



SODA CREEK

PROPERTY OWNERS ASSOCIATION

ARCHITECTURAL GUIDE

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INTRODUCTION

Architectural design review and approval procedures are set forth in this document. The Colorado Common Interest Ownership Act (“CCIOA”) and the Association’s By-Laws allow the Board of Directors to establish rules and regulations. The guidelines incorporated in this Architectural Guide reflect the components of the Master Plan that was adopted by the Association in the fall of 2003. The purpose of the Architectural Guide is to inform property owners of what is acceptable in the Soda Creek community before they develop plans for new construction or for improvements.

These procedures supplement the Soda Creek Property Owners Association Covenants (“Covenants”) and the Soda Creek Property Owners Association By-laws (“By-laws”), any applicable zoning ordinance, and/or state law. The Covenants and By-laws prevail over these procedures, which are intended to supplement the Covenants with a view toward consistency.

Each owner should read and become familiar with the Covenants, By-laws and Architectural Guide, which go hand-in-hand, in order to avoid violating the Guide and requirements set forth therein.

The Board of Directors reserves the right to amend, supplement or repeal the Architectural Guide at any time.

In the following pages, topics underlined refer to quotes from the Covenants or By-laws. Topics *italicized* refer to quotes from the Jefferson County Planning & Zoning ordinances.

ARCHITECTURAL CONTROL COMMITTEE DUTIES

The responsibility of the Architectural Control Committee (“ACC”) as defined in the Soda Creek Property Owners By-laws is described below:

The Committee shall exercise its best judgment to determine that all attachments, exterior improvements, construction, landscaping and alterations to structures on lands within the Subdivision conform to and harmonize with existing surrounding structures according to the standards set forth in the Declaration. As a condition to approval of the plans, the owner of said lot shall agree in writing to exterior on-site inspections as necessary by a member of the committee during the construction period to see that approved plans are being followed. The obligation to perform the inspection is that of the Committee.

The ACC will review all plans and drawings with the property owner or contractor, make suggestions/recommendations, and have an on-site meeting (if necessary). Upon approval of the plans and drawings, the ACC will follow up with an approval letter and confirm that all items on the ACC Check List (see Figure 1) have been satisfied, may follow up during construction with inspections, and will follow through on any comments related to the improvement from property owners with a call, a personal visit, or a letter. Comments unrelated to architectural issues will be directed to the Board.

The Secretary or a designated member of the ACC will notify all members of the ACC to remind them of the normal monthly meeting or special meetings. Attendance is of prime importance for continuity and informed decision-making. If a member is absent three consecutive times without reasonable excuses (i.e., illness, vacation, and work-related travel), he/she shall be deemed ineffective and the Committee shall ask the Board of Directors to replace that person. All requests for building and improvements, plus all comments, must be followed through to its completion. The Secretary will keep track of outstanding issues and report to the Board of Directors as necessary.

All ACC members must be familiar with the Covenants and By-laws. Every decision made by the ACC must be **voted** on with the **majority** of the entire Committee. If a majority ruling decision cannot be reached, the homeowner will be notified to resubmit plans with specific recommended changes.

Disapproval letters must be copied to the Board of Directors per Article 12, Section 4 of the By-laws. See Article XII. Architectural Control Committee, Section 4 of the Soda Creek By-Laws for homeowner recourse upon receiving a disapproval determination by the Committee.

Written approval is mailed to the property owner for commencement of construction. The property owner shall be advised of any unresolved items and or actions necessary to obtain final approval.

Meeting/Time

The ACC is scheduled to meet the second Tuesday of each month at a previously designated time and place. All Soda Creek Property Owners Association members are welcome to attend. The Secretary is responsible for preparation of an agenda.

DESIGN PHILOSOPHY

“To preserve and enhance the beauty of the land through responsible development.”

Soda Creek is a magnificent mountain community rich in historical values, mountain beauty and seclusion. It is a community where property boundaries merge without definition, homes blend with natural surroundings and efforts are made to preserve wildlife corridors and habitat...

Since existing natural features, including vegetation, rock outcroppings and views of nearby and distant surroundings, are part of what draws people to Soda Creek, a preservation corridor was identified during the process of writing the Master Plan. This corridor is one of two unique topographical features that define the Soda Creek landscape – the valley between Bergen Park and Floyd Hill and Soda creek, the source of the name of our community. The preservation corridor will receive high priority in the protection of its historic, rural nature. Soda Creek common space will remain undeveloped for the enjoyment of all owners.

