



**MINTURN**



— NORTH —

# **DESIGN GUIDELINES**

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**RESORT CONCEPTS**

PO Box 5127 Edwards, CO 81632

Office: 970-926-1720 | [ResortConceptsCO.com](http://ResortConceptsCO.com)



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## INTRODUCTION

The Minturn North neighborhood has been designed as a thoughtful, diverse and inclusive residential neighborhood. These Design Guidelines seek to acknowledge the rich heritage of the Town of Minturn by providing an appropriately scaled built environment interconnected by open space, play space, and connective circulation patterns.

The Minturn North Design Guidelines ensure that the inhabitants will be assured that the neighborhood will maintain a level of quality and consistency respectful of the overall design intent. Environmental sustainability, resource protection and energy efficiency are foundational land planning and architectural design elements. With the use of the latest technological advances in energy efficiency and water conservation, the goal is to provide a sustainable community designed for the future - enriched by its past.

The architectural character of this special place is grounded in the historical context of simple mining forms with additive forms and the introduction of colorful accents. The design elements are enhanced by modern building methods. The following Design Guidelines for Minturn North set forth the innovative standards of quality and conformance which allow for a diverse, yet cohesive style to be treasured for generations.

### **Eclectic, Tasteful and Timeless Design**

Unique mountain building archetypes evolved as early settlers adapted buildings brought from other places to this land. Classic mountain vernacular is inspired by the capture of views only seen in the Rocky Mountains. This design philosophy interprets the history of the region and integrates it with the land and views. These timeless Minturn North homes reinterpreted and incorporated elements of the Mountain mining vernacular.

The development of new buildings and future renovations at Minturn North should reflect this interpretation of the history of the area, the environment, and available natural materials. New buildings will be a blend of classical forms, additive forms and colorful accents molded with modern construction capabilities.

## DESIGN OBJECTIVES

These standards have been created to guide architectural aesthetics and site design to ensure all future improvements at Minturn North protect the original design intent and integrate with the natural beauty of the landscape and existing structures. Initial Design provided by the Developer of the Minturn North residences will guide the design of future renovations.

All built improvements are to be designed in harmony with the intended architectural style and landscape, blending with the natural setting and responding to the climate, as an integral part of the site. The intent of these Guidelines is to create a harmonious architecture and landscape environment, where no particular building design is a monument to itself, standing apart or detracting from the overall appearance of Minturn North and its surroundings.

The intent is not to specifically replicate any particular historic or architectural style, rather, home designs at Minturn North should be inspired by characteristic forms appropriate to classical architecture including:

- fine craftsmanship and quality
- natural materials used in authentic ways
- simple informal building forms
- intimately scaled indoor and outdoor spaces
- integration with the local climate, taking advantage of opportunities to maximize natural lighting, solar exposure and views while minimizing exposure to harsher climatic elements such as wind, rain and snowfall

The identity of Minturn north will be created with each new home as new members of the neighborhood customize their homes in personalized ways.

Homeowners may wish to explore more innovative architecture, which is possible through the turnkey customization process offered by Resort Concepts. Each home should accommodate the expression of the unique personality of each family within these important parameters:

- Design variety of buildings is encouraged, however, strong contrasts in form, size, massing, color and materials will be discouraged.
- Less visible private outdoor places adjacent to all homes will be subject to a broader interpretation and application of these Design Guidelines.

## Usage

These Design Guidelines outline the standards for the siting and design of all built Improvements, sitework and landscaping, as well as subsequent alterations, renovations and additions.

These Design Guidelines will be a valuable reference in understanding the unique design process in place at Minturn North. These standards will be “administered” by the Minturn North Design Review Board which will include design professionals. Owners must have Minturn North Design Review Board approval prior to submitting plans to the Town of Minturn Design Review Board.

Since the retention of talented designers and builders is of utmost importance, the Resort Concepts team has been engaged in the planning and design of the overall community. The design team is an integral component of each homes design process, creating the highest level of quality and consistency throughout the community.

Initially, Resort Concepts and/or its affiliates (refer to **Appendix A**) shall apply these Guidelines through collaborative participation in the initial design and construction of all homes. By making Resort Concepts a part of your team, the expectation is that the exciting process of designing and building your home will be more straightforward, personalized and rewarding.

Design Review Board will have all rights signed unto it pursuant to the Declaration of Conditions, Covenants and Restrictions for Minturn North for future home construction, renovations or site remodeling efforts by the Owners.

The Design Guidelines are enforceable under the Minturn North governing documents as they may be amended and all Homes within the Minturn North PUD are also subject to the Town of Minturn Design Guidelines as they may be amended from time to time.

