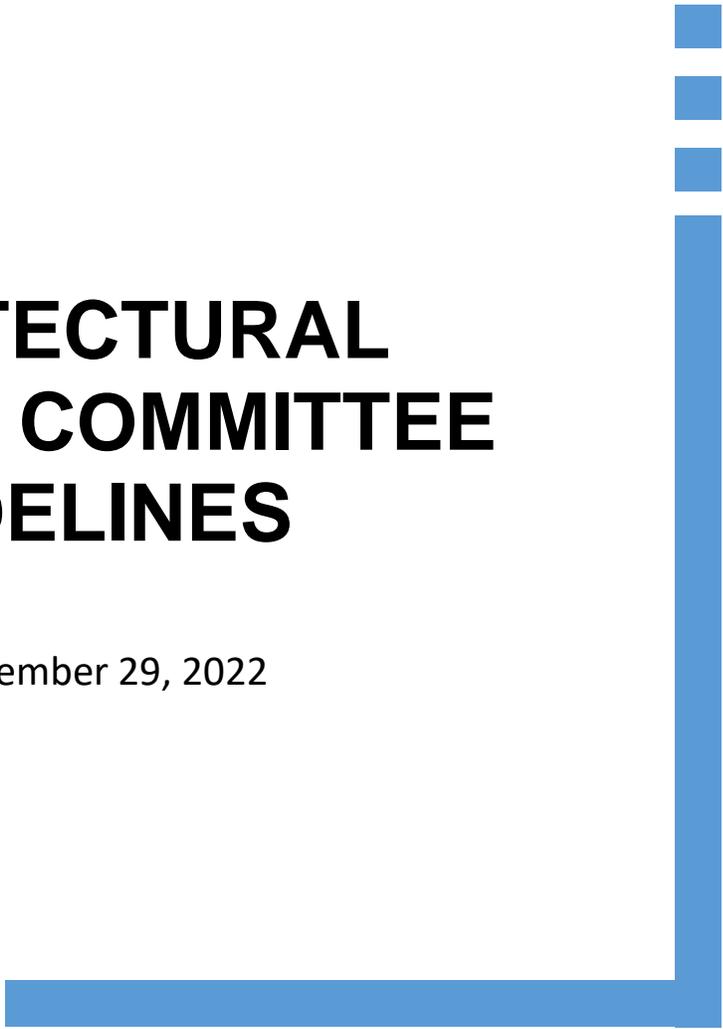




# **SODA CREEK**

## **PROPERTY OWNERS ASSOCIATION**



# **ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

Revised: November 29, 2022

# ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

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# SODA CREEK ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

## 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 document reflect the components of the Master Plan that was adopted by the Association in the fall of 2003. The purpose of the Architectural Control Committee Guidelines is to inform property owners of what is acceptable in the Soda Creek community before they develop plans for new construction or for improvements.

NOTE: The Architectural Control Committee Guidelines only applies to changes, additions, or improvements to existing property. Previously approved projects and violations that have been in existence for more than one year before the association knew or reasonably should have known of the violation, will be “Grandfathered” and not considered by the Board for potential action.

Owners are encouraged to bring properties into compliance with current ACC Guidelines.

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 Control Committee Guidelines, which go hand-in-hand, to avoid violating the Guidelines and requirements set forth herein. The Board of Directors reserves the right to amend, supplement or repeal the Architectural Control Committee Guidelines 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 Master Plan and Zoning Resolution. They can be found at [www.jeffco.co.us/PlanningandZoning](http://www.jeffco.co.us/PlanningandZoning).

## **ARCHITECTURAL CONTROL COMMITTEE DUTIES**

The Architectural Control Committee (“ACC”) consists of 3-7 members appointed by the Board of Directors, who must be Members of the Association or designated representatives of an organization or entity that is a Member. The Board of Directors may determine terms of office, fill vacancies, and may remove committee members, with or without cause. If the Board of Directors does not appoint committee members, the Board will serve as the ACC.

