

THE ORCHARD
ARCHITECTURAL STANDARDS, DESIGN GUIDELINES,
AND CONSTRUCTION REGULATIONS



February 1993

*CHANGEABLE
by Community Vote.*

THE ORCHARD
ARCHITECTURAL STANDARDS, DESIGN GUIDELINES,
AND CONSTRUCTION REGULATIONS

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ARCHITECTURAL STANDARDS, DESIGN GUIDELINES AND
CONSTRUCTION REGULATIONS OF THE ORCHARD

SECTION I: PURPOSE

1. Declaration. Pursuant to the Declaration of Covenants, Conditions and Restrictions of The Orchard (the "Declaration"), ~~the Design Review Design Review Committee~~ ^{Board} (the "~~Design Review Committee~~") has developed a set of architectural standards (the "Standards") for The Orchard in order to:

The Board
of The
Associatio

- a. attain the highest quality of residential development and construction;
- b. establish and preserve a harmonious design within The Orchard;
- c. protect and enhance the value of property in The Orchard; and
- d. clarify the types of designs and materials that will be considered.

These Standards will establish controls to which the process of building will be subjected so that development and construction will merge and complement the natural beauty of the land and the quality of the community.

The Orchard will be a community where different architectural designs and styles complement each other. Because there may be different designers, builders and owners involved, standards are necessary and useful to attain the desired level of consistency and quality in community appearance.

The intent of the Design Review Committee is to achieve harmony among dwellings and between each dwelling and its surrounding landscape.

2. Standards. These Standards are established to:

- a. carry out the general purposes express in the Declaration;
- b. prevent violation of any specific provision of the Declaration;
- c. prevent any change in the existing state of property which would be unsafe or hazardous to any persons or properties;
- d. minimize obstruction or diminution of the view of others;
- e. preserve visual continuity between improvements and prevent any marked or unnecessary transition between improved and unimproved areas;
- f. assure that any change in the existing state of the property will be of good attractive design and in harmony with development on other Lots; and
- g. assure that materials and workmanship for all improvements are of high quality and durability comparable to other improvements in The Orchard.

Compliance with these Standards and approval by the ~~Design Review Committee~~ ^{Board} do not constitute compliance with any applicable building codes or regulations. An owner or his representative must consult with Jefferson County government in that regard. In the event of any conflict between these Standards and the Declaration, the Declaration shall control.

SECTION II: DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases when used in this text shall have the following specified meanings:

1. Association. A non-profit corporation formed under the name of "The Orchard Homeowners Association, Inc." whose Articles of Incorporation are filed with the Colorado Secretary of State.

2. Builder/Contractor. A person or entity engaged by an Owner for the purpose of constructing a Dwelling on such Owner's Lot. The Contractor and Owner may be the same person or entity.
3. Common Areas. That portion of The Orchard used for the common benefit and enjoyment of all lot owners. (ie: drainage areas, entry signage, emergency access) and owned by the association, more particularly described in the Declaration.
4. Declaration. The Declaration of Protective Covenants for The Orchard and any Supplementary Declaration.
- ~~5.~~ Design Review Committee. The committee established pursuant to the Declaration to review and approve each improvement to property.
- ~~6.~~ Developer. Golden Properties, Ltd., and its successors and assigns.
7. Dwelling Unit. A residence constructed or proposed to be constructed on a Lot in The Orchard and any Improvements constructed in connection therewith.
8. Front Yard Setback. Front yard is defined as the area between the public street and the principal entrance to the Dwelling Unit.
9. Improvement. Any building, structure or other improvement to the property, as more fully defined in the Declaration.
10. Improvement Plans. Those plans as prepared by Nolte and Associates and approved by Jefferson County dated 1-12-93, which specify certain technical design requirements for items such as grading and culverts.
11. Lot. Any plot of land shown upon the recorded subdivision plat of The Orchard.
12. Owner. The owner of record of a Lot, whether one or more persons or entities. For the purposes herein, the Owner may act through such Owner's agent, provided that such agent is authorized in writing to act in such capacity.
13. Standards. Those restrictions, ^{The Board} review procedures and construction regulations adopted and enforced by the ~~Design Review Committee~~ as set forth in the Declaration, and this document and as amended from time to time by the ~~Design Review Committee~~. ^{Board}
14. Street. Any platted street within The Orchard or West 44th Avenue.
15. The Orchard. The Orchard Filing No. 1, the recorded plat thereof, Jefferson County, Colorado, except Lot 54.

SECTION III: BASIC BUILDING RESTRICTIONS

- ~~1.~~ Start of Construction. Actual field construction (ie: poured foundation) of Dwelling Unit must be commenced within 6 months from the date of original conveyance of the Lot from the Developer.
- ~~2.~~ Completion of Construction. Certificate of Occupancy for the Dwelling Unit must be obtained within one year from start of construction.
3. Location of Dwelling Units and Setbacks. The location and setback of Improvements will be in accordance with the recorded zoning and plat. Because no two Lots are exactly alike, ^{Board} the ~~Design Review Committee~~ will review each plan for a Dwelling Unit in relation to the specific characteristics of the particular Lot and its surroundings. What might be considered appropriate for one Lot might be inappropriate for another. For this reason, the Declaration, which applies to all Lots, permits the flexibility that is essential to the appropriate use of widely varying Lot conditions and topography. The objective is to provide that the Dwelling Unit be compatible with the particular Lot and be located so as to minimize obstruction or diminution of the view of others.
4. Height of Structure. ^{Board} The ~~Design Review Committee~~ shall discourage, and has the right to prohibit, the construction of any Dwelling Unit or other structure which would appear excessive in height when viewed from the roads, drives or other Lots. Dwelling Units whose masses are generally parallel to the natural terrain of the Lots and which minimize the obstruction of view from other Lots will be encouraged. In all cases, the appearance of Dwelling Units from other Lots and roads will be an important factor.

