FROST CREEK

EAGLE, CO

DESIGN GUIDELINES

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TABLE OF CONTENTS

I	INTRODUCTION TO FROST CREEK	1
II	ARCHITECTURAL GUIDELINES: CUSTOM HOMESITES	3
III	SITE DEVELOPMENT GUIDELINES: CUSTOM HOMESITES	8
IV	LANDSCAPE ARCHITECTURE DESIGN GUIDELINES	12
V	ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS)	19
VI	THE DESIGN REVIEW AND APPROVAL PROCESS	19
VII	CONSTRUCTION RULES AND REGULATIONS	29
VIII	APPROVED PLANT MATERIAL LIST	34
IX	UTILITY INFORMATION	39
X	APPENDIX	40

FROST CREEK

I - INTRODUCTION TO FROST CREEK

Frost Creek offers a unique opportunity to create a community of homes situated in the spectacular Brush Creek Valley. As one drives up the Brush Creek Valley to Frost Creek, it becomes apparent that this valley encompasses all of what makes Colorado a great place. The rich ranching heritage combined with the uncompromised beauty of the surrounding peaks of the Sawatch Range make it a truly special place.

Frost Creek has been planned and developed with a commitment to preserving and enhancing the pristine mountain valley environment. The natural topography and beauty of the land provides the context of all development within Frost Creek. The number one goal of the Frost Creek Design Guidelines is to ensure that Frost Creek's built environment respects and complements the natural beauty and splendor of its surroundings and that all homes complement and respect one another.

The planning of the Frost Creek development was done to be in harmony with nature and the physical surroundings as evidenced by the relatively few homesites on the project's approximately 1,106 acres. Each of Frost Creek's custom homesites were carefully located to provide ample room between homes. This was done to ensure that every custom homesite in Frost Creek offers the utmost quality in its views, terrain, orientation and privacy.

The Frost Creek Design Guidelines and related documents have been prepared to ensure that there is flexibility in the design of each home while at the same time making sure that there is consistency in the overall fabric of the community.

A. PURPOSE OF THE FROST CREEK DESIGN GUIDELINES – CUSTOM HOMESITES

The Frost Creek Design Guidelines have been written to help Owners and their architects implement the design goals and philosophy of Frost Creek by providing a general guide for the design and development of homes and improvements. These Guidelines provide the principal tool for maintaining the desired design quality of the built environment of Frost Creek.

One of the major objectives of these Guidelines is to ensure that the goals and philosophy of Frost Creek are met. It is not intended, however, to suggest that all homes in Frost Creek must be designed the same. In fact, these Guidelines are written to encourage architectural diversity within the context of the overall goals and philosophy of Frost Creek. It is the intention of these Guidelines to provide room for architectural diversity while at the same time making sure that no built structure, or improvement, detracts from the overall quality and appearance of Frost Creek.

The Frost Creek Design Guidelines have been written to provide general design concepts rather than provide a strict checklist of absolute design standards. This was done to help allow the desired architectural diversity yet still give guidance to ensure compliance with the overall Frost Creek philosophy.

The Design Guidelines are administered by the Design Review Committee (DRC) as designated by the CC&Rs for Frost Creek and by the Design Review Administrator (administrator). The DRC is comprised of an odd number of members with a minimum of three members and a maximum of seven. Each member shall either be a representative of the Declarant; a lot or unit owner or occupant; or an architect, landscape architect, or engineer. The Executive Board of the Master Association may appoint or remove a member of the DRC at any time without cause. The administrator shall be considered a subcommittee of the DRC with the authority to approve certain applications administratively as directed by the DRC.

B. THE FROST CREEK DESIGN PHILOSOPHY – CUSTOM HOMESITES

The overriding vision for Frost Creek is to create a contemporary community based on mountain and ranch style architecture. The design philosophy is driven by a desire to allow Frost Creek to develop with a strong sense of connection to the land and its surroundings. Respecting the rich ranching heritage of the Brush Creek Valley and allowing designs that incorporate contemporary interpretations of traditional forms and materials are key components in the design philosophy of Frost Creek.

The Frost Creek land planning process was done to allow homesites to be well spaced which allows for privacy, preservation of view corridors, and the feeling that each home can blend with the existing terrain and landscape. It is critical that each home that is designed and each homesite that is developed in Frost Creek not only respect the existing landscape but also respect the overall community.

There are many design principles that can be employed to achieve design continuity while at the same time allow for individual interpretations and expressions of the mountain and ranch architectural vernacular. Some of these principles are continuity of architectural style, the use of appropriate building materials, incorporating design elements that are of human scale and landscaping that is well integrated to both the home and site. Through the implementation of these and other design principles Frost Creek will be a community that allow expression of individual design styles yet has an overall sense of harmony with its surroundings.

II - ARCHITECTURAL GUIDELINES: CUSTOM HOMESITES

A. INTRODUCTION

1. The intent of the Frost Creek Design Guidelines for Custom Homesites is to allow diversity and flexibility in design, while developing a general unity of style and appearance of individual residences. Each residence should respond to the natural feature of its lot, while allowing individual character within the parameters of the Guidelines.

2. The architectural materials inherent to the Rocky Mountains focus on the use of natural woods, timber detailing and stone with limited uses of stucco and exposed metals. The use of natural materials that are well proportioned to the structure is highly encouraged. The expression of structure through the use of exposed timbers can be found in many buildings in the mountain environment.

B. BUILDING HEIGHT, MASSING, AND SCALE

1. In keeping with Frost Creek's design philosophy of designing the home with the natural features of the site, buildings should step with the natural contours of the lot. The maximum building height allowed in Frost Creek is 35'. The building height is measured according to the Building Height definition found in the Frost Creek PUD Guide as follows:

   Building Height. The building height is determined by measuring a series of points at equal intervals around the perimeter of the building no greater than 15 feet apart. At each interval the height shall be measured from finished grade (the final grade after completion of construction improvements) to the midpoint between the eave and ridge of all sloped roof planes or the top of all flat roof planes at this interval. Building height is then determined by averaging all of the interval heights around the building.

   With this method of calculating height, the maximum ridge elevation of a home will vary depending on the existing grades and contours.

2. While the massing of the home shall be designed in relationship to its lot, all homes in Frost Creek, shall be designed with an understated human scale. This can be achieved in a number of ways. For example, a composition of smaller structures may have a more comfortable scale than a single larger structure. The mass of a structure can also be reduced by stepping building heights and by providing offsets in building elevations. Large expanses of continuous vertical wall planes shall be avoided.

3. The use of articulated building forms that respond to the natural grades of the site while providing a sense of human scale are inherent to the goals of the Frost Creek Design Guidelines. Large uninterrupted roof lines and wall planes do not meet the goals of the Frost Creek Design Guidelines.

C. ROOFS

1. All major roofs of a structure shall have roof pitches between 3:12 to 9:12. Roof pitches up to 12:12 may be approved by the Design Review Committee (DRC) on a case by case basis. Roof forms shall be limited to gable, gambrel, hip and shed roofs. Limited uses of flat roofs or roofs less than 3:12 may be approved by the DRC on a case-by-case basis where the overall architecture and building forms are consistent with these Guidelines.

2. Deep roof overhangs and dormers are encouraged to add interest and variety to the roof forms. When used, dormers should be an integral part of the roof form and designed in proportion to the overall scale of the roof.

3. Roof materials shall be of materials of a Class A assembly and utilizing unit pieces such as fire treated cedar shake, slate or unglazed concrete tile. Simulated cedar shake and simulated slate roofing may be approved on a case by case basis by the DRC. Metal roofing may also be approved by the DRC on a case by case basis. Roofing colors should be limited to the muted grey/browns tones, natural aging metals such as copper and corten, and be natural in their appearance. In general the roof materials should blend in and harmonize with the existing landscape. The use of reflective roof materials is not allowed. All roof flashings shall be copper or a painted metal color as approved by the DRC.

4. Snow diverters and retainers may be necessary on certain roof forms and certain areas of the house. If used, they should be designed to be complementary to the architecture of the residence.

5. When skylights are used, they shall be integrated with the roof form. Roof mounted solar panels shall be installed flush with the roof line.

D. EXTERIOR WALLS AND SURFACES

1. A limited palette of materials based on the materials inherent to the Rocky Mountains should be used in the composition of all walls. These materials shall consist of wood, stone, and timber. Limited amounts of natural aging metals such as copper and corten may be approved by the DRC on a case by case basis. Limited amounts of stucco may also be approved on a case by case basis.

2. Stone should be used to express structural massing and also be used around the base of the structure to help ground the home to the site and imply structural integrity of the foundation of the home. The stone type and layup shall have a structural appearance and not appear to be a veneer type of application. All stone type and layup techniques must be approved by the DRC. Stone cannot end on an exterior corner and must return to finish on an inside corner of the building. In all cases stone shall be used below the lighter wood-sheathed elements so as to visually support the wood portion of the structure. At no time shall stone be allowed to be above wood siding while on the same wall plane. Use of artificial stone is prohibited.