The responsibilities of the ACC are described below:

The Committee shall exercise its reasonable judgement with the objective that the proposed improvements to properties to conform and harmonize with the existing surroundings, residences, landscaping, and structures. The ACC’s approval on matters coming before it will not be unreasonably withheld, and actions taken will not be arbitrary or capricious. Criteria for approval include, but are not limited to: (a) conformity and harmony of exterior appearances with neighboring structures, including design compatibility and scale; (b) color and materials to be used; (c) location on the Lot and effect on adjacent or neighboring Lots, streets and roadways; (d) relation to the natural environment; (e) street visibility; (f) preservation of aesthetic beauty and conformity with the specifications and purposes generally set out in this Declaration of Covenants and in the Architectural Control Committee Guidelines, if any; and (g) any other matter the ACC deems to be relevant or appropriate.

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 Page 28) have been satisfied, may follow up during and upon completion of 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 ACC Chairperson or a person designated by the ACC will notify all members of the ACC to remind them of meetings. Attendance either in person or via videoconference 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 may be deemed ineffective, and the Committee shall ask the Board of Directors to followed through to completion. The Chairperson, Secretary, or designated person will keep track of outstanding issues and report to the Board of Directors as necessary.

All ACC members shall be familiar with the Covenants, By-laws, and these ACC Rules and Regulations. Every decision made by the ACC shall be made by vote of 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 the Soda Creek ByLaws, for homeowner recourse.

Written approval must be received by the property owner before 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 meets monthly and/or on an as needed basis via videoconference or in person. The ACC Chairperson or The Secretary of the ACC is responsible for setting up the meeting schedule and the 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 and preserving Soda Creek’s healthy forests. This requires that trees be removed for access and site locations; that proper forest management, fire mitigation and defensible space zones be undertaken; 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 the Guidelines, with the overall objective of maintaining 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.

## **ACC GUIDELINES 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, without a second full kitchen, 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.
7. What is the fire mitigation plan for Zones 1 (0-5' from structures), Zone 2, (5'-30' from structures) for defensible space and right-of-way clearing?

Properties which are included in the preservation corridor 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 ACC REVIEW AND ON-SITE VISITS**

1. Every request for review by the ACC must be in writing.
2. The ACC will accept adequate and reasonable, comprehensive 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 Page 28)
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.
6. On-site inspections may be requested by the property owner with at least 7 days’ notice. These on-site meetings will be attended by at least two members the ACC, and the results of meetings will be discussed with a majority of ACC members before approval is given.
7. The decision of the committee 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 available when presenting plans to clarify questions from the ACC. Failure to be present may result in a delay of approval to proceed with construction.
9. Allow 30 days after ACC has received comprehensive plans and samples of materials before approval will be granted. If additional materials or information is requested of the applicant more than 30 days may be required before approval can be granted.
10. Any property owner who commences construction who has not presented comprehensive plans prior to approval from the ACC or deviates from approved plans will be in violation of the Covenants and this Guidelines.
11. Types of Construction requiring application to the ACC:

## **New Home Construction and Major Remodel**

Major Remodel would be defined as two or more elevation changes, foundation changes or increase in square footage of 20% or more. Any additional professional services required during the review process must be paid for by the property owner.

## **New Accessory Building Construction or Minor Renovation:**

Construction of any new structure on property with existing home to include, but not limited to barns and garages, gazebos, greenhouses, and less extensive home renovations.

## **Exterior Changes:**

Changes that do not meet the criteria for New Home or Major Remodel but may include a single elevation change, new materials on the exterior, reconfiguring of access, lighting, outdoor pools or tennis courts, skating rinks, landscaping, fencing, new roof material and fire mitigation access roads.

### 12. Property owners should submit to the ACC:

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. When building a barn, corral size and configuration should be drawn on the site plan. The ACC will review for approval of the size of the corral, keeping in mind the number of horses and the amount of soil area that will be permanently disturbed.

- a. At least two elevation views and a floor plan of the house or outbuilding to show overall size and appearance. 1/4" scale is preferred.
- b. A design 'story board' including samples of chosen materials and the specifications. When adding an outbuilding to the property, exterior materials and color schemes 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. Side and rear walls shall use similar building materials and architectural treatments as the front of the building.

