

REVISED PROPERTY GUIDELINES*
(PROPERTY GUIDELINES Previously Called DESIGN GUIDELINES)
(12/2/2016)

**CREEKSIDE II,
THE FARM AT CREEKSIDE**

Longmont, Boulder County, Colorado

I. PURPOSE: The first goal of these Property Guidelines (sometimes referred to as "Guidelines") for CREEKSIDE II, THE FARM AT CREEKSIDE ("Creekside II") is to ensure the maintenance of a consistently high quality property and to serve as a guide for improvements to such property, thereby protecting and enhancing the investment and property values of all residents. A second goal is to avoid having one homeowner maintain or modify their property in such a way that would negatively impact a neighboring homeowner's enjoyment of their property.

These Guidelines do not supersede, but rather supplement the Declaration of Covenants, Conditions and Restrictions ("Declaration") for Creekside II which may be in effect. Where the Guidelines and the Declaration are in conflict with City of Longmont Regulations, the more stringent requirements shall apply. Where the guidelines and the Declaration are in conflict with state or national regulations, the state or national regulations shall apply.

A. PROPERTY COMPATIBILITY: In order to maintain a consistently high quality among properties within Creekside II, properties should be compatible. Compatibility is defined as harmony in architectural style, quality of workmanship and similarity in use of materials, fenestration, color and construction details, as approved by the **Architectural Control Committee** ("Committee"). The creation of a distinctive neighborhood identity is one desirable aspect of compatibility. Within the sense of distinctive community identity, however, innovation and creativity are encouraged.

B. PROTECTION OF NEIGHBORS: Property design and improvements shall contain reasonable provisions for sound and visual buffers, surface water drainage, and shall maintain reasonable view corridors from neighboring lots. It should be noted that a view from each of the individual lots is not guaranteed. It shall be the responsibility of the owner proposing reconstruction or landscaping changes to demonstrate the reasonableness of adjacent view corridors. Owners of adjacent lots are encouraged to work together to discuss the placement of yard additions such as play equipment and ancillary structures.

C. REVIEW PROCEDURES: The following review and approval procedures provide the framework by which the Committee will review, process and approve improvements within Creekside II. Plans and specifications shall be submitted to the Committee in accordance with the following procedures.

1. Approval Required: All non-exempt remodeling, reconstruction, refinishing or alteration of any part of the exterior of any building or other improvement, including landscaping, in Creekside II is prohibited until an owner, or the owner's designated representative, first obtains written approval as provided herein (for forms, see Exhibits B and C). All improvements shall be constructed in accordance with approved plans and specifications.

These Design Guidelines may be amended or modified pursuant to Paragraph 13 of the Declaration of Covenants, Conditions, and Restrictions of Creekside II, The Farm at Creekside. The Architectural Control Committee may adopt other limitations and restrictions in its reasonable discretion.

* See Exhibit A for description of revisions.

2. Violations: Every violation of these Guidelines including, without limitation, any remodeling or landscaping without the approval by the Committee or the alteration of any improvements or landscaping in Creekside II not in conformance with plans and specifications that have received approval from the Committee, are declared to be and to constitute violation of the Declaration, and every remedy allowed by law or in equity against a homeowner shall be applicable against every said violation.

The Committee may require an offender and/or owner to remove any improvements constructed, reconstructed, finished, altered, or maintained in violation of these Guidelines and/or the Committee's approval. The Creekside II, The Farm at Creekside Homeowners' Association ("Association" or "Homeowners' Association") reserves the right to correct any violation after serving the owner written notice. After serving written notice, the Homeowners' Association may contract to correct the violations and back-charge the owner the cost for the correction. If the owner fails to pay the cost of such corrections in the specified time, the Homeowners' Association may file a lien against the property and pursue an appropriate foreclosure action. The owner will be liable for all related costs incurred above and beyond the actual construction costs, including, but not limited to, consultant fees, legal fees, managerial fees, and accounting fees.

II. SECTIONS: For ease of use, the Guidelines are divided into the following sections, ordered such that frequently arising topics are presented first. A final section deals with initial construction and remodeling.

- A. Exemptions
- B. Painting
- C. Fences
- D. Sheds / ancillary structures
- E. Parking
- F. Landscaping
- G. Basketball backboards and supports
- H. Rentals
- I. Initial Construction / Remodeling (this section includes all topics other than those listed above)

A. EXEMPTIONS: The following types of changes, additions or alterations do NOT require approval of the Committee: (Although exempt from review of the Committee, all work must proceed in accordance with all applicable federal, state and City of Longmont codes, ordinances and regulations and the intent of these Design Guidelines.)

- 1. **Similar vegetation:** Addition of vegetation to a property in accordance with a previously approved Landscape Plan or, if the original Plan is not available (as to a new homeowner), replacement of vegetation in kind (of similar mature size and appearance).
- 2. **Short plants:** The addition of permanent planting materials that do not conform to an approved landscape plan as long as the mature size of the planting does not exceed 5 feet in height. This exception means that *all* plants whose mature height will be greater than 5 feet require committee approval.

3. **Seasonal plants:** Seasonal planting materials such as vegetable gardens or flowers.
4. **Inside of home:** Modifications to the interior of a structure when those modifications do not materially affect the outside appearance of the structure.
5. **Repairs:** Repairs to a structure in accordance with previously approved plans and specifications.
6. **Seasonal decorations:** Seasonal decorations if removed within seventy-five (75) days following the holiday.
7. **Grills:** Installation of permanently mounted natural gas or propane grills.

Only those items listed above are exempt from the residential review process. All other types of residential construction, improvement, landscaping, site modification, and other such items must comply with the Procedures and Guidelines contained herein.

B. PAINTING: All exterior painting or staining shall be done in compatible colors and shall harmonize with the existing homes in the area. Paint colors need approval by the Committee, even if they appear to be replicating existing colors (see painting Approval Form, Exhibit B). Proposals should indicate areas that are to be painted/stained and the color proposed. Colors must be complementary and not of high contrast. Only those areas that were painted/stained originally shall be repainted/stained. The use of low-maintenance materials is strongly encouraged.

C. FENCING: All fences shall be constructed so that all structural components are on the interior (lot side) of the fence so as not to adversely impact the adjacent lot or view from the street. Homeowner perimeter fences shall meet the design specifications as set forth within Exhibit D, or shall be a solid privacy or split (open) rail design. Privacy fences shall not be higher than five feet (5') above finish grade, and split rail fences shall not be higher than four feet (4') above finish grade. Posts shall be 4" X 4". Nominal rough sawn pressure preservative treated and set in a minimum of two feet (2') of concrete. The sidewalk setback for a split-rail fence shall be one foot. The sidewalk set-back for a privacy fence shall be five feet. Rectangle wire mesh may be used on open rail fences to contain pets and small children within the site. The wire mesh shall be two inch by four inch (2" x 4"), nine (9) gauge galvanized wire installed on the interior (lot side) of the fence.