5. Permitted Uses and Floor Spaces. Each Lot shall be used exclusively for residential purposes and such purposes as are customarily incident thereto. Every residential structure shall have a minimum improved living floor area of 1,300 square feet, exclusive of basements, garages, porches, patios and accessory structures. No maximum floor area is specified; however, the Design Review Committee will be concerned that the total size of all structures on the Lot does not create a negative visual impact.

6. Color. The color of external materials will generally be subdued to blend with the colors of the natural landscape. Earth tones, generally muted, are recommended, although occasional accent colors used judiciously and with restraint may be permitted. Colors shall be harmonious and compatible with colors of other Dwelling Units in the vicinity and nearby surroundings.

7. Materials; Exterior Surfaces. Exterior surfaces shall be of natural materials (masonite is included) that blend, and are compatible with the natural landscape. The use of each material shall be an appropriate expression of the characteristics of that particular material. Textures shall be harmonious and compatible with textures of other Dwelling Units in the vicinity and the nearby surroundings. The use of brick, wood and stone is preferred.

8. Foundation Walls. Foundation walls shall not be exposed unless approved by the ~~Design Review Committee~~ Board, and then shall be finished to blend with the upper walls of the Dwelling Unit.

9. Roofs. All roofs shall be of material, color and texture approved by the ~~Design Review Committee~~ Board. No maximum or minimum pitch is specified, but approval by the ~~Design Review Committee~~ Board will be based on the visual impact of the roof on the Lot and on neighboring Lots, Dwelling Units and roads. The overall appearance of the Dwelling Unit will be an important consideration.

10. Building Projections. All projections, including, but not limited to, chimney flues, vents, gutters, downspouts, porches, railings and exterior stairways, shall match the color of the surface from which they project or shall be of an approved color.

11. Garages. The Dwelling Unit on a Lot shall include a garage of a size sufficient to accommodate a minimum of two (2) full-sized automobiles and a maximum to be approved by the ~~Design Review Committee~~ Board.

12. Garage Doors. Visual impact of garage doors will be minimized by such measures as, but not limited to, siting of the Dwelling Unit, protective overhangs or projections, special door facing materials or design and landscaping. Garage doors which do not face the street are preferred.

13. Fencing. There is no requirement for fencing in The Orchard with the exception of the project perimeter fence, which can not be removed or changed without approval from the ~~Design Review Committee~~ Board. Maintenance of the perimeter fence is the responsibility of the Association. Board

Other fences, shall be less than six (6) feet in height and shall comply with one of the approved fence styles shown on Exhibit A. Fencing must be set back a minimum of 10' from the front face of the Dwelling Unit. Where the side yard is adjacent to a public street, the fence may not extend beyond the plane of the side of the Dwelling Unit. All fencing must comply with governmental regulations regarding vision triangles.

Fencing may be installed on the centerline of the Lot property line. Owners are encouraged to reach agreement with adjoining Lot owners regarding fence design, materials, and maintenance responsibilities prior to approval from the ~~Design Review Committee~~ Board.

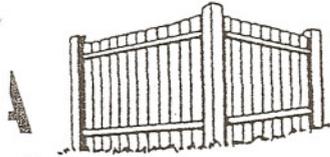
The color of fences should be kept subdued and integrated with building colors and materials.

14. Storage of Recreational Vehicles and Boats. All house trailers, camping trailers, horse trailers, campers, boats, recreation vehicles, trucks larger than 3/4 tone or commercial vehicles may not be parked within The Orchard or an Owner's Lot so they are visible from neighboring Dwelling Units or from the street, except in emergencies or as a temporary expedience.

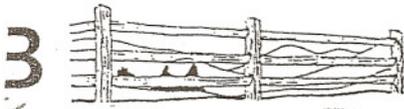
15. Site Drainage and Grading. All structures and landscape elements shall be placed on the Lot so that the existing topography shall be disturbed as little as possible, and must comply with general grading requirements as shown in the Improvement Plans. Finish grading shall be such as to prevent ponding or washing of water on the Lot and on adjacent property. Drainage shall generally be away from structures. Newly graded areas shall be protected against erosion. Lot Owners and their representatives or Builders are required to minimize disruption from grading; when possible, to use existing or natural drainage paths; and

Exhibit A

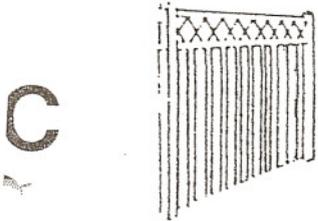
All wood fencing must comply with the attached standards for Western Cedar



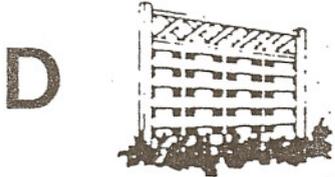
WESTERN CEDAR SOLID PRIVACY FENCE



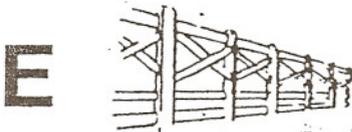
WESTERN CEDAR SPLIT RAIL FENCE



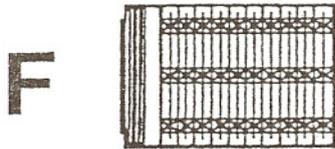
WESTERN CEDAR PRIVACY FENCE WITH DECORATIVE TOP AND STAGGERED VERTICAL PICKETS



WESTERN CEDAR PRIVACY FENCE WITH DECORATIVE TOP AND HORIZONTAL BASKETWEAVE PICKETS



WESTERN CEDAR SPLIT RAIL FENCE WITH CROSS-BUCK DECORATIVE TOP



ORNAMENTAL WROUGHT IRON



ORNAMENTAL WROUGHT IRON

The Colorado Fence Contractors standards for QUALITY Cedar Fencing are as follows;

Western Cedar Grade Definitions - Light Framing

Standard and Better, or #2 and Better grade for Dimensional products such as 4"x4" through 6"x6" POSTS and 2"x4" through 2"x12" BACK RAILS. Pieces of these combined grades are of Good Appearance but are primarily graded for strength and serviceability.