- c. 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 C, 6 of the Guidelines for further details regarding lighting.)
- d. A plan for wildfire mitigation must be described on the site plan, including plans for fire mitigation access roads.

The official date of submittal will be the date the completed application is received by the Management company and the ACC for review.

### **ACC Approval or Rejection of an Application**

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 received 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 and the applicant cured the reasons for rejection, the Committee requests variances or 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.

If the ACC fails to respond to the application within these time frames, then the applicant may send written notice, via certified mail, to the Association president and the Association's managing agent that the applicant intends to proceed with the modification as identified in the application. Unless the Association issues a written disapproval of the application within 15 days of receipt of the applicant's notice, the approval will not be required and this Article will be deemed complied with regarding the items specifically identified in the application. Even if the requirements of this Article are satisfied, nothing herein authorizes anyone to construct or maintain any Improvement to Property that is otherwise in violation of the Governing Documents or of any applicable zoning or other laws.

Should the plans submitted be disapproved, the Committee shall state to the Applicant in writing:

- (a) The reasons for disapproval, i.e. the specific nature of the violation and;
- (b) Specific actions needed to cure the violation to gain approval.

An Applicant whose plans have been disapproved, may appeal in writing to the Board of Directors at the next regularly scheduled Board meeting. The Board shall advise the Applicant of its decision in writing, and upon approval of the plans and specifications shall issue a Certificate of Approval. Verbal approval by the Board President or any individual member of the board, or Architectural Control Committee is not acceptable. The issuance of a building permit, or license, which may be in contravention of the Bylaws or of the Declaration of Protective Covenants, shall not prevent the Board of Directors or Architectural Control Committee from enforcing these provisions.

## **Construction Guidelines**

### **County Regulations**

The majority of properties in Soda Creek are zoned SR-5 (Suburban Residential-Five District) which is intended to provide for very low density suburban residential development. Single family dwellings are permitted in Soda Creek on no less than 5 acres in Soda Creek. See Jefferson County Zoning Resolution.

There are a few lots in Soda Creek that are zoned A-2 (Agricultural-Two District) which permits a single-family dwelling on a minimum of 10 acres and agriculturally related uses while protecting the surrounding land from any harmful effects.

**Please go to <https://www.jeffco.us/planning-zoning> for further information on Jefferson County zoning.**

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 they shall govern at all times. The reverse is also true.

#### **A. Site Plan for Construction of Primary Residences / Accessory Buildings / Driveways/ Fire Mitigation Roads**

##### **1. Surveying**

- a. Provide a copy of the original survey or Improvement Location Certificate (ILC).
- b. Show adjacent roads and drives where lot access is proposed.
- c. Show locations of key features of the natural terrain, such as large rocks and rock outcroppings, and trees which will be affected by construction.

## **2. 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.

- a. The minimum setback for all structures is 50' from all lot lines.
- b. Accessory buildings housing horses shall be set back at least 100 feet from lot lines.

No-build areas may exist within Soda Creek lots. Consult the Jefferson County Planning & Zoning for locations.

## **3. Staking**

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.

## **4. Construction Trailers/Dumpsters/Construction Equipment and Materials**

Any property owner or contractor who desires to locate a construction trailer on the property shall obtain written approval from the ACC for the length of time needed for the trailer. If extra time is required, an extension must be approved by the ACC.

The ACC shall work closely with the owner or contractor to determine the best possible location, concealed from neighbors and the roadway to the extent possible. Such temporary structures shall be placed only in a location approved by the ACC and shall be removed upon completion of construction. Construction trailers, however, are generally discouraged.

## **5. Construction Signs**

All signs shall 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 six square feet designating the owner, builder or architect of any improvements under construction; (b) one (1) sign of not more than six 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.

## **6. Sanitary Facilities**

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

## **7. Hours of Construction**

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.

## **8. 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.

## **9. 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 it is removed from the site, debris must always be adequately contained and covered. Debris created by the construction process need to be removed in a timely manner, even if they are stored in a dumpster, roll-off or other receptacle (in addition to being discreetly situated on the property, and out of the sight of neighbors to the extent possible).

