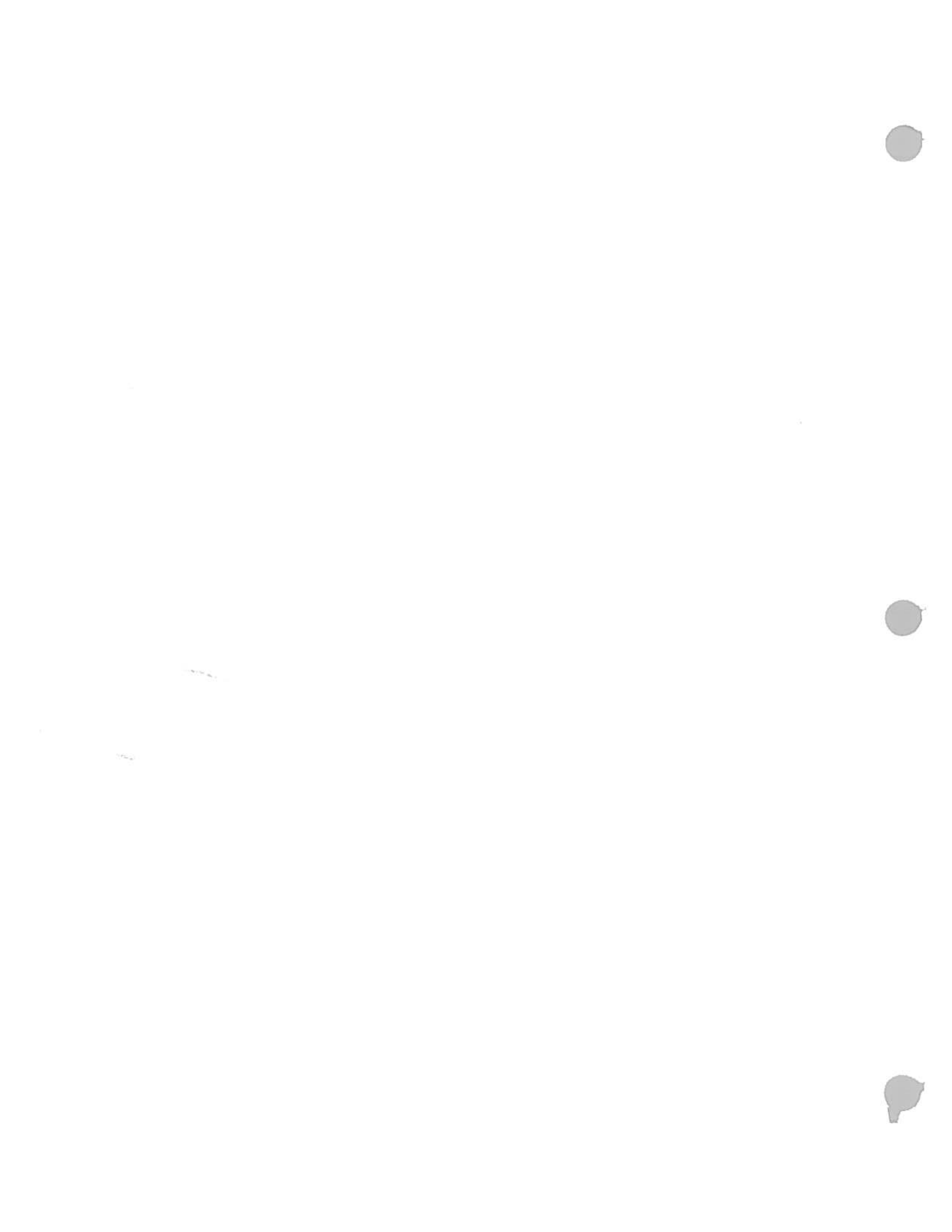


ASPEN VILLAGE PLANNED DEVELOPMENT

Design Review Criteria
for
Aspen Village
Planned Development



General Conditions

1. Overview

Aspen Village is conceived as a planned development with an integrated mixture of commercial, mixed-use and residential uses. There are technical and aesthetic considerations in the review of each proposed site specific development plan for each lot. Of primary concern is the development of an ambiance in which all project design elements are harmonious with the natural environment of the site, compatible with each other, and responsive to the intent of the Aspen Village Planned Unit Development (PUD).

By providing guidelines and design review, the Design Review Committee ("DRC") encourages development which will be of enduring value while preserving the area's beauty and contributing to the overall quality of life for the people who work or live in Aspen Village. Designs should be created in a "community" spirit. Regard for the interests of all developments within Aspen Village will result in a positive synergistic benefit for each owner. It is the responsibility of the DRC to ensure that all projects and buildings adhere to this concept.

The following protective covenants are intended to guide applicants in meeting the goals of the DRC for development of each parcel. Used in concert with basic principles of good design, applicable jurisdictional regulations, and the DRC development plan, these protective covenants are intended to expedite the approval process and facilitate the development of quality projects within Aspen Village.

Each project will be reviewed on the basis of its planning and design merits and conformity to the intent of both these protective covenants and all other applicable authorities. The DRC does not represent or warrant that its approval of any project complies with any applicable contractual or governmental land use restrictions.

After DRC project review and approval applicants for all commercial, mixed-use and residential lots will be required to submit their project to the Town of Pagosa Springs's Planning Department.

2. Jurisdiction

Aspen Village lies within the Town of Pagosa Springs, Pagosa Springs Sanitation District and the Pagosa Area Water and Sanitation District. The Applicant is responsible for compliance with the rules and regulations of each of these entities and all other applicable agencies (gas, electric, cable tv, etc.) and must receive authorization from each of them, in addition to complying with all other requirements, regulations and codes, where applicable.

Zoning of the project is within the D-4 West Corridor Business District of the Town of Pagosa Springs. It is the responsibility of the Applicant to demonstrate to the DRC that the proposed development is consistent with the applicable zoning and

development regulations, in harmony with the adjoining developments and consistent with the Aspen Village master sign program, master drainage plan, Master Declaration for Aspen Village and these Design Review Criteria (the "Governing Design Documents").

3. Covenants and Restrictions

The Master Declaration for Aspen Village Planned Development ("Covenants") is recorded in the real property records of Archuleta County, Colorado. Applicants should refer to the recorded documents for the complete text of said Covenants. The Covenants are the basis of the authority for these procedures and are legally binding. Copies are available from the DRC.