## **SITE DESIGN GUIDELINES**

### **Building Setbacks**

Building Setbacks means an area within the PUD where the development of structures is permitted within the prescribed site constraints including front, rear, side and corner setbacks. Additional setbacks may further restrict building setbacks including wetland and Game Creek stream setbacks. Refer to each planning area of the Minturn North PUD, attached herein as **Appendix C**, for prescribed building setbacks. Improvements which are allowed within building setbacks include the following: parking, sidewalks, trails, driveways, roadways, site stairs and walkways, on-grade patios and plazas, HVAC equipment, drainage facilities, snow storage, landscaping, retaining walls and shoring walls. Substantially below grade improvements including but not limited to parking, stormwater treatment, window wells, concrete sub-structure associated with the residence and shoring nails, mechanical and utility lines and similar uses and improvements, except as may be prohibited within wetland setbacks described herein.

The undisturbed portion of the lot and the Common Space Area is to remain in a natural native condition, except for common roads, paths, or sod areas, maintained to blend with the adjoining predominantly natural areas. Limited tree cutting, new plantings, and clearing of fire hazards are permitted subject to Design Review Board approval.

Each lot is designed as a unique family lot, carefully programmed to fit the needs of the Owner. The site conditions, sun, views, topography and vegetation will have a large role in determining the logic of the design. Buildings will bring the outdoors in.

The overriding design criteria within the lots are:

- Design each home as a series of integrated indoor and outdoor spaces
- Minimize grading and removal of existing vegetation
- Maximize views from the home, while minimizing visual impact on adjacent properties
- Protect, utilize and enhance distinctive natural features – rocks, vegetation, topography, drainage patterns
- Blend improvements into the topography and natural landscape; buildings are to be “tucked into” existing grade rather than “perched” high above
- Maintain a refined and well-maintained streetscape.

### **Grading and Drainage**

Grading is to be designed to minimize impacts on the land, protect important existing vegetation and to blend into existing landforms.

- The use of retaining walls should be considered where cut or fill slopes create excessive

disturbance.

- Permanently graded slopes are recommended to be 3:1, and are not to exceed 2:1, unless it can be demonstrated that a steeper slope will result in less disturbance to existing vegetation.
- Disturbed areas are to be revegetated to blend naturally into the surrounding environment.
- Existing engineered drainage patterns are to be maintained both during and after construction.
- New drainage ways are to appear, and function like natural drainage ways.
- Drainage resulting from development is to be dispersed on-site to the greatest extent possible
- Provisions for snow storage are required.
- Drainage structures such as headwalls and stone-lined ditches must be built of or faced with an approved natural stone.

## **Retaining Walls**

Retaining walls are to be used to minimize the impacts of grading, and as extensions of the architecture of a building to enclose outdoor rooms such as patios and courtyards. Retaining walls of approved boulders or stone backed by concrete when necessary are to be used to reduce grading impacts and disturbance of land and trees. Retaining walls may link homes together subject to Design Review Board approval.

- Retaining walls taller than 6' may be permitted if resulting in lesser site and visual impacts.
- All walls over 6' in height are to be designed by a licensed structural engineer.

## **Driveways**

All driveways are to be asphalt paved unless approved otherwise by the Design Review Board. The use of concrete paver driveway is allowed subject to Design Review Board approval.

## **Paths, Outdoor Stairs, Terraces and Landscape Structures**

The summer climate of Minturn North suggests the spatial organization of the house and its surrounding outdoor spaces be considered as a unified whole. Outdoor terraces, stairs and paths are important extensions of the architecture, integrating living space with the outside.

- Landscape structures may include decks, terraces, trellises and sculpture subject to Design Review Board approval.
- Structures are to be designed to blend with the natural topography and vegetation, and be consistent with retaining walls, or building foundations.
- Materials are to be concrete, stone, chipped stone or gravel and/or wood, or such other materials as approved by the Design Review Board.

## **Fences and Gates**

- Lot boundary fencing is not permitted except as allowed on the minimum 30' Game Creek setback boundary and as approved by Colorado Parks and Wildlife.
- railing, partitions and gate designs are to be compatible with the architecture of the Residence and can be used in conjunction with the home design.
- Dog runs are permitted, subject to DRB approval.



- The specific locations, materials, and heights of all improvements are to be expressly approved by the Design Review Board.

## **Identification Markers**

An address marker will be installed on the residence in a location visible from the adjacent roadway. The address markers for all homes shall be consistent in style and size with no greater than 8” ht. enumeration. Additional individualized home identification shall be allowed on each residence at or near the main entry door as a means of allowing personalization. All such identification shall be approved by the Minturn North Design Review Board.

## **Exterior Service Areas**

Service areas and outdoor equipment are to be screened from neighboring property views to the greatest extent practicable.

- On-site mechanical equipment such as air conditioning condenser units are to be screened from views with landscaping.
- All garbage must be stored in bear proof containers and kept in the garage except on the designated pickup day, as required by the Town of Minturn.

## **Site Utilities**

- Site utilities are to be installed underground on alignments that minimize grading, tree cutting and other disruption of the site. Trenching shall be used to avoid encroaching within drip lines of existing trees.
- Utility connections are to be enclosed and incorporated into the overall design of the residence.
- Satellite dishes are not allowed.