Debris and dumpster must be completely removed from the property within 30 days of the completion of the project. Owners may keep a dumpster for more than 30 days by sending written correspondence to the ACC ([Brittany.Bazan@kchoa.com](mailto:Brittany.Bazan@kchoa.com)) requesting an extension.

#### **10. 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 to cause a condition that could lead to soil erosion, deposit of debris or water collection.

#### **11. Driveways/Fire Mitigation Access**

All new driveways require a permit from Jefferson 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 new driveways, barns, or other accessory buildings.

Driveways should be designed to produce a minimal impact on the natural landscape and natural contour of the land. It is recommended that trees be thinned 20 feet of the driveway for fire mitigation.

Plans must be submitted to the ACC for fire access roads constructed to remove living or dead trees for the purpose of fire mitigation only. The setback for such roads is recommended to be 30' from property lines but it can be less if the property owner consults with the adjoining property owners who agree to a lesser setback.

These are not driveways for use other than for forest management and must not be used recreationally by ATVs. The objectives are good forest health, a well mitigated property and neighborhood agreement.

Excess excavation material (soil) will be hauled off the project or be placed elsewhere on the property. This soil will then be graded and seeded with native grass seed. Slash, chipped or masticated material must be removed from the property.

## 12. 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.) The ACC should be notified of any well, septic or leach field work planned, and must receive copies of the county permit and paperwork.

## 13. Landscaping/Sprinklers

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. 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 as their use could negatively affect the Soda Creek Water Augmentation Plan. **Temporary, controlled**, watering to establish natural landscaping removed or disturbed during construction will be allowed.

Property owners are encouraged to make adequate provisions for landscaping and fire mitigation 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 must commence as soon as possible after completion of the dwelling. Local nurseries will have more information on available seeding options and fire-wise landscaping options.

The By-Laws and Declaration of Covenants stress the importance of conserving and protecting trees, topsoil, rock formations and unique landscape features.

All natural surface areas disturbed by construction shall be replanted 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, except for other approved water usage outlined in the ACC Guidelines and Soda Creek Water Augmentation Plan (i.e. animal / livestock watering).

The ACC strongly encourages good forest management in all three Defensible Space Zones and Rights-of Way and mowing of grasses through which fire travels rapidly. In addition, trees with high resin content, such as cedar and juniper should not be planted (and should be removed) as they are extremely flammable. Please visit the CSU Extension Office website for a complete list of Firewise Plant Materials at the following link: [FireWise Plant Materials - 6.305 - Extension \(colostate.edu\)](http://colostate.edu/extension/6305-firewise-plant-materials)

#### **14. 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.

Owners are to advise the ACC in writing when construction is completed and schedule a final site visit to ensure compliance with approved plans and identification of Zones 1 and 2 Defensible Space.

Concrete truckers are not allowed to wash down their equipment within Soda Creek boundaries.

Construction shall be completed within 24 months from the issuance of the Building Permit unless an extension is approved in writing by the ACC. If construction is not started within six months of the ACC approval, approval shall be deemed revoked and plans must be resubmitted.

#### **B. 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.

#### **C. Exterior Material and Treatment of all Structures**

##### **1. Elevations**

All structures should blend with site and the environment. Each structure should be designed so that existing natural features are preserved, and site grading and tree removal are kept to a minimum.

A primary residence shall conform to Jefferson County Zoning Resolution, currently not to exceed 35 feet in height and accessory buildings shall not exceed 25 feet. Primary residences and secondary buildings should be located at the edge of meadows if possible and not on the tops of ridges.

## **2. Materials (Exterior)**

- a. Exterior material treatment shall be continuous and consistent on all elevations of a residence and accessory buildings to achieve a uniform and complete architectural design statement.
- b. Consult the Jefferson County zoning resolution for wood siding requirements. If usage is allowed, it may be left natural or colored with natural (earth-tone), semi-transparent or solid color stains or paint.
- c. If masonry/stucco is used, the finished color may be either integral or applied and must be of neutral tones. Moss rock and granite or other natural materials found in the Foothills environment are the accepted standard for other exterior materials for Soda Creek properties.
- d. Fascia, trim, columns, beams and deck railings may have accent colors, with ACC approval. White and garish, bright colors will not be approved.
- e. Samples of all materials (siding material painted or stained with finish color, roofing material, windows, stone, etc.) must be presented to the ACC by the property owner for approval.