3. The use of wood for a wall material is highly encouraged. The wood wall cladding material should be substantial and in proportion to the scale of the residence and be of adequate dimension to prevent the spread of wildfire. The use of rough sawn, wire brushed and hewn wood siding is allowed. Appropriate wood siding includes western cedar, redwood spruce, or pine with sound tight knots or better. When such materials are used, they shall be treated with a natural preservatives, semi-transparent stain, pigmented stain or paint. All colors and treatment of wood techniques must be approved by the DRC prior to their implementation. Reclaimed wood siding may be approved by the DRC on a case by case basis. Smooth wood wall cladding may be approved by the DRC on a case by case basis. Log and timber siding may be approved on a case by case basis by the DRC. Window and door casing shall be wood and exterior window trim shall relate to other building materials. The use of headers and sills are required and should be integrally designed with the wall.

E. WINDOWS AND DOORS

Openings for windows and doors shall be designed in proportion to the structure and the form of the residence. Large groups of windows may be permitted by the DRC if the windows have adequate mullions to separate the individual panes that give the appearance of an appropriately proportioned window assembly and not a large uninterrupted window wall. Large window assemblies are encouraged to be under deep overhangs to help provide shade and relief to the window assembly. Window and door materials shall be wood, pre-finished aluminum (in an approved color), copper or steel. Openings of unusual shapes and sizes that detract from the overall design of the home should be avoided. The use of colored, reflective, or mirrored glass is not permitted.

F. DECKS AND BALCONIES

Above grade decks and balconies can help to reduce the scale of a home and add overall interest to the design of the home and are encouraged where the contours of the existing land allow. Decks and balconies should be well integrated into the structure of the home and compliment the overall appearance of the home. The use of stone and heavy timber construction for above grade decks and balconies is encouraged and should be detailed with materials and colors that are consistent with the overall design of the home. Covered decks and balconies should have roof forms that are consistent with the rest of the home and appear to be natural extensions of the home. The undersides of decks that are visible should have a finished, architectural quality.

G. CHIMNEYS, ROOF VENTS, AND FLUES

1. Chimneys are often prominent visual elements of a home. They should be designed to be well integrated into the home and be in proportion to the rest of the home. They should be constructed of stone and have an appropriately designed cap. Building height limitations do not apply to chimneys.

2. All direct vent fireplace vents must be painted to match the surrounding building materials.

3. All roof vents and flues should be placed on the back side of the house. All plastic, pvc and abs vents must be covered in copper. Any metal vents or flues must be painted to blend with the roof. To the extent possible, the number of roof penetrations should be limited and consolidated into single flues or chimney forms.

H. TRIM AND ACCENT COLORS

All trim work, mullions, soffits, fascias, flashing and other exterior finishes shall be consistent with the materials and color of the home. Accent colors may be used to provide visual interest to a home but shall not call undue attention to any single element of the home. Trim and accent colors should be selected to reflect colors found in the existing landscape of Frost Creek. The use of bright colors should be avoided. All colors must be approved by the DRC prior to their installation.

I. ACCESSORY STRUCTURES

All accessory structures such as guest houses, accessory dwelling units, pool houses, garages, etc. shall be well integrated and consistent with the design of the home. Integration can be achieved with the use of similar materials, colors, architectural style, and form. Accessory structures should be visually or physically connected to the home by the use of landscaping, walls, roof forms, or walkways.

J. TRASH STORAGE, EQUIPMENT, AND METERS

1. All trash must be stored inside the home or accessory structure. Trash containers should be put out and taken back in on the same day as trash pick up.

2. All utility meters and connections shall be enclosed and incorporated into the design of the home.

3. Snowmelt boilers should be placed indoors. If a snowmelt boiler is placed outdoors the boiler must be screened appropriately including screening views from above.

K. GARAGE DOORS

Garage doors shall compliment the architectural style of the home. Single width garage doors are highly encouraged. A maximum of 4 single garage doors in the same elevation are allowed per residence. Doors beyond 2 in a single plane may be required to have a horizontal setback to avoid a long unbroken wall plane. Materials and treatments of garage doors should reinforce but not over power the architecture of the home. Garage door cladding shall be wood or an approved metal with glass accents. Raised panel garage doors are not allowed.

L. EXTERIOR LIGHTING

The intent of the exterior lighting section of the Frost Creek Design Guidelines is to provide for safe passage and movement during the night time hours while not causing unnecessary light pollution on neighboring lots. All exterior lighting is subject to approval by the DRC. All exterior lighting shall be dark night sky compliant. All exterior lighting shall be low-level with maximum 220 lumen fixtures. Floodlights and spotlights are not permitted. No light source may be directly visible from off of the site. See the landscape section of the Frost Creek Design Guidelines for landscape lighting requirements.

M. SATELLITE DISHES

Satellite dishes with a diameter of not more than 39" are allowed subject to approval of the DRC for an appropriate location. Installations visible from the street must be placed in the most inconspicuous location possible and painted to blend with the surrounding building materials. Satellite dish locations above the ridgeline of the house are not permitted.

III - SITE DEVELOPMENT GUIDELINES: CUSTOM HOMESITES

This section defines the guidelines and standards for the site development of each Custom Homesite including the siting of structures, grading, and drainage. The goal of these Guidelines is to protect the existing nature of the land and help new improvements blend in with the natural topography and existing landscape. A successful site planning process should find the delicate balance of preserving and enhancing the natural features of a site while at the same time accomplishing the design objectives of the owner.

A number of specific steps have been taken to assist owners with the site planning process. The following sections outline these steps and other design and planning considerations to be addressed during the site planning process. These considerations include where the home and improvements are located, the orientation of the home on a lot, the manner in which access is accomplished, site grading, limits of construction, parking and utilities.

A. BUILDING ENVELOPE

1. The Building Envelope defines the absolute location for all buildings and improvements on a lot. The Building Envelope is designated as a one-acre building envelope and is specific to each lot.

2. The location of the Building Envelope was determined based on site-specific considerations for each lot. The first objective for defining the Building Envelope was to identify the portion of each lot that would allow the design of a home to optimize views, privacy, solar orientation and other attributes of the lot. Secondly, the location of the Building Envelope minimizes the visual impact of development and maximizes the physical separation between homesites. Third, the Building Envelope encompasses a "buildable" portion of the site that also has the potential for convenient access from the Frost Creek road system. Finally, the Building Envelope directs construction away from environmentally sensitive areas and natural features of a lot such as ridge lines, drainage courses, and stands of trees.

3. All improvements must be located entirely within the Building Envelope, including but not limited to dwellings, attached patios and decks, garages, swimming pool and storage/outbuildings, but excluding roof overhangs, access driveways, underground utilities and drip irrigation, ISDS (but not in riparian or wetlands) infrastructure but not operational facilities for irrigation systems and drainage systems. Only the master developer or Master Association shall have the right to construct perimeter fencing for the development outside of the Building Envelope. All structures shall also observe the following setbacks in addition to the limits of the building envelope: 75' stream setback; 50' riparian and wetland setback; 25' front setback (except the front setback from Brush Creek Road and any portion of the Frost Creek Drive that has a right-of-way width of 60' or greater shall setback 50' per subdivision plat note); and 12.5' or ½ the height of the tallest building onsite for side and rear setbacks.

4. Prior to approval of a project that modifies or relocates the Building Envelope; an owner shall demonstrate that the proposed modification does not adversely impact any surrounding lot. For example, the modification shall not affect view corridors from other lots, appreciably increase the visibility of the proposed home, or substantially reduce the distance between adjacent Building Envelopes. In addition, the proposed modification must be sensitive to the environment and natural features of the lot, not affect wetlands or waterbodies, provide a sensitive driveway design, and are consistent with the overall design objectives of Frost Creek.

5. The maximum habitable square footage permitted for a single-family residence on each lot is 10,000 square feet. The minimum size requirement for each primary residential structure is 2,500 square feet.

    a. Square footage calculations for residences shall be defined pursuant to the applicable Eagle County building regulations.

    b. If an owner combines two or more homesites, a new Building Envelope location shall be proposed to the DRC for review. The owner must also submit an application to Eagle County for an amended plat to vacate the original property line. The maximum habitable square footage for a single-family residence remains at 10,000 square feet for combined lots.

6. All new improvements should consider and incorporate:

    a. Preserving the natural setting by fitting the building to the site and avoiding fitting the site to the building;

    b. Minimizing grading and removal of any existing vegetation;

    c. Maintaining existing drainage patterns; and

    d. Protection of view corridors from other properties.

B. UNDISTURBED AREA OF A LOT

1. The Undisturbed Area is the portion of a lot located substantially outside of the Building Envelope or substantially removed from the home. The Undisturbed Area provides a physical buffer between homes, protects sensitive environmental or natural features of a lot and provides a natural unifying landscape element throughout Frost Creek. The Undisturbed Area of a lot is to be maintained in a predominantly natural state and defined with a gradual transition line between other more formal landscaped areas of the lot. In most cases, some degree of maintenance of the Undisturbed Area will be required by the DRC.

2. Requirements for maintaining the Undisturbed Area will vary depending upon the unique characteristics of each lot. Generally, maintenance of the Undisturbed Area may include the limited removal of trees to frame and establish views, the trimming of trees up to six feet from ground level, the clearing and removal of deadfall, the planting of indigenous landscape material, and the

removal of noxious weeds. Activities not permitted in the Undisturbed Area include the removal of any existing vegetation and trees (unless specifically approved by the DRC), the introduction of manicured lawns, and the mowing of native grasses.

