

# Lost Creek Farm

Design Guidelines

for

Architectural, Landscape, and  
Other Exterior Improvements

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## **STATEMENT OF PURPOSE**

The homes in Lost Creek Farm will have a character reflecting the agrarian culture of the Boulder County region. These guidelines will be used to create a cohesive architectural identity to the neighborhood. The mission of the Lost Creek Farm Owners Association ("the Association") is to promote the long-term value and harmony of the neighborhood for the greater good of the community. To enable the Association to succeed in its mission, there are guidelines of the Association which must be followed by all residents in the community. The Design Review Process is a very important component of the Association's mission and is a service provided by the Association to review improvements within the community. These guidelines are adopted pursuant to the authority granted the Board of Directors of the Association ("the Board") and its Design Review Committee ("DRC") in the Declaration of Protective Covenants for the Association (the "Declaration"). These guidelines are intended to set forth the specific design guidelines governing the DRC's review and approval of plans and specifications for structures and improvements to be placed, erected, or installed within the community and the procedures to be followed by the DRC.

## **ACTIVITIES REQUIRING DRC APPROVAL**

All site work, landscaping, structures, improvements, and other items placed on a lot in a manner or location visible from outside of structures are subject to standards for design and the approval procedures set forth in these guidelines and under the Declaration's Article V. New construction by other than the Declarant is subject to these Guidelines and DRC Approval. Approval under these guidelines and the Declaration are not a substitute for any approvals or reviews required by the Town of Erie or any municipality or governmental agency or entity having jurisdiction over architectural or construction matters nor for any structural engineering or other design work that may be necessary. These guidelines shall not apply to the Association's design and construction activities or to the Association's maintenance of repair of any portion of the Area of Common Responsibility or during the Development and Sales Period to the Declarant's design and construction activities.

Exterior Improvements include but are not limited to the addition, modification, or installation of a structure, fixture, roof shingles, siding and trim, masonry, paint, windows, doors, flatwork, fencing, and landscaping. Accordingly, no homeowner may alter, add to, or change the originally installed Exterior Improvements without the written consent of the DRC except as expressly allowed herein. No prior approval is necessary to rebuild or restore any damaged structures in a manner consistent with the plans and specifications most recently approved for such structures. Generally, no approval is required for work done to the interior of a structure; however, modifications to the interior of porches, patios, and any other portions of a structure that are visible from outside of the structure do require prior written approval from the DRC.

## **PROCEDURES**

Unless the Guidelines provide otherwise, no improvements may begin until a written application is submitted to and approved by the DRC. The application must be comply with the following Submittal Requirements.

## **SUBMITTAL REQUIREMENTS**

Before work is commenced on any activity requiring DRC approval, the person seeking approval for such work (the "Applicant") shall submit the original and one copy of an application, containing at least the following information:

- A. The completed Design Review Request Form.
- B. A plan depicting the location of the proposed improvement with existing structures and required legal set-backs per the Town (An Improvement Location Certificate was provided at the original

closing on the home that might be useful in this regard). The Design Review Committee may not be able to review and/or approve a new structure or expansion of a home unless a plan depicting the location of the proposed improvement with existing structures and set-backs is provided to the DRC. The plan must include, if applicable:

- a. Lot corner elevations;
- b. Foundation top of wall elevations;
- c. Garage slab elevations;
- d. Driveway slope;
- C. Setback dimensions to all lot boundaries and relationship to allowable building envelopes;
- D. Height, width, length, and depth of structure.
- E. If the improvements are a new structure or change/addition to an existing structure, to-scale dimensioned architectural floor plan and elevation drawings are required.
- F. A brief narrative description of the proposed structure or improvement including materials to be used and color.
- G. If the improvement is a change in the color, type or style of exterior treatment of any existing improvement, a sample of the proposed color/material is required.
- H. If the improvement is for the construction or modification of a fence the following must be submitted: A site plan showing the location of the fence on the lot with setbacks of the lot, a description of the fencing material, a drawing of the style and height of the fence, and any other information which the DRC requests in order to be able to visualize the proposed improvement.
- I. Any other information which the DRC requests in order to be able to visualize the proposed improvement.
- J. Any processing fee that may be established by the Board. Currently, no such processing fee is charged.
- K. One copy of the application and submitted materials will be kept by the DRC and the other set will be returned to the Applicant when approval is granted or denied. No improvements should be performed until the Applicant has received written approval from the DRC. Please refer to the "How to Submit a Design Review Request Form" section for more information and examples.

### **REVIEW CONSIDERATIONS**

In reviewing each application, the DRC may consider any factors it deems relevant, including, without limitation, harmony of the proposed external design with surrounding structures and environment. Decisions may be based on purely aesthetic considerations. Each homeowner acknowledges that such determinations are purely subjective and that opinions may vary as to the desirability and/or attractiveness of particular improvements. The DRC shall have the sole discretion to make final, conclusive, and binding determinations on matters of aesthetic judgment, and such determinations shall not be subject to review so long as they are made in good faith and in accordance with required procedures, subject to a review of any aggrieved party to appeal the DRC's decision to the Board as set forth the Appeals section of these guidelines.

The DRC shall make a determination on each application after receipt of a completed application with all required information. The DRC may permit or require that an application be submitted or considered in stages, in which case a final decision shall not be required until after the final, required submission. The DRC may (i) approve the application with or without conditions/requirements; (ii) approve a portion of the application and disapprove other portions; or (iii) disapprove the application. The DRC shall notify the applicant in writing of the final determination on any application no later than 30 days after its receipt of a completed application and all required submissions. Notice shall be deemed given at the time the envelope containing the response is deposited in the U.S. mail. Hand delivery, facsimile, electronic mail, or similar delivery of such written notice also shall be sufficient and

shall be deemed given at the time of confirmed delivery to the applicant. No approval shall be inconsistent with the Guidelines unless a written variance has been granted pursuant to Section 5.5 of the Declaration. As part of any approval, the DRC may require that construction commence within a specified time period. If construction does not commence within the required period, the approval shall expire, and the homeowner must reapply for approval before commencing any activities. Once construction has commenced, it shall be diligently pursued to completion. All work shall be completed within one year of commencement unless otherwise specified in the notice of approval or unless the DRC, in its discretion, grants an extension in writing.