The foregoing perimeter fencing criteria shall not apply to the rear HOA perimeter fences of the following lots:

Filing 1: Block 5; Lots 1 through 5

Block 7; Lot 1

Block 7; Lots 1 through 5

Filing 2: Block 1; Lots 1 through 17.

Note: With respect to the foregoing lots, the perimeter fencing will be maintained by the HOA. Any future alterations or modifications will require approval from the Architectural Control Committee.

Privacy and screening fences that are not located on the lot perimeter shall be no more than six feet (6') high, shall match the general detailing, coloring and construction of the residence and be constructed according to the fence details submitted to the Architectural Control Committee for approval.

All fencing plans, locations and specifications must be indicated on landscape plans, including typical sections, gate locations, and other pertinent details of design and/or construction. Chain link type fencing, pipe rails and metal posts are expressly prohibited. All fences on the corner lots may not be closer than six inches (6") to the side property line. Fences will not extend past the front corner of the building and will not extend past the front corner of the adjacent building.

Non-HOA maintained fences are to be maintained in good condition by the homeowner.

See F7 for landscaping responsibilities for those with HOA-owned perimeter fences.

- D. SHEDS / ANCILLARY STRUCTURES:** All ancillary structures, such as storage sheds, greenhouses, arbors, patio covers, sunscreens, cabanas, gazebos, play houses, swimming pools, etc., shall be of a similar design to the main house and painted to match the house and/or fences. All such items will require Committee approval. Chicken coops are not permitted at the present time.

Sun shades are permitted if they will not block direct sunlight on neighboring properties, are of a color scheme compatible with the neighborhood and/or house, and the materials and supports are appropriate to handle the wind load. For example, the structure could be directly attached to the house and secured at the outer edges by steel posts held in place by concrete. If the shade is fabric, it should be designed for outside use and secured along its length so that there are no long unsupported sections that could produce loud flapping sounds. The fabric could be retractable and made secure in high wind situations. The shade should be maintained in good condition and repaired or replaced as necessary to maintain the integrity of the structure and general aesthetic appearance.

- E. PARKING:** Off-street parking in driveways or garages is encouraged. For vehicles parked on the street, vehicles should not block a mailbox, as Longmont postal workers are not required to deliver mail to rural routes if mailbox access via their vehicle is blocked; nor park in a line of sight regarding exiting from adjacent driveways. Simultaneous parking on both sides of the street, resulting in a greatly narrowed right of way, should be avoided.

Residence parking for boats, trailers (habitable and nonhabitable), and recreational vehicles (RVs) shall be limited to 72 consecutive hours (or three overnights) and one week for guests/visitors. The exception would be if a property has an RV garage or prior HOA approval. The 72 hours is for minor seasonal upkeep, loading, and unloading. The intent of this rule is to not allow long-term parking of boats, trailers, and RVs. Thus, “token” moving of such a vehicle once/72 hours is unacceptable, as it does not meet the spirit of the rule. Contact the board if you have questions. Recreational vehicles shall not be parked adjacent to drives (in setbacks) in front of the front building line in accordance with City of Longmont regulations. Vehicles, recreational vehicles and trailers shall not be parked outside the driveway (i.e., on the grass or stones). If an RV is parked on the street, attempts should be made to avoid blocking the view of a driver exiting from an adjacent driveway.

Street parking of any commercial trailer belonging to the homeowner is not permitted, even if it is moved periodically.

Driveway parking of a homeowner’s signed (i.e., displaying advertising lettering or pictures) or unsigned commercial (work) vehicle or vehicles is limited. The following restrictions apply: there is a limit of two full-sized pickups or panel trucks or trailers, which do not infringe on the sidewalk, in the driveway; each vehicle must be moved at least once every 72 hours; and the vehicle cannot contain hazardous or noxious (i.e., odorous) materials. The 72-hour limit means that we are not restricting work vehicles that are used daily or very regularly. However, there is to be no long-term storage of work vehicles. Contact the board with details of your circumstances to see about possible exceptions.

Any type of repair of any vehicle should ideally take place within the garage. No repair work taking longer than three days shall be done in the driveway. Any vehicles in inoperable condition shall be stored in garages.

- F. LANDSCAPING:** The design intent of the Creekside II master landscape plan and overall theme of the development was that of natural and informal groupings of plant materials in order to unify Creekside II into a cohesive neighborhood. To the greatest extent possible, utilizing natural landform and native or hardy (drought-tolerant and disease-resistant) landscape materials is encouraged. Landscaping includes, but is not limited to, trees, shrubs, turf, planting areas and gardens, xeriscaping, patios, decks, retaining wall structures, "lawn sculptures", gazebos, arbors, water features, ponds, swimming pools and other such items.

Initial and updated (with exemptions noted in section 2A) landscaping shall be installed pursuant to a landscaping plan approved by the Architectural Control Committee. This includes planting of all trees and bushes in back as well as front yards that will attain a mature height of greater than 5 feet. Obtaining such approval is meant to help a homeowner avoid potential problems that they might overlook. The use of a qualified landscape architect is highly encouraged.

A final landscape plan, indicating location and numbers of plantings, location of plant beds, berms, fences (including typical sections of all fence types) and other

information as required to demonstrate compliance with these Guidelines shall be approved by the Committee prior to installation of landscaping. Landscape plans should designate all plant materials at approximately 2/3 of their final, mature size.

The landscape plan shall include all proposed landscaping improvements including: fences, shrubs, turf, planting areas and gardens, xeriscaping, patios, mulches (bark, gravel, etc.), landscape structures (decks, retaining walls, gazebos, arbors, built-in barbecues, etc.), swimming pools, ornamental features (water features, statuary, etc.), garden areas and any other such feature, as well as a general description of the irrigation system.

Final landscape plan shall include a list, indicating botanical names, common names, quantity and size of all plant materials, excluding flower beds and gardens. In addition, landscape plans shall include property lines, easements, building envelopes (including ancillary structures), locations of special areas to be screened with either fences or vegetation and service line locations.

Consistent landscape design from the front yard to side yards and the back is encouraged in order to give a uniform appearance to the lot. This is particularly important for corner lots, or those lots which do not have privacy fencing between adjacent lots, and are therefore visible from surrounding properties or public access areas and streets.

Landscaping design and changes should keep in mind view corridor recommendations as outlined herein; specifically with location of ultimately tall trees and, more importantly, evergreens. (Deciduous trees allow views in the winter months while evergreen trees would block views year round).

- 1. Grading/Drainage:** Natural drainage patterns and the underdrain system installed by the developer must be respected. Berms should not obstruct drainage channels, divert drainage onto adjacent properties or toward building foundations. Finish grading should be designed to: avoid ponding on the site; allow 10% slopes away from the residential improvement for a distance of at least 10 feet; avoid excessive run-off at a point onto adjacent sites; and maintain existing drainage patterns/channels.