## **Living with Wildlife**

Abundant wildlife resides in the Vail Valley. Deer, elk, bear, mountain lion, moose, fox, and hawk will frequently be seen. The following precautions, in addition the requirements set forth in the Declaration and the Town of Minturn regulations, must be taken to ensure co-existence without conflict:

- All pets should be on leashes or otherwise controlled at all times.
- Proper garbage disposal is required. Individual trash cans must be stored in a bear proof container.
- The majority of landscape materials should be selected from varieties that are not preferred as food and are resistant to browsing by native wildlife.
- Feeding of wildlife is prohibited.

## **Landscape Zone Planting Guidelines**

The landscape design of each lot is to provide a blend of refined and natural vegetation. New plantings must integrate buildings into the landscape, protect important viewsheds, help to define use areas, and screen

outdoor service areas and other improvements. Landscape improvements are to incorporate and enhance existing vegetation, utilize primarily indigenous species and integrate areas of ornamental planting, sod and intensive irrigated areas. The following guidelines apply to all lot and common area landscaping:

- The removal of existing trees is to be minimized as much as possible. Rather, existing vegetation should be incorporated into the fabric of the site design.
- Manicured or groomed yards, ornamental
- Planting & terraces are encouraged as part of the streetscape and limited on all other sides of the home.
- When horticulturally controlled and ornamental areas are incorporated near the house, an abrupt transition should be made to the native, indigenous landscape.
- Common Space Areas are to be planted with plant material in a pattern and density similar to the characteristics of the adjacent landscape.
- New trees and shrub plantings are to be a mix of primarily native species and sizes that will blend seamlessly into the surrounding vegetation and naturalize with little maintenance.
- The use of larger size specimen trees is required.

Minturn North has two basic landscape character zones. These prevailing natural landscapes demand a significantly different approach to landscape improvements. Specific planting guidelines have been prepared for each landscape zone: the Game Creek Setback zone and the Residential zone. Refer to Sections 8 and 10 of the Minturn North PUD Guide for sustainability and water use compliance.

## **Game Creek Setback Zone Planting Guidelines**

The Game Creek Setback Zone is defined as the 30' minimum Game Creek environmentally sensitive corridor area as delineated on the Final Plat. This area is to remain protected and undisturbed.

- Temporary fencing is to be erected around this area for protection during construction. Permanent fencing may be installed along the boundary subject to CPW Wildlife Friendly fencing guidelines.

## **Residential Zone Planting Guidelines**

The Residential Zone is defined as all areas outside the Game Creek Setback Zone. Outside the Game Creek Setback zone, the property is mostly devoid of landscape. Formal irrigated planting including irrigated sod, annuals, perennials and flowering trees are required in this zone. Larger caliper trees are required to help provide privacy and screening.

The following specific design measures are recommended for the Residential Zone:

- Large specimen trees should be planted in groups within the open space and common areas to establish an alpine setting for the buildings.
- Irrigated sod is required to be integrated into the landscape - particularly at the street edge.
- A variety of plantings is encouraged to create a formal landscape zone from street to house and between homes.

## **Irrigation**

Irrigation systems are to be designed utilizing efficient systems

- Water conservation devices and design techniques are required.
- Automatic irrigation systems are recommended for all landscaping and revegetation areas. The systems may be abandoned when plantings have been clearly established for a maximum of two growing seasons.
- Lots 1-33 are limited to 4,000 s.f. of irrigated area per lot.
- Lots 34-39 are limited to 2,000 s.f. of irrigated area per lot.
- Temporary irrigation systems may be installed for a maximum of two growing seasons and shall be removed by Minturn Crossing, LLC.
- Refer to the Minturn North PUD Guide Sections 8 and 10 for sustainability and water use compliance.

## **Revegetation and Seed Mixes**

All disturbed areas are to be revegetated to prevent erosion and the encroachment of unwanted or noxious weed species.

- Revegetate all the disturbed areas at the earliest possible time following disturbance. Utility corridors, steep cuts and access ways are to be seeded following backfill and compaction.
- Seed mixes must be approved by the Design Review Board.

## **Lighting**

Outdoor lighting shall be minimized and dark sky compliant. Fixtures which are not dark sky compliant may be used only to meet the requirements of safety and must be approved by the Minturn North DRB and Town of Minturn DRB.

- Exterior ornamental light fixtures attached to the home shall be installed at key arrival or entry/exit points. The fixtures must be dark sky compliant to reduce visual impacts.
- Lights following the driveway or paths at regular spacing are not permitted. Placement of low level down-lights at key places along walkways for safety purposes, with a maximum height of 24" may be used if approved by the Minturn North and Town of Minturn Design Review Boards.
- Tree mounted, down cast landscape lighting is not permitted.
- Temporary holiday lighting during the appropriate season is exempt from these requirements and shall be installed subject to the provisions of the approved PUD.