4. Aspen Village Design Review Committee

The DRC is responsible for reviewing plans for all proposed improvements, including construction of any type, landscaping, lighting, signage and all other improvements. All plans must be in compliance with the Governing Design Documents.

5. DRC Review/Submittal Procedures

The submittal of plans and securing of the appropriate approvals pertains to signage, landscaping, exterior building improvements, satellite dishes, antennas, construction, yards, trash enclosure, fencing, lighting, driveways, parking areas and any other improvements that affect the appearance, design or outside elements of each property.

This document is to be used as a reference guide during the review process.

Meetings – The DRC generally meets monthly. All applicants must follow these specific procedures involving submittal of documents, review requirements, deadlines and fee schedules. Formal presentations to the DRC are not necessarily mandatory for most development projects, as most details are reviewed through informal meetings with the DRC representatives and staff. This process is designed to expedite the preparation and approval of the plans for any specific property where development is contemplated. Certain minor improvements do not require all review phases: the DRC Chairman determines which steps are necessary for an individual project.

For most projects, there are four phases in the development approval process. These include the following:

1. Sketch Plan/Property Site Plan Use/Building Site Conference
2. Schematic Design
3. Construction Documents/Authorization to Apply for Building Permit
4. Certificate of Compliance

Sketch Plan, Schematic Design and Construction Document (each including landscaping, signage and lighting) phases require a presentation and review with designated representatives of the DRC. All other steps are handled directly with DRC staff.

All submittal documentation must be submitted at least one week prior to a scheduled DRC meeting. Approval is contingent upon submittal of materials and payment of designated fees, and favorable review.

A letter from the DRC will be sent to each applicant within a maximum of fifteen (15) calendar days after the date of a DRC submittal. This letter will state whether approval or disapproval has been granted and outline any conditions associated with the approval or disapproval.

6. Review Fees

A review fee is required for DRC review. This fee may be revised from time to time by the DRC as conditions necessitate. The review fee shall be paid by an applicant on or before the initial DRC review. If the DRC requires that the applicant attend additional meetings with a DRC member or its consultants due to incomplete, inadequate or improper submittals; then the applicant shall be responsible for paying the full costs of such services. No written confirmation of a DRC action will be issued until all appropriate fees have been paid.

7. Non-Conforming Design

The DRC Design Criteria are dynamic in nature. Revisions are made from time to time to clarify design intent or to adapt to changing conditions. The intent is that such change will always be to upgrade design intent and quality as market conditions permit.

8. Additional Criteria

In addition to the criteria herein, the DRC may create and adopt as part of these DRC Rules and Standards, additional criteria that are not inconsistent with the criteria set forth herein. By example, but not by way of limitation, the DRC may create and adopt additional maintenance and operation activity criteria that relate to or are necessitated as a result of development activity. From time to time any of these additional criteria may be amended by action of the DRC.

9. Variances

The DRC may authorize variance from compliance with any of the criteria set forth in this Declaration or in any additional criteria created and adopted as part of the DRC Rules and Standards when circumstances such as topography, natural obstructions, hardship or aesthetic or environmental objectives or considerations may warrant, insofar as they are not superseded by applicable land use regulations of the Town of Pagosa Springs. Such variances must be approved by at least three (3) voting members of the DRC. If such a variance is granted, no violation of the Declaration or of the DRC rules and standards shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive or to render unenforceable any of the terms and provision of the Covenants or the DRC rules and standards.

Variances may also require the review and approval of the Town of Pagosa Springs.

10. Definitions

Building Coverage – Building Coverage shall mean the actual “footprint” of all buildings on the site at grade or plaza level(s).

Building Site – Building Site shall mean any parcel of land that is part of Aspen Village PUD, the size, dimensions and boundaries of which shall be established by a legal description approved by the DRC (see also definition of Site).

DRC – DRC shall mean the Design Review Committee.

DRC Staff – DRC Staff shall mean those persons who are acting on behalf of the DRC with respect to certain duties and obligations assigned to them by the DRC.

Existing Improvement – Shall mean the completed improvements situate on Parcel D-1 of the Aspen Springs PUD, and any Improvement, all of the plans for which were approved by the DRC or any predecessor of the DRC (if such approval was required at the time the Improvement was constructed or installed) and the construction or installation of which was complete or substantially complete as of the date of these Design Review Criteria.

Gross Land Area – Gross Land Area shall mean all land area within a designated parcel of land, regardless of the status of its use or ownership. Such land area may include, but not be limited to, land in use for public or private rights-of-way, open space, and any other natural or artificial land form.

Improvement – Shall mean and include every structure and all appurtenances thereto of every kind and type and any other physical change upon, over, across, above or under Aspen Village or upon existing improvements located in or on Aspen Village. This definition shall include, but shall not be limited to, the following facilities and activities, whether of a permanent or temporary nature: buildings, outbuildings, parking structures and garages, parking lots and other parking areas, streets, roads, traffic control devices, signs of any type, canopies, awnings, trellises, fences, all landscaping (including landscaping of balconies, plazas, and other portions of buildings), plazas, patios, recreational facilities such as swimming pools, walkways, pedestrian walks and bike paths, sidewalks, shelters, security and safety devices, bridges, construction trailers and other temporary construction outbuildings, screening walls, retaining walls, stairs, decks, benches and other exterior furniture, poles, exterior air conditioning, water softener fixtures or equipment, aerials, antennas, lighting fixtures, drainage structures, communications equipment including but not limited to microwave dishes and relay equipment, coaxial and fiber optic cables, satellite transmitting and/or receiving ground stations, pumps, tanks reservoirs, ponds, pipes, lines, meters, towers, and other facilities used in connection with water, sewer, gas, electric, telephone, regular or cable television, or other utilities, and color, texture, material or other changes to any Improvement. Improvements shall include, but not be limited to, Existing Improvements.

The Aspen Village PUD– The Aspen Village PUD shall mean the plat map showing existing and future land uses, building uses and densities, streets, pedestrian and transit ways, open space, utilities, drainage, lighting and other aspects or

characteristics of land development; signage, landscaping and other improvements within the Aspen Village.

Aspen Village – Aspen Village shall mean that portion of land as defined in the Aspen Village Master Declaration and the Aspen Village PUD.

Net Floor Area – Shall mean the total horizontal floor area measured in square feet, of all floors of a building, excluding therefrom walls, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms and storage areas.

Open Space – Shall mean all gross land area not covered by Buildings, public streets, private drives or surface parking lots. Open space shall include, but not be limited to, Gross Land Area in use for pedestrian ways, courtyards, landscaped areas (whether public or private), pedestrian malls and walks.