C. BUILDING SITING AND SITE ACCESS

1. Homes should be sited and designed to be integral with the natural characteristics of a lot. Existing terrain, vegetation, and other natural features should be preserved and when appropriately incorporated into the design of a home. While responding to all of these considerations, a home should also be located and oriented on a lot to take full advantage of the site's attributes. Privacy, short-range and long-range views, sun exposure and orientation should be carefully considered during the site planning process.

2. Access to a homesite is a critical element in the site planning of a lot. In all cases, access to the Building Envelope shall minimize grading and the modification of existing site contours. See Section IV for driveway details.

D. SITE CONTOURS, GRADING AND DRAINAGE

1. The grading and modification of existing site contours should be no more than necessary to accommodate the development of a home. Existing natural drainage courses should not be altered. When grading is required, it shall be designed to blend with the natural contours and landscape of the site. This can be accomplished by feathering all cuts and fills into the existing terrain of the site. To the extent possible, all grading should be confined to the Building Envelope and buildings should be sited parallel to the existing contours of the lot rather that opposing contours.

2. Cuts and fills should be minimized by proper site planning and design and be re-vegetated with native plant materials and blended into the surrounding environment. In all cases, cut and fill banks should be limited to a maximum slope of 2:1 with attempts to keep maximum slopes at 3:1. When retaining walls are required, such improvements shall be consistent with design standards and materials outlined in the landscape section of the Guidelines.

3. Avoid any unnatural berming and grading caused by leach fields and septic systems and clearly show the existing and proposed grading for DRC review.

E. SITE DISTURBANCE

All site disturbances are to be minimized and related to the building envelope with the exception caused by driveway construction, septic systems, and landscape enhancements. Outside the area of disturbance, the homesite is to remain in a natural condition. A Site Disturbance and / or Limit of Construction Line shall be located on the Site and Landscape Plan for DRC review and approval.

F. LIMITS OF CONSTRUCTION

In order to minimize site disturbance, contractors will be required to install a temporary fence to delineate the physical limits of site disturbance prior to beginning construction. Protective measures will also be required to safeguard trees during construction. These and other mitigation measures shall be detailed in a comprehensive Construction Management Plan. This Plan is to be submitted as an element of the final development application. Elements to be included in the Construction Management Plan and other construction-related requirements are described in the Construction Requirements section of these Guidelines.

G. PARKING

1. Each residence shall contain parking spaces for a minimum of two automobiles within an enclosed garage. One additional enclosed space shall be required for a guest. An accessory dwelling unit shall require 2 additional parking spaces. Garages may be integrated into the design of a residence or detached from the residence. Minimum parking space size shall be 9' x 18'.

2. Parking on Frost Creek roads is not permitted, except by special permit. While large expanses of paved surfaces are to be avoided, the need for on-site parking in addition to these requirements should be considered during the design process.

H. UTILITIES

All utility lines and related utility equipment shall be installed underground. Utility connections from main service lines to homes should be designed to minimize disruption of the site and existing vegetation. The precise location of a utility line shall not be based on the shortest distance between the main service line and the home. Rather, the location of utility lines should be determined in order to minimize impacts to the site. All utility boxes should be located to minimize their visual impact from the residence, adjacent lots and roadways. Utility boxes should be enclosed architecturally and screened with landscaping and should be clearly defined and detailed on the DRC submittal plans.

IV - LANDSCAPE ARCHITECTURE DESIGN GUIDELINES

Frost Creek lies within a unique and sensitive mountain environment. This ecosystem is populated by rich and diverse native wildlife highlighted by migrating herds of deer and elk, and plant communities of mature aspen groves, dense stands of conifers and colorful spring carpets of meadow grass and wildflowers. The land is punctuated by ribbons of native stone outcroppings and the site offers unparalleled views of surrounding mountains and valleys.

The challenge of landscape design in Frost Creek is to integrate the built environment with this spectacular setting. In this regard, the use of landscape materials immediately adjacent to a home is relatively unrestricted, except as regulated by Eagle County Wildfire Regulations. In other areas removed from the home, however, the introduction of plant materials is limited to species currently found in the local plant community. The integration of the man-made and natural landscape is a key aspect of these Landscape Design Guidelines.

A. LANDSCAPE DESIGN CONSIDERATIONS

The scale of landscape materials and the overall landscape design shall be integrated with the natural mountain landscape and local plant communities. New planting shall complement existing plant communities and be located to visually extend existing vegetative edges. The functional uses of plant materials for buffering westerly winds, providing seasonal shade and screening of undesirable views should be considered. The judicious use of color and texture should also be considered in the selection of landscape materials. The present and mature size of new landscape material should be considered when selecting landscaping materials. Due to the relatively short growing season at Frost Creek, large-caliper deciduous trees and mature evergreens are strongly recommended. Minimum landscape material sizes shall be as indicated on the Approved Landscape Material Lists found in the Appendix.

B. LANDSCAPING AND PLANT MATERIALS

1. The new landscapes shall blend with the natural landscape setting and be consistent with the existing native species in the area and with the adjacent properties. Within the Building Envelope or in areas immediately surrounding a home, landscape materials should be used to complement the architecture of the home, define outdoor spaces, frame both on-site and off-site views, establish background and foreground balance and knit the home to the site. The use of plant materials in areas immediately adjacent to a home, which are not visible from neighboring homes, is relatively unrestricted and may include introduced and non-native plants. Manicured or groomed yards shall be confined by buildings, fences, walls or other defined edges so that the visibility of these formal areas is limited to the subject property only.

2. New trees and shrub planting are to be a mix of sizes that will blend together in a natural appearance with a mix of sizes per below, generally:

    a. Deciduous Trees: 35% at 2" to 2.5" caliper, 50% at 3" to 3.5"caliper and 15% at 4" caliper or larger.

    b. Coniferous Trees: 15% at 8' high, 35% at 10' high, 35% at 12' high and 15% at 14' high or higher.

    c. Shrubs: 60% of #5 containers (5 gallon), 20% # 7 to #10 containers and 20% at 4' high B&B or higher.

3. All landscape material shall be selected from Table 1 of the Approved Landscape Material List located in the Appendix of these Guidelines.

C. IRRIGATION AND WATERING

Frost Creek encourages the limited use of irrigated areas. Design irrigation systems that are water efficient and are equipped with a rain sensor, which will disengage the system during periods of rain. Provide an irrigation breakdown on the Preliminary and Final Landscape Plans separating irrigated areas by sod lawn, spray perennials and groundcover areas, drip irrigated tree areas, drip irrigated shrub areas and any temporary native grass revegetation areas. The maximum square footage of permanent irrigated area allowed on each lot shall be 7,500 square feet. Areas outside of Building Envelopes shall not be irrigated by a permanent irrigation system except for lawn areas allowed to extend past the envelope by the DRC. Drip irrigation may be allowed for trees and shrubs planted outside the Building Envelope.

D. DECKS AND PATIOS

Decks and patios should be designed as an integral element of the design of the home. Materials used for decks, patios and other hard landscape surfaces shall be consistent with the materials and colors of the residence and other site improvements such as retaining walls. When appropriate, the use of natural stone is encouraged.

E. DRIVEWAYS

1. Driveways shall be constructed of asphalt, pavers or concrete. Other driveway materials may be approved subject to review by the DRC.

2. The maximum grade of driveways should not exceed 10%. The maximum width of paved driveway surface, excluding parking areas immediately adjacent to garages, should not exceed 12 feet. In some instances such as tight corners, pavement width may be wider to allow for such turning movements.

3. Heated snowmelt areas are encouraged in tight garage entries and turnaround features where snow removal and snow storage are considerations. The landscape plan should illustrate snow removal and storage. Designs that require plowing snow across the main road onto others' property is not permissible.

4. Gates to prevent vehicular access to driveways are discouraged but may be allowed by the DRC. Gates and entry monuments shall be consistent with the architecture of the home and be constructed of high quality materials. Gates and related structures shall be setback from the roadway approximately 50' so as to not impose on the roadway and not create a gated feel to the community. Gates and entry features shall be no greater than 8' in height and shall not arch over the driveway. Appropriate landscaping around entry features to soften and disguise its existence shall be required. Gate lighting and controllers shall be integrated into the design and of the same overall quality of the gate. The volume of the gate speaker, if any, shall not be audible to the public street or neighboring properties.

F. DRAINAGE STRUCTURES

Ends of culverts and drainage pipes are to be fully concealed with appropriate stone and landscaping materials. Culverts should be set at a grade to drain with ditch without any pooling.

G. RETAINING WALLS

1. Areas within the Building Envelope which require extensive grading changes shall be addressed with cribbing or retaining walls. Such walls should be designed as architectural extensions of the residence. Retaining walls shall be subject to the same criteria relating to color and materials and the residence itself. The maximum total vertical exposure of a retaining wall should not exceed 8'.

2. Retaining walls required for driveways shall be of the same character, color and materials as the residence. The maximum total vertical exposure of each wall section should not exceed 4'. Plantings around the base of such retaining walls are encouraged.