## **Wildfire Safety Measures**

At the time of the writing of these guidelines fire sprinklers were not required on structures less than 6,000 s.f.; however the requirement may change in the future. Owners shall confirm the requirement with the Town of Minturn Code and Eagle River Fire Protection District prior to building permit submittal. In addition, owners shall reduce the amount of potential fire fuel and maintain an irrigated area immediately surrounding a Residence. The following preventative measures shall apply:

- Dispose of slash and debris left from thinning.
- Periodically mow dry grasses and vegetation.
- Stack firewood away from the home.
- Remove dead material from the site.
- Select new plants with low fuel potential.
- Town of Minturn Regulations are to be observed and incorporated into the home and landscape design.

## ARCHITECTURE DESIGN GUIDELINES

The following sections describe general design standards for all Residences. This section includes standards on building massing, height, color and exterior finish design. The objective is to provide for flexibility of personalized designs and architectural expression while maintaining a consistently high standard of architectural design and integration of improvements with the natural setting.

- To utilize indigenous building materials and historical design influences of the area creating design solutions that respond to view, the environment and the casual outdoor mountain lifestyle.
- Building designs that blur the line between indoors and outdoors.
- The appearance and character of all Improvements are to harmonize with and enhance their natural surroundings and existing homes.

### Building Roof

Simple gable roofs are to be the dominant element of the roof design. Primary roofs are to be pitched at a minimum of 6:12 to a maximum of 10:12 with shed forms and hip elements used as additive forms with a minimum 2:12 pitch. Flatter roof pitches will be allowable on case-by-case basis but in no event should they be the dominant roof form. Alternative roof designs may be considered by the Design Review Board if the design context is appropriate.

All dormers shall be designed and composed as subordinate elements in proportion with the main roof structure.

- Mansard, flat, domed, A-frame, skylights and other non-conventional roof forms are not allowed.

### Building Walls

Building Walls are to be expressed as wood, glass, metal or stone and large masses of flat facades are to be expressed as additive forms with a different material.

### Stone

Stone is to be natural material and expressed as a structural element.



## **Porches, Decks and Balconies**

Porches, Decks and Balconies are to be supported on stone, steel or timber structure.

## **Building Masses**

Building mass is to be formed with clusters of simple building forms, additive in nature and congruent with the architectural style.

- Multiple offsets and projections such as cantilevers, decks, porches, terraces, dormers, balconies and verandas shall be used to soften and articulate buildings.
- A varied skyline is suggested with no perceived continuous horizontal ridge or eaves.
- Building masses shall consist of one and two story forms.

## **Building Height**

Building height means the distance measured vertically from finished or existing grade, whichever is more restrictive, to the midpoint between the eave line and peak of a sloped roof. The heights of elevator towers, mechanical equipment and their enclosures, chimneys and architectural accent elements may exceed the maximum building height. Building height should be calculated pursuant to Town of Minturn Municipal Code.

## **Floor Areas**

The maximum total floor square footage for all residences on lots 1-33 shall be 6,000 square feet. The maximum total square footage for all residences on lots 34-39 shall be 3,000 square feet. Square footage calculation shall be defined by the Town of Minturn Code.

## **NATURAL MATERIALS**

All buildings at Minturn North are to use high-quality, natural materials in authentic ways.

## **Roof Surface**

All homes at Minturn North shall utilize the same roofing materials at all times. The main roofs of buildings are to be surfaced with Class-A fire-retardant asphalt shingles or metal roofing. Non-reflective metal roofing such as weathered copper, standing seam metal or metal shingles are to be utilized as approved by the Design Review Board.

## **Wall Surface Options**

The exterior walls of building shall be a combination of wood, composite material, natural stone, steel and glass.

- All materials must be approved by the Design Review Board.

- Similar and holistic architectural treatment on all visible facades.
- Changes in materials are allowed at interior corner offsets in the wall plane only, not at outside corners.
- All stone or all wood buildings will not be allowed. A mix of material must be utilized.
- Plywood and T-111, will not be allowed on the exterior of the building.

## **Stone**

All residences must incorporate stone in the exterior elevation to articulate structural expression. Required characteristics:

- Stone patterns are to have a structural appearance.
- Dry-laid in appearance or narrow, raked mortar joints. Plastered stone may also be utilized.
- Natural bedding planes of stone laid horizontally and vertically, with the long dimensions of stones laid horizontally.
- Avoid uninterrupted horizontal and vertical joints longer than three stones.
- Stones are to be varied in size. Exaggerated horizontal stone patterns are strongly discouraged.
- Outside corners should be laid to minimize vertical dimensions of stones.

## **STRUCTURAL EXPRESSION**

### **Roof Structure**

Roof structures are to be carried out beyond the exterior of the building. Enclosed soffits are preferred at primary roof forms. Exposed structural beams and purlins may be used when architecturally appropriate – particularly at outdoor living areas.

### **Eaves and Rakes**

Eaves and Rakes are to be proportionate in scale to roof spans.