All activities during planning, construction and residence should be directed toward minimizing environmental disturbance. This concept requires that only essential trees be removed for access and site locations, that existing contours remain reasonably unchanged; that rock outcroppings be preserved, that wildlife habitats and migration patterns not be unduly disturbed; and that an owner's desire to enhance this environment not adversely disturb another's natural surroundings. Specific topics are further described in this Guide, with the overall objective to maintain consistency throughout Soda Creek.

The design philosophy is intended to preserve a natural environment through responsible development and provide an enduring way of life in which all Soda Creek property owners and residents can take pride.

ARCHITECTURAL CONTROL COMMITTEE GUIDE FOR ARCHITECTURAL REVIEW

The ACC shall exercise its best judgment to determine that all attachments, exterior improvements, constructions, landscaping, and alterations to structures on lands within the subdivision conform to and harmonize with existing surrounding structures and natural features according to the standards set forth in the Covenants.

The ACC shall review each plan, using the following criteria and the Covenants as bases for making decisions:

1. Is the proposed usage of property reasonable, meeting the requirement of a single-family residence, non-commercial use, with more than the minimum square footage?
2. What is the suitability of the proposed building or other exterior improvement and the materials of which it is to be erected?
3. What is the harmony and compatibility of the exterior design, color, and materials of the proposed improvements with the surroundings in the subdivision?
4. What is the relation of the proposed improvements to the natural topography, grade, and finish ground elevation?
5. What are the relations of the proposed improvement to that of neighboring structures and natural features of the property?
6. What is the effect of the building or other improvement, as planned, on the view from adjacent or neighboring lots as well as from streets and roadways?

Properties which are included in the preservation corridor may have standards varying from the rest of the community. In reviewing submitted plans, the ACC may also consider comments from neighbors as to the effect this building or improvement would have on their property and comments from the community if the proposed improvement construction is possibly considered improper for the subdivision.

SUBMITTING PLANS FOR ARCHITECTURAL CONTROL COMMITTEE REVIEW AND ON-SITE VISITS

1. Every request for review by the ACC must be in writing and scheduled one week prior to review at a regularly scheduled meeting.
2. The ACC will accept adequate and reasonable plan specifications, including architectural drawings, site plans, and elevations.
3. A check list is given to the property owner who is submitting plans for new construction. (See Figure 1)
4. It is suggested that property owners be “good neighbors” by informing their immediate neighbors of their planned construction/improvement. The ACC may send letters to any or all affected parties if deemed necessary.
5. Before the ACC makes an on-site visit, the structure should be properly staked as to where the home/outbuilding will be located.

Special On-Site Meeting Requests

It is important that property owners schedule on-site visits in advance. These on-site meetings will be discussed with a majority of ACC members and the results of meetings will be made available to a majority of ACC members before approval is given.

6. A majority of the ACC must be present for on-site inspections.
7. All permission will be given via a written letter of approval.
8. It is strongly suggested that a property owner or designated representative (i.e., contractor) be present when presenting plans in order to clarify questions from the ACC. Failure to be present may result in a delay of approval to proceed with construction.
9. Any property owner who commences construction and who has NOT presented their comprehensive plans to the ACC will be in violation of the Covenants and this guide, and the Association may take appropriate action to halt construction and/or require correction or removal of any violation.
10. A check in the amount of \$100 made out the Soda Creek Property Owners Association will be obtained from each property owner presenting “new home” construction plans. No fee is necessary for reviews of other “improvements” to the property.
11. Property owners should submit to the ACC:
 - a. A site plan/grading plan. Site plans should include the location of the house or outbuilding with respect to other improvements on the lot and property lines. The

grading plan should indicate either a cross-sectional view or contour lines showing how the building will fit into the natural contour of the property.

- b. At least two elevation views and a floor plan of the house or outbuilding to show overall size and appearance. ¼” scale is preferred.
- c. When adding an outbuilding to the property, exterior materials must be consistent with those of the existing home. The plans should specifically spell out exterior wall materials, roof materials, paint or stain color, along with samples of all three.
- d. When building a barn, corral size and configuration should be drawn on the site plan. The ACC will review for approval the size of the corral, keeping in mind the number of horses and the amount of soil area that will be permanently disturbed.
- e. Any trees that will be removed must be noted on the site plan or marked with tape for the on-site review.
- f. If there will be outside lighting, a picture of the type of lighting to be used should be submitted along with the location of said lighting. (See Section “O” of this Guide for further details regarding lighting.)
- g. The official date of submittal will be the date of the first scheduled ACC meeting following receipt of the plans.