H. ADDRESS MARKER

All address markers shall be the standard, uniform, detail provided in the appendix. The owner is responsible to provide power for a light at the address marker. Address markers shall located close to the roadway so as to be visible from the roadway.

I. FENCES

1. Except for designed character fencing (including privacy fencing) and dog runs, fencing is prohibited within residential lots to facilitate local and migratory wildlife movements, optimize habitat availability, and reduce wildlife mortality. Fences, walls and barrier devices used for privacy and screening purposes within the Building Envelope shall be located directly adjacent to the home. When used, such features must be incorporated into the structural and architectural design of the residence. The Design Review Committee shall review the design, size, materials, color and construction of such structures in relation to the proposed residence and its neighboring sites.

2. The construction of fences, walls and barrier devices outside the Building Envelope is prohibited by the Wildlife Mitigation and Enhancement Plan included in the Frost Creek PUD Guide.

3. Pool fencing may not exceed 5 feet and shall be designed in accordance with applicable Eagle County codes and subject of approval by the DRC.

4. Dog runs should be located within the building envelope directly adjacent to the residence and be not visible from off-site. Dog run fencing may include custom grid wire fencing clad in dark green, bronze or black or split rail fencing with wire mesh. Chain link shall be prohibited.

J. LIGHTING

Landscape and site lighting is to be minimal and used essentially for safety and easy identification of entrances, steps and walkways and in compliance with the provisions found in the Frost Creek PUD Guide. Regular spaced driveway lighting is not permitted although a few driveway bollards in key locations may be approved. All exterior lighting shall be indirect, shielded and or hooded, so the light source is not visible from off site. With the exception of down-lighting along a driveway and at the address marker, lighting outside of the Building Envelope is prohibited. Low level landscape accent lighting immediately surrounding a home may be permitted; however, up-lighting of trees is prohibited. Except for low-level driveway lights and address monument lights approved by the DRC, all lighting is to be located within the homesite. All exterior lighting should be controlled and turned on at dusk with a solar cell and turned off with a timer, usually by midnight.

K. HOLIDAY LIGHTING

Exterior holiday lights, white and nonmoving or blinking, are permitted from the weekend before Thanksgiving through January 15. The holiday lights should generally be within the building envelope and not lighting up the perimeter of the property. The lights should be turned off by midnight each night. The Design Review Committee reserves the right to monitor and control what holiday decorations are displayed. Holiday lighting is to be turned on and off with an automatic timer.

L. WATER FEATURES

Architectural or landscape water features may be approved subject to review by the DRC. Water features should be located within the building envelope but may be allowed outside the envelope by the DRC where the impacts to the topography and neighboring homes is minimal.

No owner or contractor shall interfere with or direct the natural course of any drainage and runoff, nor construct any improvement, place any landscaping or allow the existence of any condition whatsoever which shall alter the drainage pattern or runoff from its natural flow to or across the land of another, except to the extent that such alteration in drainage pattern or runoff is approved Design Review Committee.

M. SWIMMING POOLS AND OTHER AMENITIES

1. Swimming pools and related features must be located within the Building Envelope. Such improvements should be designed to complement the residential structure and should be located so as to minimize impacts on adjacent lots and the surrounding natural area.

2. The construction of private tennis courts is prohibited.

3. Recreational equipment, such as swing sets, shall appear custom made and of high quality materials (timbers, architectural metals, etc.) and stained or painted to match the architecture of the home. Trampolines shall only be installed "in ground" and without netting visible from off of the property in any direction. The placement of recreational structures shall be sensitive to neighboring properties and shall not be substantially separated from the main residence.

N. WILDFIRE AND FIRE SAFETY

Applicants should consult with the Greater Eagle Fire Protection District on access and fire suppression requirements.

1. It is important that Frost Creek homeowners be aware of the possibility of wildfire. However, the threat of wildfire can be greatly reduced with thoughtful planning and preventative landscape maintenance.

2. The goal of fire-safe landscaping is to reduce the amount of potential fire fuel immediately surrounding a home. This need not result in a barren or unattractive landscape.

3. Along with the use of fire-resistant plant material, a 30-foot safety zone in all directions around a home is recommended. The following actions are required within this zone:

    a. Grasses, wildflowers, and other herbaceous vegetation within this defensible space will be kept mowed to a height no greater than 6 inches. Cuttings will be promptly collected and either removed for the site during routine trash collection or used onsite for composting.

    b. No trees will be planted within 15 feet of a dwelling, and any trees planted in the zone between 15 and 30 feet from a dwelling must be at least 25 feet apart and maintained so that their crowns are at least 10 apart.

    c. Where existing trees adjacent to a dwelling are desirable landscape features to be retained, they will be considered part of the home, and the defensible space and minimum 15-foot separation will commence at the edge of the tree canopy.

    d. Any shrubs retained or planted in the defensible space must be spaced so that the distance between clumps is at least 21/2 time the height. The maximum size (diameter) of clumps can be no more than 2 time the height.

e. For mature trees, or as small trees grow, the lower limbs will be pruned flush with the trunk so that the lowermost limb is either a minimum of 10 feet above the ground or on-half the height of the tree, whichever is lower. No tree limbs will be retained or allowed to grow within 15 feet of a chimney. Pruned woody material generated during tree and shrubby maintenance must be promptly removed for the site.

4. The few lots located partially or wholly within moderate-hazard and severe-hazard areas, the 30-foot defensible space will be surrounded by a "transition zone" extending to at least 70 feet from a dwelling. Within this transition zone, the following will be implemented:

   a. Trees will be thinned so that their crowns do not touch.

   b. Limbs will be pruned to a height of 10 feet above the ground (or one-half the tree height, whichever is lower).

   c. Annually shrubs, tall grasses, and weeds will be removed from beneath the crowns.

   d. Deadfall will be removed annually.

5. All homes and commercial structures shall be developed with Class A materials and assemblies as defined by the current building code.

6. All homes or individual structures (including attached garages) in excessive of 3,600 sq. ft. shall have a fire suppression sprinkler system installed.

7. The following additional requirements must be included in the home design:

   - All residential fire suppression systems will be designed, engineered, installed, and tested under NFPA 13D;
   - All residential fire suppression systems will include a water flow switch that will notify the fire district in the event of a water flow;
   - All residential fire suppression systems will have a tamper switch that will notify the fire district if the water supply for the fire suppression system has been shut off;
   - All homes that have a residential fire suppression system installed will have a fire department connection (FDC) that will allow responding personnel to supplement the water supply of the fire suppression system;
   - All homes that are equipped with a residential fire suppression system will have a horn / strobe installed above the fire department connection (FDC); and

- All homes that are equipped with a residential fire suppression system will have a Knox Box (fire department access box) installed that will allow responding personnel to access the residence. This is to limit the amount of damage done in the event of activation of the fire suppression system from responding crews having to enter the structure to shut down an active suppression system.

O. REVEGETATION PLANS

All areas of a lot disturbed during construction must be revegetated to blend with the non-disturbed landscape. Plant materials used for revegetation shall be from Table 1 of the Approved Landscape Material List. Revegetation of all disturbed areas is to be seeded with the Frost Creek Revegetation Seed Mix as shown in Appendix VIII.

P. EASEMENTS

Easements are located at various points throughout Frost Creek for the installation and maintenance of utilities, trails, drainage facilities, and snow control. No grading, structures, plantings or other materials that may damage or interfere with utilities or drainage shall be permitted within these easements. However, revegetation of all easements disturbed during the installation of utilities shall be required.

Q. EXTERIOR ARTWORK AND SCULPTURES

All artwork to be displayed outside the residence requires review and approval by the DRC. All artwork shall be located within the building envelope and not be directly visible from adjacent lots or roadways.

R. FIRE PITS AND FIREPLACES

Fire pits and fireplaces are to be gas only (no wood burning is permitted) and located within the building envelope. The DRC may consider fire pits outside of the building envelope where the impacts to neighbors is minimal.

S. SNOW STORAGE

Snow storage areas shall be clearly located and defined on the Landscape Plans. Snow removal and storage off of a lot is strictly prohibited.

V – ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS)

All homesites are to be improved with an OWTS designed, approved, permitted, and inspected at the direction of the HOA through a third party engineering firm acting at the OWTS Administrator. All applicants should contact the Administrator very early in the process to properly plan and site a facility. A fee deposit is collected from the landowner to cover the costs in the design, permitting, and inspection of the OWTS. Where special circumstances exist, additional fees may be required.

Only one denytrification system is allowed to be installed in Frost Creek and that is the Orenco AdvanTex Wastewater Treatment System.

Please refer to the OWTS Guide provided in the appendix of this document.

VI - THE DESIGN REVIEW AND APPROVAL PROCESS

The Design Review Process consists of a series of meetings between the owner, their design team, and the Frost Creek Design Review Committee (DRC). The DRC is committed to helping the owners and their design team through the Design Review Process. The DRC is made up of design professionals and others who are familiar with the goals of Frost Creek and have extensive experience designing and building homes in the mountain environment.