### **Exposed Structure**

Exposed structural elements such as posts, knee braces, spans and cantilevers are to be designed to keep the appearance of structural members and sized to be consistent with the structural properties of the visible materials. Metal connections may be expressed if detailed in a high-quality craftsman style.

### **Small Elements and Detailing**

Smaller architectural forms and details of the building including dormers, rafter tails, window mullions, window muntins, balconies, railings and columns are to utilize the same structural systems, materials and expression all proportioned to their structural roles.

## **Railings**

Exterior railings shall be wood, metal or metal mesh. Contemporary forms of railing that include metal elements, designed to enhance views from the house, may also be considered where appropriate.

## **WINDOWS AND DOORS**

### **Windows**

Window and door openings are to be arranged in a consistent and logical composition. Window openings in stone walls are to incorporate an authentic structural expression with properly scaled steel, wood or stone lintels.

- Non-reflective large floor to ceiling panes of glass are permitted and encouraged.
- Maximize windows to capture views.
- Minimize reflectivity. Glass may be Low-E or tinted but not mirrored.
- Individual windows and frames are to be clad in maintenance-free material such as fiberglass, or aluminum.
- Trapezoidal, arched or round windows are not permitted.
- Large vertical single panes are encouraged for solar gain and views.
- Window shutters, if proposed, are to appear operable and sized to completely cover the adjacent opening.

### **Doors**

In general, single or multi door units with paneled, naturally stained wood or aluminum cladding multipaned glass are appropriate.

### **Garage Doors**

Garage doors shall be made of materials and colors appropriate to the style of the house including metal or wood cladding.

## **COLORS AND TEXTURES**

### **Roofs**

Roofs are to be dark natural gray, black or gray brown with varied tonal qualities. If metal is used, the finish is to be dark gray, black or weathered copper.

### **Wood Walls and Structural Members**

Wood walls and structural members are to be a natural primary color in the white or gray to brown scale using paint and/or transparent, semi-transparent or solid body stains. Accent elements such as shutters, additive forms and entry doors may use weathered painted or stained vibrant Fall colors where appropriate

to allow for individuality and personalized expression.

### **Window Trim and Sash**

Window trim is to be stained to match the siding within the area or slightly darker in appearance. The window sash shall be clad in DRB -approved colors.

### **Driveway, Walkways, Terraces and Steps**

Driveways shall be asphalt or concrete paver. Concrete, concrete pavers and stone are all acceptable walkway, steps and terrace materials.

### **Textures**

Exterior materials are to be smooth and refined or lightly textured including rough sawn. Manufactured materials are to be minimized and large smooth, brushed or reflective surfaces and long straight lines should be avoided. Metals are to be bronze, copper or wrought iron or painted black metal for fastenings and decorative purposes.

## **OTHER FEATURES AND DETAILS**

### **Chimneys**

Chimneys are to be finished in stone or metal flues. Spark arrestors are required per Town code. Chimney caps are to be finished with a simple stone slab, chimney pot, cast in place concrete cap or simple metal enclosure to conceal flue caps. Roof-top equipment and vents larger than 6", if any, are to be grouped and concealed in a chimney-like structure or similar architectural form and painted to match roof material.

### **Snow Guards**

Snow guards may be used to protect entries, decks, parking areas etc. Metal is to be black. Snow cleats may be of materials similar to gutters, downspout and flashing.

### **Gutters, Downspouts and Flashing**

Gutters, downspouts and flashing are to be constructed of copper or galvanized dark metal. Integral and heated gutters and downspouts are encouraged. Long, angled returns from gutter to wall are to be avoided.

### **Ornamental Metal**

Exposed connection details should be smooth metal, hammered metal, or other traditional finishes used for connections of wood members, shutter dogs, lighting fixtures and door and window hardware.



## Site Furnishings

Site furnishings including furniture and artwork are to follow the intent and detail of these Guidelines and match or blend with the forms, materials and colors of the principal structures. Children's play structures such as trampolines are not allowed.

## Hot Tubs and Spas

Hot tubs and Spas may be incorporated into the design of the overall site and architectural design so long as they are placed within the platted setbacks and built into stone surrounding walls on three sides or otherwise landscaped to shield from adjacent homes view.

## ENERGY AND RESOURCE CONSERVATION

Site and building design along with construction techniques which utilize the latest advances in energy and resource conservation and home technology are to be incorporated into all home designs. New building technologies, innovative building materials, thoughtful site planning and creative construction systems can be used to create more energy-efficient, durable and better-quality homes. Refer to the Minturn North PUD Guide Sections 8 and 10 for additional information.

The following measures are choices to consider in the planning and design of your home.