The Guidelines are intended to provide guidance to homeowners and contractors regarding matters of particular concern to the DRC. The Guidelines are not the exclusive basis for the DRC's decisions, and compliance with the Guidelines does not guarantee approval.

## **ARCHITECTURAL GUIDELINES**

### **ACCESSORY BUILDINGS & DRIVEWAYS**

An accessory building is a detached permanent building structure such as, but not limited to a detached garage, shed, workshop, greenhouse, dog house, or playhouse. All accessory buildings must be approved by the DRC and meet the following requirements:

- Shall match or compliment the materials and colors used on the home and be consistent with the architectural style (see New Home Construction section for details).
- Must be constructed entirely within allowable building setbacks and other regulations as established by the Town and must be located behind the rear building line of the house.
- Shall provide adequate drainage of surface water away from foundations and off the lot.
- Size Requirements: Any one accessory building is limited to 750 square feet of footprint area. All accessory buildings combined on a lot are not allowed to total more than 900 square feet of footprint area or 50% of the rear yard area measured behind the rear building line of the house, whichever is less.
- No more than one of each type of accessory building (shed, dog house, etc.) and no more than two accessory buildings total are allowed per lot.
- Driveways are allowed only when leading to a garage or accessory building, may not be greater than a combined width of 35 feet measured at the curb, and shall be of a durable material intended for vehicle traffic such as asphalt, concrete, or compacted stones (see Rock and Bark Mulch).

### **ADDITIONS & EXPANSIONS**

An addition or expansion of the home or other structure is an increase in the size of a building brought about by constructing additional usable, attached building space to the sides or top of an existing structure. Examples include room additions, pop-tops, enclosed patios, or attached garages. All additions and expansions must be approved by the DRC and meet the following guidelines:

- Shall match or compliment the materials and colors used on the home and be consistent with the architectural style (see New Home Construction section for details).
- Must be constructed entirely within allowable building setbacks and other regulations as established by the Town.
- Shall provide adequate drainage of surface water away from foundations and off the lot.
- Additional house area shall not be more than 900 square feet in footprint area; additional attached garage area shall not be more than 300 square feet in footprint area.

## **AIR CONDITIONERS & EVAPORATIVE COOLERS**

Air conditioners must be professionally installed and located behind the front building line of the home. Change in location from the original installed location must be approved by the DRC. Window air conditioners are prohibited.

Use of evaporative coolers which consume lower amounts of energy are encouraged, but not at the expense of the aesthetic of the community. Therefore, rooftop coolers will be permitted only if they fit within a screened or louvered enclosure four foot by four foot by four foot (4' x 4' x 4') that is painted to match the roof color. In addition, all coolers shall be located behind and below the major roof peak so as not to be visible from the street located in front of the home. Any such coolers must be specifically approved by the DRC. Window mounted coolers are not permitted.

## **ARBORS/PERGOLAS/GAZEBOS**

An arbor is a free-standing structure with an open arched or flat overhead element. A pergola is a feature with an open lattice-type roof that may or may not be attached to a building. A gazebo is a free-standing structure with a roof and sitting area. All arbors, pergolas, and gazebos require DRC approval. If a temporary seasonal fabric cover is incorporated, see the section for Temporary Shade Covers for requirements.

## **AWNINGS/ EXTERIOR SHADES**

An awning is a roof-like shelter extending outward above a window, door, deck or patio. Exterior shades are horizontal or vertical fabric elements used on patios, decks, or windows to provide shade. Awnings or exterior shades are permitted on homes given the following criteria:

For awnings or exterior shades on a porch, patio, deck, or window, DRC approval is required prior to installation and the awning or exterior shade needs to adhere to the following guidelines: 1) professionally installed, 2) color that compliments the home, 3) height shall not exceed ten feet over patio or deck, and 4) retractable.

For awnings on windows, DRC approval is required prior to installation and the awning needs to adhere to the following guidelines: 1) constructed of wood or metal, 2) exterior materials must match or compliment the materials and colors of the home to include siding and roof shingles, 3) professionally installed, and 4) no canvas is allowed.

## **CARPORTS**

Carports, including temporary "tent" type kits, are not permitted in the neighborhood.

## **DECKS/BALCONIES/PORCHES**

DRC approval is required on all decks, balconies, or porches and on any enclosures or permanent overhangs added to an existing deck/balcony/porch. Deck, balcony or porch must be constructed entirely within allowable building or building envelopes as established by the Town and complement the colors of the home. Decks and balconies cannot be higher than twelve feet above grade. Proper drainage must be ensured by outlets being provided where deck crosses the drainage flow lines. The support system must be integrated with the architectural design of the home.

## **DOG RUNS**

All dog runs must be approved by the DRC and be enclosed using fencing types described in the Fencing section. Use of 4"x4" or 2"x4" or 2"x2" welded wire fabric attached to the inside of the fence is acceptable to contain pets. Please see Accessory Building section for Dog Houses.

## DOORS

**Exterior Doors and Garage Doors:** Replacement of an existing door with one identical to an existing and previously approved door and color and in the same location does not require DRC approval.

Replacement of an existing door with a new type of door, location, or color requires DRC approval.

**Storm Doors/Security Doors:** External storm or security doors may be installed without DRC approval provided it matches the trim color of the home. A color that does not match the trim color of the home requires DRC approval.

**Pet Doors:** Pet doors are permitted in back or side doors at ground level and that open to an enclosed fenced area. Pet doors are prohibited in the front of the home or above ground level.

## EXTERIOR LIGHTS

Home and accessory building exterior lights must be consistent with the home's architectural style, be down-ward casting, and not illuminate outside of the individual property. Exterior lights must be installed onto a permanent, affixed structure or be post-type yard lights not over six feet in height. DRC approval is required for adding lights or replacing original lights with a different style.

## NEW HOME CONSTRUCTION

Maintaining the design intent of the community, five distinct architectural styles were developed to which new construction including Accessory Buildings shall be modeled: Traditional Farmhouse, Traditional Craftsman, Traditional Rustic, Modern Farmhouse, and Modern Rustic. These styles will be evaluated on overall massing, roof forms, roof pitch, window arrangements and groupings, use of materials, and defining detailing per elevation styling.