Grading plans must conform to the approved **Master Grading and Drainage Plans** prepared for Creekside II. The final landscape plan shall indicate contours and/or finish grade elevations showing and assuring that the proper drainage is indicated and retained through the construction of the landscape.

- 2. Irrigation System:** Each and every lot shall be provided with an automatic irrigation system capable of watering all landscaped areas containing plant materials to ensure the continued survival of plant life. Exceptions are for localized xeriscaped areas, although it should be noted that new xeriscaped plantings often need watering until plants are established. Irrigation systems shall be equipped with a time clock to provide for automatic irrigation of areas to allow watering during periods of minimum evaporation. The irrigation system should be designed by a qualified individual or installer. The final landscape plan shall indicate irrigation system head placement and pattern for Committee review. Irrigation systems should be designed to minimize over-spray onto

adjacent lots or public sidewalks, and to conserve water. Watering should not be done in violation of city, county, or state water use restrictions.

3. Ornamentation: The utilization of non-living objects (such as ornaments) in the landscape is not permitted. Such ornamentation includes animal skulls, wagon wheels and "kitsch sculpture" (flamingos, deer, cherubs, ducks, etc.).

4. Minimum Plant Material Quantities and Placement of Plants: The following landscaping quantities are the minimum requirements. The Committee strongly encourages additional plantings to complement and add to these minimums and to be consistent with the Guidelines. In addition, the use of flower beds, with variety to promote seasonal color, is also strongly encouraged. Each lot within Creekside II shall comply with the following minimum planting requirements:

a. Two, one and one-half inch (1 1/2") caliper trees in the front yard are recommended, but could be required, depending on street aesthetics. For recommendations of types of trees to plant and the problems (e.g., diseases, insects, problematic characteristics such as excessive ground suckering in aspens and cottonwoods) various trees have here, see the CO State University Extension Front Range Tree Recommendation List. **The planting of new aspens and cottonwoods is not permitted.**

b. One, one and one-half inch (1 1/2") caliper tree in the rear yard (five foot conifers may be substituted for deciduous trees);

c. Ten, five gallon shrubs or other comparably-sized perennial plantings in beds located in the front yard;

d. Five, five gallon shrubs or other comparably-sized perennial plantings in a bed in either the back or side yard that is visible from adjacent lots, public ways or streets;

e. All areas not in shrub beds, designated garden/flower bed areas, xeriscaped areas, rock gardens, areas planted with acceptable ground cover materials, patios, decks or other hard surface areas may be sodded with a turf grass, but this is not required (as per recent Colorado state law). Although the turf grass used when Creekside II was constructed was a Kentucky Bluegrass or a predominately Kentucky Bluegrass mixture, a better turf grass to use now would be a local drought- and disease-resistant blend such as Colorado's Own or Colorado Complete, containing a lesser percentage of Kentucky Bluegrass and higher percentage of other types of grass such as fescues or perennial rye. (Seed for large turf areas may be utilized with special approval of the Committee; approval for seeding is not required for filling in of small dead patches.)

f. It is recommended that trees not be planted closer than seven and one-half feet (7.5') to sidewalks, driveways or patio slabs, to minimize potential root damage to the concrete and to avoid excessive trimming. It is recommended that trees not be planted close to the HOA-owner perimeter fence, as they may require frequent trimming, depending on their type and growth. It is recommended that a

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homeowner considering planting a tree or bush close to the property line with a neighbor speak to their neighbor about whether the mature size of the planting will be unwanted or otherwise problematic, as it will impact the neighbor's yard.

- 5. Maintenance:** All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering of non-xeriscaped plantings, mowing, edging, pruning/trimming, removal and replacement of dead or dying plant materials, removal and/or elimination of weeds and noxious grasses, treatment of diseased plant material and removal of trash. Branches above streets are to be trimmed to a height of 15 feet, as required by city code (Longmont Code of Ordinances, Part II, Title 13.24.030, Clearance requirements). Branches should not obscure street signs. Homeowners must make sure that their landscaping maintains the integrity of the sidewalk; encroaching grass or other vegetation overgrowth must be removed so as to maintain a clear right of way on the sidewalks. Branches over the sidewalk must be trimmed to a height of 8 feet, as required by city code. Removal of dead or diseased vegetation shall be done as soon as possible after the discovery of the diseased condition.

Permitting the continued growth of "volunteer" trees, that is, trees that sprout via root growth from existing plants (common for aspens and cottonwoods), rather than being a new planting, requires committee approval. This requirement must be met even when the sprout is currently under 5 feet, if the mature size of the new tree will be greater than 5 feet.

Landscaping responsibilities for those with the HOA-owned perimeter fence (the HOA fence): Damage or deterioration to the HOA fence caused by action of the homeowner related to landscaping shall be the homeowner's responsibility. HOA fence deterioration can be the result of a tree or bush planted too close to the perimeter fence that is now pushing against the fence, by overhanging branches that exert weight on the fence, by vegetation that grows through the fence, by the mounting of decorative hangings or trellises, or by ground grading or shifting that results in soil, gravel, or rocks pushing outward against the fence.

Homeowners are responsible for trimming their vegetation that grows beyond their property over the HOA fence. The purpose of trimming is to protect the HOA fence, prevent injury to the lawn care personnel, and provide an unobstructed area for pedestrians along Plateau Road, where there is no sidewalk. Trimming of rear-facing/-arching branches should be done by the homeowner or personnel whom they hire in such a manner that aesthetics, proportions, and privacy screening can be maintained to the homeowner's satisfaction. Branches that extend beyond the HOA fence must be trimmed to maintain a clearance ("droop"-free zone) above ground of at least 6 feet at the lowest point. Homeowners who fail to maintain their trees appropriately, after formal notice to do so, will be charged for the expenses of tree trimming and debris removal. Trimming done under the mandate of the HOA may not be as aesthetically pleasing or horticulturally correct as if the homeowner had done or had done the trimming themselves.

Per Longmont code, branches over sidewalks must be trimmed so as to maintain a clearance of at least 8 feet, and branches over roads a clearance of at least 15 feet. In addition, branches must not obscure road or street signs.

Throwing grass clippings, branches, other yard debris, or trash over fences is prohibited. In particular, throwing clippings or other debris over the HOA-owned perimeter fence onto the HOA-maintained property, besides being unsightly, makes it more difficult and costly for the contracted landscaping company to trim the vegetation outside the fence. In addition, it may result in the premature degradation of the fence. If injury to an employee of the landscaping company occurs related to a homeowner throwing debris over the fence, the homeowner, not the HOA, will be liable. If fence maintenance, repair, or replacement is prematurely required due to property owner oversight or negligence, or necessary before the rest of the fence is being replaced or repaired, the fence will be repaired at the property owner's expense.

- 6. Composting:** Composting is permitted, as long as the homeowner complies with good practices and follows city of Longmont code related to Chapter 9, Offensive Premises. In our dry Colorado climate, a covered composting bin will probably be used. Good practices include not simply adding fresh green material at the top of material in the bin, but immediately putting it in the middle of the pile and covering it with brown material, in order to avoid attracting wildlife and generate bad odors. The composting bin must not project above the fence line. A homeowner contemplating composting should talk with their neighbors.

