaces. Color gradation from building to building shall be gradual.

Exterior finish materials shall conform to and be complementary with existing neighborhood elements and structures. Exterior walls shall generally be finished in wood, stucco or stone. Other materials may be approved if appropriate to and integral with the overall architectural solution.

3.4 HEIGHT OF STRUCTURE

Structures shall be limited in height to 26 feet. This shall be determined by taking the sum of the distances from the highest point of the ridge to existing or finished grade, whichever is lower, for each elevation and dividing that by four. In special cases, the HPDRB may grant variances and allow height up to 35 feet. The HPDRB intends to discourage and has the right to prohibit

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construction of any dwelling or other structure which appears excessive in height when viewed from the roads, drives or other lots.

3.5 PROJECTIONS

Chimney and boiler flues shall generally be concealed in appropriate enclosures. No more than 2 feet of metal flue pipe may be visible on any chimney. All architectural building projections, including chimney flues, vents, gutters, downspouts, utility boxes and enclosures, porches, railings, and stairways shall be designed to be integral with the building architecture. Radio or television antennae shall not be visible from neighboring properties.

3.6 SATELLITE DISHES

Location, color and size of satellite dishes shall be indicated on the plans and subject to HPDRB approval. Dishes shall conform to the following requirements: the size of the dish may not exceed 18 inches in diameter, it shall be located in a manner that provides some measure of concealment from the public way and it shall be attached to the building within 7 feet of the ground or, if on a deck or balcony, within 7 feet of the floor. The dish cannot be placed on a ridgeline and the cable must be concealed.

3.7 FOUNDATIONS

To the extent practical, concrete foundations shall be concealed from view by finished grade. A maximum of 18 vertical inches of exposed foundation wall may project above finished grade. Exposed foundations shall either be finished with an approved exterior finish material or be painted a color complementary with the exterior palette.

3.8 MECHANICAL EQUIPMENT/UTILITY METERS

Exterior mechanical equipment and utility meters shall be permanently concealed by appropriate means, including exterior finish materials. Electric meters shall be attached to the main structure and appropriately enclosed. Gas meters shall be located within 2 feet of the main structure, or as required by the respective utility company, and may be screened with landscaping.

3.9 FIREPLACES

Not more than one County-approved wood-burning fireplace or stove will be allowed inside each dwelling unit.

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3.10 ALTERNATIVE ENERGY

The use of passive and/or active solar energy or wind energy generating devices is subject to such devices being installed in a manner that does not create adverse visual impacts upon any portion of the community.

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4.0 LANDSCAPING STANDARDS

- 4.1 All applications shall include a complete landscape plan, presented on a scaled site plan of the lot with proposed contours.

All lots shall provide sod and other formal landscape treatment over a minimum of 80% of the uncovered lot area. Anything different will require the prior approval of the HPDRB. A maximum of 20% of the uncovered lot area may be landscaped with one or more of the two alternative landscape treatments described below.

The formal landscape treatment on all lots should provide a suitable setting for the dwelling unit and other structures. Sod areas or other formal landscape treatment should be designed in and around the building envelope area. Larger lots (such as horse properties in Filing 2) shall be considered individually with regard to the percentage of formal landscape treatment required and with regard to alternate landscape treatments proposed by the applicant.

I. Definition of Landscape Treatments

Formal Landscape Treatment

A formal landscape treatment includes:

- areas of irrigated turfgrass lawn (bluegrass or turf type tall fescue)
- well designed beds of deciduous and evergreen shrubs
- perennial ground covers and/or annual flowers
- landscape edging and mulch
- deciduous shade and ornamental trees
- evergreen trees
- underground automatic sprinkler systems on all areas formally landscaped

Formal landscape treatments shall be designed to compliment, enhance and provide a setting for the structure. The landscape design should utilize landscape plant materials to create variations in color, texture, size and shape. Landscape plant materials and man-made elements, if used, should be arranged to create an attractive and pleasing composition. The landscape design should pay particular attention to the appearance of the site from the roadway. Front yards and yards along roadways must be fully landscaped with a formal landscape treatment. Sod is the recommended treatment for turfgrass areas. Turfgrass areas are required to be sodded in front yards and yards along roadways. Seeding is discouraged after May 31, due to our short growing season. To avoid sod lines and other edges which follow lot lines, match landscape treatment edges on adjacent lots wherever possible.