A. Building Massing should be scaled to reduce its actual size, have expressive forms that emphasize its architectural style, and have visual interest. All four sides of the building should have architectural detailing consistent with the styling of the home.

B. Wall materials shall reflect quality and permanence. Preferred materials include, but are not limited to: brick, stone, stucco, siding (including lap, horizontal, board and batten, and siding panels), synthetic stone, and metal siding (as an accent only).

C. Rooflines should consist of the following: gable or hip roofs with overhangs, pitched shed roofs with overhangs, or small shed roof awnings. Roof materials on pitched roofs shall reflect quality and permanence. Preferred materials include but are not limited to: dimensional or architectural grade asphalt shingles and standing seam metal. Roof pitches will be defined as: Shallow roof pitch - 2/12 to less than 5/12; Medium roof pitch - 5/12 to less than 8/12; High roof pitch - 8/12 and greater.

D. Windows and Doors shall be placed to compliment the architectural character of the home. Window and door trim consistent with the traditional architectural styles are required.

E. The design of decks, balconies, and patios shall be complimentary to the overall building composition. Roofs, railings, columns and trim should be consistent in material and color with the adjacent structure.

F. Detailing such as trim, brackets, trellis features, columns, and awnings shall reflect quality and permanence. The materials must be consistent or complimentary to the material and color of the overall structure and consistent in style.

G. The defining forms, elements, and details characteristic of each style are illustrated in the following vignettes.





## Traditional Farmhouse

- Short Roof Overhangs
- Minimal use of Materials



- Simple High Pitched Gable Roof Forms



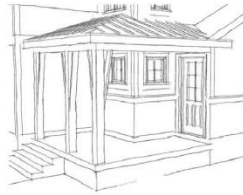
- Vertically Proportioned Windows



- Vertical Board & Batten Siding



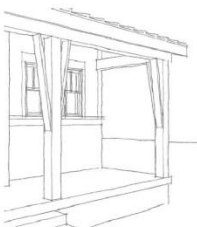
- Use of Dormers



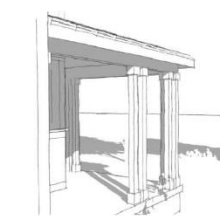
- Large Covered Front Porches with Shallow Roof Pitch



- Narrow Horizontal Lap Siding



- Simple Square Columns



- Simple Square Columns



- Simple Picket Railings

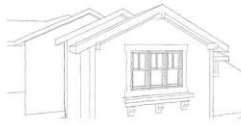


## Traditional Craftsman

- Deep Roof Overhangs
- Cleaner Lines than Rustic Style



- Low to Medium Pitched Roof Forms



- Double Gable Forms



- Vertical Board & Batten Siding



- Use of Dormers



- Expressive Detailing



- Wide Horizontal Lap Siding



- Heavy Columns with Stone Base



- Window Groupings



- Shake Shingle Siding



## Traditional Rustic

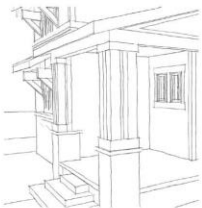
- Deep Roof Overhangs



- Medium Pitched Roof Forms



- Use of Dormers

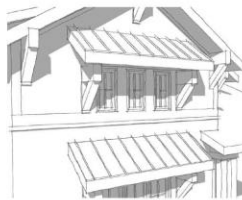


- Heavy Timber Columns and Beams

- Additive Building Forms



- Vertically Proportioned Windows



- Awnings



- Stone Base at Walls



- Vertical Board & Batten Siding



- Wide Horizontal Lap Siding

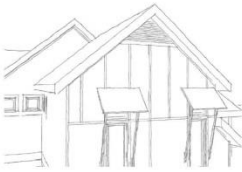


- Shake Shingle Siding



## Modern Farmhouse

Same features as Traditional Farmhouse with:



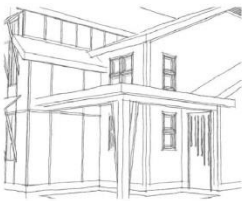
- Simple High Pitched Gable Roof Forms



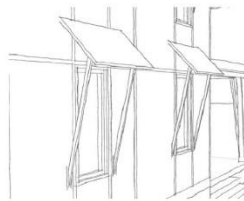
- Varied Window Groupings



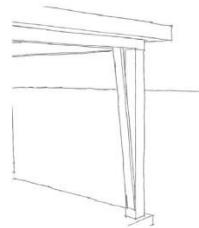
- Variations of Traditional Board & Batten



- Shed and Flat Roofs



- Simplified Awning Detailing



- Simple Expressive Columns

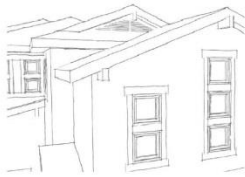




## Modern Rustic

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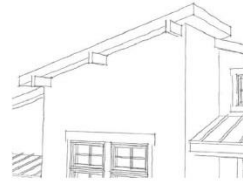
Same features as Traditional Rustic with:



- Medium to High Pitched Roof Forms



- Varied Window Groupings



- Shed and Flat Roofs



- Exposed Trusses



- Simplified Heavy Columns



- Large Stone Elements

## **OUTDOOR KITCHENS & FIREPLACES**

Permanent outdoor kitchens and fireplaces require DRC approval and are not permitted in the front yard of the home. Portable open flamed fireplaces (such as chimineas or other wood burning portable pits) and BBQ grills do not require DRC approval. Fire department and/or other municipal codes should be referenced and followed. Grills and/or fireplaces cannot be placed in any common area or other area maintained by the Association except by the Declarant or Association and then shall be permanently affixed.

## **PAINTING**

No prior approval is necessary to repaint the exterior of structures using the identical color scheme as the existing. DRC approval is necessary to repaint the exterior of the home using a different color than the existing. For a proposed color change, the DRC will use the following guidelines:

- Homes next to and across the street from each other may not have the same color scheme,
- Appropriate use of accent colors, and
- Compatibility with the structure's architectural style.