## **3. Color (Exterior)**

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.

The color of exterior materials must be subdued to blend with the colors of the natural landscape. Earth tones, for example: soft browns, buff, taupe, grey or terra cotta are strongly recommended. Light colors that make structures stand out will not be approved. Accent colors and materials, used judiciously and with restraint, may be permitted. Mortar color will match or coordinate with materials used. Bright or garish colors not in keeping with the Soda Creek properties and our natural environment will not be approved.

#### **4. Gutters**

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

#### **5. Garages**

All garage spaces shall be fully enclosed.

#### **6. Lighting (Exterior)**

Soda Creek has adopted a “dark sky” philosophy to reduce light pollution and the effects of electric lighting on the environment. Exterior lighting shall be subdued and downcast and not cast direct light or glare on other properties, be an annoyance to other property owners or users of the rights-of-way.

Exterior lighting is subject to approval by the ACC and should be of a design compatible with the structure.

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 200 lumens is allowed on any security gate, driveway/walkway lighting, landscaping, etc.

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

#### **7. Roofing Design and Materials/Solar Panels**

Roofing repairs need not get ACC approval. If completely different roofing material or color is chosen, an application will need to be submitted to the ACC for approval, prior to installing the new roof. Jefferson County regulations for roofing materials must be followed.

All buildings must feature sloped roofs and shall be covered with high-quality, fire-resistant roofing materials such as clay tiles, slate, concrete tiles or dimensional asphalt shingles with a minimum of a 50-year warranty. Additional county regulations are in place for any flammable roofing materials.

Solar panels need not be screened and no application for roof solar panels is necessary. Solar panels on the ground must have ACC approval.

## **8. Satellite Dishes/Antennas**

The Association permits no more than required by the FCC Over the Air Reception Devices Rule. This rule changes over time and may change after the publication of this document.

Permitted Antennae do not require ACC approval. 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. Existing antennae are “grandfathered”.

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.

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

## **9. Fencing / Security Gates / Walls**

The preferred fencing in Soda Creek is no fencing at all. Fencing and security gate plans should allow for wildlife corridors, access to Soda Creek trails, and be appropriately sized.

All fencing and retaining wall plans must be approved by the ACC prior to installation.

Approval by the ACC may take 30 days and may require minimal staking of fence or wall locations and a site visit.

## **Fence materials**

**All fences must be sound and maintained in good structural condition.**

Fences must be constructed in accordance with one of these approved designs: **wooden zig zag (“Soda Creek Zig-Zag”, not less than 4 logs high), split wood rail, or wooden round pole.** They must be a natural color or stained, not painted, and complementary in design to existing fences of approved design. The fence must be constructed to a maximum height of **46”**. Divergent Fencing (ie. fences that are not of the 3 approved designs) may be maintained and repaired but may not be expanded. Replacement fences must comply with the above designs.

It is strongly suggested that wood fences include a 5’ metal or non-flammable section where the wood fences connect with the flammable exterior material of structures. Fire can follow a fence directly to a home or outbuilding and cause it to burn if there is no non-flammable section.

Owners are encouraged to remove unnecessary fencing and divergent fencing not compatible with the community’s Historic Mountain Ranch heritage or current ACC Guidelines including wire, plastic, white, temporary, flat-board and lot perimeter fencing.

## **Lot Perimeter Fences/Fences for Horses or Livestock**

Lot perimeter fence will be NOT be approved, except on preservation corridor lots where Soda Creek Zig-Zag fence is the only fencing style allowed. All fencing must be inside a 20’ setback from the property lines and trails. A fence along a common property line, agreed upon by contiguous owners may be approved, as long as it is compatible with the fencing on both lots. An exception to the 20’ rule may be made by the ACC for fences along the outside perimeter of Soda Creek, adjacent to Elk Meadow and Highway 65. No exception will be made along the preservation corridor. No more than 50% of a property may be fenced with any kind of fence except in the preservation corridor and for electric fences for dogs. Our goal for fencing is to allow the natural flow of wildlife through Soda Creek properties.