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Following are the minimum acceptable standards for the formal landscape treatment of single family lots. All plant materials shall be from the Recommended Plant Materials List (see Section L.7 below). Other plant material may be used, but will not count toward the minimum acceptable standards.

The minimum acceptable standards for lots other than single-family lots, including primary/secondary lots, triplex and fourplex developments shall be 2 times, 2.5 times and 3 times, respectively, the minimum acceptable standards for single family lots. Multi-family developments with any other building configuration will be discussed with the HPDRB at the mandatory preliminary meeting.

Plant Type	Minimum Size	Minimum Quantity
Evergreen Tree	6 foot height	Six
Deciduous Tree	2 inch caliper	Eight
Shrub Beds (4'-5' spacing)	#5 container	10% of roadway frontage

All plant materials shall conform to the American Association of Nurserymen's American Standard for Nursery Stock, latest edition.

These are minimum acceptable standards. The HPDRB reserves the right to require additional landscaping where appropriate.

Wildflower Area Landscape Alternative

A wildflower area is defined as a disturbed portion of the lot that is revegetated with a specified mixture of wildflower and clump grass seeds, mulched, irrigated and maintained. The specified wildflower seed mix to be used in HP Development is included in the Recommended Plant Materials List. (See Section L.7 below.)

All seeded areas shall be irrigated with an automatic irrigation system.

Native Area Landscape Alternative

A native area is a portion of the lot protected from disturbance during construction and left to remain in a natural condition. Native areas may be the natural sagebrush-chokecherry plant community or the Western Wheatgrass areas seeded following subdivision development.

On single family lots under 20,000 square feet, the native areas landscape treatment shall be allowed on a limited basis only. The back portion of steep lots and areas adjacent to native open space areas are appropriate for native area landscape treatment

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Native area landscape treatment will be discouraged adjacent to formal landscape treatments on neighboring lots.

On the larger lots, the native area landscape treatment may be used more extensively. It is recommended that landscape treatments be discussed with the HPDRB at the preliminary meeting. On properties designated "horse property", different guidelines may apply. See Appendix B.

On multifamily lots the use of the native area landscape treatment is discouraged due to the limited site area. If use of this treatment is desired it should be discussed with the HPDRB at the mandatory preliminary meeting.

Protected native areas shall be delineated on the grading and landscaping plans and shall be protected during construction by the installation of fencing. No construction, including underground utilities, shall take place within the protected area. Protective fencing shall be installed prior to initial stripping and grading and shall remain in place until final completion of the project. Protected native areas may be enhanced by planting native species from the Recommended Plant Materials List. All enhancement plantings shall receive supplemental irrigation through an automatic irrigation system for a minimum of three years after installation. Supplemental irrigation is not required for protected native areas.

2. Site Grading

Structures, driveways and other constructed elements shall be designed to minimize disturbance of the natural terrain by grading. Existing or natural drainage patterns should be utilized whenever possible. Conservation and protection of topsoil, vegetation, rock formations and unique landscape features should occur whenever possible. Adequate snow storage and control of surface runoff is required. All disturbed areas of the site shall be revegetated and restored in a manner consistent with these regulations

3. Man-made Elements

Man-made elements used in the landscape will be reviewed on an individual basis by the HPDRB. Generally, man-made elements should blend with and complement the natural landscape or be of a material that is compatible with the materials of the structure. Play structures, swing sets and other similar apparatus may be approved if properly located on the site and/or screened with vegetation.

4. Roadside Swales

Lot lines notwithstanding, on single family lots under 20,000 square feet and multifamily lots, the proposed front yard or rear yard landscape treatment should be extended to

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the edge of the gravel roadway shoulder to include the roadside swale. On lots which have curb and gutter, the landscape treatment shall extend to the back of the curb.

Subject to HPDRB approval, on single family lots over 20,000 square feet, the roadside swale may be left undisturbed as a native area or shall be formally landscaped or revegetated back to the undisturbed condition following construction.

5. Landscape Maintenance

In order to protect the appearance, character and quality of HP Community, it is necessary to enforce a minimum standard for landscape maintenance.