A Design Review Submittal for a change of color must include swatch(es) of the proposed color(s) and a description and/or rendering showing placement of each color. A small sample area may also be painted onto the house where visible by the DRC. Upon painting such an area, the homeowner acknowledged that the proposed colors may not be approved and thus would require painting over.

## **PATIOS**

A patio is an exterior, at-grade surface for gathering. Typical materials include concrete, gravel, paver stones or bricks. Enclosed patios are considered an addition/expansion and are covered in another section. All patios need to be approved by the DRC, located on the individual's lot and proper drainage ensured by outlets being provided where patio crosses the drainage flow lines.

## **TEMPORARY SHADE COVERS**

A temporary shade cover is a manufactured cover used outdoors, such as patio umbrellas, to provide temporary shade or cover and is commonly made of canvas or similar durable fabric. These systems are easily transported, assembled, and stowed away. Only manufactured covers are permitted; make-shift covers are not allowed. These temporary shade covers are permitted to be used without DRC approval. Other non-manufactured and/or affixed structures require DRC approval.

## **TRELLISES**

A trellis is an upright structure that is intended to support climbing plants and differs from fences and privacy screens in that it is generally constructed with a wire mesh or lattice field. DRC approval is required for any trellis taller than five feet. Trellises may not be installed less than five feet from another trellis, fence, or privacy screen when parallel (there is no minimum spacing requirement when installed perpendicular).

## **WINDOW WELL COVERS**

No DRC approval is necessary to install window well covers provided they are flat grate-type or dome-type intended for that purpose.

## **WINDOWS & WINDOW COVERINGS**

Replacement of a window or window frame with one identical to an existing and previously approved window/frame and color and in the same location does not require DRC approval. Addition or alteration of a window and/or trim requires DRC approval.

Interior window coverings such as shades, blinds, and shutters do not require DRC approval. Window tint requires DRC approval. Reflective film, paper covering, bedsheets, or other covers not intended as window coverings are not permitted.

### **LANDSCAPE GUIDELINES**

Landscaping is the construction or modification of any natural exterior surface element of a property including grading, drainage, plant material, irrigation, paths, and certain site features. Each lot homeowner is responsible for completing individual lot landscaping within one year of the initial closing. Homeowners are responsible for controlling weeds, drainage, and erosion prior to, during, and after installation of final landscaping. Initial landscape plans require DRC approval. Use of a professional landscape designer is encouraged. Minor alterations and repairs such as renewing flower beds do not require DRC approval unless there is a variance from the guidelines.

Landscaping should provide homeowners with attractive, interesting, comfortable, useful, and environmentally responsible outdoor living environments by using plants native to Northern Colorado when possible. Arrangements of plant materials should complement the architecture, accent entries, frame windows, and provide a setting for the height and mass of structures. Plant massing to create sheltered outdoor rooms associated with patios, porches, and sitting areas should be considered. Principles of sustainability and water-wise landscaping should be incorporated in selection of materials, design, and maintenance of landscapes. Environmentally friendly materials should be used where possible. Following any Town requirements and regulations including adhering to sight triangle clearances is the responsibility of the homeowner.

### **BACKFILL ZONE**

Maintaining proper drainage away from foundations is the responsibility of the homeowner and is essential to minimizing the risks of swelling soils and other potential damage-causing conditions. The five-foot area surrounding the foundation of any structure may not be landscaped with live plant material that requires watering. All irrigation must be directed away from the five-foot backfill zone and not introduce water into that area. Rock or bark mulch beds are acceptable finishes of the backfill area. Concrete or other hard surface improvements are also acceptable in the backfill zone provided they drain away from the foundation.

### **COMMON AREA LANDSCAPE**

The landscape in the common area of the community that includes parks, open space, rights-of-way, and easements that is maintained by the Association is a unifying element of the community and accordingly no one other than the Association shall alter, add to, or otherwise change the common area landscaping.

### **FLOWER AND VEGETABLE GARDENS**

Flower and vegetable gardens less than 120 square feet in size and less than two feet in height if raised are allowed and do not require DRC approval. Larger beds/gardens require DRC approval.

### **GRADING/DRAINAGE**

No homeowner may install improvements or alter grading in such a way that it adversely affects drainage on any lot. No homeowner may alter, obstruct, or obliterate any drainage swales, pans, easements, or channels located or installed on any lot or common area. Each homeowner shall maintain all of their gutters, downspouts, and extensions to insure proper flow, and downspout extensions shall remain in the down position and kept free and clear of all obstructions and debris, directing water away

from the foundation and/or slabs of any improvement.

### **LANDSCAPE EDGES**

Edges of residential landscaping should blend with the adjacent parcel. Harsh lines at the edges of properties, such as abrupt changes in mulch type or plant material placed in an obvious line, should be avoided. The tree-lawn and transition layer of improvement behind the city walk are unifying elements of the community and shall not be altered from what was installed by the Declarant.

### **MAINTENANCE**

In an effort to maintain the environmental ethic of the community, the following performance standards shall be followed by homeowners with respect to maintenance of their residential landscaping:

**Overspray** or excess runoff of irrigation water shall be avoided.

**Pesticides/Fertilizers** - The use of pesticides and fertilizers shall be limited to the minimum amount required to establish and sustain the plants. Homeowners should rely more on adequate soil growing medium preparation, aeration, top dressing with compost, deep and slow watering, variation in species, mulches and other design and maintenance practices, and less on chemical applications.

**Mulching** mowers are encouraged since they help in fertilization and reduce waste. If clippings are not mulched back onto the grass, they shall be collected and composted or otherwise properly disposed of, either by the homeowner or as part of a yard waste recycling program.

**Noxious Weeds** - All landscapes shall be maintained to eliminate noxious weeds and hazards. Turf grass should generally be mowed to maintain a uniform appearance. Naturalized grass or meadow grasses do not need to be mowed, except as desired to control weeds or distribute seed heads.