## **Fences for Confinement of Animals, Corrals, and Garden fences**

Plans for wood fences to confine pets, garden fences and small horse corrals (limited to 700 square feet per large animal) must be approved by the ACC. The fences must be constructed of one of the three wood designs and must be the same style as other fencing on a property. Small gauge wire may be placed on the inside of the fence to confine pets and discourage elk and deer from getting into gardens.

For confinement of pets, invisible fencing is strongly encouraged. Invisible fencing must be 20 feet from lot lines and trails. Owners are requested to remove flags associated with invisible fences within 90 days of installation and/or new pet training.

## **Preservation Corridor Fences**

Fences along the Preservation Corridor must be Soda Creek Zig-Zag design, constructed of bark-on lodgepole, 5 feet to 8 feet in length, 3 to 5 inches in diameter, stacked and fastened not less than 4 logs high, to a maximum height of 46". On these properties only, lot perimeter fencing using Soda Creek Zig-Zag fence is allowed.

However, the following additional Jefferson County Zoning Laws apply:

- Highway 65 has a setback of 30 feet from the road surface.
- No fence can be constructed across a trail. There is an equestrian trail along Highway 65 that is recorded with Jefferson County.
- Jefferson County does not allow fencing across a drainage. Along Highway 65, there is a ditch which is classified as a "seasonal drainage" according to Jefferson County Planning & Zoning.

**The Preservation Corridor Lots** are the following:

- 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;

## **10. Mailboxes**

All existing individual mailboxes, newspaper boxes, and posts will be kept in good condition. All plastic newspaper boxes and metal posts that support them are to be removed.

Homeowners are encouraged to replace plastic newspaper boxes with boxes that are in keeping with the overall design of their existing mailboxes.

Mailboxes that are built according to the standard US Postal designs and are black or dark brown do not need prior approval from the ACC. Novelty and decorative mailboxes will not be approved. Locking mailboxes are suggested by the Security Committee. All other new mailbox designs must be submitted to the ACC for approval before installation.

## **11. Exposed Equipment and Vehicles**

### **a. Propane Tanks**

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

### **b. Vehicles / Recreational Vehicles / Boats / Trailers**

All vehicles, recreation equipment, horse trailers, and unsightly items must be housed or discretely hidden to the extent possible from view from roads and neighboring properties.

No trailer, motor or mobile home, tent, garage, barn or other outbuilding erected on a lot shall at any time be used for private habitation temporarily or permanently except for a period not to exceed two (2) months, unless application to the ACC is made by the property owner and approved in writing by the ACC.

Personal motorized vehicles and equipment may be used on an owner's property for landscaping, fire mitigation and maintenance only. No motorized recreational vehicle shall be operated within the subdivision property, except on improved roads and driveways.

## D. Accessory Buildings

Accessory Building means an outbuilding or other structure for animals, storage, or guests and must be exclusive of permanent human habitation.

All accessory uses 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 defensible space be created; 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.

Major architectural themes from the residence must extend to all accessory buildings and must match the primary residence as to color, roof pitch and materials (including, but not limited to siding, trim, roofing, windows etc.).

The front setback for an accessory building or outbuilding shall be 50 feet except buildings that will house animals shall be set back 100 feet. Side and rear setbacks are 50 feet.

### 1. Guest quarters / Mother-In-Law Apartments / Studios / Nanny Quarters

Soda Creek is zoned Suburban Residential District-5 which means that each lot is zoned for a single-family dwelling with a minimum lot size of 5 acres. No lot in Soda Creek may have a second residence.

The Water Augmentation plan for the entire Soda Creek subdivision, each of our individual well permits, and the State Water Engineer's office, all support the position that no part of a Soda Creek lot can be used to support a second residence.

The State Water Engineer's office has determined that the inclusion of a full kitchen in any guest quarters, mother-in-law apartments, studios or nanny quarters would be a per se violation of the augmentation plan and Soda Creek's well permits.