G. BASKETBALL BACKBOARDS AND SUPPORTS: Permanent basketball backboards and any supporting materials shall be painted or stained to match the exterior color of the residence or a neutral white. Clear backboards are acceptable. Moveable basketball backboards and supporting materials shall not block sidewalks at any time and should be moved out of the street at night, given that they may be of limited visibility to bicyclists or cars.

H. RENTALS: The following applies to homeowners who rent out their homes or have persons not including the homeowner, such as a relative or house-sitter, living there without paying rent.

Note that homeowners who rent their property should be aware that infractions incurred by renters are ultimately the responsibility of the homeowner.

Homeowners are requested to provide the HOA with renter and any management company contact information (the latter because the management company may be responsible for lawn care).

Homeowners are requested to provide renters a link to the HOA's documents, in particular the Property Guidelines and Enforcement Policies. In case of an infraction, both the homeowner and the renter will be contacted.

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I. INITIAL CONSTRUCTION OR REMODELING:

1. Plan Review - Submittal Contents: The purpose of the Plan Review process is to ensure that final plans conform to these Guidelines. The submittal package shall be made up of a minimum of four (4) copies of required drawings and shall also include the following:

- a. Complete sets of drawings and specifications suitable for construction and including floor plans and building elevations, which are identical to the documents to be submitted to the City of Longmont for a building permit. Three (3) copies of reviewed documents will be returned to the applicant owner with appropriate Committee action indicated either on a coversheet or the face of one set of documents. If approved, two of these sets must be used for building permit application.
- b. A foundation and grading plan as required below. Committee review of foundation plans is not for engineering review, but is instead to determine conformance to soils report recommendations. Two copies of the engineer certified (stamped with his or her professional seal) soils report, structural foundation plan and grading plan should be included in the final submittal. Each item shall identify the certifying engineer, his or her address and phone number, his or her project identification name and/or number and the date of preparation of same. These items do not have to be prepared by the same engineer or engineering firm. Any deviation from soil report recommendations will require approval of an appropriately licensed soils engineer. Lot grading shall be in conformance with the City of Longmont code.
- c. Color/Sample Board: Indicating all exterior materials and colors.
- d. Any other information and materials deemed necessary in the judgment of the Committee to ensure compliance with these Guidelines or desired by the applicant to help demonstrate conformance herewith.

2. Review Time Table: The Plan Review shall be made at least ten (10) calendar days prior to applying for a building permit from the City of Longmont. Plan Review approval must be obtained from the Committee prior to applying for a Building Permit from the City of Longmont and prior to any construction. If, in the opinion of the Committee, the submittal complies with these Guidelines, written approval shall be granted. If the submittal is found not to be in compliance with these Guidelines, the Committee shall provide the applicant with a written description of the aspects in which the submittal does not comply. The applicant must then present required revisions to the Committee and follow the same review procedures. Should modifications be required, approval will be granted only after such changes have been incorporated into the final plans.

3. Changes After Final Review: There may be occasions when an applicant desires to make a change during construction which affects the exterior of the improvements or building site. When an applicant wishes to make such a change which deviates from the plans as approved by the Committee, the applicant must submit a written request to the Committee along with three (3) "redlined" sets of plans clearly delineating change. The

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Committee shall review and respond to such requests within ten (10) calendar days from the receipt of the request. No changes will be made unless approved in writing by the Committee.

4. Construction Period and Project Completion Review: An on-going periodic review of the construction of the improvements will be undertaken by Committee or its representatives with the purpose of monitoring exterior appearance of the improvements and ensuring conformity to the design and construction documents as approved by the Committee. Any significant deviations, in the opinion of the Committee or its representatives, will be brought to the attention of the applicant, along with measures that the Committee requires to mitigate or eliminate the deviation.

5. Approval Timing: Committee approval is good for one (1) year from date of final approval, unless changes are made to the approved final plans, which will require resubmittal and review. At the sole discretion of the Committee, extensions may be granted for mitigating circumstances.

6. Fee Schedule: At this time, there is no fee charged for initial submittal reviews for the construction and erection of the original residential improvements. The Homeowner's Association reserves the right to establish a review fee to pay for review costs should that payment become necessary, which said fees may be changed or increased from time to time.

7. Appeal Procedures: If an applicant wishes to appeal any decision of the Committee, he or she may do so by submitting a written appeal to the Committee within thirty (30) calendar days of the original Committee decision. The Committee will then schedule a meeting with the applicant at which time the appeal will be reviewed applicant will have the opportunity to be heard prior to the Committee rendering a final decision. Within seven (7) days of the decision regarding the appeal request, the Committee shall give notice in writing of their decision to the Owner. All decisions of the Committee shall be final.

8. Design Guidelines: These Guidelines are divided into two major divisions as follows (for Landscape design Guidelines, see Section 2F): **Site Planning and Architectural Design Guidelines.**

9. Site Planning Guidelines:

- a. Site planning shall respect the relationship to existing landforms and vegetation. Natural topography shall be maintained wherever possible.
- b. An attempt should be made, when siting the footprint of the residence, to vary the front yard and side yard setbacks (within the standards specified herein) as well as to offer a variety of building forms and elevations along the street wherever possible.
- c. When siting structures, the following guidelines should be considered:
 - i. Avoid placing structures in natural drainage channels;
 - ii. Distant and close-in views looking into and out of adjacent sites to mountains should be maintained where possible and landscaping should be designed to maintain the same. It is not the intent of these Guidelines to "guarantee" that each and every lot owner have a clear and unobstructed view to the mountains. Adjacent lot owners are encouraged to work together to preserve views from their respective lots.

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- iii. Residential improvements do not have to parallel front street lines.
- iv. There is sufficient distance between residential improvements to allow side wall windows as well as the more standard front and rear wall windows.

d. Setbacks: All setbacks are measured from the lot property line unless otherwise noted. Setbacks shall generally be in conformance with applicable City of Longmont zoning ordinances. The Committee realizes that it may, in some cases, be desirable to deviate from setbacks for minor appurtenances (such as porches, decks, etc.). Such deviations should be noted on Plan Submittals along with a written statement outlining the reason for the requested deviation. It shall, however, be noted that the City of Longmont Board of Adjustment is the ultimate authority for granting such deviation and the Committee or Association cannot predict or assure the issuance of a variance.

e. Driveways and Walks: Driveways shall be designed with careful consideration of existing slopes and final grades. Paving materials for driveways, paths, steps, patios and other areas should have a dull, non-reflective hard surface that blends with the natural surroundings. The use of interesting paving patterns, circular drives, colored or exposed aggregate concrete as well as precast pavers, is encouraged. The use of asphalt is prohibited. Where concrete is used, it shall be adequately reinforced and provided with adequate control and expansion joints to minimize cracking. Concrete driveways and parking areas shall be a minimum of four inches (4") in thickness to support vehicle wheel loadings, and properly reinforced. Other slab thickness and reinforcing are allowed provided the engineered soils report clearly describes the engineer's recommendations.

f. Screening: The purpose of the screening requirement is to ensure a neat and orderly appearance without superfluous visual clutter that detracts from property values and overall community clutter. The following items shall be screened with approved fencing or with approved plant materials:

- i. **Exterior Storage Areas:** Exterior storage shall be located in an area not visible from the street and screened from the view of all other sites in the subdivision. (See fencing requirements for the visual screen requirements). Storage areas shall be identified, and the method of screening identified on site landscaping plans, which will be subject to approval or rejection by the Committee.