12. The Committee shall approve or disapprove in writing all plans and specifications within thirty (30) days after complete written plans and specifications are delivered by the Owner or legal representative and receipted for by the Committee. In the event the Committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been delivered to it, the plans and specifications shall be deemed approved. If within such thirty (30) day period the Committee rejects such plans, or requests changes therein when the plans are resubmitted, the Committee shall have an additional thirty (30) days upon which to act upon such plans and specifications. Should the plans submitted be disapproved, the Committee shall state to the Applicant in writing: (a) the reasons for disapproval, and (b) steps or change required to gain approval. An Applicant whose plans have been disapproved may appeal in writing to the Directors at the regularly scheduled Directors’ meeting following receipt of the notice of disapproval. The Committee shall advise the Applicant in writing of its decision and upon approval of the plans and specifications shall issue a Certificate of Approval. Verbal approval by the Chairperson or any individual member of the Committee is not acceptable. The issuance of a building permit, or license, which may be in contravention of these Bylaws or of the Declaration of Protective Covenants, shall not prevent the Committee from enforcing these provisions.

GUIDE

A. Arenas

Arenas shall be situated and constructed in such a manner as to minimize environmental disturbance and visual/aesthetic disturbance to neighbors. This implies that natural features such as topography, vegetation, and wildlife be protected; that only essential trees be removed; that existing contours remain essentially unchanged; and that such facilities not adversely disturb or be materially detrimental or injurious to another owner's natural surroundings.

Conducting commercial riding lessons is prohibited.

Outdoor Arenas

It is recommended that outdoor areas have a southern exposure so as to allow snow melt during the winter. If fencing the arena is required, the fencing should match existing fencing as more specifically set forth in Paragraph J of this guide for the horse facilities.

Covered Arenas

Large, enclosed, commercial-sized arenas will be discouraged.

Accessory buildings housing horses shall be set back at least 100 feet from the front lot line.

B. Barns / Sheds / Outbuildings / Corrals

An Outbuilding is defined in the Covenants as "an enclosed covered building to be used as a barn, garage or for other storage purposes not directly attached to the main structure which it serves."

Such facilities shall be situated in such a manner as to minimize odor and visual or esthetic disturbance to neighbors; and such facilities shall be kept in a neat, orderly and clean condition.

Major architectural themes from the residence must extend to barns and other outbuildings and **must** match existing residence as to color, siding, trim, roof pitch and roof materials.

When the house is stucco, 4 x 8 stucco panels have been approved by the ACC.

Stables must contain one stall space for each horse kept on the lot. Horses kept on the lot shall be provided with all necessary supplemental feed within the corral or stable area so that the natural condition of native grasses and trees on areas of the lot outside the corral or stable shall not be unduly disturbed.

One horse may be kept on any lot for each two and one half acres of land not to exceed four horses.

Corral and stable facilities for such horses must be provided.

Accessory buildings housing shall be set back at least 100 feet from the front lot line.

The disposal or recycling of manure is to be considered at the time barn plans are presented to the ACC.

Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare or safety of humans and/or animals. The outside storage of manure in piles shall not be permitted within 100 feet of the front lot line and shall conform to the side and rear setback requirements for a dwelling.

Stallions shall be kept in a pen, corral or run area enclosed by a 6 foot fence except to remove them for training, breeding or other similar purposes.

No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any portion of the property for any commercial purpose.

C. Color (Exterior)

The color of exterior materials will be generally subdued to blend with the colors of the natural landscape. Earth tones, generally muted, are recommended, although accent colors and materials, used judiciously and with restraint, may be permitted. Indiscriminate colors not in keeping with the Soda Creek properties and our natural environment will not be approved. When repainting the same color, no ACC approval is necessary, but a change in color must be presented for approval prior to commencement of painting.

Mortar color will match or coordinate with materials used so as to keep in harmony.