**The ACC will not approve a full kitchen with a stove and/or a refrigerator larger than 6 cubic feet in any Accessory Building, guest quarters, mother-in-law apartments, studios, nanny quarters or barns in Soda Creek because doing so could cause water rights to be jeopardized. Second full kitchens will never be "grandfathered".**

Property owners may not avoid the subdivision's water augmentation plan and individual well permit by installing cisterns or trucking in water, since to do so would create a second residence and could cause water rights in Soda Creek to be jeopardized.

Guest quarters, mother-in-law apartments, studios, nanny quarters, barns and outbuildings may not be inhabited permanently, used as rental apartments, long or short term, including Airbnb, Home Away, VRBO etc. and may not be sold separately.

No outbuilding 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 application to the ACC is made by the property owner and approved in writing by the Architectural Control Committee.

Check Soda Creek Covenants and Jefferson County regulations. Whichever is stricter applies.

## **2. Arenas and Corrals**

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. Buildings that house large animals that are not pets have a 100' setback requirement.

Conducting commercial riding lessons is prohibited.

### **a. Outdoor Arenas/Corrals/Paddocks**

If fencing is required, it shall match existing fencing as more specifically set forth in Paragraph C 9. of the Guidelines for the horse facilities. Corrals or paddocks must be no larger than 700 square feet per horse or large animal.

### **b. Covered Arenas**

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

### **3. Permanent Structures / Stables / Barns / Sheds**

Any permanent structure, including but not limited to a barn, garage, gazebo, shed, greenhouse or studio, requires approval by the Architectural Control Committee.

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

Major architectural themes from the residence must extend to all accessory buildings and must match the primary residence as to color, roof pitch and materials (including, but not limited to siding, trim, roofing, windows, etc.)

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.

### **4. Animals**

The following species of livestock animals may be kept on a Lot: horses, mules, donkeys, pigmy goats, llamas, and alpacas. One horse, mule, donkey, pigmy goat, llama, or alpaca may be kept on any Lot for each two and one-half acres of land, not to exceed an aggregate total of four horses, mules, donkeys, pigmy goats, llamas, or alpacas per Lot. Stallions shall be kept in a pen or corral, enclosed by a 6-foot fence. If higher than 6 feet, Jefferson County and ACC approval is required.

An Owner or Resident may keep a reasonable number of generally recognized household pets in compliance with applicable State and County statutes and ordinances.

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

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

## **E. Other Uses**

### **1. Dog runs**

Dog runs shall be architecturally compatible with the existing or proposed dwelling and the design and location require ACC approval. The County regulations currently limit the maximum height to 6 feet

- a. Design:** Dog runs become part of the structure of a home. As such, they shall be designed and constructed to complement the house, decking, fencing and topography.
- b. Location:** Extreme care should be taken to locate the run in an area that will have the lowest visual and audible impact on neighbors.
- c. Invisible Fencing:** Invisible fencing shall be installed 20 feet inside property line, and 20 feet from equestrian trails or easements.

The Covenants require that every dog be under the direct control of its owner when outside, and Jefferson County enforces a leash law. Violators will receive two warning letters to rectify the situation. The Board will then consider assessing fines until the problem is resolved.

### **2. Flag Poles**

One flag pole 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.

A maximum of two flags are permitted. Flag size: a maximum of 3' by 5'.

### **3. Play Equipment**

The following items are considered play equipment for the purposes of these Guidelines:

Swing sets, swings attached to permanent structures, sliding boards, climbing structures, basketball backboards, forts and playhouses, trampolines, skating rinks and portable swimming pools. Play equipment may not be limited to these items.

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

- a. 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. Brightly colored plastic play sets will not be allowed.
- b. Play equipment should be located away from property lines, neighbors' houses or streets and away from neighbors' direct view.
- c. Play equipment which has fallen into disrepair or has been outgrown by children should be removed from the property.

#### **4. Artificial Turf**

Artificial Turf is discouraged. If used, application must be made to the ACC for any area greater than 500 square feet. The turf must be aesthetically screened from the view of adjacent properties and from public view. A sample of the proposed turf must be provided to the ACC. Care must be taken to match surrounding natural grasses. (See "Design Philosophy", page 4)

#### **5. Pools/Skating rinks**

All pool and skating rink 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 pool or skating rink or replace evaporated water. This water must be trucked in.