### **ROCK & BARK MULCH**

Areas of gravel, rock, and bark mulch shall be restricted to browns, grays, and sandstone tones. Color ranges with reds, whites, or blacks are not allowed. Rock, gravel, bark mulch, and similar materials shall not occupy more than 50% of the lot landscape area (exclusive of the portion occupied by the house, accessory buildings, sidewalks, driveways, drainage swales/easements, backfill zone, decks, and patios). If rock is used as a driveway, the entire rock driveway area contributes to the 50% maximum; also, rocks may not be less than ¾" in size when used as a driveway.

### **SOIL AMENDMENT**

Due to the clay-like or sandy consistency of the soils in Northern Colorado, it is recommended that compost or other organic matter be added to the soil, using a minimum of three cubic yards per 1,000 square feet. Such soil amendment often aids in the establishment of all landscape material.

### **TURF**

No more than 75% of the lot landscape area (exclusive of the portion occupied by the house, accessory buildings, sidewalks, driveways, and patios) shall be in irrigated turf grass. Artificial turf is allowed in rear yards only and must be approved by the DRC prior to installation and a sample of the artificial turf supplied with the Design Review Submittal. A minimum amount of turf is not required.

### **VEGETATIVE COVER**

At two-thirds maturity of the plantings, at least 50% of the lot landscape area (exclusive of the portion occupied by the house, accessory buildings, sidewalks, driveways, and patios) shall be covered with live vegetative cover. The area of plantings and trees is calculated around the perimeter of a plan view of the plant/tree at two-thirds maturity. Gravel and bark mulch and similar materials shall not be considered live vegetative cover.



## **WATER FEATURES**

Water features are permitted in individual yards with DRC approval and with the following requirements:

- Height is limited to five feet, including any spouting water,
- Underground water features shall not exceed two feet in depth (Town regulations shall be followed regarding pools and/or standing bodies of water),
- All water features need to follow the established landscape design guidelines, and
- All water features must be located at a minimum of five feet from the foundation of all structures.

## **WATER USE**

Landscape zones should be designed to require a minimum amount of supplemental irrigation water. Any town/water district watering regulations shall be followed. Hydric (or moisture-loving) plants should only be placed in depressions and other areas where they will naturally receive more moisture.

## **OTHER EXTERIOR IMPROVEMENTS**

### **BIRDBATHS/BIRDHOUSES**

Birdhouses and bird feeders do not require DRC approval, but cannot exceed two feet in any dimension, cannot be installed on property line fences, and shall not be greater than six feet above ground.

### **FENCING (Including Privacy Screens)**

Common area fencing is a unifying element of the community and shall not be altered, added to, deconstructed, or changed by homeowners. Installation of common area fencing shall be by Declarant and as shown on development plans or otherwise approved by the Town of Erie.

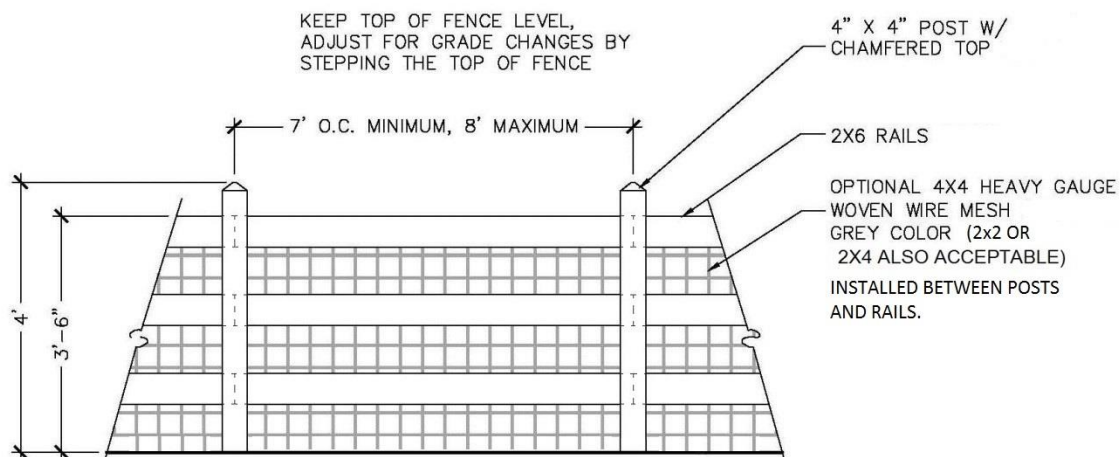
#### Individual Lot Fencing

1. Fencing installed along lot property lines shall be one of the two approved types of fencing, 3-rail or 6' privacy, and constructed as detailed below.
2. Fencing installed on lot lines adjacent to a tract and installed as "wing" fencing (parallel to the street between the lot line and house) shall only be 3-rail fence. Per Town zoning code, no privacy fencing is allowed adjacent to any tract.
3. Other fencing types may be used on a lot interior for privacy screening or pet enclosures provided all conditions herein are met and DRC approval is given.
4. No barbed wire, sharp-pointed, or electrically charged fences are allowed.
5. Fences shall not exceed six feet in height from ground level.
6. To ensure proper drainage, outlets under fencing need to be provided at drainage flow lines.
7. All lot-line fencing shall be maintained by the homeowner, including those adjacent to tracts.
8. Fencing in front of the front plane of the home is prohibited except where 3-rail fence is installed adjacent to tracts.
9. When fencing is installed by the homeowner, it shall be the responsibility of the homeowner to locate all property lines and adhere to all Town codes and permit requirements.
10. No fence may extend beyond or across a property line except with the joint written agreement with the abutting property owner.
11. DRC approval is needed to install any fence, including the addition of a gate within an existing fence.