The DRC evaluates all applications on the basis of conformance to the Frost Creek Design Guidelines and the PUD Guide. Most of the Guidelines are written as relatively broad standards and the interpretation of the Guidelines is left to the discretion of the DRC. Other guidelines such as roof heights, roof forms, and exterior wall materials are more definitive. It is the intention of this Design Review Process that all developments within Frost Creek comply with these absolute standards. Prior to the DRC approving any deviation from the Frost Creek Design Guidelines the owner and their design team must demonstrate that the proposal is consistent with the overall objectives of the Guidelines and will not negatively affect adjoining lots or Frost Creek as a whole.

While these Guidelines are the primary tool for developing the architectural character of Frost Creek, other materials must also be considered during the design process. In addition to these Guidelines, Eagle County has adopted various codes and regulations, which apply to residential development (e.g. ECO Build, Wildfire Mitigation, etc.). The Eagle County Building Department may be reached at (970) 328-8730. In some cases there may be conflicting provisions within these control documents. In the event of a conflict, the most restrictive provision shall apply.

NO PLANS SHALL BE SUBMITTED TO EAGLE COUNTY NOR BUILDING PERMIT APPLIED FOR UNTIL APPROVED BY THE DESIGN REVIEW ADMINISTRATOR AND STAMPED APPROVED BY THE DRC.

A. NEW CONSTRUCTION DESIGN REVIEW

The Design Review Process for new construction involves four design review stages followed by construction inspections as follows:

1. **STEP ONE: PRE-DESIGN CONFERENCE.** The Pre-Design Conference is an informal review to exchange information between the DRC Administration, the Owner and their design team. The purpose of the meeting is to help facilitate a timely and cost effective design effort, review and approval of the home and homesite at Frost Creek. Items to be discussed at this meeting are the design theme of Frost Creek, the design review and construction process, and site specific considerations. This meeting is also an opportunity for the Owner and their design team to share their initial design concepts with the DRC Administration and to get feedback regarding the initial design concepts. This is a very important first step in helping to identify any major issues with the initial design concept prior to the Owner spending large amounts of time and money on design. This step is mandatory unless specifically waived by the DRC Administration.

    a. The typical Pre-Design Conference will focus on the following:

        (I) Property boundaries and setbacks

        (II) Building envelopes

        (III) Easements and utilities

        (IV) Topographical survey

        (V) Site specific characteristics (views, orientation, adjacent properties etc.)

        (VI) Frost Creek Design Guidelines and other Eagle County regulations

        (VII) Architecture and site planning

        (VIII) Submittal requirements

        (IX) Timing of future meetings

    b. The following are required materials for the Pre-Design Conference:

        (I) Pre-Design Conference Application and Fee

        (II) Topographical Survey prepared by a Colorado licensed surveyor at minimum of 1" = 20' of the homesite. The Topographical Survey shall show:

            (a) Property boundaries of the homesite

            (b) Setback lines

            (c) Platted easements

(d) 2' contour intervals

(e) Significant natural features including but not limited to rock outcroppings, drainage ditches etc.

(f) Trees with a caliper greater than 3" measured 12" off of the ground

(g) Other improvements or structures affecting development on the homesite

(III) Soil survey

(IV) Building program and design rationale

(V) Conceptual Site Plan for the homesite indicating the location of all buildings, driveways, outdoor living spaces, ISDS and other improvements.

(VI) Informal character sketches of floor plans and exterior elevations.

No formal vote will take place at this meeting as this is simply a staff level meeting.

2. **STEP TWO: PRELIMINARY PLAN REVIEW.** The purpose of the Preliminary Plan Review is to ensure that the design development level of drawings generally conform to the Design Guidelines prior to proceeding with construction level drawings. It is intended to provide the Owner and their design team with information needed to avoid wasted time and professional fees that result from a design that is in conflict with the Design Guidelines. This step may be combined with step three but the applicant assumes all risk in doing so and the application fees still apply.

a. The Preliminary Plan Review will primarily focus on the following:

(I) Responses to any issues identified in the Pre-Design Conference

(II) Site specific site plan and architecture

(III) Preliminary exterior materials and colors

(IV) Preliminary exterior lighting plan

(V) Preliminary landscape plan

b. The following are required materials for the Preliminary Plan Review:

(I) Preliminary Plan Review Application and Fee

(II) Topographical Survey

(III) Proposed Site Plan using the Topographical Survey information at minimum 1" = 20'. One full scale set and one PDF electronic set showing:

(a) Property boundaries of the homesite and adjacent property lines within 25' of the homesite

(b) Design Guideline Setback lines

(c) The Building Envelope

(d) Easements

(e) Existing and proposed contours at 2' intervals

(f) Building footprint and eave drip line locations

(g) Driveways

(h) Site drainage

(i) Utilities including location of ISDS tank, leach field and control box.

(j) Site improvements such as fences, decks, patios, walks, pools etc.

(k) Site Coverage Table including total lot area, impervious area coverage and area disturbed by construction.

(IV) Proposed Architectural Plans at a minimum of 1/8" = 1'-0" showing:

(a) Floor plans of all of the proposed buildings

(b) Roof plans of all of the proposed buildings

(c) A calculation of the total square footage of all of the floor plans for all of the buildings

(d) All exterior elevations with existing and proposed grades

(e) Building sections through all of the principal masses of all of the buildings

(f) Building height calculations shown on the exterior elevations

(g) Proposed exterior materials and colors

(h) Proposed exterior lighting

(V) Preliminary Landscape Plan at a minimum of 1" = 20' showing:

(a) Footprint and eave lines of all buildings

(b) Existing and proposed contours at 2' contours

(c) Limit of site disturbance and erosion control measures

(d) Turf areas and new native grass areas

(e) Any existing trees and vegetation to remain and/or to be removed

(f) Exterior patios and outdoor living spaces including items such as firepits, hot tubs, steps, retaining walls, landscape boulders, etc.

(g) Tree, shrub and perennial locations with quantities, species and sizes

(h) Irrigation area calculations including lawn areas, perennial beds, drip irrigation areas for trees and shrubs and temporary irrigation

(i) Address marker design and location

(VI) Preliminary Grading Plan at a minimum of 1" = 20'

3. **STEP THREE: FINAL PLAN REVIEW.** The purpose of the Final Plan Review is to ensure that the Construction Set of Drawings, including all improvements to the homesite conform to the Design Guidelines and that any issues identified in the Preliminary Plan Review were addressed. DRC approvales are valid for 2 years from Final Plan Approval.

a. The Final Plan Review will primarily focus on the following:

(I) Response to items identified at the Preliminary Plan Review

(II) Site Plan

(III) Architecture

(IV) Final exterior materials and colors

(V) Final exterior lighting plan

(VI) Final landscape plan

b. The following are required materials for the Final Plan Review:

(I) Final Plan Review Application and Fee

(II) One exterior elevation accurately rendered in the proposed colors

(III) Topographical Survey

(IV) Final Site Plan using the Topographical Survey information at minimum 1" = 20'. One full scale set and one PDF electronic set showing:

(a) Property boundaries of the homesite and adjacent property lines within 25' of the homesite

(b) Design Guideline Setback lines

(c) The Building Envelope

(d) Easements

(e) Existing and proposed contours at 2' intervals

(f) Building footprint and eave drip line locations

(g) Driveways

(h) Site drainage

(i) Utilities including location of ISDS tank, leach field and control box.

(j) Site improvements such as fences, decks, patios, walks, pools etc.

(k) Site Coverage Table including total lot area, impervious area coverage and area disturbed by construction.

(V) Construction Management Plan showing:

(a) Erosion silt fence, dust control measures, trash dumpster location, construction limit fencing and portable toilet

(b) Soils and materials staging areas

(c) Construction trailer (if any)

(d) Construction sign (see Construction Sign Regulations)

(e) Construction parking area

(VI) Final Architectural Plans at a minimum of 1/8" = 1'-0" showing:

(a) Dimensioned floor plans of all buildings

(b) Roof plans of all buildings

(c) A calculation of the total square footage of all of the floor plans for all of the buildings

(d) All exterior elevations with existing and proposed grades

(e) Building sections through all principal masses of all of the buildings

(f) Building height calculations shown on the exterior elevations

(g) Exterior lighting plan

(h) Fence details (if any)

(i) Exterior material and color sample board

(j) Architectural Details

(k) Typical eave detail

(l) Typical beam, lookout and timber bracket details

(m) Typical wall section

(n) Typical section though all porch areas

(o) Exterior handrail and deck details

(p) Exterior window trim details

(q) All exterior materials including siding types and sizing, stone type, chimney details etc.

(VII) Final Landscape Plan at a minimum of 1' = 20' showing:

(a) Entire lot area including any existing building, improvements and trees with a caliper of 4" or larger

(b) Footprint and eave lines of all buildings

(c) Existing and proposed grades at 2' contours

(d) Limit of site disturbance line and erosion control measures and techniques

(e) Turf areas and planting beds

(f) Any existing trees and vegetation to remain and/or be removed

(g) Exterior patios and outdoor living spaces including items such as firepits, hot tubs, steps, retaining walls, landscape boulders, etc.