"Junk", unused or broken equipment, trash, and surplus building or project supplies are not to be stored longer than one week in front of or beside residences if they are visible from the street.

Any visible exterior stored materials and/or equipment may be removed and stored by order of the Homeowner's Association or the Architectural Control Committee. The owner of such stored materials or equipment shall be responsible for the cost of the removal and storage of materials removed from the site. Neither the Homeowner's Association nor the Architectural Control Committee shall be responsible for the method of removal and damage or loss of the stored materials removed from the site.

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No accessory buildings may be constructed or added to the property for storage unless the Committee has reviewed and approved all criteria related to the accessory building.

ii. **Dog runs:** Dog runs shall not be a nuisance to the neighbors, either auditory, visual or odorously. Dog runs and related yards shall be kept clean and free of pet waste and odor at all times. Dog runs shall be located on the required landscape plans and the screening shall conform with the fencing and screening standards. All dog run plans must be submitted to the Committee for consideration and approval before construction begins.

iii. **Mechanical Equipment:** Air conditioner or heat-pump condensing units, swamp coolers, or other exterior mounted mechanical equipment devices, not directly connected to the residential improvements shall be reasonably screened from view, and located in either the rear yard or one of the side yards.

iv. **Firewood:** Firewood shall be neatly stacked, in one location, in rear or side yards unless located in the confines of an adequate screened enclosure.

g. Antennas: All rooftop and tower mounted radio, TV and microwave antennas are prohibited. Satellite receiver dishes larger than 40" in radius or in one dimension are prohibited unless specifically approved by the Committee. The use of attic space for antenna mounting is strongly encouraged.

h. Exterior Lighting: Exterior lighting shall be used only for security, visibility and decorative effect. Exterior lighting shall not be directed in such a manner as to create an annoyance to adjoining properties and shall not be directed outside the property boundaries of the owner. Exterior lighting shall also consider light pollution and be screened accordingly. The use of unshielded or globular luminaries is prohibited. General area floodlights are expressly prohibited, unless used with colored lights as part of a temporary, seasonal lighting display and directed towards the residence. The use of low-voltage, "ground lights", for decorative site lighting, is encouraged. The use of either photocell or clock controlled exterior lighting is also encouraged. Whenever possible, night lighting shall illuminate the street address numbers of each home.

i. Play Equipment: Where visible from public streets or rights-of-ways, play equipment may be erected within a screened or fenced area, and shall be of appropriate scale, of quality materials, and kept in good repair. Because such equipment may impact neighbors visually or aurally and affect lines of sight for views, homeowners are encouraged to have conversations with their neighbors about placement before the installation of such equipment.

j. Exterior House Numbers: Address numbers are required to be mounted on the house and shall be legible and visible from the fronting street in accordance with City of Longmont Requirements. Mounting in a location that is lit by a "porch light" is encouraged. Individual numbers shall be a minimum of 5" in height and of a style appropriate for the architectural style of the building.

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k. Mail Boxes: Only mailboxes approved by the Committee may be used and plans shall be submitted as a part of the construction and/or landscaping plans. No additional boxes, newspaper tubes, etc., shall be installed or affixed to the original mail box structure.

l. Services: All electric, gas, telephone, cable television and other such utility services shall be installed underground and shall be connected in accordance with appropriate utility company requirements, as provided herein. Meters shall be installed on the side of residence to the rear of the set back line.

m. Construction site: Specifications for all construction activities shall include provisions to include the following, and shall be strictly enforced by the Applicant:

- i. During construction of any kind, the site must be kept clean, neat and orderly. All materials shall be stored in an orderly manner and all debris and materials shall be securely stored in a covered enclosure to prevent materials from blowing off of the site. The owner of record will be required to pay for any clean up performed by the Homeowner's Association or developer's staff or maintenance contractors. The blame for any littering of the project will be allocated to the owner as the responsible party for the construction of the house.
- ii. No construction parking will be allowed in front of completed residences, nor will overnight parking of any construction vehicles be allowed within Creekside II Subdivision except construction trailers specifically approved by the Committee.
- iii. All trash and debris shall be cleaned daily and stored in an enclosed area until removal.
- iv. There shall be no construction activity before 7:00 AM or after 7:00 PM on weekdays, or before 8:00 AM or after 4:00 PM on Saturdays. Construction activities shall be prohibited on Sundays and recognized National Holidays.
- v. Any dogs on the construction site must be on a leash or within the body of a vehicle and shall not be allowed to constitute a nuisance.
- vi. Any mud or debris from a site that is carried onto streets must be removed within 24 hours, in accordance with City of Longmont Regulations. The owner of record will be required to pay for any clean up performed by the Homeowner's Association or developer's staff or maintenance contractors. The blame for any littering of the residential improvements will be allocated to the owner as the responsible party for the construction of the residential improvements.
- vii. No concrete trucks will be allowed to "clean-out" off the site on which they were called. It shall be the contractor's responsibility to remove all concrete debris upon completion of construction and prior to landscaping.
- viii. Sanitation facilities must be provided on or for each construction site.
- ix. Contractors shall be required to protect exposed areas of the project site, adjacent properties and streets, from erosion damage until completion of construction. Erosion damage includes silt washing onto streets, the ditch and adjacent lots. The use of temporary ditches, dikes, basins, vegetation and/or

mulching is encouraged to protect exposed and adjacent areas during the course of construction.

x. Construction shall commence within one year after closing on the lot and shall be completed within twelve months of the issuance of the building permits.

n. Signage: Owners/builders/contractors shall be required to utilize approved marketing signs. No other signs shall be placed on any lot without the Committee's prior written approval. Only one sign shall be posted on the site during construction. Any advertising, special event, banners, open house and similar signage shall be in strict accordance with the City of Longmont Sign Code. A copy of all permits will be furnished to the Committee prior to installation of the Sign(s).