D. Commercial or Business Use of Property

In a special public meeting held on Thursday, September 5, 1991, the Board considered the subject of businesses operating in the subdivision. According to the Board's interpretation, this covenant prohibits operation of an ongoing activity or enterprise which regularly draws customers into the area, thereby unreasonable impacting the neighbors and the overall residential quality of the community. Some factors to consider in evaluating whether a use is prohibited commercial or business use include the following:

- Regular or frequent business use
- Clients, customers, or deliveries coming into the subdivision beyond that reasonable and customary to a residential dwelling use
- Increased traffic and parking beyond that reasonable and customary to a residential dwelling use

- Advertising and public knowledge of business with the intent to bring clients into the subdivision
- Increased activity obvious to observers
- Impact on residential quality of community
- Activity conducted on private as well as public or common areas of the subdivision
- Activity which presents a safety hazard or liability issues
- Physical or visual impact on neighbors and community
- This interpretation reflects the consensus of the community and is consistent with the interpretation and application of the same covenant considered by previous Boards.

E. Construction (Exterior)

- **Construction Signs**

Architectural/Builder signs at the construction site shall be limited to no larger than five square feet and must be removed immediately upon completion of the construction.

- **Construction Trailers**

Any property owner or contractor who desires to bring a construction trailer on to the property shall obtain written approval from the ACC, which will work closely with the owner or contractor to determine the best possible location. Such temporary structures shall be placed only in a location approved by the ACC and shall be removed upon completion of construction. Construction trailers are generally discouraged.

- **Construction Sanitary Facilities**

Each property owner and contractor shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the site itself or in areas approved the by the ACC.

- **Construction Hours**

All exterior construction that creates noise disturbances (excavation, pouring foundation, framing, roofing, etc.) shall be limited to the following hours:

Monday-Friday 7:00 A.M. to 6:00 P.M.

Saturday-Sunday 8:00 A.M. to 5:00 P.M.

- **Blasting**

In addition to all other requirements of this document, if any blasting is to occur, the contractor is responsible for informing all residents in the proximity of the construction site.

- **Demolition**

If an existing structure is to be demolished prior to the construction of a new structure, conventional methods of destruction and removal must be used. Approved methods of destruction would include bulldozing or a wrecking ball, but would not include fire or dynamite. Until debris is removed from the site, it must be adequately contained at all times. Debris must be removed in a timely manner.

- **Excavation Materials (Soil)**

Excess excavation material (soil) will be hauled off the project or be placed elsewhere on the property with ACC approval as to its location. This soil will then be graded and seeded with native grass seed.

- **Exterior Materials Treatment (Structure)**

1. Exterior material treatment shall be continuous and consistent on all elevations of a residence in order to achieve a uniform and complete architectural design statement.
2. If wood siding is used, it may be left natural or colored with natural (earth tone), semi-transparent or solid color stains or paint.
3. If masonry is used, finish color may be either integral or applied and must be of neutral tones. Moss rock, granite, and other natural materials are the accepted standard as exterior materials for Soda Creek properties.
4. Fascia, trim, columns and beams may have accent colors, with ACC approval.
5. All samples (siding, roofing, etc.) must be presented to the ACC by the property owner for approval.

- **Construction Completion**

Upon completion of construction, each property owner shall clean the construction site and undertake repair of damages, including, but not limited to, restoration of grades, seeding of disturbed areas, and repairing of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing. Concrete truckers are not allowed to wash down their equipment within Soda Creek boundaries.

Construction shall be completed within 15 months from the issuance of a building permit, unless approved in writing by the ACC. Construction can be done in phases, but a certain time frame will be agreed upon between the ACC and the property owner and **put in writing**.

If construction is not started within six months of the ACC approval, approval shall be deemed revoked and plans must be resubmitted.

- **Gutters & Down Spouts**

All gutters and down spouts shall be painted a color similar to adjacent trim or siding.

- **Garages**

All garage spaces shall be fully enclosed.

- **Driveways**

All new driveways require a permit from the County for property “entrance” into a main road. The County has certain “visual” and fire prevention requirements in this area. The County requirements also apply to a new driveway to a barn or other outbuilding.

Driveways should be designed to produce a minimal impact on the natural landscape and natural contour of the land. Trees to be removed for driveway construction shall be identified on plans submitted to the ACC.

No building shall exceed a height of 35 feet.

No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement.

F. County Regulations

To the extent that the applicable county or other government regulations, rules, or codes and ordinances or laws are more restrictive than the covenants, they shall supersede the covenants and govern at all times.

G. Dog Runs

Dog runs shall be architecturally compatible with the existing or proposed dwelling and the design and location require ACC approval.

- **Design**

Dog runs become part of the structure of a home. As such, they should be designed and constructed to complement the house, decking, fencing and topography.

The County regulations limit the maximum height to 6 feet.

- **Location**

Extreme care should be taken to locate the run in an area that will have the lowest visual and audible impact on neighbors.