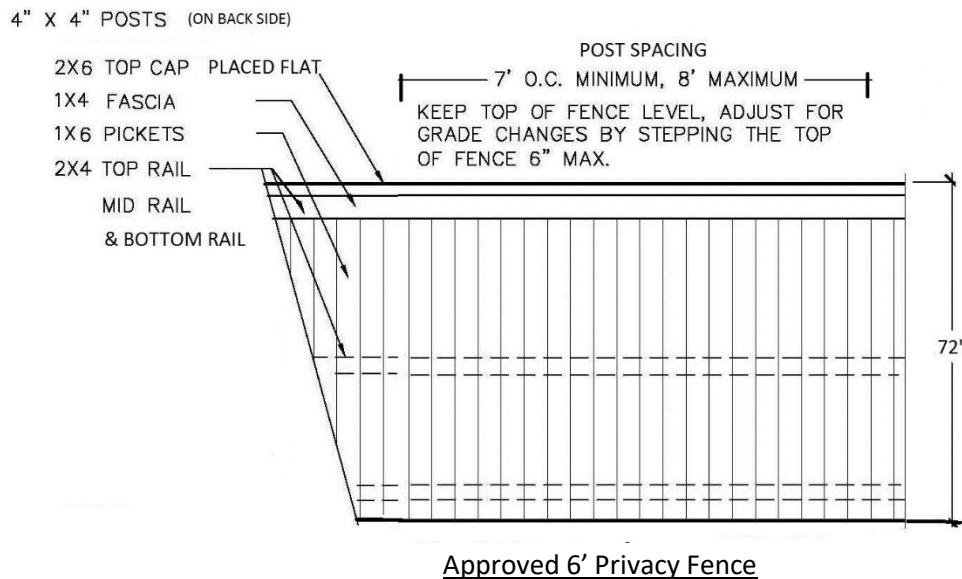
12. Double rows of fencing are not allowed. Fences and privacy screening shall be separated from any other fence by a minimum of ten feet.
13. Transitions between different height fences shall be made where the top of the higher fence slopes downward to meet the height of the lower fence. The transition shall occur in no less than five feet and no more than eight feet of run.
14. All fencing placed along property lines and all “wing” fencing shall be constructed of natural cedar and be stained with a “cedar” color semi-transparent stain to match Declarant-installed (or “Common”) fencing.



Approved “Cedar” Color Semi-Transparent Stain



Approved 3-Rail Fence



### HOT TUBS

Hot tubs are permitted in backyards with approval by the DRC. All hot tubs shall be limited to forty-eight inches above existing grade. The use of landscaping, privacy walls, or a screening trellis may be used to minimize the visual connection from adjacent residences (see the Landscaping, Walls, and Trellises sections).

### PLAY EQUIPMENT

All play equipment must be maintained in good condition. Broken equipment, bent poles or supports, frayed nets or rope, peeled or chipped paint, etc. is prohibited.

**Basketball & Other Sports Goals** are permitted without approval of the DRC. At no time may the equipment or the use of the equipment block public streets or sidewalks or infringe on neighboring property. Spotlights or other lighting for illuminating the area of play is prohibited. Storage of the equipment must be behind the rear building line of the principal structure (the home). Permanent basketball goals are permitted on Accessory Buildings only and upon DRC approval.

**Portable Playhouses** are allowed only in backyards. DRC approval is required if playhouses are left out for more than forty-eight hours. Inflatable playhouses may not be left out for more than forty-eight hours.

**Trampolines** are allowed only in backyards, and DRC approval is not required. Trampolines are not allowed to be sunken or buried into the ground.

**Swing Sets/Slides** are allowed only in backyards, and DRC approval is not required if under eight feet in height; all others require approval.

### SATELLITE DISHES & ANTENNAE

Satellite dishes meeting the following criteria do not require DRC approval; all others are not allowed:

- Dishes designed to receive direct broadcast satellite television services that are one meter (39 inches) or less in diameter.
- Dishes must be installed on sides or rear of homes, on accessory buildings, or be pole mounted in rear yards less than three feet above grade.
- No more than two dishes are allowed per lot.

- Cables must be contained within the structure or otherwise screened from public view to the best extent feasible and painted to match the adjacent surface.

No antennae are allowed outside of an entirely enclosed structure such as a roof attic.

## **SIGNS**

No signs placed in yards or otherwise visible from outside the home including signs placed in windows are allowed except for the following:

- All signs by the Declarant are allowed.
- Home For Sale signs are allowed.
- Yard Sale and Garage Sale signs are allowed for no more than three consecutive days and no more than three times per year.
- Political election signs complying with municipal regulations are allowed.

## **SOLAR COLLECTORS**

Homeowners are encouraged to incorporate energy conservation systems into their home such as solar photovoltaic (PV) systems which convert sunlight into electricity. All types of solar collectors require DRC approval. All solar PV Systems must be designed and installed by a professional, licensed contractor. The Design Review Submittal needs to include a plan that is "to scale" from the licensed contractor who will be installing the system with the manufacturer's description of system, photos/pictures of system, and color/finish.

**Mounting:** Rooftop solar system arrays must be "flush mounted"; "tilt mounted" systems are not allowed.

**Colors:** All components of the system must integrate into the design of the home. The color of the system components should generally conform to the color of the roof shingles to the extent practical (for instance, black frames on dark colored shingles, silver frames on light colored shingles). Solar "shingles" which mimic the look of a composite shingle are acceptable, but should match the color of the current roof shingles as much as practical.

**Other System Components:** Inverters and disconnects are typically mounted in the basement, garage, or near the electrical meter on the outside of a home. The safety disconnects are usually required by the local utility to be mounted next to the electrical meter. The homeowner is required to obtain any Town permits and electrical inspections required in connection with the system. Conduit should be installed near a drain pipe or other existing runs from the roof to hide the conduit as much as possible and be painted to match the adjacent surface.

**Variance:** In the event that compliance to these guidelines causes financial burden, then the homeowner seeking approval for a variance due to financial burden shall provide a minimum of two bids depicting the cost of installation of the solar systems in compliance with this policy and one depicting the desired alternative method. Variances may be granted if compliance with these guidelines would significantly increase the purchase price or operating cost of the system or significantly decrease its performance or efficiency.

**Blockage of Solar Collectors:** No homeowner can install an object or construct an improvement that would obstruct the sunlight exposure of existing solar panels within the neighborhood without the written permission from the homeowner of the property with the affected solar panels. A copy of this written permission from the homeowner of the property with the solar panels must accompany the Design Review Submittal for approval.

## **SWIMMING POOLS**

Swimming pools require DRC approval. Portable “kiddie pools” and other temporarily placed pools less than eight feet in diameter are excepted and do not require approval.