10. Architectural Design Guidelines:

a. General: Building design and construction shall create a structure with substantially equally attractive sides of high quality, rather than placing all emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the remaining side elevations. Any accessory buildings and enclosures, whether attached to or detached from the main residence, shall be of similar, compatible design and materials. Generally, all improvements need to be completed within six months of the project start date. Project start date is considered to be ground breaking, material delivery, etc.

b. Building Height: The maximum building height for all structures is 30 feet (30'), measured in accordance with the City of Longmont zoning ordinances.

c. Style: The following structures are expressly prohibited: Domes of any kind, underground houses, log houses, and 'A'-frames. Gambrel roofs, mansard roofs and flat roofs are also prohibited from use on the building lots within Creekside II.

d. Committee Discretion: The Committee shall have in its sole discretion, the authority to approve and to reject any or all applications from owners, builders, designers and architects for proposed construction in Creekside II. While the use of an architect is not an express requirement of these guidelines, owners are strongly encouraged to utilize the services of a competent architect or, at the minimum, to use a design prepared by an experienced, competent design-builder.

e. Foundation and Drainage Plans: A foundation and drainage plan shall be submitted for review by the Committee. Said review shall be conducted pursuant to recommendations set forth by Empire Laboratories, Inc., of Longmont, Colorado in the "Report of a Geotechnical Investigation for Creekside II Subdivision" (a copy of which will be made available upon request). Any variations from said recommendations of the foregoing Report shall require certifications from appropriate Colorado Licensed Engineer(s) that such deviations will not adversely affect either the design of the residential improvements or the structural integrity of adjacent properties.

Foundation and drainage plans shall provide adequate information as required to illustrate conformance to the foregoing Report, particularly regarding basement groundwater protection, and the Subdivision "Neighborhood Grading Plan".

Committee review of foundations and drainage plans is to determine conformance to the foregoing Report. If approved, such approval does not constitute an opinion of the Committee, or any of its members, of the design suitability of the drainage plan nor of the design and structural integrity of the foundation design as submitted.

f. Massing: Whenever possible, buildings should step down on all sides to minimize walls two stories or greater in height. Rooflines should be varied, with dormers or other such details used to break up long rooflines.

g. Minimum Size: The following are minimum sizes: Single story/ranch style - 1,500 square feet (on the main level, not including area in the basement.) Two or multi-story - 1,600 square feet (on the main levels, not including area in the basement.)

h. Roof Design: Roofs are very important to the overall integration and compatibility of Creekside II. Their design must be given careful consideration as they will be highly visible from streets, other buildings and neighboring sites. Preferable roof designs are those designed with multiple gables, hip roofs and dormers.

- i. The use of major rooftop elements such as dormers, chimneys or skylights should enhance the roof form and be an integral part of it. Special attention should be given to the design and placement of mechanical systems (i.e., vents, fans, etc.) on roofs. Exposed rooftop mounted mechanical equipment, such as evaporative coolers, etc., is prohibited. Attic fans may be allowed, provided they do not project more than 12 inches above the roof surface and are located on the "rear" elevation. Solar equipment is discussed in a separate section below. In all cases exposed mechanical devices, metal flashings and other such items shall be colored to match the color of roofing materials or trim. An exception can be made for copper flashing or downspouts. The use of step flashing at masonry is discouraged; when used, it should present a quality appearance in its final installation.
- ii. Acceptable roof designs are as follows: the minimum roof pitch allowed on major roof forms is 6:12 (6 vertical units per 12 horizontal units); steeper roof pitches are highly encouraged. The pitch of minor elements, such as porches, dormers, etc., may be lower if consistent with the architectural design and the roofing materials of that element. The roofs shall use consistent, compatible roofing materials to achieve overall design continuity. Materials which match the color and general appearance of weathered cedar shakes will be considered by the Committee. The following alternative roofing materials have been preapproved for use:
 - i) Timberline Ultra (30 and 40 year life), in the colors of Weathered Wood Blend and Slate Blend; and
 - ii) Tamko Heritage Premium (30 and 40 year life), in the colors of Weathered Wood, Rustic Black, or Rustic Slate. Browns are also acceptable.
- iii. The following roofing characteristics, materials and products are expressly prohibited in Creekside II: asphalt composition shingles with either "conventional 3-tab", "T-lock" or "no cut-out" designs; and built-up tar and gravel roofs. Brightly colored roofing materials of any type are prohibited. For a house

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roof, while a green, standing-seam metal roof is not appropriate, there are many new metal roofing options that are very attractive, energy efficient, and durable. For example, these are metal roofs:



For porches or decks, appropriately-selected standing-seam metal roofing can be used. For all metal roofs, colors should be compatible with the neighborhood and house.

i. Chimneys: Chimneys are very strong roof elements. They shall have proportions compatible with the design, form and style of the residential improvements. No more than two feet (2') of exposed chimney pipe will be allowed. Square topped chimney caps and chimney fences are encouraged. Artificial "brick-look" and other similar metal chimney caps are expressly prohibited. The chimney height shall comply with City of Longmont Building Codes.

j. Exterior Walls: In designing floor plans and exterior elevations, care should be taken to create exterior wall surfaces of varying planes. It is desirable to avoid long, uninterrupted walls. Covered entryways, bay windows, angled walls and nooks, wall projections, covered porches and cantilevers (if consistent with the form of the building) are encouraged. Round walls will be allowed only with the express approval of the Committee.

The use of masonry as a major exterior building material is encouraged and shall be integrated into the architectural design.

All exterior painting or staining shall be done in compatible colors and shall harmonize with the existing homes in the area. Paint colors need approval by the Committee, even if they appear to be replicating existing colors. Building elevations should indicate areas that are to be painted/stained and the color proposed. Colors must be complementary, and not of high contrast. Only those areas that were painted/stained originally shall be repainted/stained. The use of low-maintenance materials is strongly encouraged.

Incorporating more than one material on exterior walls may be desired, but special care should be taken so that materials do not detract from the building's overall design, form and style, and should be continued to other visible elevations. Large expanses of exposed concrete foundation walls are prohibited. Where necessary, siding materials must be continuous to within 6" of finished grade on any elevation, or exposed foundation walls shall be finished with brick or stone. Non-articulated window and door openings and corners (those without trim) are strongly discouraged; with masonry the use of quoining, soldier, stretcher and rowlock coursing is encouraged to provide definition to openings and corners.

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Materials must be appropriate for the scale of a building, and compatible with adjacent structures.