- **Solar Access Measures**
  - Living areas, such as living rooms, dining rooms, kitchens and bedrooms should be planned for passive solar heating and natural lighting.
  - Small scale solar panels may be installed on the roof subject to Design Review Board approval.
- **Electrical Efficiency**
  - Each home shall have a minimum of one electric car charging station.
- **Indoor Air Quality**
  - Low toxicity materials, adhesives, paints and sealants are to be utilized to improve indoor air quality.
- **Water Conservation**
  - All buildings shall utilize efficient water fixtures (low-flow) shower-heads, toilets, faucets and similar appliances.
  - Irrigation systems shall be designed, installed, operated, and maintained in accordance with best management practices. Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using manufacturers recommendations.

## **SUPPLEMENTAL INFORMATION**

### **Minturn North PUD**

In the event a discrepancy exists between this set of Design Guidelines and the Minturn North PUD, the Minturn North PUD shall overrule. All homes and improvements shall be approved by the Town of Minturn Design Review Board after receiving Minturn North Design Review approval.

### **Resort Concepts**

The following outlines the functions and organization of Resort Concepts.

Resort Concepts will initially consist of a preassembled design team that will provide turnkey design and construction services for development of each of the thirty-nine (39) homes. Upon completion of the project, The Minturn North Property Owners Association will establish a Design Review Board which will enforce the Design Guidelines

### **Functions of Resort Concepts**

It will be the duty of Resort Concepts and the Design Review Board to consider and act upon such proposals or plans from time to time submitted to it in accordance with the design review procedures established by these Guidelines; to amend the Guidelines as deemed appropriate with the approval of the Board; and to perform any duties assigned to it by the Board as set forth in this document and the Declaration.

### **Amendments to the Design Guidelines**

Resort Concepts and/or the Design Review Board may, from time to time with the approval of the Board, adopt, amend and repeal by unanimous vote, rules and regulations to be incorporated into, or amendments of, the Guidelines, which, among other things, interpret, supplement or implement the provisions of the Guidelines. All such rules and regulations or amendments, as they may from time to time be adopted, amended or repealed, will be appended to and made a part of the Guidelines. Each Owner is responsible for obtaining from Resort Concepts or the Design Review Board a copy of the most recently updated Guidelines.

### **Non-Liability**

Provided that Resort Concepts and the Design Review Board members act in good faith, neither Resort Concepts nor any Board member will be liable to the Association, any Owner or any other person for any damage, loss or prejudice suffered or claimed on account of:

1. Approving or disapproving any plans, specifications or other materials, whether or not defective.
2. Constructing or performing any work, whether or not pursuant to approved plans, specifications and other materials.
3. The development or manner of development of any land within Minturn North.
4. Executing and recording a form of approval or disapproval, whether or not the facts stated therein

are correct.

5. Performing any other function pursuant to the provisions of the Guidelines.

## **DESIGN REVIEW PROCEDURES**

This section provides a “road map” to guide an owner through the design, review and approval process of Minturn North.

There are two distinct and separate processes for Home design: First, the process for new construction, and second, the process for the renovation, expansion or refinishing of the exterior of an existing structure, or any landscape improvements and additions.

### **New Construction**

Owners will work collaboratively with Resort Concepts to customize a plan for each Home in a manner consistent with the Resort Concepts pre-designed standard plans, Owner’s customizations and these Design Guidelines. Following the completion of design drawings, the home shall be subject to the Town of Minturn Design Review process and Building Permit process.

### **Renovations**

These Design Guidelines are applicable to future additions or exterior renovations of the home or site by owners. The following section describes the review process for Improvements after the initial construction of each parcel.

Minturn North design review process takes place in two steps:

1. Plan Review
2. Construction Inspections and Submittals

The Applicant must also meet the submittal and approval requirements of the Town of Minturn in order to obtain a Building Permit, if necessary. Submittal requirements may be obtained from the Town of Minturn Planning Department.

### **Renovation Plan Review and Approval**

The Applicant shall prepare and submit a Plan Package to Resort Concepts or the Design Review Board for review and approval. Plan Packages shall be submitted at least fifteen (15) working days before the Resort Concepts meeting at which they are to be considered.

### **Plan Review Meeting**

Upon receipt of the required plan documents, Resort Concepts or the Design Review Board will notify the Applicant of the scheduled meeting date. The Applicant and/or consultant(s) must be present at the meeting, or the submittal will be postponed until the next meeting. Resort Concepts will review and comment on the

application at the meeting and allow time for discussion with the Applicant and/or consultant(s). Subsequently, within ten (10) working days Resort Concepts or the Design Review Board will provide the Applicant with the conclusions of the meeting in writing. A second review meeting may be necessary to review corrected and/or new materials. Corrected materials will be provided a minimum of two (2) weeks prior to the next regularly scheduled meeting.

Resort Concepts or the Design review Board will issue final design approval in writing to the Applicant within five (5) working days of a vote for approval. If the decision of Resort Concepts or the Design Review Board is to disapprove the proposal, a written statement of the basis for such disapproval shall be provided to assist the Applicant in redesigning the project so as to obtain the approval.

Upon approval of the proposed plans, the Applicant may submit the plans to the Town of Minturn.