**TRASH & RECYCLING RECEPTACLES** – See Declaration and Rules & Regulations. Trash enclosures constructed of the approved privacy fence design are allowed upon the DRC’s approval of size and location of the enclosure. Enclosures of other types require DRC approval.

## **WALLS (Retaining & Privacy)**

Retaining walls not installed by the Declarant builder/developer can negatively affect the original grading and drainage and the overall aesthetic of the community. Accordingly, no one shall alter or install a retaining wall without DRC approval. Installation of new privacy walls, including seat walls, requires DRC approval.

## **YARD ART**

Yard art (gnomes, sculptures, deer, etc.) requires DRC approval if over 30” in height.

## **DESIGN REVIEW COMMITTEE PROCEDURES**

The DRC shall consist of three persons, who shall serve and may be removed and replaced in the Board's discretion. DRC members need not be homeowners or representatives of homeowners. The DRC may, but need not, include architects, engineers, or similar professionals. The DRC shall not be entitled to any compensation for services performed as members of the Design Review Committee, but shall be entitled to reimbursement of reasonable and necessary expenses incurred. The Board will act as the DRC until a DRC is appointed.

The DRC will serve a term of two years each, except the initial DRC which will serve staggered terms of one year, two years, and three years.

The DRC will appoint a chairperson.

The DRC will attend an initial training with the Board of Directors.

The DRC will meet on an as needed basis at the most on a monthly basis with a majority of the members present.

The Association's Management Company will receive the application and review it for completeness. If the application is not complete, the Association's Management Company will forward the application back to the homeowner noting the missing information.

At the time the application is complete, the Association's Management Company will forward the complete application to the DRC for review. The DRC will review the application and either 1) approve the application with a completion date, 2) approve it with conditions and a completion date, or 3) rejects it with specific reasons for rejection and suggestions that would lead to acceptance. All decisions must be in writing.

The DRC may grant variances as long as it is presented and approved by the Board and during the Development and Sales Period by the Declarant. The variance needs to be presented with a full written explanation of the circumstances and reasons why the variance was granted.

A majority vote of the DRC members present at the meeting constitutes action by the DRC. In the event of a tie vote, the request shall be treated as having been denied.

The DRC shall have the right to disapprove any application which is not suitable or desired for aesthetic or other reasons.

The Association's Management Company will maintain a record of submittals with date received a record of actions taken and date response was sent. Immediately after receipt of the decision, the Association's Management Company will forward the response to the homeowner.

If the DRC cannot make a decision within 30 days of receipt of the complete application, the homeowner will be informed of the delay.

If the request is approved, the homeowner can complete the approved improvements or changes.

If the request is denied or if the homeowner doesn't accept any DRC conditions, the homeowner may appeal to the Board of Directors by resubmitting the application to the Association's Management Company. The decision of the Board of Directors shall be final and binding. See Appeals section below.

The DRC will meet on an annual basis to evaluate and review process, submittal forms, guidelines and other organizational components of the Design Review process and submit any recommended changes or amendments to the Board of Directors for review and approval.

## **APPEALS**

After the Board's appointment of the DRC, an applicant may appeal any disapproval of its application to the Board, or any terms and conditions the DRC has imposed on its approval. To request an appeal, the applicant must submit to the Board, no later than 30 days after the delivery of the notification of the DRC's conditions or disapproval, a copy of the original application, the notification of disapproval or approval with conditions, and a letter requesting review of the decision. The appeal request shall also describe the specific actions or terms or conditions of the DRC that are being appealed, and the grounds for such appeal. The Board may (i) affirm the DRC's decision, (ii) affirm a portion and overturn a portion of the DRC's decision, (iii) impose or delete terms and conditions, or (iv) overturn the DRC's entire decision. The Board shall notify the applicant and the DRC in writing of its decision no later than 30 days after its receipt of the request for appeal with all required information. The Board's decision shall include a description of its reasons for its actions. During the appeal process the homeowner shall not commence any work requiring approval hereunder. The decision of the Board shall be final and binding.

## **GENERAL STANDARD**

The DRC shall approve plans and specifications submitted for its approval only if it deems that: (1) the proposed structure or improvement will not be detrimental to the appearance and attractiveness of the neighborhood; (2) the structure or improvement complies with the Design Guidelines; (3) the appearance of such structure or improvement will be in harmony with the surrounding structures; (4) the structure and improvement will be consistent with the Community Wide Standard, as defined in the Declaration.

## **CONDITIONAL APPROVAL**

The DRC may condition its approval upon any or all of the following: (1) the applicant furnishing the Association with a security deposit; (2) such changes in the proposal as the DRC considers appropriate; and (3) completion of the proposed work by a date certain.

No approval, whether expressly granted or deemed granted pursuant to the foregoing, shall be inconsistent with the Association Design Guidelines unless a variance has been granted in writing by the

DRC. All approvals or disapprovals shall be in writing and maintained by the DRC. Actions by DRC shall require the vote of a majority of the members of the DRC.

#### **NO WAIVER**

The people reviewing applications under this chapter will change from time to time, and opinions on aesthetic matters, as well as interpretation and application of the Guidelines, may vary accordingly. It may not always be possible to identify objectionable features until work is completed. In such cases, the DRC may elect not to require changes to objectionable features. However, the DRC may refuse to approve similar proposals in the future. Approval of applications or plans shall not constitute a waiver of the right to withhold approval as to any similar applications, plans, or other matters subsequently or additionally submitted for approval.

#### **INSPECTIONS**

The DRC may make periodic inspections of the homes in order to ensure compliance with these Design Guidelines and any existing DRC approvals.

#### **VARIANCES**

When unusual circumstances exist that make it difficult to comply with a particular requirement of the Guidelines, a homeowner may file a request with the DRC to be excused from complying with such requirement. The DRC may authorize variances from compliance with any of the Guidelines and any procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require or justify a variance; however, the Reviewer is not obligated to grant a variance under any circumstances. No variance shall (a) be effective unless in writing; or (b) prevent the Reviewer from denying a variance in other circumstances. A variance requires the Board of Director's written consent and during the Development and Sales Period the Declarant's written consent.