(h) Tree, shrub and perennial locations with quantities and sizes

(i) Irrigated area calculations including lawn areas, perennial beds, drip irrigation areas for trees and shrubs and temporary irrigation

(j) Site lighting information with locations clearly shown on the plan along with a lighting legend keyed to the plan identifying quantities, model number, lamp type with wattage and cut-sheets of any fixture being proposed

(VII) Final Grading Plan at a minimum of 1" = 20'

4. **STEP FOUR: TECHNICAL PLAN REVIEW.** The purpose of the Technical Review is to ensure that all prior conditions of approval have been addressed in the Construction Documents and that the drawings conform to the Design Guidelines.

    a. The Technical Plan Review is done by the Design Review Administrator and does not require a meeting of the DRC.

    b. The following are required materials for the Technical Plan Review:

        (I) 2 full scale plan sets and one PDF set. The PDF is a record set for the Frost Creek Design Review Administration and two sets are for submittal to Eagle County for the Building Permit Submittal

        (II) Construction Compliance Deposit and signed Construction Compliance Agreement

        (III) Estimated Construction Schedule

    c. Upon the approval of the Design Review Administrator the plan sets shall be stamped as approved by the Frost Creek Design Review Committee and may be submitted to Eagle County for the Building Permit Process. NO PLANS SHALL BE SUBMITTED TO EAGLE COUNTY NOR BUILDING PERMIT APPLIED FOR UNTIL APPROVED BY THE DESIGN REVIEW ADMINISTRATOR AND STAMPED APPROVED BY THE DRC.

B. CONSTRUCTION INSPECTIONS

Eagle County is the responsible agency for construction inspections. The Design Review Committee will also inspect construction progress as follows (a reinspection fee may apply for any failed inspections):

1. Pre-Construction Meeting On Site

    a. A Pre-Construction Meeting on site is required between the General Contractor and the Design Review Administrator prior to any work beginning on the site.

    b. The primary purpose of the meeting is to ensure that all of the items on the Construction Management Plan have been addressed and to review the Rules and Regulations governing construction activities in Frost Creek.

    c. All required silt fencing, construction fencing etc. shall be in place prior to the Pre-Construction Meeting.

2. Foundation Improvement Location Certificate

    a. After the completion of the foundation a Foundation Improvement Location Certificate is required to be completed by a Colorado Licensed Surveyor.

    b. The purpose of this is to ensure the foundation was placed according to the approved plans before more construction activity takes place.

c. The Contractor is to provide the Design Review Administrator with a copy of the Foundation Improvement Location Certificate for their approval prior to proceeding with framing.

3. Building Height Certificate

   a. Upon the completion of framing and prior to roofing a Building Height Certificate is required to be completed by a Colorado Licensed Surveyor.

   b. The purpose of this is to ensure that the framing of all buildings was done according to the approved plans before more construction activity takes place.

   c. The Contractor is to provide the Design Review Administrator with a copy of the Building Height Certificate for approval prior to proceeding with the roofing materials being applied.

   d. This Certificate shall show the heights of all of the ridges or high points of all of the roofs relative to the existing and proposed grade below.

4. Exterior Material and Color Mock-Up Inspection

   a. Before adhering any exterior materials to the home or structures, the DRC or DRC Administrator shall inspect and approve the exterior materials and colors mock-up.

   b. A complete mock up will include samples of all building finish materials including but not limited to; stone, siding, beam work, rafter tails, fascia, roof finish material and at least one window with all applicable window treatments including head and sill and shutters (if applicable).

   c. At the Owner/applicants on risk, the mock-up can be provided on a small area of the home itself rather than being freestanding, however, this does not allow exterior materials to be generally applied the the building until the mock-up is approved.

   d. A photo or photos of the mock-up shall be sent to the DRC Administrator with the request for approval.

   e. Inspections of incomplete mock-ups will not be performed. A re-inspection fee will apply if multiple inspections are required.

5. Changes During Construction

6. It is common for the design of new homes to be refined during construction process.

   a. Any changes that occur that are different from the approved set of drawings require a submittal to the Design Review Administrator.

   b. If the changes are minor in nature and conform to the Design Guidelines the Design Review Administrator may grant approval.

c. If the changes, in the sole opinion of the Design Review Administrator are a significant change from the approved set of drawing then the Design Review Administrator may require the Contractor/Owner to submit the changes to the Design Review Committee for their review.

d. Any changes made to the approved set of drawings without the approval of the Design Review Committee, is done at the risk of the Contractor/Owner.

7. Certificate of Compliance

a. Upon the completion of all improvements of the homesite the Design Review Committee Administrator shall perform a Certificate of Compliance Inspection. The project shall not receive a final inspection or certificate of occupancy until the DRC Administrator has issued its Certificate of Compliance approval.

b. The purpose of the Certificate of Compliance Inspection is to ensure that the improvements built and installed on the homesite are in substantial conformance to the approved plans and to the Frost Creek Design Guidelines.

c. A Certificate of Compliance must be issued by the Design Review Committee Administrator prior to occupation of any residence.

d. Upon the issuance of the Certificate of Compliance the Construction Compliance Deposit will be refunded to the Owner less any fines or penalties.

8. Temporary Certificate of Completion

a. A Temporary Certificate of Completion may be issued by the Design Review Administrator prior to the completion of the landscaping and driveway if weather conditions do not allow for the completion of these items.

b. Depending on the extent of the items remaining to be completed an increase in the Construction Compliance Deposit may be required.

c. Any Temporary Certificate of Completion issued must have a specific set of conditions and an approximate timetable to complete the remaining items.

d. When the Temporary Certificate of Completion conditions are cured a final Certificate of Compliance will be issued and the Construction Compliance Deposit shall be refunded to the Owner.

VII - CONSTRUCTION RULES AND REGULATIONS

The purposes of the Construction Rules and Regulations is to promote the orderly development of homesites, to avoid unnecessary damage to the site and adjacent properties, to minimize construction impacts on the neighborhood and to implement agreements between Frost Creek, it's homeowners and Eagle County.

Each Owner is responsible to implement these Construction Rules and Regulations with their contractors, sub-contractors, suppliers and all others associated with the construction on the homesite.

A. SAFETY

The Owners and Owners contractors, sub-contractors, suppliers and all others associated with the construction on the homesite are required to comply with all governmental safety regulations for construction activities arising from the homesite. The Owners shall ensure that agreements with contractors, sub-contractors, suppliers and all others associated with the construction on the homesite provide for construction site safety and cleanliness.

B. EROSION CONTROL AND DRAINAGE

Erosion control measures shall be installed prior to any construction activity on the site. Such measures shall be maintained in working order throughout the construction period. Should erosion control measures fail, all other construction activities shall cease until erosion controls and any damages are repaired.

C. CONSTRUCTION FENCE

A construction fence not less than 42" tall shall be installed around the limits of disturbance prior to the commencement of construction. The construction fence shall be green or black in color. Orange fencing is not allowed. One opening not more than 25' in width may be provided for access to the construction site. The construction fence must be maintained in good working order during the duration of the construction on the site.

D. HOMESITE ACCESS

Homesite access is restricted to and from the street frontage of the homesite. Access or egress across other properties is prohibited. During the Design Review Process, the DRC shall identify a construction traffic access pattern to the homesite which will minimize the impact on existing homes in Forest Creek. The Owner and Owner's Contractor shall cause all construction vehicles to follow such identified traffic access route during construction.

E. RESTORATION OR REPAIR OF PROPERTY DAMAGE

Any damage or scarring of other properties including but not limited to other homesites, driveways, roads, curbs, gutters and other public street improvements is not permitted. Should such damage occur, it shall be repaired promptly at the expense of the Owner.

F. CONSTRUCTION TRAILERS/PORTABLE OFFICES

A single construction field office may be approved for placement on the homesite during the construction period as shown on the approved Construction Management Plan.

G. STORAGE OF MATERIALS AND EQUIPMENT

At the Owner's risk, the Owner and Owner's Contractor are permitted to store construction materials and equipment on the construction site during the construction of the home. Such materials and equipment shall be placed, properly covered and secured in a neat and orderly manner. No materials or equipment may be staged or stored on the site more than 3 days prior to the commencement of construction.

H. SITE CLEANLINESS

1. Each construction site shall be kept neat and orderly to prevent a visual nuisance for other properties and the community as a whole. Owners and contractors shall provide an adequately sized container for debris and shall clean up all trash and debris on the construction site on a daily basis. All food debris shall be disposed of in a separate bear proof container.

2. Lightweight materials and packaging shall be covered or weighted to prevent scattering by the wind. Wind scattered debris shall be retrieved immediately and disposed of properly.

3. Trash and debris shall be removed from the construction site on a timely basis to a dumping site located off of the project. No dumping, burying or burning of construction debris is permitted on any property in Frost Creek. Mud, dirt, gravel or debris resulting from construction activities on the site shall be removed promptly from streets and adjacent properties.

I. SANITARY FACILITIES

Each construction site shall have adequate sanitary facilities on site during construction. Such sanitary facility shall be covered on 3 sides by a temporary wood structure and placed on the site to minimize the visual impact of the facility to adjoining properties.

J. VEHICLES AND PARKING

Use of other homesites for construction parking is not permitted. All construction vehicles and equipment shall be parked in the areas shown on the approved Construction Management Plan.