Owner – Shall mean the person or persons who own or hold an aggregate fee simple interest in any of the real property within Aspen Village or any Net Floor Area appurtenant thereto. The owners or holders of an “aggregate fee simplest interest” shall not include holders or owners of (a) mortgages, deeds of trust, and other instruments pursuant to which said real property or floor are rights secure indebtedness; (b) easements, rights-of-way or licenses that pertain to or affect said real property or floor area rights; (c) water, mineral, air, or subsurface rights that, as appropriate, are located in, on, under, over, or are or were appurtenant to said real property; (d) leasehold interests; or (e) other equitable title interests such as the vendee’s interest under an installment land contract.

Parking Coverage – Parking Coverage shall mean the site area used for exposed parking area, including parking structure, on grade parking lots, and drives serving the parking, as well as service drives and drop-off areas. Structured parking covered by building areas shall constitute Building Coverage and not Parking Coverage.

Peripheral Boundary Line – Shall mean the line represented by the legal description of the Aspen Village PUD. If at any time the land subject to the Aspen Village PUD is changed to include any land not located within the Peripheral Boundary Line, the legal description of the Peripheral Boundary Line shall be changed to encompass, at a minimum, all land located within the Peripheral Boundary Line as well as all land made subject to that Aspen Village Planned Development after that date.

Property Use – Shall mean the intended functions of, or activities that take place on a temporary or ongoing basis on, in, or with respect to any parcel or element of real property that is part of Aspen Village. Property Uses shall include, but not be limited to, Property Uses existing on Parcel D-1 at the time of adoption of these Design Review Criteria.

Protective Covenants – Protective Covenants shall mean the Master Declaration for Aspen Village Planned Development, filed of record in Archuleta County, Colorado.

Site – Shall mean any portion or part of Aspen Village that is the subject of any site plan submitted in accordance with the provisions of the Covenants.

DESIGN CRITERIA

The following criteria shall be utilized by the DRC as the means of determining the suitability and acceptability of all proposed Improvements, and constitute the basic design criteria and standards for Aspen Village Planned Development.

1. SITE PLANNING

A. Design and Spatial Characteristics – General

- i. *Integrated Uses* – Emphasis on all development as a totally integrated complex is encouraged. Building design expressions in terms of massing, scale, color, and circulation relate to adjacent buildings and to the total development. Orientation of Improvements must acknowledge basic site considerations, adjoining building uses and siting, and overall circulation patterns.
- ii. *Phasing* – Where appropriate, site and building planning may be undertaken in a manner that allows phased development of the site over time.
- iii. *Site Design* – Site planning must respect the relationship of the site to existing and proposed buildings and streets. Buildings must be designed to conform to and to complement the site topography. Site planning and design must make optimum use of sun availability and angles and, to the extent possible, must preserve existing views and vistas.
- iv. *Building Group* – When multiple structures are planned as part of a single ownership or project, they must be designed in a unified architectural and spatial manner.
- v. *General Development Plan* – Applicants must submit a General Development Plan (GDP) for projects involving multiple buildings to be developed in phases over time. At a minimum, the GDP must include all information required for a Sketch Plan submittal and must set forth anticipated development phasing. Applicants have the option of taking a GDP through the Schematic Design phase if they desire to obtain this extent of DRC approvals.

B. Use, Zoning and Density

Applicants must demonstrate that a proposed use is in general conformity with the Aspen Village PUD adopted by the Town of Pagosa Springs; reinforces existing and projected uses adjacent to the site and throughout Aspen Village; promotes the general welfare of all landowners and tenants; protects and enhances the value of all real property; and complies with the

protective covenants. Proposed developments must be consistent with and authorized by applicable zoning, building codes and other land use regulations of the Town of Pagosa Springs. Where there is overlap with these design criteria, the most stringent condition will apply. Approval by a governmental jurisdiction does not necessarily constitute DRC acceptability, nor is the reverse true.

C. Parcelization

Any subdivision of land within Aspen Village requires DRC approval prior to submittal to, review by and approval of the Town of Pagosa Springs. Lot sizes have been predetermined and approved by the Town of Pagosa Springs, and no further subdividing of existing parcels is permitted without such approvals.

D. Site Coverage

Allowable site area coverages are as follows:

Open Space	minimum of 20%
Parking	maximum of 50%
Buildings	maximum of 50%

In some cases, and at the sole discretion of the DRC and for cause, the allowable parking maximum may be exceeded when offsetting mitigation in the quality or quantity of open space and landscaping is provided.

E. Setbacks

Setback of structures, parking lots, signage, landscaping, marquees, canopies and other similar built or natural elements shall be dictated by the adopted codes of the Town of Pagosa Springs and as set forth on the Aspen Village PUD plat. Setbacks shown on the PUD plat shall be controlling.

F. Orientation

Building orientation is an important aspect of reinforcing the image of the streetscape. Site planning must address issues of orientation of the primary façade and building entrances so that a building does not turn its back on a street.

A 360-degree view angle to each site is to be evaluated. Building and parking orientation must be sensitive to adjacent sites as well as street views.

Main building entries and pedestrian walks should be oriented away from north "shaded" areas whenever possible.

Site designs should utilize building forms, natural land forms and landscaping to take advantage of prevailing summer winds and to serve as buffers against adverse winter wind conditions.

Aspen Village experiences a significant amount of sunlight, which combined with rapidly fluctuating weather extremes, necessitates careful analysis of the advisability of extensive glass.

G. Vehicular Access/Circulation

A fundamental development objective for all sites is the safe and efficient movement of vehicles and pedestrians. Vehicular access to any site must be carefully designed in relationship to vertical and horizontal curves, site distances, median cuts, other driveways, and other common traffic engineering criteria so that usage traffic conditions are minimized and the efficient, smooth flow of traffic is encouraged. Commonly accepted traffic engineering criteria must be met, and curb and median cuts are to be minimized by means such as shared access drive and entryways. Sites should be designed to minimize conflicts between automobiles and pedestrians and to create a clearly organized system of entrances, driveways and parking lots, while still providing convenient parking spaces.

Site Access – Access for each site must be determined in concert with overall traffic circulation to adjacent streets. **Where possible, shared access between adjoining sites will be encouraged.** Parking lots and driveways must be designed for sufficient storage to avoid conflict with vehicular traffic in the street. All parking lots and driveways shall have a continuous concrete curb and gutter and must be paved.