- **Invisible Fencing**

Invisible fencing must be installed 10 feet inside the property line, avoiding equestrian trails or easements. This will allow neighbors to install similar fencing for their dogs while maintaining a distance between the animals.

The Covenants require that every dog be under the direct control of its owner when outside.

H. Elevations (Exterior)

Each house shall be situated on the site in a manner whereby the structure works with the site and not against it. The structure should not be obtrusive, but rather should blend with the environment. The structure should be designed so that existing natural features are preserved and site grading and tree removal are kept to a minimum. The structure should nestle into its site.

- **Surveying**

1. Provide an original or a wet stamped copy of the survey, with an original signature of a surveyor registered and licensed in the State of Colorado.
2. Locate contours at a maximum of two foot intervals.
3. Show elevations of adjacent roads and drives where lot access is proposed.
4. Show elevations and locations of key features of the natural terrain, such as large rocks and rock outcroppings.
5. Locate trees affected by the proposed improvements and any significant trees or grouping of trees elsewhere on the site.
6. Show all exterior elevations at the same scale as floor plans with both existing and proposed grade lines labeled.

- **Staking**

To assist the ACC, the property owner is required to provide accurate staking at the locations of all proposed building corners, lot corners, easements, and setbacks. All stakes must be of 3' minimum height and must be appropriately labeled as defining said boundaries and building elements.

- **Architectural Control Committee Authority**

The ACC will notify the owner of any violation of approved plans and work with the owner to correct the violation prior to the owner commencing or continuing work on the property.

In the event the owner does not follow the approved plans, the Board of Directors will be notified and may:

1. Stop any or all work where a clear violation of the approved plans occurs.
2. Require correction or removal of any violation at the owner's expense in time frame and manner designated by the ACC.

Examples of violations include, but are not limited to, unacceptable changes in the approved site work, architectural or structural plan, exterior lighting, grading, landscaping, building materials and/or exterior colors, and removal of or damage to trees.

- **Site Drainage / Grading**

Site drainage will be done with minimal disruption to the lot and shall not drain to adjoining lots, open spaces, or across adjacent roads so as to cause a condition that could lead to soil erosion, deposit of debris, or water collection.

I. Exposed Equipment and Vehicles

- **Propane Tanks**

Gas storage tanks and other such equipment shall not be exposed to public view.

- **Vehicles / Recreational Vehicles / Boats / Trailers**

All vehicles, recreation equipment, horse trailers, and unsightly items must be housed or discretely hidden from view.

No trailer, motor or mobile home, basement, tent, garage, barn or other out building erected on a lot covered by these covenants shall at any time be used for private habitation temporarily or permanently except for a period not to exceed two (2) months, unless approved in writing by the Architectural Control Committee.

No motorized vehicle of any type shall be operated on common property of the subdivision. No motorized recreational vehicle shall be operated within the subdivision property, except on improved roads and driveways, and except as may be necessary for constructing improvements.

J. Fencing / Security Gates

Fencing plans should allow for wildlife corridors, access to Soda Creek trails, and appropriately sized and constructed containment of domestic animals. The Colorado Division of Wildlife recommends fence heights not exceed 42 inches.

No fence, wall, corral, or similar type barrier of any kind shall be constructed, erected, or maintained on any lot for any purpose whatsoever, unless the design and location have been approved in writing by the Architectural Control Committee in accordance with the same

standards as are used in evaluating and approving other exterior improvements. Written plans must be submitted to the Architectural Control Committee in accordance with Article Three, Paragraph B of this Declaration and Article XII of the By-laws.

All fencing plans must be approved by the ACC. As needed, the ACC will conduct a site visit when the proposed fencing has been staked.

The following guidelines have been approved to reflect Soda Creek's historic mountain acreage heritage:

1. The preferred fencing in Soda Creek is no fencing at all. Owners are encouraged to remove unnecessary fencing and fencing not compatible with the community's Historic Mountain Ranch heritage, including wire fencing, plastic fencing, temporary fencing and flat board fencing.
2. Wherever fencing is necessary or desirable, it must first be approved by the ACC. The preferred fencing in Soda Creek for all uses is zig-zag lodgepole pine. The lodgepole must be bark-on, 5 feet to 8 feet in length, 3 to 5 inches in diameter (4 to 5 inches is recommended), stacked and fastened not less than 4 logs high ("Soda Creek Zig-Zag").
3. Alternative fence designs to the Soda Creek Zig-Zag are limited to 3-rail split rail cedar ("Soda Creek Split Rail") and 3-rail round pole pressure treated wood ("Soda Creek Round Pole"). No fencing may be painted; however, Soda Creek Split Rail and Round Pole fences may be stained to restore their original natural wood luster only.
4. Existing wood fencing previously approved by the ACC is grandfathered; however, if fencing sections constituting 25% or more of the existing fencing are to be replaced in any 12 month period, or if the linear footage of fencing enclosing any area is to be increased by more than 25% in any 12 month period, the entirety of such fencing shall be brought into conformance with the guidelines set forth herein.
5. Existing non-wood fencing, and existing wood fencing other than Soda Creek Zig-Zag, Split Rail and Round Pole ("Divergent Fencing"), is grandfathered in on a limited basis only. Divergent Fencing may be maintained and repaired, but may not be expanded or replaced. Any new or substitute fencing installed in the place of Divergent Fencing must comply with these guidelines.
6. County Highway 65, Soda Creek Drive, and Meadow Vista Drive are designated "Preservation Corridors". Any fencing constructed on property in or abutting a Preservation Corridor which encloses an area in excess of 43,560 square feet (1 acre – the equivalent of a 200 foot by 200 foot enclosure) ("Perimeter Fencing"), must be Soda Creek Zig-Zag.

7. In non-Preservation Corridors, Soda Creek Zig-Zag is still the preferred Perimeter Fencing; however, if exceptional circumstances, such as topographic considerations make the use of Soda Creek Zig-Zag physically and/or economically impracticable (i.e. the cost per linear foot is 15% or more in excess of the linear price of Split Rail or Round Pole fencing), or if the Perimeter Fencing will not generally be visible from a public road, the ACC may approve the use of Soda Creek Split Rail or Round Pole for use as Perimeter Fencing. Perimeter fencing style must be consistent throughout each lot.
8. Areas equal to or less than 43,560 square feet may be enclosed using any of the approved fence designs: (a) Soda Creek Zig-Zag (preferred), (b) Soda Creek Split Rail, or (c) Soda Creek Round Pole. If more than one area on a property is to be enclosed with fencing, all such areas must be enclosed with the same style fencing.
9. All fencing in Soda Creek must be maintained in good condition and repair.
 - The Preservation Corridor Lots are as follows:

Soda Creek Filing No. 1: Lots 1 through 5; and Lots 63 through 68;

Soda Creek Filing No. 2: Lots 69 through 82; Lots 88 and 89; Lots 105 through 108; Lots 112 through 114; Lots 131, 131A, and 132; and Lots 136 through 138;

Soda Creek Filing No. 3: Lots 139 through 141; Lots 144 and 145; Lots 155 through 157; Lots 174 and 182; and Lots 185 through 189.

Jefferson County SR-5 (Suburban Residential-Five District)

Per the Jefferson County Zoning Resolution, fences and security gates are synonymous. Any gate over six feet in height (including post/pillars) must meet setback requirements.

No fence, wall, hedge, shrub, structure or other obstruction to view which is over 42 inches in height shall be erected, placed or maintained within a triangle formed by the point of intersection of lot lines abutting a street and/or railroad right-of-way and the points located along the lot lines 55 feet from the point of intersection.

All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback

Maximum fence height: 6 feet.

Fence permits are required for any fence over 42 inches (3-1/2 feet) in height.

No barbed wire or electric fencing shall be permitted.

Fences on corner lots must comply with the vision clearance requirements.

Jefferson County A-2 (Agricultural-Two District)

If your property is in an A-2 zone, please consult Figure 3 at the back of this Guide.

K. Flag Poles

Flag poles shall be allowed on a lot when plans are properly submitted and duly approved by the ACC, but in no case shall the height of the pole exceed the highest point of the existing dwelling on the lot.

L. Gazebos

Gazebos require ACC approval. They shall not obstruct neighbors' views. All exposed surfaces shall match or harmonize with the colors of the existing dwelling.

M. Improvements - What is Considered an Improvement / Not an Improvement

Rule of thumb is anything that is permanently attached to the ground is considered an improvement.

No structure, attachment to any existing structure, or other exterior improvement (whether a residence, an accessory building, antenna, athletic facility or similar improvement or attachments) shall be constructed, erected, or maintained on any lot and no alterations to the exterior of a structure or exterior improvement shall be made unless it complies with the Jefferson County, Colorado zoning ordinances in existence with respect to the property and until the complete written plans and specifications have been submitted to the Architectural Control Committee and approved in writing according to the procedures outlined in the By-laws.