Sod/turfgrass areas should receive sufficient irrigation to remain in a healthy and green condition. Turfgrass should not be allowed to grow to a height taller than 4" between mowings. Regular mowing, herbicide applications or hand removal to limit weed infestation should suppress weeds, including but not limited to dandelion, thistle and clover.

Trees, shrubs and ground covers should receive sufficient irrigation to remain in a healthy, growing condition. Landscape materials should be properly pruned, when appropriate, to improve appearance, correct defects and remove dead or diseased wood. Plant materials which are diseased or infested should be treated by the owner to control the spread of the disease or infestation.

Landscape materials which have died or are in poor condition should be replaced by the owner. Replacement material should meet all conditions set forth elsewhere in these regulations. Weed control is also required on vacant lots or undeveloped areas. This includes the Colorado State list of noxious weeds, the yellow sweet clover, Russian thistle and Canadian thistle.

Wildflower areas should receive sufficient irrigation to promote plant growth and flowering and to compete with weed species. Wildflower areas should be mowed once each fall to aid in seed dispersal, control weeds, and improve winter appearance. Weeds should be controlled by spot application of herbicides or hand removal to limit the infestation and control their spread. Native areas should receive regular maintenance to control weed infestations through the proper application of herbicides or by hand removal.

6. Recommended Plant Materials

The following list of plant material species are to be used in fulfilling the landscape requirements set forth in Section L2.a of HP Design Guidelines.

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Other plant material species may be used but will not count in fulfilling landscape requirements.

Appropriate plant material species for the site should be selected. Water, soil and sun exposure needs vary greatly between plants, as do plant characteristics such as size, shape and color. Plants which are healthy, well branched and have solid, moist rootballs should be selected. Local landscape and nursery professionals can assist in the selection of plant materials.

EVERGREEN TREES

Common Name	Botanical Name
Bristlecone pine	<i>Pinus aristata</i>
Colorado spruce	<i>Picea pungens</i>
Englemann spruce	<i>Picea englemann</i>
Limber pine	<i>Pinus flexilis</i>
Rocky Mt. Douglas fir	<i>Pseudotsuga menziesii</i>
Rocky Mtn. Juniper	<i>Juniperus scopulorum</i>

DECIDUOUS TREES

Common Name	Botanical Name
European Mtn. ash	<i>Sorbus aucuparia</i>
Flowering crabapple	<i>Malus species</i>
Ginnala maple	<i>Acer ginnala</i>
Green ash	<i>Fraxinus pennsylvanica</i>
Narrowleaf cottonwood	<i>Populus angustifolia</i>
Quaking aspen	<i>Populus tremloides</i>
Rocky Mtn. maple	<i>Acer glabrum</i>

LARGE SHRUBS

Common Name	Botanical Name
Amold's Red Honeysuckle	<i>Lonicera tartarica</i>
Common Lilac	<i>Syringa vulgaris</i>
Chinese Lilac	<i>Syringa chinensis</i>
Colorado Redtwig Dogwood	<i>Cornus sericea "Colorado"</i>
Golden Elder	<i>Sambucus canadensis "aureum"</i>
Serviceberry	<i>Amelanchier alnifolia</i>
Siberian Peashrub	<i>Caragana arborescens</i>
Shubert Chokecherry	<i>Prunus virginiana</i>
Nanking Cherry	<i>Runus tomentosa</i>
Vargated Dogwood	<i>Cornus sericea "variegata"</i>

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Wildflower Seed Mix

Seeding rate: 1 ounce per 125 square feet or 1 pound per 2000 square feet. Mixing seed with plenty of fine, dry sand will help in spreading such a small quantity of seed over a large area.

Non-aggressive, clump grasses such as Sheep Fescue can be mixed with wildflower seed for a thicker groundcover and better soil holding capabilities on steep slopes. Sheep Fescue should be sowed at the same rate of 1 ounce per 125 square feet. The inclusion of clump grasses does not change the seeding rate for the wildflower seed.