#### **AMENDMENTS**

The DRC may amend the Guidelines with the Board's consent. Amendments to the Guidelines shall apply prospectively only. They shall not require modifications to or removal of any structures previously approved once the approved construction or modification has begun. However, any new work on such structures must comply with the Guidelines as amended. There shall be no limitation on the scope of amendments to the Guidelines, and such amendments may eliminate requirements previously imposed or otherwise make the Guidelines less restrictive.

#### **LIMITATION OF LIABILITY**

These Design Guidelines establish standards and procedures as a mechanism for maintaining and enhancing the overall aesthetics of the Community; they do not create any duty to any person. Review and approval of any application pursuant to these guidelines and the Charter may be based purely on aesthetic considerations. The DRC and Board are not responsible for the structural integrity or soundness of approved construction or modifications, for compliance with building codes and other governmental requirements, or for ensuring that all dwellings are of comparable quality, value, size, or design, or are aesthetically pleasing or otherwise acceptable to other homeowners.



The Declarant, the Association, its officers, the Board, any committee, and any member of any of the foregoing, shall not be liable for (a) soil conditions, drainage, or other general site work; (b) any defects in plans revised or approved hereunder; (c) any loss or damage arising out of the action, inaction, integrity, financial condition, or quality of work of any contractor or its subcontractors, employees, or agents, whether or not the Declarant has approved or featured such contractor as a builder in the community; or (d) any injury, damages, or loss arising out of the manner or quality or other circumstances of approved construction on or modifications to any Home. In all matters, the Association shall defend and indemnify the Board, the DRC, and the members of each, as provided in the By-Laws.

### **CERTIFICATION OF COMPLIANCE**

Any homeowner may request in writing that the Reviewer issue a certificate of compliance certifying that there are no known violations of this chapter or the Guidelines. The Association shall either grant or deny such written request within 30 days after receipt and may charge a reasonable administrative fee. Issuance of such a certificate shall prevent the Association from taking enforcement action against a homeowner for any condition known to the Association on the date of such certificate.

### **HOW TO SUBMIT A DESIGN REVIEW REQUEST FORM**

The Association wants to make you feel at ease with your new home and any improvements you may want to perform. This "how to" is designed to help you with understanding the Association's Design Review Application Form and Process. Before work is commenced on any activity requiring the Association's DRC approval, the person seeking permission for such work ("the Applicant") shall submit the original and one copy of the Design Review Application included and the following information. Please use this checklist when filling out your application and preparing your submittal to the DRC because you will find that the DRC will be using the same checklist in order to respond to your application. If the DRC does not receive a complete application, the DRC will send the application back to the applicant without an approval and ask for more information. **Before completing your Design Review Request, please read the Design Guidelines in their entirety.**

1. Name, Address, Phone Number, E-mail and Signature of the Applicant
  2. Check appropriate item for review. If requesting a variance from required guidelines or rules and regulations please indicate what the exact variance is that you are requesting.
  3. Color and type of construction materials of proposed improvement or structure. If a change in the original structure's materials or color, provide a sample.
  4. Vendor or Contractor to be used with contact information
  5. Dimensions of structure or improvement- width, height, depth and length of all elements
  6. At what grade -at original grade, below grade by how much or above grade by how much
  7. Improvement Location Survey (Please note that an Improvement Location Certificate ("ILC") has been provided to each purchaser with the closing documents. A copy of this would work well for a DRC submittal showing a to-scale location of the proposed improvement or structure. Setback dimensions should be to all lot boundaries and relationship to allowable building envelopes and the house. Also show the size of the proposed structure or improvement.
  8. A brief narrative description of the proposed structure or improvement to include what surrounds it. For example, if applying for an awning, include the color of the home.
- Include the section of the Design Guidelines that addresses your proposed improvement or structure.



**LOST CREEK FARM**  
**Design Review Request Form**

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

The following type of Improvement/Change is hereby requested (**Please review Guidelines prior to submittal**):

**Please check one:**

- ☐ Exterior Materials\* - Siding, Roof , Windows, Window Frames, Color, \_\_\_\_\_, \_\_\_\_\_
- ☐ Solar Collectors/Evaporative Coolers
- ☐ Air Conditioning\* (window units not permitted)
- ☐ Change in Grading/Drainage
- ☐ Deck
- ☐ Patio\*\*
- ☐ Screen/Trellis\*\*
- ☐ Awnings
- ☐ Addition/Deletion of Square Footage, including balcony
- ☐ Architectural Style Change
- ☐ Additional Structure – Shed, Play Equipment, Green House, Gazebo, Other \_\_\_\_\_
- ☐ Landscaping
- ☐ Water Feature
- ☐ Wall
- ☐ Fence
- ☐ Arbor/Pergola\*\*

\*Design Review Committee approval only required if deviating from the most recently approved material, color, location or type.

\*\* Variance from Guidelines/Rules and Regulations

**Describe Improvement** – Attach a picture, drawing, site plan, brochure, etc. of the proposed improvement. See Submittal Requirements/Guidelines.

**Proposed Completion Date:** \_\_\_\_\_

I/We understand that the approval of the Design Review Committee is required in advance before any improvement or changes are made. I/We also understand that the Design Review Committees approval does not constitute approval of the local City/County building departments and hat a Building Permit may be required. I/We agree to complete all proposed improvements promptly after receiving Design Review approval. Completion of improvement is required by the proposed Completion Date. I/We have read these instructions and shall comply accordingly.

Homeowner Signature \_\_\_\_\_ Date \_\_\_\_\_

If you have not received written notice confirming receipt of this Design Review Application within 7 (seven) days following submission, please contact Management Company – [kenzie@teleos-services.com](mailto:kenzie@teleos-services.com), (303) 829-9346.

**FOR OFFICE USE ONLY**

**Date Received:** \_\_\_\_\_

**Name/Address:**

\_\_\_\_\_

**DRC Action:**    \_\_\_\_\_ **Approved**    \_\_\_\_\_ **Approved/Subject to Conditions**    \_\_\_\_\_ **Denied**

**Conditions/Denial Because:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Design Review Committee Member Signature:** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Design Review Committee Member Signature:** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print Name:** \_\_\_\_\_