Service and Emergency Access – A comprehensive and coordinated approach should be taken to service and emergency access requirements. These include requirements by fire and police departments, ambulances, moving vans, delivery trucks and trash trucks.

Bicycles – Both recreational and commuter bike accessibility to and within Aspen Village is encouraged. Primary bike routes along designated streets or corridors may be either on-street or off-street dependent upon allowable conditions and locations within Aspen Village Planned Development.

Public Transit – Sites may be evaluated for transit accommodation and bus stop/shelter accommodation may be required.

Certification – Projects of significant scale may be required to have a site traffic impact analysis done by a professional traffic engineer as a condition of approval and certification.

H. Pedestrian Access/Circulation

Site and building design must accommodate pedestrian circulation on site from parking areas to open space and pedestrian pathways, and to adjoining buildings. Where identified on the Aspen Village PUD, existing and proposed pedestrian circulation and bike path systems and easements must be integrated into site design. Pedestrian, bicycle and automobile circulation must be separated to the greatest extent possible.

Sidewalks are required along all perimeter streets. Where a site abuts a common area such as a drainageway or park, additional walks may be required. All sidewalks shall meet the Town of Pagosa Springs sidewalk design standards.

Sidewalks are to bridge drainage swales to prevent conflict with concentrated drainage flows. They may not be used to channel surface drainage. Sidewalks and plazas must provide for handicap access and must be constructed of concrete or other approved materials.

I. Topography

Site Specific Development Plans should attempt to conform to existing topography and blend with adjoining site and perimeter roadways. Blanket grading of commercial or mixed-use sites to conform to preconceived building concepts is strongly discouraged.

J. Grading Criteria

Overall site grading will largely determine the degree to which a new development visually "fits" into the landscape, the streetscape and how effectively the site sheds storm water. For these reasons, site grading and drainage are key concerns of these Design Criteria. Changes to existing topography should be minimized on all development sites. Where grading does occur, it should be done in a manner that respects the existing landscape. Special attention should be given to providing smooth grading transitions between neighboring development sites.

As much as practical, existing topographic features should be preserved through sensitive grading. The grading of each site must meet existing grades within the Development Area and graded slopes shall not exceed 3:1. Drainage across driveway entries is to be avoided.

K. Drainage

Each development or parcel is required to provide adequate drainage facilities, including such elements as water quality and soil erosion mitigation. All site and building drainage shall include storm water controls and/or systems that are in accordance with the master Drainage Plan for the Aspen Village Planned Development and all applicable governmental statutes, rules, regulations and other authority.

At the time of a parcel's development all defined drainageways must either be piped or, if remaining as surface flow, be integrated into the overall site landscaping in an aesthetically acceptable manner. Off-site runoff must be directed or conveyed to an established principal drainageway.

Some parcels may be served by common detention facilities and on-site detention will not be necessary. However, each parcel must create a mitigation plan for on-site drainage control.

L. Utilities

All developments must be designed to interface with Aspen Village's utility systems. Utility layouts and connection points are part of the design review process.

No overhead wiring is permitted. No transformer, electric, gas or other meter of any type or other apparatus shall be located on any power pole or hung on

the outside of any building, except where specifically approved by the DRC. Such equipment shall be placed on or below the surface of the land, and where placed on the surface shall be adequately screened and fenced.

All ground mounted utility meters, transformers and pedestals must be setback a minimum of 10 feet from the adjoining street, and screened to minimize their visibility.

M. Services

Visibility – Preferably, any service, loading, emergency generator and trash areas should be enclosed within buildings. External facilities must be enclosed, screened with landscaping to minimize adverse views from adjoining streets or buildings, with enclosures designed and constructed of the same design theme and material as the adjoining building. Such facilities may not be placed adjacent to, or face streets.

Loading – Truck loading and receiving areas must be screened from view by architectural or landscape features if at all possible. Such areas will not be permitted in the front of the building.

Waste Storage – Temporary waste and rubbish storage facilities may be allowed with the prior written approval of both the design and location thereof by the DRC, provided that such facilities are screened from view and from wind by architectural or landscape features. All waste and rubbish containers must be covered and out of sight from public streets, bike paths and pedestrian walkways at all times.

Materials Storage – No materials, supplies, equipment, service vehicles, finished or semi-finished products, raw materials, or articles of similar nature may be stored or permitted to remain outside of buildings or be visible from adjacent properties or streets. Properly screened temporary trash dumpsters and construction materials will only be permitted for a defined period of time with prior review and approval. Outside material display areas for retail uses may be allowed with prior approval of the DRC.

Snow Storage – Provision must be made for snow storage on site. Pushing snow into street or sidewalks is not permitted. All site owners are responsible for timely snow removal on their perimeter street sidewalks. The DRC will review off-site snow removal plans on a case by case basis.

N. Lighting

A primary consideration is to provide a safe, functional and aesthetically pleasing lighting system throughout Aspen Village that reinforces its distinctive and high quality design. All exterior lighting must utilize lens covers such that the light source (i.e., bulb) is not visible.

Driveway and Parking Lot Lighting – Driveway and parking lot lighting must be of such quality that no light sources are visible and glare is minimized. At no point may the light level exceed eight (8) foot-candles when measured at the ground, or an average of two (2) foot-candles overall. Parking lot lighting must provide a uniformity ratio between 15:1 and 20:1.

Poles and luminaries must be painted a uniform color compatible with the building color scheme. Spatial relationships between pole height and building height must be approved by the DRC and the Town of Pagosa Springs. In no case may pole heights of twenty (20) feet be exceeded, measured from the ground to the top of the pole.

Building Lighting – Building flood lighting, from the ground cover flowers and up, may be used to highlight architectural features. Such lighting must be designed with the intent of providing accent and interest and not to exhibit or advertise buildings or their sites.

Service and Storage Areas Lighting (Commercial Areas) – Service area lighting should be contained within the service yard boundaries and enclosure walls. No light spillover can occur outside the service or storage area. The lighting source should not be visible from the street.

Landscape and Pedestrian Lighting – Accent lighting of landscape elements is permitted, provided that it is low level, background in appearance uses a concealed source. Colored accent lighting is not permitted. Pedestrian walk and exterior paved areas adjacent to buildings and lighted must use low intensity fixtures and the lamp color source must be compatible with surrounding area lighting. All walkways are to be lighted with approved pedestrian scale lighting fixtures at steps, intersections and near heavily planted areas.