To prepare for wildflower seeding, the area should be tilled to 4" deep and watered to germinate any weed seeds. The weeds should be pulled or sprayed before seeding, and the soil not disturbed again. Wildflower seed areas should not be fertilized. The seed/sand mix should be spread by hand, or with a mechanical spreader, and a thin, uniform layer of mulch, such as peat moss or straw, should be applied to hold the water. The area should be watered daily for 4 to 6 weeks. Weeds should be pulled or sprayed when they have grown large enough to be identified.

Indian Paintbrush	Rocky Mt. Penstemon
Columbine	Blue Flax
Lupine	Scarlet Gilia
Aspen Daisy	Larkspur
Alpine Aster	Wild Geranium
Showy Goldeneye	Mexican Hat
Desert Marigold	Black-eyed Susan
Corcopsis	Blue Bells
Firewheel	Liatris
Owl's Clover	Palmer's Penstemon
Wallflower	

SMALL SHRUBS and PERENNIALS

Any hardy, commonly available, species of small woody shrub (4' tall or less), or herbaceous perennial, may be used to fulfill the landscape requirements.

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5.0 DESIGN REVIEW PROCESS

5.1 PURPOSE

These Design Guidelines have been adopted to ensure that the HP community develops in an overall consistent manner. The HPDRB shall review all proposals for construction and ensure that such proposals meet the intent not only of the Guidelines but the development philosophy of HP community. The HPDRB also has the authority to interpret the Guidelines in the event the Guidelines may not be explicit.

5.2 COMPOSITION OF HPDRB

The HPDRB shall consist of three persons, appointed by the Board of Directors of the HPHOA. A majority of the HPDRB may designate a representative to act on its behalf.

5.3 REVIEW BY HPDRB

No building, home, dwelling unit, structure or any attachment to an existing structure, whether a residence, an accessory building, a tennis court, a swimming pool, fence, wall, barrier, exterior lighting facility, athletic facility, or other similar improvement or attachment or sign shall be constructed upon the properties without approval. No alteration of the exterior of a structure shall be made and no change in the final grade nor the installation of any landscaping shall be performed unless complete plans and specifications are submitted for HPDRB review. The HPDRB shall exercise its best judgment to the end that all attachments, improvements, construction, and alterations to structures on lands within the properties conform to and harmonize with existing surroundings and structures. Said plans and specifications to show exterior design, height, materials color, location of the structure or addition to the structure, plotted horizontally and vertically, location and size of driveways, general plan of landscaping, fencing walls, windbreaks and grading plan shall have been first submitted to and approved in writing by the HPDRB.

5.4 MEETINGS

The HPDRB will endeavor to meet when needed to respond to an applicant's submittal and schedule. Proposals shall be submitted a minimum of 15 days prior to the applicant's desired meeting date. Incomplete submittals will not be scheduled.

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5.5 VOTE

A majority vote of the HPDRB members present is required to approve or disapprove a proposed improvement, unless the HPDRB has designated a representative to act for it, in which case the decision of the representative shall control.

5.6 RECORDS

The HPDRB shall maintain written records of all applications submitted to it and of all actions taken by it thereon. Such records shall be available to owners for inspection at reasonable business hours.

5.7 VARIANCES

The HPDRB may grant reasonable variances or adjustments from any conditions and restrictions imposed in order to overcome practical difficulties and prevent unnecessary hardships arising by reason of the application of the restrictions contained herein. Such variances or adjustments shall be granted only in case the granting thereof shall not be materially detrimental or injurious to other property or improvements in the neighborhood and shall not be contrary to the general intent of these Guidelines.

5.8 DURATION, REVOCATION AND AMENDMENT

These Standards and Regulations shall run with and bind the land for a term of 20 years from the date of recording of this document. After which time this document shall be automatically extended for successive periods of 10 years each. This document may be amended or revoked by an instrument approved in writing by a majority vote of the Board of Directors of HPHOA and the HPDRB. Such amendment or revocation shall be effective when duly recorded; provided, however, that any amendment or revocation must comply with the Statutes of Colorado and the resolutions and ordinances of the County of Eagle, Colorado.