Western Red Cedar Grade Definitions - Fence Boards

The AFA recognizes Five (5) grades, used in the Rocky Mountain Area, there are several grades below the AFA Standards, which are not suitable for resale to consumers.

THE ACCEPTED GRADES ARE;

1) CLEARS (Best Quality Possible)

Free from Knots, Bark, Wane and Rot

2) 117-A / TWO FACE

Graded Both Faces, allows No See Through Defects, No Rot, No Bark or Wane on either face.

3) 117-A / ONE FACE

Graded One Face, (Best Face), allows No See Through Defects, No Rot, No Bark or Wane on One Face. The reverse side may have characteristics approximately one grade lower than the Best Face.

4) 117-B and BETTER, NO HOLE

Graded as a blend of 117-A and 117-B, No Hole (No See Through Defects)

5) 117-B

Limiting Characteristics are;

- .. Bark or Wane
- .. Holes
- .. Large Knots
- .. Spots and Streaks of Rot
- .. Spike Knots
- .. Long Splits

The above grades apply only to Western Cedar and Western Red Cedar Fence Boards.

Board

to consider and provide for snow storage and runoff. Location of topsoil stockpiles, barrow pits on site and excess material disposal areas is subject to ~~Design Review Committee~~ approval. The final site plan or grading plan shall be prepared by an architect, engineer or landscape architect so as to conform to the master grading and drainage plan for The Orchard, and it shall show both existing and future contours. Finish grades shall include four (4) inch minimum topsoil on all planted areas. ~~Finished elevations with seed and sod in place will be brought to within one (1) inch of all paved surfaces.~~

16. Culverts. Driveway culverts, which are the responsibility of the Owner, must comply with the culvert design as shown in the Improvement Plans. Location will be approved by the Design Review Committee.

17. Driveways. Concrete private driveways and parking areas are required. It is recommended that driveway grades be kept under ten percent (10%) for satisfactory year-round use. Materials used to create special paving patterns are subject to ~~Design Review Committee~~ approval. Minimum grade of two percent (2%) for drainage. Owners shall be responsible for drainage to borrow ditches and not onto adjacent Lots.

Board

18. Sidewalks. A hard-surface sidewalk is required to connect the driveway and the principal entrance of the Dwelling Unit.

19. House Numbers. Each Lot has been assigned a street number which has been approved by the appropriate governing authority. At the time of construction of a Dwelling Unit on a Lot, the Owner shall be required to construct or install a sign showing the assigned street number of the Lot.

20. Exterior Mechanical Equipment. No mechanical equipment shall be exposed on the street facing exterior of any Improvement. If it is determined by the ~~Design Review Committee~~ that unique circumstances require exposure of mechanical equipment and same is acceptable to the ~~Design Review Committee~~, the equipment shall be either incorporated into the overall form of the structure or be permanently enclosed by a material (other than landscaping) approved by the ~~Design Review Committee~~.

Board

Board

Board

21. Accessory Structures. Accessory structures as permitted by the ~~Design Review Committee~~ shall be architecturally compatible with the Dwelling Unit, and must comply with all defined setbacks.

Board

Board

22. Exterior Lighting. No exterior lighting shall be permitted on any Lot except with the written approval of the ~~Design Review Committee~~. Exterior lighting that is subdued and whose light source is not visible from adjoining Dwelling Units may be permitted by the ~~Design Review Committee~~ for such purposes as illuminating entrances, decks, driveways and parking areas and for other approved purposes.

Board

23. Roadside Borrow Ditches. The Builder/Contractor is responsible for stabilizing or sodding the borrow ditches in the public right of way prior to obtaining a Certificate of Occupancy, however sodding must be completed within 6 months from issuance of the Certificate of Occupancy. It is preferred that the sod species be a low water user and drought tolerant, such as Buffalo Grass. Ongoing maintenance of the borrow ditches is the responsibility of the Lot owner.

Board

24. Landscaping. At the time of, or as soon as reasonably possible following construction of the Dwelling Unit on a Lot, but not later than six (6) months after certificate of occupancy for the Dwelling Unit, the Lot shall be suitably landscaped with grass, shrubs and trees. The ~~Design Review Committee~~ shall require complete landscaping plans and specifications in advance for review and approval. It is the intent that each Lot shall be fully landscaped and Lot Owners are encouraged to make adequate provisions for landscaping costs in their overall construction budget. Plant materials native to this climate and sprinkler systems for grassed areas requiring weekly mowing are strongly encouraged. Minimum landscaping requirements to be maintained at all times are as follows:

~~Front yard including 10' wrapped around each side yard from the front corner of the house, and side yards which face a public street, must be irrigated sod. Front yards and side yards which face a public street must have a minimum of one tree for every 50' of street frontage or fraction thereof, with a minimum of two trees which must be a minimum of 2" caliper. For Lots which face Fig Street, one of the trees must be a fruit variety (ie: apple, crabapple, etc.).~~