K. CONSTRUCTION HOURS

1. Construction hours are limited to the following:

    a. Monday – Friday: 7:00 a.m. – 7:00 p.m.

    b. Saturday: 8:00 a.m. – 6:00 p.m.

    c. Sunday/Holiday: No outside construction or construction support activities are permitted at any time on Sundays and the following Holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

2. After Hours: Construction work and all of its support machinery and activities that occur within a fully enclosed structure are permitted any day from 8 a.m. until 9:00 p.m. provided that no noise, light or smell disturbance can be detected from off the site. This provision may revoked on any job site upon the first complaint of a violation.

L. CONSTRUCTION NOISE

Use of radios, MP3 players, CD's players etc. shall be restrained so that to no noise from such players shall be heard from off of the site. Machinery shall not be operated before or after construction hours. Concrete pours shall be scheduled with adequate time to complete the pour within the allowed construction hours.

M. DOGS

Contactors, sub-contractors, suppliers and all others associated with the construction on the home-site a prohibited from bringing any dog into Frost Creek, including dogs kept inside motor vehicles. Violations of this policy shall result in the immediate eviction of the dog and the dog's owner from Frost Creek.

N. MISCELLANEOUS CONSTRUCTION POLICIES

The following miscellaneous construction policies apply to all owners, contractors, sub-contractors, suppliers and all others associated with the construction on the homesite:

1. Changing of oil on any vehicle or equipment, or discharge of oil or other vehicle products onto the ground, utility structures, or into waters of the site is prohibited.

2. Concrete trucks and related equipment wash-out or disposal of excess concrete is prohibited except as shown on the approved Construction Management Plan.

3. Removal of plant materials, or topsoil from any property other than the subject homesite is prohibited.

4. Carrying or possession any type of firearm on property is prohibited.

5. Only one construction sign (no larger than 3'x4') as approved by the DRC is permitted on each homesite

6. A minimum of one 1016 ABC rated dry chemical fire extinguisher shall be located and immediately available on each construction site.

O. INSURANCE

Until the improvements on any lot are completed, the Owner of such lot is required to carry builder's all risk property damage insurance, with a policy limit equal to full replacement cost of improvements and personal property.

P. ENFORCEMENT

1. **AUTHORITY TO FINE.** Section 12.9 of the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions for Frost Creek provides the Frost Creek Master Association the power, duty and procedures to impose fines and other sanctions for violations of rules and regulations of the Association. The Design Guidelines, including but not limited to the Construction Rules and Regulations are rules of the Association.

2. **FINE SCHEDULE.** The following Schedule of Fines is established for violations of these Construction Rules and Regulations. Each separate incident or day of a violation may be considered a separate violation.

    a. First Violation of any kind per project: A courtesy verbal and/or written notice of the violation, as well as the required action and time within to cure the violation.

    b. Second Violation of any kind per project: Verbal and/or written demand, plus a fine of $100.

    c. Third Violation of any kind per project: Verbal and/or written demand, plus a fine of $200 up to $800, as determined by the DRC or DRC Administrator.

    d. Succeeding Violations: Fines determined by the DRC or HOA.

3. Notice

    a. Written and verbal notice will be given to the Owner and Owner's Contractor as soon as practicable.

    b. An email shall serve as written notice. Notice may also be given by hand delivery or by US Mail to either the owner or the contractor or any subcontractor or employee onsite.

4. Violation Abatement

    a. Once notified, the Owner or violator must cure the violation within the reasonable time and in the manner directed by the DRC or its designee. Immediate abatement may be required when the violation poses a health or life safety risk or when the effects of the violation are deemed to be progressive.

    b. The proposed fines shall accrue daily for each calendar day beyond the specified cure time until cured.

    c. No approvals shall be issued nor inspections or hearings shall occur until all fines are paid.

5. Hearing

    a. The DRC may hear the matter of fines if contested by the Owner/Applicant or at the discretion of the DRC Administrator.

    b. The Owner is invited to present any statement, evidence and witness on the Owner's behalf.

    c. The DRC, acting as the Hearing Committee appointed by the Frost Creek Association Executive Committee will consider the matter. The DRC may waive, reduce or impose the proposed fine in full.

    d. Fines are Default Assessments of the Frost Creek Association that are due and payable immediately. Any fines that remain unpaid may be deducted from the Construction Compliance Deposit.

6. Appeal

    a. Fines imposed by the DRC may be appealed to the Frost Creek Association Executive Committee.

VIII - APPROVED PLANT MATERIAL LIST

The following plant materials are mostly appropriate for close proximity to the house within the building envelope and in a limited area at the entry to the driveway. Native and natural plant materials should be used for transitioning away from the immediate homesite or building envelope into the meadows or native undisturbed landscape.

Sizes: New trees and shrub planting are to be a mix of sizes that will blend together in a natural appearance with a mix of sizes per below:

- **Deciduous Trees: 35%** at 2" to 2.5" caliper, **50%** at 3" to 3.5"caliper and **15%** at 4" caliper or larger.
- **Coniferous Trees: 15%** at 8' high, **35%** at 10' high, **35%** at 12' high and **15%** at 14' high or higher.
- **Shrubs: 60%** of #5 containers (5 gallon), **20%** # 7 to #10 containers and **20%** at 4' high B&B or higher.

DECIDUOUS TREES

Sizes: 35% at 2" to 2.5" caliper, **50%** at 3" to 3.5"caliper and **15%** at 4" caliper or larger.

BOTANICAL NAME	COMMON NAME
Acer ginnala 'Flame'	Amur Maple
Acer glabrum	Rocky Mountain Maple
Crataegus ambigua	Russian Hawthorn
Malus species	Flowering Crabapple: Dolgo, Radiant, Spring Snow
Populus acuminate	Lanceleaf Cottonwood
Populus angustifolia	Narrowleaf Cottonwood\
Populus tremuloides	Quaking Aspen
Prunus virginiana melancarpa	Native Chokecherry
Prunus virginiana 'Shurbert'	Shubert or Canada Red Chokecherry

EVERGREEN TREES

Sizes: 15% at 8' high, **35%** at 10' high, **35%** at 12' high and **15%** at 14' high or

BOTANICAL NAME	COMMON NAME
Abies concolor	White Fir
Juniperus monosperma	One Seed Juniper
Juniperus osteosperma	Utah Juniper
Juniperus scopulorum	Rocky Mountain Juniper
Picea engelmannii	Engelmann Spruce
Picea pungens	Colorado Spruce
Pinus aristata	Bristlecone Pine
Pinus edulis	Pinion Pine
Pinus flexilis	Limber Pine
Pinus ponderosa	Ponderosa Pine
Pseudostuga menziesii	Douglas Fir

SHRUBS

Sizes: 60% of #5 containers (5 gallon), **20%** # 7 to #10 containers and **20%** at 4' high B&B or higher

BOTANICAL NAME	COMMON NAME
Acer glabrum	Rocky Mountain Maple
Amelanchier alnifolia	Serviceberry
Artemisia tridentata vaseyana	Mountain Big Sagebrush
Cercocarpus montanus	Mountain Mahogany
Chrysothamnus nauseosus	Rubber Rabbitbrush
Chrysothamnus viscidiflorus	Low Rabbitbrush
Cornus stolonifera	Redtwig Dogwood
Juniperus communis	Juniper
Pentaphylloides floribunda (Potentilla)	Shrubby Cinquefoil
Prunus virginianus	Chokecherry
Purshia tridentata	Antelope Bitterbrush
Rhus glabra	Smooth Sumac
Rhus aromatica ssp. trilobata	Skunkbrush
Ribes cereum	Wax Currant
Rosa 'woodsii'	Wood's Rose
Rubus parviflorus	Thimbleberry
Sambucus racemosa	Red Elderberry
Sheperdia canadensis	Buffaloberry
Symphoricarpos oroephilus	Mountain Snowberry
Amelanchier alnifolia	Serviceberry
Amelanchier canadensis	Canadian Serviceberry
Amorpha caescens	Blue Mist Spirea
Artemisia tridentate vaseyana	Mountain Sagebrush
Berberis spp.	Barberry
Cercocarpus montanus	Mountain Mahogany
Cercocarpus ledifolius	Curlyleaf Mountain Mahogany
Chrysothamnus nauseosus	Rubber Rabbitbrush
Chrysothamnus viscidiflorus	Low Rabbitbrush
Cornus stolinifera	Red Twig Dogwood
Cornus stolinifera 'Isanti'	Cornus stolinifera 'Isanti'
Cornus alba 'Argenteomarginata'	Variegated Dogwood
Cotoneaster divaricatus	Spreading Cotoneaster
Cotoneaster lucidus	Peking Cotoneaster
Euonymus alatus 'Compacta'	Dwarf Burning Bush
Juniperous sabina'Buffalo'	Buffalo Juniper
Juniperum horizontalis 'Blue Chip'	Blue Chip Juniper

SHRUBS CONTINUED

Sizes: 60% of #5 containers (5 gallon), **20%** # 7 to #10 containers and **20%** at 4' high B&B or higher