5.9 NON-LIABILITY

Neither the HPDRB, their designated representative, nor any member thereof shall be liable to the Community Association or to any person or entity for any damage, loss or injury suffered or claimed on account of (a) approval or disapproval of plans, drawings and specifications, (b) acceptance or rejection of constructed improvements, or (c) construction or performance of work, whether or not pursuant to approved plans, drawings and specifications

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5.10 SUBMITTAL OF PLANS

A minimum of two meetings before the HPDRB is required in order to gain approval of newly proposed projects, 1) a preliminary application, and 2) a final application. In order to gain a full understanding Applicants unfamiliar with the requirements herein and the general goals for HP are encouraged to informally meet with a representative of the HPDRB prior to initiating design.

5.11 FEES

Each submittal shall be accompanied by an Application Fee. For new projects, the fee shall be \$300 for each application. Proposed modifications to final approval for new or ongoing new work shall require an application fee of \$100. The application fee for proposed alterations, remodels or additions to the existing property will be \$100. For color changes, landscaping or fencing requests that can be staff approved, a \$25 application fee will be charged. An hourly rate will be charged for these requests that cannot be staff approved, and require architectural or outside consultation.

5.12 PRELIMINARY APPLICATION

For the preliminary application, the following items must be submitted to the HPDRB a minimum of 15 days prior to the applicant's desired meeting date:

- 1) Application fee.
- 2) General site plan indicating proposed building footprint, roof plan, sitework, grading and landscaping concepts.
- 3) Floor plans.
- 4) Exterior building elevations
- 5) A current topographic survey accomplished by a licensed surveyor.

5.13 FINAL APPLICATION

The following documents are to be submitted for approval prior to any grading or construction:

- 1) Completed and Signed Application
- 2) Application Fee
- 3) Site Plan - must illustrate the following
 - A. Location, Lot #, Block #, Filing #
 - B. Scale: 1" = 10'-0" or 20'-0"
 - C. Total site area (in acres)
 - D. North arrow
 - E. Required setbacks

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- F. Building location (include any decks, walks...) and the location of all other major structures
 - G. Building envelope
 - H. Parking areas and number of spaces provided
 - I. Driveway and culverts
 - J. Site lighting
 - K. Landscaped areas with location of trees, shrubs, sodded areas
 - L. Planting schedule - include species of trees and shrubs, quantity, size and minimum height
 - M. Existing grades and proposed grading and drainage
 - N. Utility connections
 - O. Finished floor elevations, including garage
- 4) **Architectural Plans (2 sets)** - must illustrate the following
- A. Dimensioned Floor Plans: 1/4" = 1'-0" scale
 - B. All Building Elevations
1/4" = 1'-0" scale
materials and color
existing and proposed grade lines
building height
- 5) **Color Board**
- A. Color rendered frontal elevation at 1/4" = 1'-0" scale on a 18"x24" rigid board
 - B. Sample chips of finish materials and colors adhered to the SAME board, identifying manufacturer's name, color, and/or number
 - C. Name of Applicant, Review Date, Lot Description on the SAME board
- 6) **Topographic Survey** - must be prepared by a licensed surveyor or civil engineer. Survey must show lot boundaries and elevations at lot corners at a scale standard in the industry for similar projects, major terrain features, including rock outcroppings and washes, and indicate all protected plants, highlighting those plant materials which will be removed during construction or that are within 20 feet of the proposed improvements. Any applicant submitting plans for approval to the HPDRB shall be responsible for the verification and accuracy of all lot dimensions, grade, elevations, and the location of the key features of the natural terrain. Each applicant shall certify to the accuracy thereof before the HPDRB will undertake its review.
- 7) **Staking** - Prior to the date of the meeting for final approval, the applicant shall have staked on site by licensed surveyor the exterior building corners of the proposed residence and the driveway centerline.

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5.14 FINAL CONSTRUCTION DOCUMENTS

Securing required building permits is the responsibility of the property owner. Final construction drawings and specifications required for permitting and construction shall be completed in strict accordance with documents from which the HPDRB grants final approval. Applicants shall submit a copy of the construction drawings and specifications to the HPDRB for comparison to the final approved plans. Clearing, grading, or construction shall not commence until the foregoing requirements are satisfied.

5.15 APPROVAL

Final approval for plans will be given when all the following conditions have been met:

- 1) All fees have been paid.
- 2) The HPDRB has voted and approved the plans.
- 3) Any and all conditions imposed on the project at the time of the approval vote have been met.
- 4) The owner is current with his association dues.