- i. Brick or stone masonry finishes are encouraged on all elevations of the residential improvements and fifteen percent (15%) of the area of the front elevation shall be required. Other materials which are acceptable are as follows: redwood siding, cedar siding (with horizontal lines) painted or treated hardboard, stucco and high quality, heavy gauge vinyl siding. Horizontal siding must have no more than an eight-inch (8") exposure. Material shall not end abruptly at exterior corners. The corner shall be wrapped a minimum of approximately two feet, zero inches (2'-0") with the better quality material, i.e., wrap with brick rather than wood siding.
- ii. Windows shall be painted, stained or pre-finished insulated wood or other materials architecturally integrated in color and placement. All exterior doors shall be architecturally compatible and coordinating in color with the design, form and style of the residential improvements. Storm doors shall be integrated architecturally with the design of the residence.
- iii. The use of the following materials does not achieve the desired quality and are prohibited:
 - i) Metal siding of any kind.
 - ii) Multi-colored masonry when applied in a random pattern throughout the building walls.
 - iii) Concrete or concrete masonry (except as required for foundation walls)
 - iv) Plywood or composite sheet siding, with the exception of use for soffits
 - v) Board and batten siding.
 - vi) Man made, i.e., synthetic, not fired clay, brick or brick appearing panels.
 - vii) Mirrored glass or very dark glass, with the exception of "low E" glass where appropriate.
 - viii) Non-anodized (mill finish, silver) aluminum or unpainted metal windows, doors or gutters and down spouts and flashings.
 - iv) The juxtaposition and size of various areas of different types of wall materials is critical to the design of the home and of special importance to the Committee. The extent and type of wall materials shall be clearly defined on the drawings of all elevations of the home.

k. Garages: Due to their size, garages are also major elements of a residential structure and should be as carefully designed as the residence to either be a part of, or compatible with the main building. It is recognized that the main intent of a garage's function is for the storage of vehicles, and while not a specific requirement, owners are strongly encouraged to use garages for this intended use. As a result, if a garage is also going to be used as a work shop or storage area or other such use, it should be designed with an adequate area to serve for both vehicle storage and the ancillary use.

Garages shall be a minimum of a two- (2) car size. Single car garages are prohibited. The design of the garage portion of the residential improvements shall be compatible in materials and detailing to the main residence, including the use of masonry, windows and window trim and roof slopes and materials.

l. Surface Mounted Equipment: The location and finish treatment of items mounted on the exterior surfaces of the building(s) should be carefully planned and detailed. Such items include, but are not limited to, skylights, solar panels, vents, mechanical equipment, access ladders, electrical equipment or meters, gas meters, etc. In no case should these items give the appearance of simply being mounted on the exterior surface of the building(s) with no relationship to the surrounding elements. The location of these items shall be indicated on all drawings submitted during the Preliminary and Final Plan phases of the Creekside II design review process. Swamp coolers mounted on the roof or attached to the side of the house above the typical 5 foot fence height are not permitted.

All solar panels and related equipment, whether part of original construction or retro-fitted at a later date, shall be designed as an integral part of the architectural form. Roof panels shall be mounted with the top surface not more than 8" above the roof surface and parallel to the plane of the roof. All appurtenances, piping, ducting, etc., shall be concealed in attic spaces. All sides of the panels shall be flashed and finished to blend with the roof and which they are installed. Should individual solar orientation preclude this technique, ground or wall mounting of solar equipment is encouraged. If panels are mounted on the ground or walls, compatible materials shall be used so that the panels appear as integrated and natural extensions of the wall surface or building design. The homeowner should talk to their neighbors about their plans to install solar panels.

m. Water and Energy Conservation: Water and energy conservation techniques are encouraged where appropriate in Creekside II Subdivision through complying with City of Longmont minimum Energy Codes and water usage requirements. Site planning and landscape design for energy conservation should be considered, such as planting deciduous trees on the southern exposures to provide summer shading and solar gain in the winter, and evergreen planting on northwestern sides to act as a wind buffer for winter winds. Irrigation systems should be designed with water conservation in mind.

n. Maintenance: All owners or occupants of property shall maintain all buildings, drives, easements, rights-of way, fences, and other structures or improvements located upon said property in good and sufficient repair and otherwise maintain the property and structures thereon in an aesthetically pleasing manner. Any structure, driveway, patio, deck or other such items that are damaged by the elements, vehicles, fire or any other cause shall be repaired as promptly as the extent of damage will permit.

o: Treatment of Property in the Neighborhood Beyond the Homeowner's Property:

Homeowners shall pick up after their pets, pick up their litter, not drive vehicles over the grass of the Eagleview Circle island, and otherwise not do things incompatible with maintaining the attractive appearance of the neighborhood and being a good neighbor.

EXHIBIT A

(Revisions)

<u>10/20/93</u>	Original Design Guidelines	
<u>8/1/94</u>	¶9.7	Fencing requirements and specifications changed; Exhibit D (Fence Section) added.
	¶10.8	Changed approved asphalt roofing to include 30 and 40 year life.
	¶10.10	Reduced brick or masonry requirement from 20% to 15%.
<u>10/14/06</u>	¶4.2	Removed exemption: Re-roofing, repainting and/or re-staining within original color tones.
<u>5/25/14</u>	Revised Design Guidelines, now called Revised Property Guidelines, of 10/14/06	
<u>5/2/16</u>	Revised Property Guidelines of 5/25/14. Added fence sidewalk setbacks; changed driveway parking of trailers, boats, campers, and RVs to not allow long-term parking and made driveway parking of work vehicles permissible if vehicle driven to work regularly; changed landscaping section to not allow new planting of aspens or cottonwoods; changed house-attached basketball backboard colors to allow white or clear; and changed screening section to require removal or screening of junk in front of or beside homes if visible from the front street.	
<u>12/2/2016</u>	Revised Property Guidelines of 5/2/16. Added new section II, H. Rentals, so old section H becomes I. Under Rental section, homeowners who rent or have a person or persons living in the home not including the homeowner are requested to provide the HOA with renter and management company contact information, and to provide renters with links to the HOA's documents (in particular, Property Guidelines). Other changes: all dog run plans must be submitted to the Committee and approved before construction begins; homeowners planning to add solar panels should talk to their neighbors about their installation plans before installation.	

EXHIBIT B



The Farm at Creekside HOA

www.fachoa.org
arch@fachoa.org

House Paint Approval Form

NOTES:

- *Include paint manufacturer and paint code for all samples.*
- *This form is required even if you are not changing your home's colors.*
- *The HOA's Architectural Guidelines are intended to maintain the attractive community that we all live in. Thanks for your cooperation!*

Planned Start Date:	Property Owner:
Contact Phone/email:	Property Address:

Body Paint Color Sample	Trim Paint Color Sample
Additional Sample – Describe Use:	Additional Sample – Describe Use:

(HOA use below this line)

Approved By / Date: _____

Comments:

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Project Approval Form

For any projects that require Building Permits, you must obtain them from the City of Longmont. Our Architectural Guidelines may be more restrictive, but will never be more lenient. All Architectural Guidelines for the Farm at Creekside Home Owners Association are intended to maintain the attractive community that we all live in. Thanks for your cooperation!