The ratio of spacing to fixture height should be carefully considered for the type of lighting. The style of pole fixtures must be architecturally compatible with the building design. Poles and luminaries must be anodized or painted to be compatible with the building color scheme.

Security Lighting – Any special security lighting should be confined to building entrances or outdoor pedestrian areas. With the exception of low intensity fixtures, the lighting source should not be visible from the street.

Specialty Lighting – All fountain, artwork and seasonal/temporary lighting must be approved by the DRC prior to installation.

O. Parking

Paved off-street parking must be provided for all of the development. No on-street parking (public or private) will be allowed. All drives and surface parking areas are to be bordered by poured-in-place concrete curbs and gutters.

Parking Ratios – Off-street parking for commercial and residential areas shall comply with the minimum requirements contained within the regulations and ordinances of the Town of Pagosa Springs. For any use not specified, the requirements for off-street parking facilities for a similar use shall apply as determined by the Town of Pagosa Springs planning department. Handicapped parking must be provided as per the Americans with Disabilities Act of 1991, and the current standards of the land use regulations of the Town of Pagosa Springs. Handicapped parking spaces must be located as near the entrance of the use as practically possible.

Semitractor Trailer Parking – For those uses that require parking of semitractor trailers, a designated off-street parking space shall be required for each such vehicle parked. Automobile parking areas and automobile circulation aisles on any site shall not be used for the parking of semitractor trailers. Parking spaces for semitractor trailers must be a minimum of twelve (12) feet in width and sixty (60) feet in length.

Surfacing – Parking areas must be surfaced with bituminous concrete, Portland cement concrete, asphaltic concrete, or a similar material approved by the DRC.

On-Street Parking – No parking shall be permitted on any street or access road, either public or private, or at any place other than the paved parking spaces provided. Each Owner shall be responsible for compliance with this requirement by its tenants, employees, and visitors. Owners or users of vehicles parked in violation of this provision will be subject to the sanctions provided by governmental ordinances.

P. Landscaping

Purpose - The purpose and intent of the landscaping guidelines are to provide for well-designed landscape treatments for the development within ASPEN VILLAGE, Pagosa Springs, Colorado. The emphasis is toward the treatment of exterior spaces which improves the overall quality of the development, through consistency of design, and protects long term property values. The guidelines recommend the planting of trees and shrubs which are not in conflict with the logical building needs, pedestrian walkways, utilities, public safety and parking. The guidelines emphasize selection, planting, and maintenance of healthy- hardy plants which require low maintenance and low water use.

Applicability - Landscape plans for all properties within ASPEN VILLAGE are to be submitted as part of the requisite development review documentation. Plans are subject to review by the DRC to assure conformity and compliance with the landscape guidelines provided herein.

Compliance - The following landscape guidelines are recommended and encouraged. However, factors such as building appearance and overall site design will be considered during the review process. Under certain conditions exceptions may be considered.

Major Provisions - The submitted landscape plan must reflect the following:

1. North arrow and vicinity map and notation of scale.
2. Lot boundaries and setbacks.
3. Planter areas in front of and around the store.
4. Exterior parking, loading areas and vehicle drive.
5. Pedestrian walkways.
6. Retaining walls, screening of refuse collection and screening of loading and

utility service areas.

7. Location of fences, height, and materials.
8. Location of overhead power lines.
9. Areas of slope protection, height and slopes of all berms.
10. Plant schedule including- location of trees, shrubs, turf areas, and quantities.
11. Diagram of hydro zones-supplemental irrigation use (very low, low, moderate and high)
12. Description of all hardscaping areas, materials and colors.
13. Description of soil preparation with topsoil, amendments and mulch.
14. Location of natural features: water features, ponds and rocks.

*Incomplete and/or incorrect information will cause delay of the landscape plan review.

Site Categories –

- *Street frontages
- *Parkways
- *Setbacks
- *Planters in front of and around stores
- *Parking lot end planters and islands
- *Screening for refuse and utility docks

Design Standards and Vegetation Requirements - The following standards shall be met in preparation of the plan and installation of landscaping materials.

All vegetation areas shall be provided with irrigation using an automatic sprinkling or drip system. Trees on public right-of –ways shall be provided with a drip or bubbler irrigator.

A minimum of 15% vegetation landscaping shall be required for each commercial property, not including hardscaping and sidewalks. Street frontages, property perimeters, planter areas, parking end planters and islands shall be 75% landscape vegetation. Plants shall include: trees, evergreens, shrubs and ground covers harmonious with the landscape and appropriate to the area. These areas shall not be filled with 100% rock, mulch, gravel, concrete or other hardscaping.

Street frontages – shall have 10' landscaping between the streets and building and 1 tree every 25'-30' is required.

Buffer area landscaping- (between Properties) requirements - 1 tree for every 20' composed of 50% evergreens.

Motor vehicle lots- curbed end planter areas shall be required for every row of 15 vehicles spaces, 1 curbed planter island shall be required for every 15 parking spaces.

Set backs- shall have 75% vegetation using a combination of trees, shrubs, perennial grasses and flowers.

Screening areas around refuse areas and utility docks - shall include a minimum 3' vegetation screen including 50% evergreens spaced every 4'.

Turf areas -shall be limited to 50% of the total required landscape area. Avoid planting turf in areas less than 8' wide, on steep slopes and irregular design shapes that are difficult to irrigate and maintain.

Planters areas around the building- shall have a minimum of 5' depth of landscaping area in front of and around the building.

Deciduous tree sizes required - (1.75" caliper) Business, Commercial, and Rights-of-Way, tree caliper (trunk diameter) is measured 6" from the rootball. Mature tree size and branch spread should be considered for suitability for location. Trees may be ball and burlapped, and / or # 15 and / #25 gallon container sizes and shall meet American Association of Nurserymen specifications.

Small ornamental and flowering trees (non fruit bearing) required size (1.5" caliper).

Shrub size- #5 gallon container or larger plant size shall be consistent with design intent.

Perennials, ornamental grasses, and ground covers size required -minimum size #1 gallon or larger.

Planting areas near paved areas such as sidewalks driveways- shall require 5' setbacks for deciduous trees and 8'-15' setback for evergreen trees depending on species and variety selected.

Cut areas, slopes and berms- shall be planted with low maintenance, low water use ground covers and shrubs selected for their ability to stabilize the slope and prevent erosion.

Parking area planters- may not exclude plants and provide only rock, gravel and cement. Planter areas shall have 75% vegetation composed of trees, shrubs and perennials. Planter areas are required to have raised curbs to avoid vehicle damage to landscaping.