Approved plans stamped by the HPDRB representative will be provided to the owner within 7 days of the approval meeting and/or receipt of the foregoing. All HP architectural guidelines, even if not specifically noted on the stamped plans, are understood to be incorporated as part of the approval.

5.16 SUBSEQUENT CHANGES

Proposed additions or modifications to structures, landscaping, or other improvements and/or changes, including fences and swing sets must be submitted to the HPDRB for approval prior to making such changes and/or modifications. The HPDRB will review such requests, providing complete information regarding the change or addition is received 15 days prior to the desired meeting date.

5.17 RESUBMITTAL OF PLANS

In the event of any disapproval by the HPDRB, resubmission shall follow the requirements of these Guidelines. An additional application fee will be required with such resubmission.

5.18 NON-WAIVER

The approval by the HPDRB of any plans, drawings, or specifications for any work done or proposed, or in connection with any other matter requiring the approval of the HPDRB under the Design Guidelines or the Declaration, including a waiver by the HPDRB shall not be deemed

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to constitute a waiver of any right to withhold approval as to any similar plan, drawing, specification, or matter whenever subsequently or additionally submitted for approval.

5.19 RIGHT TO WAIVER

The HPDRB reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

5.20 COMPLIANCE DEPOSIT

Prior to the start of new construction, the property owner shall deliver to the HPHOA a compliance deposit in the amount of \$1,500. This deposit shall be held by the HPHOA in an escrow account established for this purpose. Interest earned in this account, if any, shall accrue to the benefit of the HPHOA. The deposit shall be held until completion of the project in compliance with the drawings, specifications and conditions of approval granted by the HPDRB. Upon completion of the project, the applicant shall request an inspection of the work by the HPDRB. A representative of the HPDRB shall inspect all aspects of the work, including buildings, sitework and landscaping to determine if the project was constructed and installed in accordance with the approved drawings and specifications, and upon such determination, the deposit will be returned to the property owner within 30 days.

Should the work be determined to be noncompliant, the HPDRB will deliver a written summary of such noncompliance, to be corrected by the property owner. The deposit will be returned only after satisfactory corrections are completed.

Work shall be completed within 18 months of commencement. Failure to complete the work in this duration, or failure to complete the work in compliance with the approved drawings, specifications and conditions of approval will result in the deposit being forfeited. Forfeited deposits shall become the property of the HPHOA. This forfeiture does not satisfy the requirements for completion and compliance; the property owner shall remain required to completing the project in conformance with approvals, and until so completed, will remain subject to established fines and penalties if requirements are not met. The HPHOA Board of Directors may grant extensions when the reason(s) for not passing inspection is deemed beyond the property owner's control.

5.21 ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES

Any changes to the approved plans before, during or after the construction of an improvement must first be approved by the HPDRB.

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6.0 CONSTRUCTION REGULATIONS

6.1 PURPOSE

To assure, to the extent practical, that the natural landscape of each lot is not damaged during any construction activities, and to promote general harmony in the neighborhood during the construction process, the following construction regulations shall be enforced during the construction period. It shall be the responsibility of the property owner to assure that each contracting entity is advised of and bound by the requirements stated herein.

6.2 CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.

Prior to bringing any construction trailers on to the site, the contractor should receive written approval from the HPDRB. Construction trailers are to be used only as offices. Sleeping on the property is not permitted.

6.3 DEBRIS AND TRASH REMOVAL

Owners and builders shall provide adequate trash storage facilities. Trash and debris shall be removed from each construction site on a regular basis to a dumping site located off the project. Lightweight material, packaging, and other items, shall be covered or weighted down to prevent wind from blowing such materials off the construction site. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the lot except in areas, if any, expressly designated by the HPDRB. 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 affecting other lots and any open space. In addition, owners or builders are required to clean public streets affected by any site work on a specific lot. All mud and other debris tracked onto roadways is to be removed daily. Any road cuts or damage to curb, gutter or sidewalk must be repaired at owner expense.

6.4 SANITARY FACILITIES

Each owner and builder shall be responsible for providing adequate sanitary facilities for his/her construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the site itself or in areas approved by the HPDRB.