Brief Project Description: _____
(use additional pages for drawings, pictures, and detailed description)

Planned Start Date: _____

Property Owner: _____

Property Address: _____

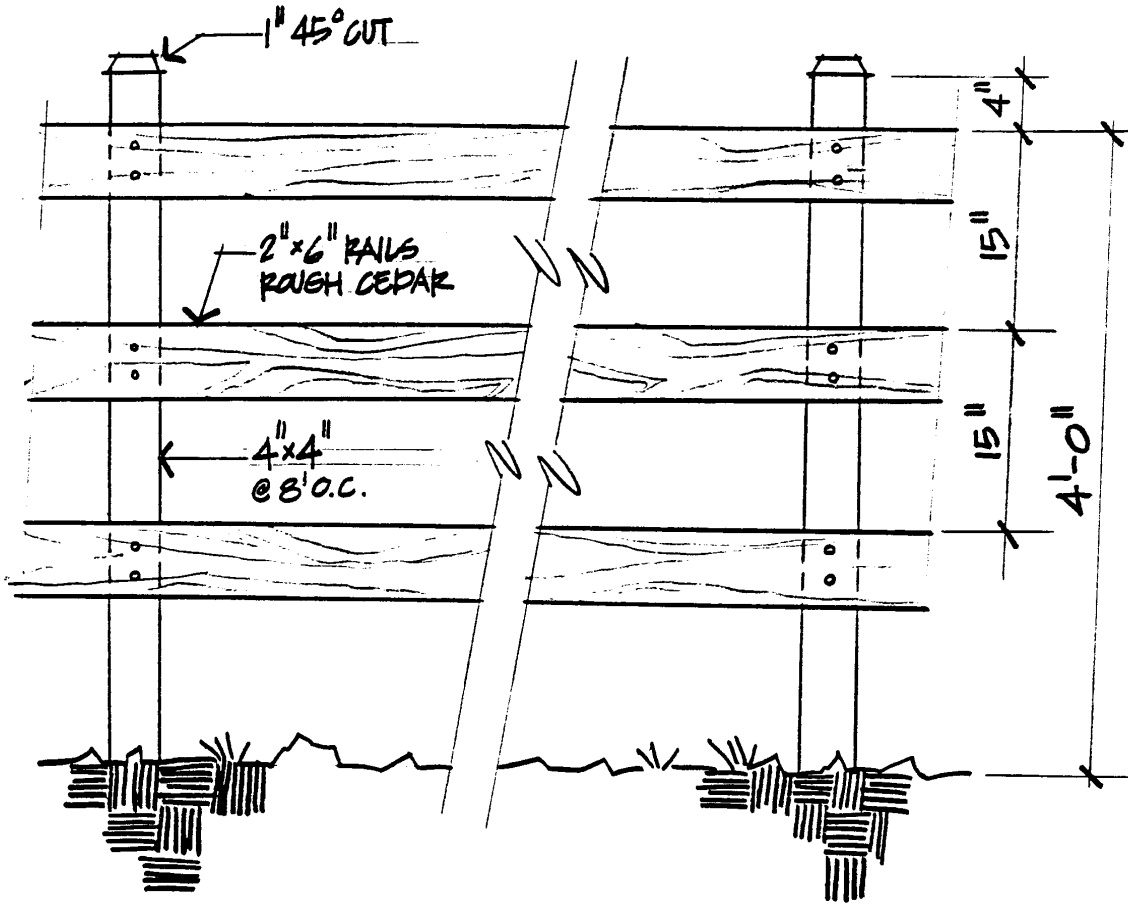
Contact Phone/email: _____

(HOA use below this line)

Approved By / Date: _____

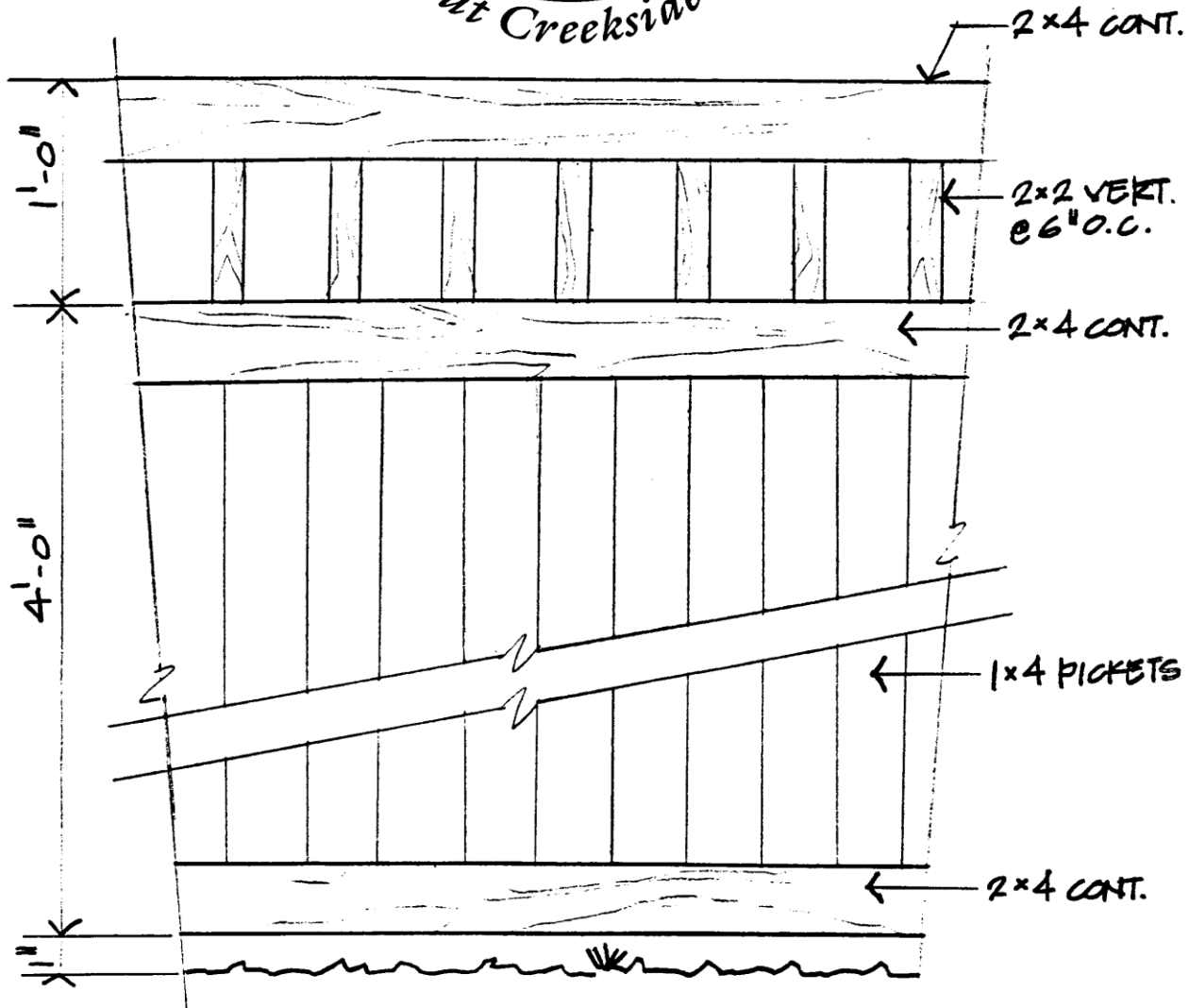
Comments: _____

Sidewalk
setback:
1 foot



OPEN RAIL FENCE

Sidewalk setback:
5 feet



FENCE ELEVATION