~~Balance of the Lot must be installed in grass or ground cover. Native grasses may be appropriate, but must be identified on the landscaping submittal. No greater than 30% of the Lot may be hard surface (ie: decorative rock, driveway, patio) and no greater than 20% of the Lot may be non-irrigated, provided that the irrigation requirement described above is met.~~

See additional sheet

In addition to existing vegetation, the following types of trees, shrubs, ground cover and grass are approved:

List of Approved Trees:

A. Deciduous:

Honey Locust (*Gleditsia tricanthos* "skyline")
Hackberry (*Celtis occidentalis*)
Green Ash (*Fraxinus pennsylvanica* "Marshall seedless")
~~Russian Olive~~ (*Elacagnus angustifolia*)
Western Catalpa (*Catalpa speciosa*)
Cottonless Cottonwood (*Populus sargentii*)
Purple Plum
Soft Maple (*Acer glabrum*)
Flowering Crabapple (*Malus* sp.)
Autumn Purple Ash (*Fraxinus americana* ' Autumn Purple')
White Poplar (*Populus alba*)
Narrowleaf Mountain Poplar (*Populus angustifolia*)
Ginnala Maple (*Acer ginnala*)
Wasatch Maple (*Acer grandidentatum*)
Washington Hawthorn (*Crataegus phaenopynum*)
Shubert Chokecherry (*Prunus virginiana* ' Shubert')
Cherry
Apple
Pear
Peach

B. Coniferous:

Pinion Pine (*Pinus cembroides edulis*)
Oneseed Juniper (*Juniperus monosperma*)
Rocky Mountain Juniper (*Juniperus scopulorum*)
Ponderosa Pine (*Pinus ponderosa*)
Scotch Pine (*Pinus sylvestris*)
Douglas Fir (*Pseudotsuga menziesii*)
Colorado Spruce (*Picea pungens*)
Austrian Pine (*Pinus nigra*)

All trees must be balled, burlapped and planted with proper planting soil, a long-lasting fertilizer and mulched. All trees under three inches in caliper shall be staked.

List of Approved Shrubs:

A. Deciduous:

Bush Cinquefoil (*Potentilla fruticosa*)
Skunkbush Sumac (*Rhus trilobata*)
Gambel Oak (*Quercus gambeli*)
Mountain Snowberry (*Symphoricarpos alba*)
Wild Plum (*Prunus americana*)
Buck Thorn (*Rhamnus* sp.)
Shrub Rose
Apache Plume (*Fallugia paradoxa*)
Antelope Bitterbush (*Purshia tridentata*)
Cliffrose (*Cowania mexicana*)
Isanti Dogwood (*Cornus sericea* ' Isanti')
Redtwig Dogwood (*Cornus stolonifera*)
Potentilla (*Potentilla fruticosa* var.)
Alpine Current (*Ribes alpina*)

B. Coniferous:

Mountain Common Juniper (*Juniperus communis saxitalis*)
Pfitzer Juniper (*Juniperus chenensis pfitzeriana*)
Rockspray Cotoneaster (*Cotoneaster miclophylla*)
Cotoneaster (*Cotoneaster* sp.)
Dwarf Winged Euonymus (*Euonymus alanta* ' Compacta')
Tam Juniper (*Juniperus sabina* ' Tamariscifolia')
Andorra Juniper (*Juniperus horiz.pl.* ' Youngstown')
Firethorn (*Pyracantha coccinea*)

List of Approved Ground Cover:

Blue Fescue (*Festuca ovina glauca*)
Pussy Toes (*Antennaria* sp.)
Woolly Yarrow (*Achillea Lomentosa*)
Silver Mound Sage or Wormwood (*Artemisia* sp.)
Crown Vetch (*Cornilla varia*)
Bear Berry (*Arctostaphylos uva-ursi*)
Creeping Mahonia (*Mahonia repens*)
Golden Cinquefoil (*Potentilla varia*)
Mountain Alysum (*alyssum montanum*)
Alpine Rodcress (*Arabis alpina*)
Golden Tuft (*Alyssum saxatile*)
Heather (*Calluna vulgaris*)
Potentilla "klondike"
Potentilla "Arbuscula"

It is preferred that all grassed areas be sodded with Bermuda, Marion, Blue Rye, Fescue or a combination of same or similar grasses. In certain locations, the use of native grasses may be appropriate; however, the Design Review Committee will be concerned with the aesthetic impact of the use of native grasses on surrounding Lots, roads and public areas.

List of Approved Native Grasses:

Blue Grama (*Bouteloua gracilis*)
Western Wheatgrass (*Agropyron smithii*)
Needle & Thread Grass (*Stipa comata*)
Buffalo Grass (*Buchloe dactyloides*)
Sand Dropseed (*Sporobolus cryptandrus*)
Four-wing Saltbush (*Atriplex canescens*)
Alkali Sacaton (*Sporobolus airoides*)

25. Antennas. No exterior television or radio antennae are permissible within The Orchard. ~~Satellite dishes may be installed, with prior approval from the Design Review Committee.~~ *Board*

Board 26. Additional Construction or Exterior Changes. Any changes to the approved plans before, during or after the construction of a Dwelling Unit must first be submitted to the ~~Design Review Committee~~ for approval.

27. Building Code. All structures will conform to all applicable building codes and ordinances. ~~Approval by the Design Review Committee does not constitute or imply compliance with such codes and ordinances.~~ *Board*

28. Street Lights. Operational expenses related to street lights in The Orchard will be passed on to each lot owner and will be reflected in Public Service Company monthly statement.

29. Access to Public Streets. No Lots are permitted to have direct access onto W. 44th Avenue, W. 46th Drive, Flora Ct., or Flora St.