6.5 VEHICLES AND PARKING AREAS

Parking is prohibited on the public/private roads or bike paths in HP, except that for the duration of construction, temporary construction employee and service vehicles are permitted to park on

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the street in front of the lot upon which they are employed, on the lot-side of the street, when such parking does not interfere with snow removal operations. Construction crews will not park on, or otherwise use, other lots or any open space. No vehicle should have maintenance work done on any HP site other than routine daily maintenance. Major mechanical repairs and maintenance should be done off of HP property.

6.6 CONSERVATION OF LANDSCAPE MATERIAL

Owners and builders are advised of the fact that the lots and open spaces contain valuable native plants and other natural landscaping materials that should be absolutely protected during construction, including topsoil, rock outcroppings and boulders, and plant materials.

Materials that cannot be removed should be marked and protected by flagging, fencing, or barriers. The HPDRB shall have the right to flag major terrain features or plants which are to be fenced off for protection. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the construction site.

6.7 RESTORATION OR REPAIR OF OTHER PROPERTY

Damage and scarring to other property, including but not limited to, open space, other lots, roads, driveways, and/or other improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the person causing the damage or the owner of the lot. Upon completion of construction, each owner and builder shall clean his/her construction site and repair all property which was damaged, including but not limited to restoring grades, reseeding, planting shrubs and trees as approved or required by the HPDRB, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing and/or other improvements or utilities.

6.8 CONSTRUCTION ACCESS

The only approved construction access during the time a residence or other improvements are being built will be over the approved driveway for the lot unless the HPDRB approves an alternative access point.

6.9 LENGTH OF CONSTRUCTION

All construction, once started, should be completed with due diligence. No construction that will take over 12 months to complete shall be commenced without prior written approval from the HPDRB. In the absence of such approval, failure to complete construction within 12 months shall

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constitute a violation of these regulations. All construction, including landscaping, must be completed within 18 months of the start date, or by June 15, if 18 months falls during the winter.

6.10 FIRE EXTINGUISHERS

All construction sites shall have a 10-pound ABC fire extinguisher and provisions should be made not to block fire hydrants.

6.11 DOGS

Construction workers are prohibited from bringing dogs onto the site.

6.12 MISCELLANEOUS AND GENERAL PRACTICES

All owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, and subcontractors in HP community.

6.13 CONSTRUCTION PERMITTED

Construction will be limited to 7:00am-7:00pm Monday through Friday and from 9:00am to 5:00pm on weekends and holidays until the building is closed-up.

6.14 DUST AND NOISE CONTROL

The Contractor shall be responsible for controlling dust and noise from the construction site. Construction noise will be judged from the lot line.

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7.0 ENFORCEMENT

7.1 NON-COMPLIANCE

Should an owner, or any of his agents, contractors, or subcontractors be found to noncompliant with the requirements stated herein during or after the period of construction, future submittals by such owner may not be accepted by the HPDRB for consideration until the issue of non-compliance has been resolved.

7.2 FINES AND PENALTIES

Should a property be found to be in non-compliance with any HPDRB Rules and Regulations at any time, the HPDRB may impose fines and penalties providing the owner has received notice of the issue of non-compliance and has not corrected the matter within 30 days. The amount of the fines and penalties shall be set by the HPDRB and may change from time to time. Currently, the penalty is \$50 per day per infraction, as stated on the notice. This amount will be itemized on the property owner's monthly statement and may become a lien on the property if not paid in full in a timely manner.

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Appendix A

Construction/Realtor signs at HP are subject to the following restrictions and specifications:

1. Material: wood construction
2. Colors: dark green background with white lettering. Style of lettering is up to the discretion of the owner but no logos are allowed which do not conform to the attached sample.
3. Height: 3 feet above the existing grade
4. Lettering: the top 3 lines will be 3" lettering, to include
 - the street address
 - the legal description
 - the building permit number.Style of lettering is up to the discretion of the owner.

The bottom for lines will be 1 3/4" lettering, to include
 - sales information
 - architect or other information pertaining to this project at the owner/developer discretion.
5. Size: 4 feet wide, 3 feet high with two 4" by 4" wooden posts.