N. Landscaping / Sprinkler Systems / County Requirements on Watering

All native plants and ground cover should be preserved and supplemented with indigenous materials. The overall landscape intent is to preserve and enhance the existing natural character. New landscape plantings shall reflect this intent. The existing outcroppings and larger trees shall be retained as part of the landscape.

Landscape grading shall be kept to a minimum. Areas requiring grade changes shall be sculptured in such a manner as to minimize aesthetic and erosion problems.

Sprinkler systems will not be approved. **Temporary, controlled**, watering to establish natural landscaping removed or disturbed during construction will be allowed.

The ACC requires landscaping plans, in addition to building plans, to be submitted for approval. Property owners are encouraged to make adequate provisions for landscaping costs in their overall construction budget. Ground disturbed by construction shall be

revegetated and restored for erosion and appearance reasons, using natural, indigenous grass seed. Planting is to commence as soon as possible after completion of the dwelling. Local nurseries will have more information on available seeding options.

The By-Laws and Covenants stress the importance of conserving and protecting trees, topsoil, rock formations and unique landscape features. Permission must be obtained from the ACC for the removal of any trees over four inches in diameter and outside the defensible space. (See “Creating Fire Safe Zones” under Figure 6 of this Guide for additional information. Also see Section Z regarding tree removal for construction/disease.) The Land Management Committee will play an active role in the preservation of land and natural landscaping. The following will be areas of focus:

1. Noxious Weeds and Pest Control
2. Meadow Management and Overgrazing
3. Fire Protection
4. Dead Trees and Slash Removal

All natural surface areas disturbed by construction shall be returned promptly to their natural condition and replanted in native grasses and trees. All previously prepared sites will be landscaped and completely planted in native grasses and trees. Irrigation is prohibited unless hereafter specifically authorized by court order. Well water shall be restricted to in-house use only.

O. Lighting (Exterior)

Exterior lighting is subject to approval by the ACC and should be of a design compatible with the structure. Exterior lighting must be subdued and downcast. All lighting must not be an annoyance to adjoining property owners.

Lights which can be controlled from the residence by the homeowner when expecting visitors are suggested. Motion detection lights are recommended for security use.

Downcast or shielded lighting of no more than 25 watts is allowed on any security gate, driveway/walkway lighting, landscaping, etc.

Swimming pools and tennis courts may not be lighted with above ground lighting.

Ground and building lighting shall be confined to the property and shall not cast direct light or glare on adjacent properties or rights-of-way. (Orig. 6-14-88)

P. Mailboxes

All existing mailboxes, newspaper boxes, and posts will be kept in good condition. In accordance with the Master Plan, all plastic newspaper boxes and metal posts that support

them are to be removed. Homeowners are encouraged to replace plastic newspaper boxes with a box that is in keeping with the overall design of their existing mailbox.

Mailboxes that are built according to the standard designs (See Figure 2) do not need prior approval from the ACC. All other new mailbox designs must be submitted to the ACC for approval before installation.

Q. Outside Antennas

No television or radio antennas may extend more than ten feet above the roof height of the structure on which they are located or adjoin without written approval of the ACC.

R. Play Equipment

The following items are considered play equipment for the purposes of this Guide: Swing sets, swings attached to permanent structures, sliding boards, climbing structures, basketball backboards, forts and play houses, trampolines, and portable swimming pools.

Requests for installation of play equipment shall be submitted to the ACC to ensure that the above requirements have been met.

1. Play equipment shall be finished to blend with the surroundings, or be made of natural materials. Muted, dark, or earth tones are strongly encouraged. Home-built play equipment should be neat and orderly in appearance and finish.
2. Play equipment should be located away from property lines adjacent to other houses or streets and away from neighbor's direct view.
3. Play equipment which has fallen into disrepair or has been outgrown by children should be removed from the property.

S. Pools

All pool **equipment** shall be aesthetically screened from the view of the adjacent property and from the public purview from any right-of-way. All pool equipment shall be located or sound attenuated in such a manner as not to disturb the occupants of adjacent or nearby properties.

Well water cannot be used to fill a new pool or replace evaporated water. This water must be trucked in.

Fencing around "outdoor" pools is not a requirement of Jefferson County, but is most likely a requirement enforced by the pool owner's insurance company.

Jefferson County Planning & Zoning requires a Miscellaneous Permit.

Must meet 50' setbacks from property line.