SECTION IV: ARCHITECTURAL REVIEW PROCEDURES

Prior to the start of any construction plans and specifications must be submitted to the ~~Design Review Committee~~ as specified in the Declaration and in accordance with the following ~~submittal and review procedures.~~ ~~(The plans and specifications must be prepared by a licensed architect.)~~ *Board* ?

The ~~Design Review Committee~~ may, at its discretion, allow the pre-design, preliminary and final submittals to be made simultaneously. The ~~Design Review Committee~~ may, at its discretion may waive any of the submittal requirements. *Board*

1. Primary Builder/Contractor. A Primary Builder/Contractor, defined as any incorporated company which has contracted to purchase and build on 4 or more Lots in The Orchard.

A. The Primary Builder/Contractor may submit a thorough Project Package, including but not limited to, the model plans and elevations, exterior materials, color palette options, window specifications and roofing material for all planned construction. This Project Package may be approved by the ~~Design Review Committee~~ in aggregate for all work done within The Orchard by the submitting builder. The ~~Design Review Committee~~ will conduct this preliminary review during *Board*

of that meeting

its regular ~~monthly~~ meeting and will respond within ten (10) working days. Any change or modification to this Project Package must be resubmitted for re-approval by the ~~Design Review Committee~~. *Board*

B. The Primary Builder/Contractor must make preliminary design submittals on a case by case basis, ~~as each Lot is developed~~. This submittal must address the preliminary plan requirements as outlined below:

(i) All preliminary plans shall include:

- (a) site plan (at no smaller than 1" = 30') indicating building location, (including accessory improvements) driveway, parking and grading plan. Topography should be shown by contours at 2' intervals with a base datum of sea level over the total Lot and extend approximately 100' outside the Lot on all sides. Owner 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;
- (b) subsurface soil investigation by a registered soils engineer which indicates soil structure and profile, bearing, water table and pH;
- (c) roof plan and floor plans (at no smaller than 1/8" = 1'-0");
- (d) exterior elevations at a minimum of two representative locations with both existing and proposed grade lines at same scale as floor plans and grade elevations of street, main floor and top of roof;
- (e) indication of all exterior materials and colors;
- (f) foundation plans and grade elevations for any proposed basement construction;
- (g) details of fireplace, exterior stairs and decks; and
- (h) a construction schedule indicating starting and completion dates of the Dwelling Unit, and utilities hook-up.

Board The ~~Design Review Committee~~ will conduct this preliminary plan review during its regular ~~monthly~~ meeting and will respond within ten (10) working days. If approved, the Builder/Contractor may proceed with acquisition of a building permit and construction on the specified Lot. *of that meeting*

Engineering certification of foundations and the securing of a building permit are the responsibility of the Owner and Builder. Construction documents (working drawings and specifications) are to be in accordance with the design approved in the final submittal.

Board The ~~Design Review Committee~~ may inspect all work in progress and give notice on non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval of the ~~Design Review Committee~~ of work in progress or compliance with these Standards or the Declaration. *Board*

If, during the course of construction, changes occur to an Improvement which cause it to be significantly different from the approved documents, a request for approval of these changes shall be submitted to the ~~Design Review Committee~~ in triplicate in the following manner: *Board*

a. a written statement giving the reason such changes are desired shall be submitted; and

b. a complete description of the change, including drawings, specifications and any other descriptive material required by the ~~Design Review Committee~~ shall be submitted. *Board*

In the event of disapproval of the changes, resubmission of plans or request for a special hearing shall be in accordance with paragraph number 3 below.

C. ~~Prior to conveyance of the Lot and Dwelling Unit to a home buyer~~, the Primary Builder/Contractor must submit a complete landscaping/fence plan, including areas to be irrigated with full description of plan and landscaping/fencing materials together with a schedule for the completion of this work. The ~~Design Review Committee~~ will conduct this preliminary review during its regular ~~monthly~~ meeting and will respond within ten (10) working days. *Board*

2. Non-Primary Builders, including subsequent remodelers of a Dwelling Unit are required to follow the following submittal requirements:

A. Pre-Design Meeting. ~~Prior to preparing preliminary plans for a proposed Dwelling Unit, the Owner and/or his architect shall meet with a Design Review Committee member to discuss proposed plans and to explore and resolve any questions regarding building in The Orchard. This informal review is to offer guidance prior to initiating preliminary design.~~

In order to derive the maximum benefits from this meeting, the Owner should be prepared to discuss in as much detail as possible the type of Improvements to be built on the Lot. Photographs or magazine clippings of similar homes are encouraged for presentation. This meeting is intended to prevent the Owner from making excessive expenditures on concepts which will not be acceptable to the Design Review Committee.

A member of the ~~Design Review Committee~~ will be available as needed and an appointment should be made at least one (1) week in advance.

~~Design Review Committee~~ ^{Board} Preliminary Submittal and Review. Preliminary plans, including all of the exhibits outlined below, are to be submitted to the ~~Design Review Committee~~. The ~~Design Review Committee~~ shall conduct this preliminary review during its regular ~~monthly~~ meeting and will respond within ten (10) working days after their review (but no later than 30 days after submittal), provided that the preliminary plans are in accordance with the requirements outlined below. The ~~Design Review Committee~~ may hold more than its regularly scheduled ~~monthly~~ meeting, as needed. Plans will not be reviewed, however, until the review fee is paid, pursuant to the Declaration. ^{Board}

(1) All preliminary plans shall include:

- (a) site plan (at no smaller than 1" = 30') indicating building location, (including accessory improvements) driveway, parking and grading plan. Topography should be shown by contours at 2' intervals with a base datum of sea level over the total Lot and extend approximately 100' outside the Lot on all sides. Owner 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;
- (b) subsurface soil investigation by a registered soils engineer which indicates soil structure and profile, bearing, water table and pH;
- (c) roof plan and floor plans (at no smaller than 1/8" = 1'-0");
- (d) exterior elevations at a minimum of two representative locations with both existing and proposed grade lines at same scale as floor plans and grade elevations of street, main floor and top of roof; and
- (e) indication of all exterior materials and colors.