BOTANICAL NAME	COMMON NAME
Lonicera involucrate	Twinberry Honeysuckle
Lonicera korolkowi 'Zabel's	Zabel's Honeysuckle
Spiraea species	Spirea
Physocarpus opalifolius	Golden Ninebark
Physocarpus opulifolius 'Diablo'	Purple Leaf Ninebark
Potentilla species	Potentilla
Prunus x cistena	Purple Leaf Plum
Perovskia atriplicifolia	Russian Sage
Pentaphylloides floribunda (Potentilla)	Shrubby Cinquefoil
Prunus virginianus	Chokecherry
Purshia tridentate	Antelope Bitterbrush
Ribes alpinum	Alpine Currant
Ribes aurem	Yellow Currant
Rhus glabra	Smooth Sumac
Rosa "woodsii"	Wood's Rose
Rosa foetida 'Bicolor'	Austrian Copper Rose
Rubus parviflorus	Thimbleberry
Sambucus racemosa	Red Elderberry
Sheperdia Canadensis	Buffaloberry
Symphoricarpos oroephilus	Mountain Snowberry
Salix purpurea 'Nana'	Snowmound Spirea
Spirea nipponica 'Snowmound'	Dwarf Blue Arctic Willow
Syringa vulgaris	Common Purple Lilac
Salix monticola	Mountain Willow
Sorbaria sorbifolia	Ural False Spirea

DWARF CONIFERS

BOTANICAL NAME	COMMON NAME
Picea pungerns 'Fat Albert'	Fat Albert Spruce
Picea pungerns species	Dwarf Blue, Green, Globe Spruce
Picea pungens 'Hoopsii'	Hoopsii Spruce
Pinus mugo mugus	Dwarf Mugo Pine

PERENNIAL FLOWERS: Planted within the building envelope and at the address marker.

Sizes: #1 containers and flats of 15 plants each

BOTANICAL NAME	COMMON NAME
Achillea	Red Yarrow
Alcea species	Hollyhock
Aquilegia species	Columbine
Aster species	Fall Aster
Centaurea montana	Mountain Bluet / Bachelor Button
Chrysanthemum maximum	Shasta Daisy
Delphinium elatum	Delphinium
Dianthus deltoids	Maiden Pinks
Dicentra spectabilis	Bleeding Heart
Gaillardia grandiflora	Blanket Flower
Hosta sp.	Plaintain Lily
Hemerocallis hybrids	Daylily
Iris siberica	Siberian Iris
Linum perenne	Flax
Lupinus species	Lupine
Papaver orientalis	Oriental Poppy
Penstemon strictus	Rocky Mnt. Penstemon
Salvia x surperba	Salvia

GROUND COVERS: Planted within the building envelope and at the address marker.

Sizes: #1 containers and flats of 15 and 32 plants each

BOTANICAL NAME	COMMON NAME
Aedopodium podagraria 'Variegatum'	Variegated Bishop's Weed / Snow on the Mnt.
Ajuga species	Ajuga
Arctostaphylos uva-ursi	Kinnikinnick
Artemisia frigida	Fringed Sage
Cerastium tomentosum	Snow-In-Summer
Delosperma nubigenum	Hardy Yellow Iceplant
Galium odoratum	Sweet Woodruff
Mahonia repens	Oregon Grape
Pachystima myrsinites	Mountain Lover
Potentilla verna 'nana'	Creeping Potentilla
Phlox spp.	Phlox
Antennaria rosea	Pussytoes
Fragaria vesca	Wild Strawberry
Sedum spp.	Stonecrop (sedum)
Thymus spp.	Thyme
Vinca minor	Periwinkle

CONTAINER GRASSES

BOTANICAL NAME	COMMON NAME
Festuca glauca 'Elijah Blue'	Elijah Blue Fescue
Helictotrichon sempervirens	Blue Avena Grass
Miscanthus sinensis 'Gracillimus'	Maiden Grass
Schizachyrium scoparium 'Blaze'	Blaze Little Bluestem
Calamagrostis acutiflora 'K.F."	Feather Reed Grass

VINES

BOTANICAL NAME	COMMON NAME
Lonicera heckrotti	Heckrotti Honeysuckel
Clematis species	Clematis
Parthenocissus quinquefolia	Virginia Creeper / Engleman Ivy

WILDFLOWER MIX

Any Wildflower Mix to be used with the native grass revegetation to list detailed composition mix on the Landscape Plan to be submitted to the DRC for review and approval.

X - UTILITY INFORMATION

Please find below service providers and contact information for all utilities at Frost Creek

POTABLE WATER

Town of Eagle
970-328-6354

NON-POTABLE WATER (FROST CREEK IRRIGATION ONLY)

Frost Creek HOA
970-328-2326

SEPTIC

Frost Creek HOA – Matt Shoulders
970-328-2326

NATURAL GAS

Source Gas
970-328-1255

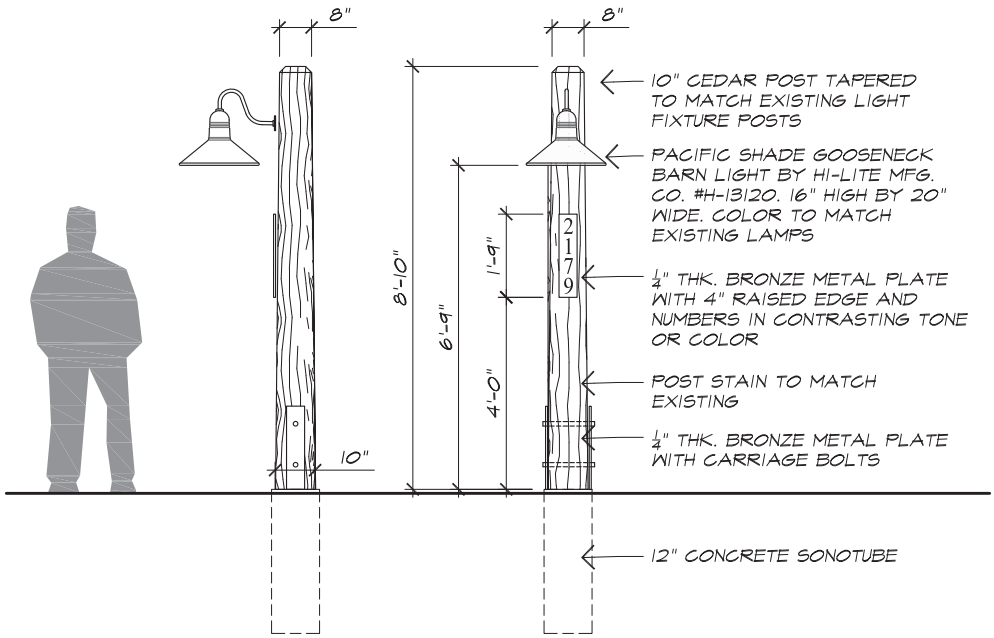
ELECTRIC

Holy Cross Electric
970-949-5892

PHONE/INTERNET/PRISM TV

Centurylink
970-432-0170

APPENDIX



FROST CREEK ADDRESS MARKER CONCEPT

SCALE: 1/4"=1'-0" 4-4-2016

Onsite Wastewater Treatment Guidance Document

Homes within Frost Creek each have their own Onsite Wastewater Treatment System to treat the wastewater generated at each home. There is no central wastewater treatment system for this development, wastewater from each home is treated onsite. In order to preserve the pristine environment in this beautiful area, advanced onsite wastewater treatment systems are required for all properties in Frost Creek. There are no visual, above ground differences between an advanced system and that of a traditional septic system. Wastewater is treated in a series of below ground tanks equipped with synthetic media and small submersible pumps. Ultimately the treated water is sent to a soil treatment area located on the property (historically referred to as a leach field). Each system is equipped with a control panel that allows for remote monitoring of the system to ensure proper performance at all times.

The estimated cost for design, permitting and installation of an advanced Onsite Wastewater Treatment System (OWTS) within Frost Creek is approximately $40,000. In order to ensure compliance with local regulations, the Frost Creek Homeowners Association assists homeowners with the process of installing an OWTS. A more detailed breakdown of the necessary steps to install an OWTS within Frost Creek is provided on the back of this flyer.

General Process

Design, soil testing, and installing an OWTS

1. The homeowner or architect will need to contact Simon Farrell at JVA, Inc. at (303) 565-4974 to initiate the design process. JVA will request a preliminary site plan from the architect that identifies the number of bedrooms for the home, the location of the home on the lot with major site features such as driveways, and a topographical survey.
2. JVA will conduct soil testing in the proposed location of the soil treatment area (leach field). The soil testing will be completed by observing two eight foot deep profile holes dug by a backhoe.
3. JVA will use the preliminary site plan and soil testing information to complete the design of the advanced OWTS system.
4. JVA will forward the design with the permit application to Eagle County. Once a permit is issued by Eagle County the system is authorized to be constructed.
5. A short list of local contractors (approximately three) pre-qualified to complete the excavation work for these types of systems will be provided. The owner/architect will need to select a contractor from this list to ensure quality control over the installation process.
6. JVA will complete a construction observation inspection to ensure the installation meets the design and specifications. Once the system is installed, the manufacturer's representative will perform start-up services.
7. Ongoing maintenance of the system will be provided by Frost Creek. This service will be covered by an annual fee paid by the homeowner through the normal dues structure. Frost Creek will have the ability to monitor the performance of the systems remotely.
8. An up front fee of $6,500 will be required from the owners, payable to Frost Creek, to cover the costs of OWTS design and permitting.