Plant groupings are encouraged instead of single plants.

Landscape plan shall not have an adverse impact on surrounding property.

Utility easement areas -No trees may be planted in utility easements. It is recommended that shrubs, perennials and ground covers are planted no deeper than 18" in utility easement areas.

Plant Selection - Select landscape plants that are reflective of the region are water efficient and horticulturally sustainable. Drought tolerance should be an important consideration in plant selection and design. Native and xeric plants are recommended. It is recommended that plant choices are determined by the building site, sun and wind exposure. Plant recommendations are available on request.

Irrigation - Due to the low natural rainfall and drought cycles, irrigation it is required for all planted areas. Irrigation using 'hydro zoning' – grouping plants with similar water use for plant health and efficient irrigation is encouraged. Drip or micro-irrigation systems can be a good way to water any type of plant except turf. Weed barrier fabrics allow water penetration and air exchange to plant roots. The use of plastic sheeting for weed control is discouraged. Plastic sheds water and creates wasteful water runoff, in addition plastic has an adverse effect on plants and trees by blocking the necessary flow of water, nutrients and air to plant roots. The appropriate selection of irrigation devices, installation, scheduling and maintenance of irrigation is required. It is recommended that irrigation installation shall be done by landscape professional that has knowledge of plant material, local soils, and landscape and irrigation procedures.

Turf Areas - Restrictions for high water use turf such as Kentucky Bluegrass shall cover no more than 50% of the entire landscape area; shall not be planted on slopes steeper than 6:1 gradient; and shall be discouraged in areas that are narrow and difficult to irrigate. The use of more drought tolerant grass mixtures that require less water is encouraged.

Grading and Erosion Control - All disturbed areas shall be re-vegetated and slopes stabilized as soon as possible. Seeding shall occur within 30 days of grading or at the earliest practical time for seed germination and operation of irrigation. Slope stabilization shall be achieved within 30 days of completion of grading with geotextile materials, mulch or netting to control surface erosion. Irrigation shall be provided during the re-vegetation period.

Slopes - Slope grading shall be provide for adequate drainage away from structures, pedestrian walkways, and parking areas. Planted slopes shall not exceed 2:1 without terracing or retaining walls. Planted slopes shall have rough or scarified surfaces to slow runoff and collect moisture. Planting of native grasses are suggested on all slope gradients. Ground plane plantings for slopes greater than 4:1 shall consist of ground covers, native grasses and

or shrubs for erosion control.

Berms - Berms shall have a naturalistic form and be no higher than 18". In areas of heavy clay soils, it is recommended that trees and shrubs be planted on berms of well-drained top soil, brought to the site. Planting on berms shall have 75% vegetation. Slope of berm shall not exceed 3:1. Toe of berm shall have a minimum of 3' landing to mitigate water runoff.

Use of Mulch - Mulches are used to enhance appearance, inhibit weed growth, and reduce surface evaporation and runoff. Organic mulches are recommended for all non turf planting areas. The ideal mulch is uniform in color. Recommended organic mulches are: shredded wood bark, wood bark chips, and seed hulls. Application of a minimum 3-4" mulch in landscape beds is recommended for water conservation and weed reduction. Use of non organic mulches such as gravel and stones are restricted to use for design purposes. Use of plastic film in planting beds is discouraged. Geotextile weed barrier fabrics are suggested under mulch and allow air and water exchange promoting healthy plants.

Maintenance of Required Landscaping - Landowners shall be responsible for maintenance in good condition of all vegetation, irrigation systems, screening devices and other landscape components so as to present a safe, healthy and orderly site. Maintenance practices shall consist of all regular and normal maintenance practices of landscaping including: weeding, irrigation, fertilizing, pruning and mowing. Plant material showing significant levels of insects, disease and/or damage shall be removed and replaced with living plant materials as soon as possible.

Public Safety and Visibility - Visibility or police surveillance and crime prevention shall not be hampered by landscaping. Safety for pedestrian areas shall be maintained through proper maintenance of landscaping. Landscaping shall not hinder public safety such as access to fire lanes and hydrants.

Approval - Landscaping plans must be approved prior to the issuance of building permit for new construction. After approval all landscaping must be installed in accordance with the approved landscaping plan or satisfactory arrangements must be made for installation prior to the issuance of any occupancy permit within the proposed development.

Q. Walls, Fences and Screening

No fencing may be constructed on any lot without prior DRC approval. The use of (i) masonry/stucco, (ii) natural or (iii) manufactured stones native to Colorado or (iv) wood is recommended for Aspen Village. Limited use of wrought iron may be considered. Chain link fencing shall be prohibited.

In all other cases, the materials and design of walls and fences must relate to the color, materials, scale and style of the adjacent buildings and site improvements.

Wall alignment and heights must conform to the terracing parameter as listed below.

Parking Lot & Perimeter Property Line Screening Walls:

- Facing a public street 3 feet maximum
- Side Yards 3 feet first 20 feet, then 5 feet maximum
- Rear Yards 6 feet maximum

Perimeter fencing (lot lines) is discouraged unless necessary to provide buffering that may be required between different types of uses. The DRC encourages use of small courtyards for privacy areas, created using approved fencing materials rather than large fenced areas. Screening walls will be considered on a site-specific basis by the DRC.

R. Site Furnishings, Plazas, Fountains and Art

A wide variety of site furnishings may be utilized on any particular site. Design and selection of these furnishings should consider visual and operational compatibility for a particular site, as well as compatibility with elements already in place elsewhere within Aspen Village.

2. ARCHITECTURAL ELEMENTS

Concept

Aspen Village's overriding architectural goal is to create a commercial and residential mixed-use community of reasonable quality, order and permanence. Each project will be evaluated by the DRC in terms of this goal as well as the use, and suitability for a given site and compatibility with existing and anticipated development. The architectural design should respond to these factors in terms of form, colors, materials and texture. Of special concern are designs which reflect the existing natural environment and which are architecturally and spatially unified.

Any building improvement must be designed by a licensed architect unless the DRC, in its sole discretion, determines that the nature of the improvement is such that this is not necessary.

A. Massing, Form and Details

Building massing and exterior form should reflect basic building functions. Well-defined entrances, access drives, public areas, focal activity areas and pedestrian linkages are important elements which should be incorporated in the design. Architectural detailing of the building exterior should be clean, simple and functional.