^{Board} ~~Design Review Committee~~ C. Final Submittal and Review. After preliminary approval is obtained from the ~~Design Review Committee~~, the following documents are to be submitted in triplicate for final approval. The ~~Design Review Committee~~ shall conduct the final review during its regular ~~monthly~~ meeting, and will respond within ten (10) working days after the review (but no later than thirty (30) days after submittal), provided that the final plans are in accordance with the requirements outlined below. The Design Review Committee may hold more than the regularly scheduled ~~monthly~~ meeting as needed.

(1) Final plans shall include:

- (a) a construction schedule indicating starting and completion dates of the Dwelling Unit, utilities hook-up and completion of landscaping work;
- (b) site plan (at no smaller than 1" = 30') showing building location (including accessory improvements) driveway, parking, utility connections and grading plan, including existing and proposed topography at contour intervals of 2' with a base datum of sea level over the total Lot and extended 100' outside the Lot on all sides. Owner 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;
- (c) roof plan and floor plans (at no smaller than 1/8" = 1'-0");
- (d) foundation design;

- (e) samples of all exterior materials and colors, and window and glass specifications;
- (f) exterior elevations with both existing and proposed grades shown;
- (g) wall section and details of fireplace and exterior stairs and decks;
- (h) complete landscaping plan, including areas to be irrigated with full description of plan and landscaping materials;
- (i) cross-section of structure indicating existing and proposed grade lines on the site and showing grade elevations of street, main floor and top of roof; and
- (j) a perspective (sketch) of the structure sufficient to illustrate design characteristics.

(2) In addition to the above, exterior building corners of the proposed structure shall be staked on the site for the ~~Design Review Committee's~~ ^{Board's} inspection.

(3) Final approval by the ~~Design Review Committee~~ shall be issued in writing. ^{Board} However, at least five days prior to commencement of construction, the Owner shall notify the ~~Design Review Committee~~ so that it can make a visual inspection of the Lot to insure that the final building layout and staking are in accordance with the final plan approved by the ~~Design Review Committee~~. ^{Board}

Engineering certification of foundations and the securing of a building permit are the responsibility of the Owner and Builder. Construction documents (working drawings and specifications) are to be in accordance with the design approved in the final submittal.

CONSTRUCTION SHALL NOT COMMENCE UNTIL ALL OF THE ABOVE REQUIREMENTS ARE SATISFIED.

3. Resubmittal of Plans. In the event of any disapproval by the design review committee of either a preliminary or a final submission, any resubmission of plans will follow the same procedure as an original submittal. In the event a decision by the ~~Design Review Committee~~ ^{Board} is felt to be unjust, a request for a special hearing may be submitted in writing to the ~~Design Review Committee~~ ^{Board} within seven days of the date of notification of the decision. This request shall contain the reasons why the decision is felt to be unjust and any other explanatory material which would be helpful to the ~~Design Review Committee~~ ^{Board} in reviewing the situation. A meeting of all parties concerned will be arranged when warranted, and the decision of the ~~Design Review Committee~~ ^{Board} at this meeting or subsequent to reviewing this material will be final.

4. Work in Progress. The ~~Design Review Committee~~ ^{Board} may inspect all work in progress and give notice on non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval of the ~~Design Review Committee~~ ^{Board} of work in progress or compliance with these Standards or the Declaration. ^{Board}

If, during the course of construction, changes occur to an Improvement which cause it to be significantly different from the approved documents, a request for approval of these changes shall be submitted to the ~~Design Review Committee~~ ^{Board} in triplicate in the following manner:

A. a written statement giving the reason such changes are desired shall be submitted; and

B. a complete description of the change, including drawings, specifications and any other descriptive material required by the ~~Design Review Committee~~ ^{Board} shall be submitted.

In the event of disapproval of the changes, resubmission of plans or request for a special hearing shall be in accordance with paragraph 2 above.

5. Completed Work.

A. Upon completion of any Dwelling Unit or other Improvement for which final approval was given by the ~~Design Review Committee~~ ^{Board}, the Owner shall give written notice of completion to the ~~Design Review Committee~~ ^{Board}.

B. Within such reasonable time as the ~~Design Review Committee~~ ^{Board} may determine, but in no case exceeding ten (10) days from receipt of such written notice of completion from the Owner or its duly authorized representative, it may inspect the Dwelling Unit or other Improvements. If it is found that such work was not done in strict compliance with the final plan submitted or required to be submitted for its prior

approval, the ~~Design Review Committee~~ ^{Board} shall notify the Owner in writing of such non-compliance, specifying in reasonable detail the particulars of non-compliance and shall require the Owner to remedy the same.

~~C. If, upon the expiration of thirty (30) days from the date of such notification by the Design Review Committee, the Owner shall have failed to remedy such non-compliance, the Design Review Committee shall notify the Owner and may take such action to remove the non-complying Improvements as is provided for in the Declaration.~~ ^{Board}

~~D. If, after receipt of written notice of completion from the Owner, the Design Review Committee fails to notify the Owner of any failure to comply with its directives within the period provided in Paragraph 5B above, the Improvements shall be deemed to be in accordance with the approved plans.~~ ^{Board}

6. Additional Construction. Additional construction to a Dwelling Unit and/or changes after completion of an approved structure must be submitted to the ~~Design Review Committee~~ ^{Board} for approval prior to initiating such changes and/or additions.