### **Design Review Board Appeal**

The Applicant may file a formal appeal within 30 days following any decision. Resort Concepts or the Board will review the appeal at the next regularly scheduled meeting and render a decision in writing within five (5) working days. This decision will be transmitted to the Applicant.

### **Board of Directors Appeal**

The Applicant may submit a formal appeal to the Board within ten (10) working days following the date of notice of a Resort Concepts appeal.

Failure by the Board to act within 95 days from the date of the appeal filing will constitute approval.

### **Post-Approval Modifications**

Subsequent to commencement of construction, building facade, landscaping or other changes in the intended improvements that differ from approved design documents must be submitted in writing to Resort Concepts or the Design Review Board for review and approval prior to implementing changes.

### **Compliance Deposit**

Prior to commencing any Construction Activity, a Compliance Deposit shall be delivered to Resort Concepts or the Design Review Board as security for the full and faithful performance of Construction Activity in accordance with approved final plans. (See **Appendix B** - Design Review and Compliance Deposit Fees). No compliance deposit shall be required for the initial home construction.

### **Construction Inspections**

In addition to the building inspections required by the Town of Minturn, Resort Concepts or the Design Review Board may periodically check construction to ensure compliance with approved design documents. During construction inspection, if changes or alterations have been found that have not been approved, a Notice to Comply will be issued.



## Notice to Comply

When as a result of a construction observation, Resort Concepts or the Design Review Board finds changes and/or alterations that have not been approved, a Notice to Comply will be issued within 3 working days of the observation. A description of the specific instances of non-compliance and will be issued and the Applicant will be required to comply or resolve the discrepancies within 30-days notice.

## Non-Liability

Neither Resort Concepts, the Association, nor any Board member, employee, consultant, or agent thereof will be liable to any party for any action or failure to act with respect to any matter if such action or failure to act was in good faith and without malice.

## DESIGN REVIEW SUBMITTAL REQUIREMENTS

All submittals shall be submitted via email.

**A. Proposed Site Plan** (minimum scale 1" = 20'-0"), drawn on the property survey base indicating proposed topography, footprint(s) and roof dripline of existing and proposed buildings relative to the lot setbacks, driveway with proposed grades, utility locations, sidewalks, decks, patios, drainage and any other proposed Improvements. Proposed limits of construction, scale and north direction shall also be shown.

**B. Floor Plans** (Scale 1/4" = 1'-0") Indicate all room uses, dimensions, door and window locations and sizes. Indicate the location and type of all exterior lighting fixtures, proposed fireplaces and kitchen appliances.

**C. Elevations** (Scale 1/4" = 1'-0") Illustrate the exterior appearance of all views labeled in accordance with the site plan. Indicate the height of chimney(s) as compared with the ridge of the roof, the highest ridge of the roof, the elevation of each floor and existing and finished grades for each elevation. Describe all exterior materials, colors and finishes (walls, roofs, trim, chimneys, windows, doors, etc.) and locate all exterior lighting fixtures. A material and color sample board is to be submitted along with building elevations.

**D. Landscape Plan, If Proposed** (minimum scale 1"=20'-0") drawn on the proposed site plan base including:

- Planting Plan - Include plant material legend which lists common and botanical names, plant sizes and plant quantities which are keyed to locations on plan.
- Revegetation & Irrigation - Note all temporary and permanent irrigation systems. For seeded areas, rates and method of application per 1,000 square foot increments, mulch type, rate and stabilization technique and fertilizer type and time of application are required for review.
- Lighting - Locate in detail all proposed outdoor lights and signs. Submit cutsheets of all proposed light fixtures and indicate the lighting control strategy.

**E. Design Review Board Application and Fee** Submit one copy of completed application and fee with drawings required for plan review. Fee is based on the current fee schedule (see **Appendix B** - Design Review and Compliance Deposit Fees).

## DEFINITIONS

**Accessory Structure:** Not Allowed

**Accessory Dwelling Unit Or ADU:** Not Allowed

**Minturn North (PUD):** Means the community created by the Declaration consisting of Lots 1-39 and all of the Improvements located on the Minturn North PUD Property.

**Architect:** A person licensed to practice architecture in the State of Colorado.

**Association:** The Minturn North Property Owners Association, a Colorado non-profit corporation, the members of which shall be the Owners of Lots within Minturn North, their successors and assigns.

**Board:** The term “Board” shall mean the Board of Directors of the Association, its governing body.

**Builder:** A person or entity engaged by an Owner for the purpose of constructing any Improvement within Minturn North. The Builder of all initial Residence construction will be Resort Concepts or affiliated entity.

**Building Height:** Building height means the distance measured vertically from finished or existing grade, whichever is more restrictive, to the midpoint between the eave line and peak of a sloped roof. The heights of elevator towers, mechanical equipment and their enclosures, chimneys and architectural accent elements may exceed the maximum building height. Town Code Illustration No. 16-5 regarding bulk plane setback from street line or setback line shall not apply to building heights calculations, however, in no event shall the building height exceed 28’.