All mechanical and electrical equipment should be integral to the design of the building and site improvements. No heating, air conditioning, electrical or other equipment may be installed on the roof of any building or structure or

hung on exterior walls unless screened with the same materials as the exterior building skin and installed in accordance with a DRC approved plan.

Solar energy collectors or panels and communication dishes, when used, must be an integral part of the design of each project. These may be installed on the roof or in other exposed locations, if screened and painted in a suitable color, with prior approval by the DRC.

B. Color and Materials

The quality of materials should reflect a long-term commitment to the architectural quality of Aspen Village. The dominant exterior materials are to be logs/timber, natural or manufactured stone, pre-cast concrete, masonry or stucco. Secondary materials such as metal or glass, and accents on the exterior are subject to the discretion of the DRC. Special material programs may be considered for single family residential areas.

Color and materials within the range of the natural Colorado landscape must be used in order to establish continuity between individual buildings and to create a distinctive image for the development as a whole.

Experience has shown that the creative use of selective materials and colors has consistently proven to be successful in creating a visually unified development. It is DRC's intent that Aspen Village be developed as a community that expresses the individuality of each of its residents while creating visual unity between individual development sites. Individual identity can be established through the overall massing and form of buildings as well as through the use of architectural elements such as accents, trim and focal points.

C. Glazing

Glazing should be used to help establish an appropriate building scale and to help to identify uses. Transparent glazing should be utilized at ground levels where appropriate to encourage pedestrian activity. Reflective glass is not allowed at Aspen Village. In situations where very low transmissivity is required, or is warranted, the DRC will review the applicant's request of a case-by-case basis.

D. Heights

The maximum allowable building height for (i) residential lots is 35 feet for principal structures and 20 feet for any allowed accessory structure, (ii) 35 feet for mixed-use and/or multifamily lots and 35 feet for commercial lots. The DRC will review each project to determine if the proposed height is consistent with the site characteristics and Aspen Village's design character, and related to existing and proposed developments on surrounding sites. The review of building heights shall also be subject to the review and approval of the Town of Pagosa Springs.

E. Roofscape

Rooftops constitute a significant architectural visual element in the Aspen Village planned development. All rooftop mechanical units, communication equipment, and similar devices require DRC review and must be enclosed or screened from view.

Mechanical/electrical equipment must be designed to be an integral part of any improvement. No heating, air conditioning, electrical, antenna, telecommunications dish or other equipment may be installed on the roof of any buildings or structures or hung on exterior walls unless screened with the same materials as the building exterior or enclosed in a manner that is integral to the building architecture.

Rooftop penthouse enclosures must be architecturally compatible with the material of the building.

Communications or electronic antennas will only be permitted as allowed by the Covenants and when properly screened and are not visible from adjacent streets or parcels.

Solar energy collectors or panels may be installed only after DRC review and approval.

3. SIGNAGE

Strict signage criteria has been developed by the DRC and the Town of Pagosa Springs in order to preserve the overall integrity of urban design at Aspen Village and provide for adequate owner/tenant identification. All signs must be compatible with the desired character of the development in Aspen Village and designed in conformance with the Aspen Village Sign Regulations (the "Sign Regulations"). The Aspen Village Sign Regulations (and Table A attached to said regulations) are attached hereto as Exhibit 1. The terms and conditions of the Sign Regulations are fully incorporated herein and made a part of this Design Review Criteria. To the extent there is a conflict between the Aspen Village Sign Regulations and the Design Review Criteria, the Aspen Village Sign Regulations shall control. All Applicants must follow the procedures and criteria set forth in the Sign Regulations.

SUBMITTAL PROCEDURES

The Process

The submittal procedures, products and fees as outlined below pertain to all project types including signage, landscape, exterior architectural improvements, satellite dishes, antennas, construction yards, trash enclosures, fencing, lighting, driveways, parking areas and any improvements that affect the appearance, design or outside elements of Aspen Village.

1. Sketch Plan/Property Site Plan Use/Building Site Conference
2. Schematic Design

3. Construction Documents/Authorization to Apply for Building Permit
4. Certificate of Compliance

Applicants may apply for landscape, signage and lighting plan approvals separately or concurrently with the building plans; however, the applicant must obtain the combined final approval for these items during the Construction Document phase.

The Fee Schedule is as follows:

1. Commercial Development.....	\$600.00
2. Mixed-Use Development.....	600.00
3. Multi-Family Development	600.00
4. Single Family/Residential	600.00

A Reporting Form, applicable review fees and all plans, forms and supporting documentation must be submitted to the DRC staff no later than ten (10) calendar days before the scheduled DRC meeting in order for the project to be placed on the review agenda.

1. Sketch Plan/Property Site Plan Use/Building Site Conference

Purpose and Actions. This first and most important step consists of a meeting between the Applicant and DRC members to discuss initial concepts concerning the site and its development. Topics of discussion may include the DRC Design Review Criteria, utilities, Covenants and building design concepts. Design concerns regarding building to site relationships, those relationships to surrounding context, and other specific site parameters such as orientation, circulation and setbacks, etc., should be addressed.

Meetings – The DRC meeting should be attended by the Applicant, the Project architect and the civil engineer.

Approval – Approval of Building Site, Property Use and Sketch Plan will be effective for a period of six (6) months. The next phase must be submitted within this time frame.

2. Schematic Design

Purpose and Actions. This phase consists of a review meeting with the DRC committee, submittal of materials listed below and presentation to the DRC Committee by the Applicant. Schematic Design product should illustrate building to site relationships, and those relationships to surrounding context, and other specific parameters such as orientation, circulation, setbacks, etc., should be addressed. This presentation will include a review of the site plan and massing model (if required), building elevations, building or site sections showing adjacent finished grades, landscape, signage and areas designated for people activities. All setbacks for buildings, parking and signage should be designated on the site plan.

The DRC will focus on the exterior of the building, including massing, materials, color, glass and any ground surfaces. The DRC will expect Schematic concepts on landscaping treatment, signage, lighting, vehicular and pedestrian circulation,

drainage, grading and open space. Schematic landscape plans should show locations and types of plants and delineate hardscape areas.

Timing – This phase may occur after approval of the Sketch Plan phase is received and any conditions of that approval have been met.

Meetings – The DRC meeting should be attended by the Applicant, Project architect, landscape designer and civil engineer.

Approval – Approval will be effective for a period of one year. The next phase must be submitted within this time frame.