7. Right of Waiver. The ~~Design Review Committee~~ ^{Board} reserves the right to waive or vary any of the procedures or Standards at its discretion, for good cause shown.

8. Non-Liability of the ~~Design Review Committee~~ ^{Board} and Developer. Neither the ~~Design Review Committee~~ ^{Board} nor the Developer, or their respective successors or assigns, shall be liable in damages to anyone submitting plans to them for approval or to any Owner by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any plans and specifications. Every Owner or other person who submits plans to the ~~Design Review Committee~~ ^{Board} for approval agrees, by submission of such plans and specifications, that he will not bring any action or suit against the ~~Design Review Committee~~ ^{Board} or Developer to recover damages.

SECTION V: CONSTRUCTION REGULATIONS

In order to insure a safe, neat and orderly construction site, the ~~Design Review Committee and the Developer~~ ^{Board} have established certain construction and safety regulations for the benefit of all The Orchard Owners and residents.

It is of the utmost importance that anyone conducting construction activities in The Orchard exert extreme care in preventing conditions that are unsafe or that could constitute fire, wind or other hazards. ~~The Developer and the Design Review Committee~~ will not tolerate any activity that, in their opinion, constitutes such hazards.

1. Definitions. "Construction Site" shall mean and refer to such portion of The Orchard (including, but not limited to, a Lot) on which authority is given by the ~~Design Review Committee~~ ^{Board} to construct Improvements or store materials or equipment.

2. Pre-Construction Conference. Prior to commencing construction, the Builder/Contractor shall meet with the Developer to review procedures and coordinate its activities in The Orchard.

3. Occupational Safety and Health Act Compliance (OSHA). All applicable OSHA regulations and guidelines shall be strictly observed at all times.

4. Construction Trailers; Portable Field Offices. Any Owner or Contractor who desires to bring a construction trailer, field office or the like to The Orchard shall first apply for an obtain written approval from the ~~Design Review Committee~~ ^{Board}. The ~~Design Review Committee~~ will work closely with the Owner or Contractor to determine the best possible location. Such temporary structures shall be located only in a location approved by the ~~Design Review Committee~~ and shall be removed upon completion of construction.

5. Storage of Materials and Equipment. Owners and Contractors are permitted to store construction materials and equipment on the approved Construction Site during the construction period. It shall be neatly stacked, properly covered and secured. Storage of material or construction equipment outside the approved Construction Site will be done only with the approval of the ~~design review committee~~ ^{Board}. Any storage of materials or equipment shall be the Owner's or Contractor's responsibility and at their risk. Owners and Contractors shall not disturb, damage or trespass on other Lots or adjacent property. Should any such damage occur, it will be restored and repaired at the offender's expense.

6. Debris and Trash Removal. Owners and Contractors shall clean up all trash and debris on the Construction Site at the end of each day. Trash and debris shall be removed from each Construction Site at least one a week 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 Contractors are prohibited from dumping, burying or burning trash anywhere in The Orchard. During the

construction period, each Construction Site shall be kept neat and shall be properly policed to prevent it from (a) becoming unsightly or (b) affecting other Lots or adjacent property. Dirt, mud or debris resulting from activity on each Construction Site shall be promptly removed from public or private roads, open spaces and driveways or other portions of The Orchard.

7. Sanitary Facilities. Each Contractor shall be responsible for providing adequate sanitary facilities for its construction workers. Portable toilets or similar temporary toilet facilities shall be located only in areas approved by the ~~Design Review Committee~~ ^{Board}.

8. Parking Area. Construction crews shall not park on, or otherwise use, other Lots, or streets. Private and construction vehicles and machinery shall be parked in areas designated by the ~~Design Review Committee or Developer~~ ^{Board}.

9. Conservation of Landscaping Materials. Owners and Contractors acknowledge that the Lots contain topsoil that should be salvaged before and during construction.

10. Excavation Materials. Excess excavation materials shall be removed from The Orchard.

11. Blasting. If any blasting is to occur, the ~~Developer~~ ^{Board} shall be informed far enough in advance to allow it to make such investigation as it deems appropriate to confirm that all appropriate measures, including protective actions, have been taken prior to the blasting.

12. Restoration or Repair of Other Property Damaged. Damage and scarring to other property, including, but not limited to, other Lots, roads, driveways and/or other Improvements, will not be permitted. If any such damage occurs, it shall be repaired and/or restored promptly at the expense of the person or entity causing the same. Upon completion of construction, each Contractor shall clean its Construction Site and repair all property which was damaged, including, but not limited to, restoring grades, repair of streets, driveways, drains, culverts, signs, lighting and fencing.

13. Street Sweeping. Each Contractor shall be responsible for street sweeping (including mud removal) at the discretion of the ~~Developer~~ ^{Board}.

14. Temporary Utilities. Each Contractor is responsible for contacting the utility company and arranging for and paying for all meters, poles, etc., with location to be approved by the ~~Design Review Committee~~ ^{Board}.

15. Miscellaneous and General Practices. The following practices are prohibited at The Orchard:

- A. changing oil on any vehicle or equipment other than at a location designated for that purpose by the ~~Developer or the Design Review Committee~~ ^{Board};
- B. allowing concrete suppliers and contractors to clean their equipment other than at locations designated for that purpose by the ~~Developer or the Design Review Committee~~ ^{Board};
- C. removing any plant material, topsoil or similar items from any property of others within The Orchard;
- D. carrying any type of firearms on the property;
- E. using disposal methods or units other than those approved by the ~~Design Review Committee~~ ^{Board};
- F. careless disposition of cigarettes and other flammable material; and
- G. bringing any animals or pet into The Orchard.