**Common Area:** Means any real property, within Minturn North PUD not included within each lot, in which the Association owns an interest for the common use, benefit and enjoyment of all of the Members and such other persons as may be permitted to use the common area under the terms of the Declaration or any contract with the Association.

**Construction Activity:** Any site disturbance, construction, addition or alteration of any building, landscaping or any other Improvement on any construction site.

**Declarant:** Means Minturn Crossing, LLC, a Colorado limited liability company, and its successors or assigns.

**Declarant Control Period:** Means the period beginning on the date the Declaration is first recorded in the office of the Clerk and Recorder of the Town of Minturn, Colorado, and ending on the date on which the Declarant has platted and completed the construction of homes on all of the Lots on the Plat.

**Declaration:** The Declaration of Covenants, Conditions, Easements and Restrictions for Minturn North as it is amended from time to time.

**Design Guidelines (Guidelines):** The site, architectural, design and process regulations, restrictions and review procedures adopted and enforced by Resort Concepts and the Design Review Board as set forth in this document and as amended from time to time.

**Excavation:** Any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching that results in the removal of earth, rock or other substance from a depth of more than 12 inches below the natural surface of the land or any grading of the surface.

**Fill:** Any addition of earth, rock or other materials to the surface of the land, which increases the natural elevation of such surface.

**Final Map:** The recorded final Subdivision map or Parcel map for Minturn North recorded with the Town of Minturn.

**Floor Area:** The sum of horizontal areas of all floors of all buildings measured in the manner required by the Minturn North PUD and the regulations of the Town of Minturn in effect at the time the building is constructed.

**Homeowner:** See definition for Owner.

**Improvement(s):** Means all Buildings, parking areas, loading areas, walls, plantings, lighting, poles, driveways, roads, lakes, ponds, pools, trails, gates, signs, changes in any exterior color or shape, excavation and all other site work, including, without limitation, grading, road construction, utilities, and removal of trees or plantings. "Improvements" does include both original Improvements and all later changes and additions.

**Lot:** Means each of the thirty-nine lots, described and numbered as Lots 1-39 as subdivided by Declarant, recorded with the Eagle County Clerk and Recorder.

**Owner:** Means a person or persons who is the owner of fee simple title of record of a Lot in Minturn North PUD but excluding the Association.

**Residence:** The Building or Buildings containing bath and kitchen facilities designed and used for occupancy. Residence includes a garage used for residential purposes constructed on a lot, and any other Improvements constructed in connection therewith.

## APPENDIX A — ABOUT RESORT CONCEPTS

Resort Concepts' unspoken strength lies in the ability to blend the rich western history of Colorado with a dynamic combination of diversity, tradition and character to enhance the Rocky Mountain lifestyle. Transforming dormant lands with unprecedented scenic beauty into beautiful neighborhoods, our reputation in nationally recognized resort locations provides exciting opportunities that showcase our experience, attention to detail and uncompromising commitment.

Crafting homes that reflect the breathtaking inspiration of the Colorado mountain landscapes is our specialty. Lifestyle, the heart of our design philosophy, is reflected in the seamless integration we create between our clients' natural surroundings and way of life. We offer an all-encompassing worry-free building process as the hallmark of our brand, with over 30 years of development and construction experience in renowned resort communities. Enjoy unparalleled service and superior quality within a simple and rewarding build process by Resort Concepts ... fostering dreams, creating legacies.

## APPENDIX B — DESIGN REVIEW AND COMPLIANCE DEPOSIT FEES

Resort Concepts Application Fee Schedule for additions, renovations, and site modifications for initial Home Design and Construction activities are not subject to review fees and compliance deposits.

### Review Application Fees

- Fees shall be based upon \$5 per square foot of expansion area or a minimum \$2,500 whichever is greater, or if no floor area is proposed, a minimum of \$1,000 is required.
- Modification to previously approved plans if implemented during initial construction, \$1500.
- Resort Concepts or the Design Review Board may impose an additional fee of \$1000 for any project having more than two Plan reviews.
- Lot Amendments - \$5,000.
- Appeals - \$5,000.
- Fees must be paid at time of submittal of the Plan Review Application Package.
- Fees for projects outside the scope of the current fee schedule will be determined by the Resort Concepts and Design Review Board at their sole discretion.
- Acceptance of submittals after the deadline shall be at the discretion of the RCDG staff.

### Compliance Deposits

Compliance deposits shall be based on 10% of the estimated value of the proposed renovation as accepted by Resort Concepts or the Design Review Board. In any event the amount of a compliance deposit shall be sufficient to assure that all improvements are performed to the standards set forth in these design guidelines. Compliance deposits shall be returned to the Owner within 30 days of acceptance of work by Resort Concepts or the Design Review Board.

## APPENDIX C — MINTURN NORTH PUD