The pool cannot be constructed in front of the home.

T. Roofing

ACC approval is required prior to installing a new roof. Jefferson County regulations for roofing materials must be followed.

See Figure 3 for more detailed Jefferson County information.

U. Satellite Dishes

“Permitted Antennas” are defined as (a) an antenna which is less than one meter in diameter and is used to receive direct broadcast satellite service, including direct-to-home satellite services, or is used to receive or transmit fixed wireless signals via satellite; (b) an antenna which is less than one meter in diameter and is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services or is used to receive or transmit fixed wireless signals other than via satellite; (c) an antenna which is designed to receive broadcast television broadcast signals; or (d) other antennas which are expressly permitted under applicable federal statutes or regulations. In the event a Permitted Antenna is no longer expressly permitted under applicable federal statutes or regulations, such antenna will no longer be a Permitted Antenna for purposes of this Section.

Permitted Antennas shall be installed in the least conspicuous location available on a Lot which permits acceptable signals, without unreasonable delay or increase in the cost of installation, maintenance or use of the Permitted Antenna. The Association may adopt rules regarding location and installation of Permitted Antennas, subject to limitations of applicable federal law.

V. Septic/Well Location

Leach fields must comply with the county permit and inspection process. (If you have questions, please contact Jefferson County Department of Health & Environment, telephone 303-232-6301.)

W. Setback Requirements

All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs and fireplaces may protrude 24 inches into the setback.

Front Setbacks:

- a. *The minimum front setback for a dwelling or other main building shall be 50 feet.*
- b. *Corner lots must comply with the vision clearance requirements.*
- c. *Private garages shall have the same front setback as the dwelling or other main building to which they are accessory.*

- d. *Accessory buildings housing horses shall be set back at least 100 feet from the front lot line. All other accessory buildings shall be set back a minimum of 50 feet from the front lot line.*

Side Setbacks

- a. *The minimum side setback for any building shall be 50 feet.*
- b. *Corner lots must comply with the vision clearance requirements.*

Rear Setbacks

The minimum rear setback for any building shall be 50 feet.

Nonbuildable areas may exist within Soda Creek lots. Consult the Jefferson County Zoning & Planning for locations.

X. Signs

All signs must be approved by the ACC as far as design and location are concerned. Signs will reflect the Historic Mountain Acreage theme.

No signs of any kind shall be displayed to the public view on any part of the property except (a) one sign of not more than five (5) square feet designating the owner, builder or architect of any improvements under construction; (b) one (1) sign of not more than five (5) square feet advertising a property for sale or rent; and (c) other signs approved by the Architectural Control Committee.

Signs must be removed within 30 days of project completion.

Real estate directional signs are not allowed within Soda Creek.

Y. Tennis Courts

Tennis courts require a 50' setback from property line. Perimeter fencing of tennis courts should blend in with surrounding landscaping. See Section “O” for lighting restrictions.

Z. Tree Removal (for construction or disease)

No living tree, the trunk of which is four inches or more in diameter, naturally existing upon a lot, except to the extent necessary for construction purposes, or by reason of infestation or disease, shall be cut, trimmed thinned, or removed from the lots except as may be approved by the Architectural Control Committee.

See Section N, “Landscaping” and Figure 6, “Creating Fire Safe Zones” of this Guide for additional information.

AA. Violations

Whenever there shall have been built on any lot a structure or other exterior improvement which is in violation of the covenants or restrictions herein contained, or whenever any other violation of the covenants exists, such persons as are authorized by the Board of the Association shall have the right to enter upon the property as to which such violation exists, and to summarily abate and remove, at the expense of the owners thereof, any erection, thing or condition that may exist thereon contrary to the intent and meaning of the provisions thereof; and the Association, its agents, and assigns shall not thereby be deemed guilty of any manner of trespass for such entry, abatement, and/or removal. The costs and expenses of such entry, abatement, and removal shall become a lien upon the property upon the recording by the Association of a sworn statement with respect thereto in the Jefferson County real property records.

In addition, if any person shall violate or threaten to violate any provisions of the covenants, it shall be lawful for any person or persons owning a lot in the subdivision or the association to institute proceedings at law or in equity to enforce the provisions of this instrument, to restrain the person violating or threatening to violate them, and to recover damages, actual and punitive, together with reasonable attorneys' fees, for such violations. The omission or failure' of the Association or any owner to enforce any covenant or restriction set forth in the Covenants shall in no event be deemed a waiver of the right to do so thereafter.