16. Responsibility of Developer. ~~Developer~~ assumes no responsibility for soil conditions, including possible rock foundations, high water table, expansive soils. Each owner shall obtain soils tests as required by Jefferson County.

17. Responsibility of Lot Owner. All Lot Owners in The Orchard shall be responsible for the conduct and behavior of their representatives, Builders, Contractors and their subcontractors.

18. Fire Extinguisher. At least one 10-lb., ABC-rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the Construction Site at all times.

SECTION VI: AMENDMENTS

^{Board}
The ~~Design Review Committee~~ shall have the right to amend and modify these Standards at any time in its sole discretion. Copies of all modifications or amendments shall be sent to each Owner of record within thirty (30) days after their adoption; provided that no modifications or amendments hereto shall adversely affect any previously approved plans.

FAIRFIELD HOMES
PROJECT: THE ORCHARD

EXTERIOR COLOR SELECTIONS

Prepared By:

Interior Design By Carol J Campbell
162 South Eagle Circle
Aurora, CO 80012
(303) 366-6454

FAIRFIELD HOMES: THE ORCHARD

EXTERIOR COLORIZING INFORMATION:

1. Roof: All roofs same throughout development.

Elk: Premium Choice
Prestique: Weathered Wood

2. Brick: Intermountain Brick Company

449-1227
Craig Smith

3. Paint: Sherwin Williams

Painter: Earthtones
Kent 987-0133

4. Project Supervisor:

Fred Ahlert
Pager # 767-9737

SHERWIN WILLIAMS.
5315 W 38th AVE
424-6541

7731 WADSWORTH AVE
423-9691

FAIRFIELD HOMES: THE ORCHARD

EXTERIOR COLOR PACKAGE #1:

BRICK: CIMARRON K.S.

SELECTION A:

SIDING: SW 2088 PARIS WHITE

TRIM: SW 2029 TAVERN TAUPE

ACCENT: SW 2238 BLACK FOREST

SELECTION B:

SIDING: SW 2107 PROVINCE BLUE

TRIM: SW 2088 PARIS WHITE

ACCENT: SW 2714 CINNABAR

SELECTION C:

SIDING: SW 2017 VICTORIAN ROSE

TRIM: SW 2166 COFFEE HOUSE

ACCENT: SW 2714 CINNABAR

FAIRFIELD HOMES: THE ORCHARD

EXTERIOR COLOR PACKAGE #2:

BRICK: HERITAGE USED Q.S. -
OR CAMELOT Q.S.

SELECTION A:

SIDING: SW 2107 PROVINCE BLUE

TRIM: SW 2088 PARIS WHITE

ACCENT: SW 2714 CINNABAR

SELECTION B:

SIDING: SW 2833 ROYCROFT VELLUM

TRIM: SW 2848 ROYCROFT PEWTER

ACCENT: SW 2728 RED BRUSH

SELECTION C:

SIDING: SW 2246 VICTORIA FALLS

TRIM: SW 2829 CLASSICAL WHITE

ACCENT: SW 2802 ROOKWOOD RED

FAIRFIELD HOMES: THE ORCHARD

EXTERIOR COLOR PACKAGE #3:

BRICK: BLUSH
(ROSE' CAN BE SUBSTITUTED)

SELECTION A:

SIDING: SW 2008 PALISADE
TRIM: SW 2004 EGRET WHITE
ACCENT: SW 2715 BRICK DUST

SELECTION B:

SIDING: SW 2025 CASTLE BEIGE
TRIM: SW 2019 JUNE BUG
ACCENT: SW 2801 ROOKWOOD DARK RED

FAIRFIELD HOMES: THE ORCHARD

EXTERIOR COLOR PACKAGE #4:

BRICK: CONFEDERATE GREY

SELECTION A:

SIDING: SW 2010 TAUPE TINT
TRIM: SW 2012 WARM SHADOW
ACCENT: SW 2294 CARRIAGE DOOR

SELECTION B:

SIDING: SW 2120 STEELY GRAY
TRIM: SW 2123 WHITE
ACCENT: SW 2716 DEEP RUBY

FAIRFIELD HOMES: THE ORCHARD

EXTERIOR COLOR PACKAGE #6:

BRICK: GREYSTONE

SELECTION A:

SIDING: SW 2138 STONECREST
TRIM: SW 2003 STUCCO GREIGE
ACCENT: SW 2259 DENSE FOREST

SELECTION B:

SIDING: SW 2135 PUSSYWILLOW
TRIM: SW 2139 SHIPYARD GRAY
ACCENT: SW 2294 CARRIAGE DOOR

SELECTION C:

SIDING: SW 2339 CONCORD BUFF
TRIM: SW 2123 WHITE
ACCENT: SW 2717 BORDEAUX

FAIRFIELD HOMES: THE ORCHARD

EXTERIOR COLOR PACKAGE 5:

BRICK: WINEWOOD

SELECTION A:

SIDING: SW 2012 WARM SHADOW

TRIM: SW 2010 TAUPE TINT

ACCENT: SW 2717 BORDEAUX

SELECTION B:

SIDING: SW 2004 EGRET WHITE

TRIM: SW 2120 STEELY GRAY

ACCENT: SW 2718 GARNET

FAIRFIELD HOMES: THE ORCHARD
EXTERIOR COLOR PACKAGE #7:

BRICK: SAVIGNON

SELECTION A:

SIDING: SW 2206 ROWHOUSE TAN
TRIM: SW 2047 PICNIC TABLE
ACCENT: SW 2139 SHIPYARD GRAY

SELECTION B:

SIDING: SW 2209 TYCOON BROWN
TRIM: SW 2214 TRADITION IVORY
ACCENT: SW 2139 SHIPYARD GRAY