Materials – The following materials must be furnished by the Applicant:

- Preliminary Parking Layout Plan with all Applicable Dimensions
- Location of Streets, Curb Cuts, Curbing Gutters and Property Boundaries
- Preliminary Utility Plans
- Preliminary Landscape and Lighting Plans
- Preliminary Material Selections
- Drainage plan
- Schematic Design Review Fee
- Roof plan with all equipment show
- Square Footage Calculations Design
- Development Review Fee

All plan submittals are to include two full-scale copies and six (6) copies that are 50% reductions.

3. Construction Documents/Authorization to Apply For Building Permit

Once approval of a Schematic Design Plan has been obtained from the DRC, applicants must submit a site specific development plan to the Town of Pagosa Springs for review and approval prior to application for a building permit. Following approval of a site specific development plan by the Town of Pagosa Springs, the applicant must provide the following engineering support data to the DRC either prior to or concurrent with their building permit application(s):

A grading and erosion control plan must be submitted to the Town of Pagosa Springs for review and approval prior to the issuance of a site grading permit from the Town of Pagosa Springs.

The above must be accompanied by drainage calculations addressing both historic and developed runoff leaving the site and entering onto or tying into public right of way/improvements or other private property. All improvements will need to be in accordance with the Aspen Village master Drainage Plan.

Construction plans for “any” improvements located within the Town of Pagosa Springs right-of-way associated with the building development must accompany the building permit application.

All such plans must be prepared by a professional engineer and be in accordance with applicable requirements of the Town of Pagosa Springs.

While review and approval of all such material is required from the DRC and their engineering consultant prior to submittal to the Town of Pagosa Springs, ultimate approval of such material lies with the Town of Pagosa Springs.

Applicants are encouraged to engage in such dialogue with the City Engineering staff as soon as Site plan approval is obtained to facilitate the building permit approval process.

Purpose and Actions. The purpose of this review is to insure that the final set of construction documents is consistent with all previously approved plans. This phase consists of submittal of required materials to the DRC Staff and a meeting with the DRC to review them.

Written authorization to apply for a Building Permit must be provided to the Applicant from the DRC. This will enable the DRC to monitor and control applications for building permits, to insure compliance with the Covenants and with the approval process.

Timing – Construction Documents may be submitted after the approval of the Schematic Design and Site Plan phases are received and any conditions of those approvals have been met. Fast track construction can be accommodated at the discretion of the DRC. The necessary approvals may be provided as required to maintain special construction schedules.

Applicant may not apply to Town of Pagosa Springs for a building permit until the DRC has provided written authorization of its acceptance of the Construction Documents.

Approval – Approval of the Construction Documents shall be valid until the expiration of the Schematic Design Approval.

The DRC will return the Authorization to Apply for Building Permit, executed by a duly authorized representative of the DRC, with the Construction Documents approval letter. Approval of the forms submitted to the DRC shall give the Applicant the right to apply to the local government for a building permit.

Materials – Items to be submitted by the applicant are:

- X DRC written approval to obtain Building Permit
- X Square Footage Calculations Forms
- X Two complete sets of plans and specifications of architectural, civil, landscape, lighting and signage documents (note, plans and documents for structural, mechanical and electrical elements not visible from the exterior of the building do not need to be submitted and must not be included with CDs).
- X Roof plan showing all equipment
- X Construction Document Review Fee

Compliance and Performance Agreement and Deposit. Before an Applicant may proceed with construction on any project a Construction Schedule must be submitted to the DRC, and the following must occur:

- X The Applicant must receive written approval of the Construction Schedule from the DRC.
- X The Owner and Owner's general contractor must enter into an Agreement with the DRC to adhere to the approved Construction Schedule and to these review Procedures.
- X A performance security deposit of up to \$5,000.00 may be required by the DRC. The purpose of this deposit is to ensure compliance with the plans, the approved Construction Schedule and these Review Procedures. DRC shall determine the amount of the required deposit based on the size and scope of the project and the probable costs of remedying and/or correcting non-compliance. The DRC may apply all or any portion of this deposit toward payment of any costs incurred to ensure compliance, including, but not limited to, street cleaning costs, costs of repair of streets, curbs, gutters, medians, utilities and other infrastructure elements and costs of repairing and replacing damaged landscaping. The DRC may incur such costs without notice to the Owner or general contractor, although the DRC will make a good faith effort to provide prior notification. The DRC shall be entitled to any interest accruing on said deposit prior to issuance of a Certificate of Compliance for the project and, within sixty (60) days after the issuance of said certificate, shall refund any remaining portion of the deposit. If at any time prior to issuance of a Certificate of Compliance for the project the amount of the deposit drops to less than \$1500.00 as a result of application and use by the DRC as set forth above, the DRC may prohibit further construction until the additional amount is deposited. Any amounts expended by the DRC to ensure compliance over and above the amount of the deposit available shall bear interest at the rate of 1 ½% per month, as penalty, until a sufficient amount to cover the shortfall is deposited with the DRC. In addition, the amount of any additional deposit required by the DRC that is not deposited within fifteen (15) days after notification by the DRC of the requirement shall bear interest at the same rate, as penalty, until deposited with the DRC.

Other Requirements

Permits – It shall be the responsibility of contractors to obtain any necessary permits for doing work within the respective city and state jurisdictions.

Streets – All street cuts, if permitted, shall be accomplished by saw-cutting the pavement. All streets shall be maintained for public access at all times. The streets bordering the construction site and in the immediate vicinity shall be cleaned and swept within forty-eight (48) hours after any construction work or deposit of dirt, debris or any other materials hauled to or from the site.

Working Hours – No construction work shall be permitted between the hours of 10:00 p.m. and 6:00 a.m. unless prior approval is received from the DRC.

Notifications – In addition to any other notifications required by other agencies, the DRC shall be notified forty-eight (48) hours prior to the commencement of any construction within the streets, medians, public landscape areas or connections to water, sewer, irrigation or lighting facilities within rights-of-way or easements.

4. Certificate of Compliance

Purpose and Actions. Upon completion of construction, the Applicant must notify the DRC that the site construction is substantially complete. The purpose of the inspection is to determine if the improvements have been constructed or installed in accordance with all approved plans and if all other aspect of the site development are in compliance with the Protective Covenants.

Timing – The Applicant must notify the DRC upon completion of construction or installation of any improvement.

Approval – DRC Staff will inspect the site within fifteen (15) days after receiving the notification and will issue a written report or Certificate of Compliance within fifteen (15) calendar days after inspection.

Materials – A written notice of completion is required.