Pools must meet 50' setbacks from property line. Pools and skating rinks cannot be constructed in front of the home.

## 6. Yard Signs

A maximum of three signs no larger than 3' by 5' are allowed.

## 7. Tennis Courts

Tennis courts require a 50' setback from property line. Perimeter fencing of tennis courts should blend in with surrounding landscaping. See Section "C-6" for lighting restrictions.

## 8. Outdoor Fire Features

Without exception, no open burning is allowed in Soda Creek. Jefferson County may issue burn permits, but they are invalid within the boundaries of Soda Creek. For ambiance, the ACC has approved gas fire features such as gas fireplaces, gas fire pits and/or gas fire tables IF they are located on hard surfaces and IF they have an on/off switch. Outdoor wood burning of any kind is not permitted.

## F. Tree Removal for Construction and Fire Mitigation

Plans need not be submitted to the ACC for the removal or thinning of trees in compliance with the best forest management and fire mitigation practices. Piles of slash, chipped and masticated material must be removed from Soda Creek properties. Leaving fire fuel on the forest floor negates the purpose of mitigating. **No outdoor fires are allowed in Soda Creek.** Refer to the Declaration of Covenants for information regarding the removal of dead and diseased trees.

Jefferson County does require residential development in wildfire hazard areas to comply with the wildfire mitigation standards of the Colorado State Forest Service. Please go to <https://www.jeffco.us/2672/Defensible-Space-Wildfire-Mitigation> for further information and whom to contact.

## **G. Commercial or Business Use of Soda Creek Properties**

The Declaration of Covenants prohibits operation of an ongoing activity or enterprise which regularly draws customers into the area, thereby unreasonably impacting the neighbors and the overall residential quality of the 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. Some factors to consider in evaluating whether a use is prohibited commercial or business use include the following:

1. Regular or frequent business use. Clients, customers, or deliveries coming into the subdivision beyond what is reasonable and customary to a residential dwelling use. Increased traffic and parking beyond that reasonable and customary to a residential dwelling use.
2. Advertising and public knowledge of business with the intent to bring clients into the subdivision.
3. Increased activity obvious to observers.
4. Impact on residential quality of community.
5. Activity conducted on private as well as public or common areas of the subdivision.
6. Activity which presents a safety hazard or liability issues.
7. Physical or visual impact on neighbors and community.
8. Outdoor storage of an owner's business equipment or vehicles.

## **H. Violations of Soda Creek POA Guidelines**

### **1. Penalties for Commencing Improvements without Approval by the ACC**

If it comes to the Board's attention that an improvement project has commenced without ACC approval, the Board will notify the property owner to stop work and make application for the improvements within 30 days, and it may levy one of the following penalty fines:

- New home construction or exterior remodel greater than 1000 sq. ft. \$500
- New outbuilding construction or minor renovation less than 1000 sq. ft. \$250
- Minor exterior changes including fencing (non-construction) \$150

The ACC will work with the owner to correct the violation. In the event that rectification is not accomplished in a time frame acceptable to the ACC, the Board will be informed by the ACC and may:

- a. Obtain a stop work order;
- b. Levy further penalty fees, which may be increased every 30 days, if the violation is not corrected in a manner acceptable to the Board;
- c. Require correction or removal of any violation at the owner's expense in a timeframe and manner designated by the Board in consultation with the ACC.

## **2. Violation of Approved Plans**

Examples of violations include but are not limited to unacceptable changes in the approved site work, architectural or structural plans, exterior lighting, grading, building materials and/or exterior colors, roofing materials, fencing and driveway location.

The ACC will notify the property owner of any violation of approved plans of which it is notified or discovers and will work with the owner to correct the violation. In the event the owner does not comply within 30 days with the specific ACC requirements for curing the violation, the Board of Directors of Soda Creek will be notified by the ACC. There will be an inspection of the property, and a second 30-day cure period commences after which, if there is not an acceptable cure of the violation, the Board may enforce all applicable provisions of the Governing Documents and may impose sanctions for their violation.

Sanctions may include, without limitation:

- a. Stopping any or all work where a clear violation of approved plans occurs, or;
- b. Requiring correction or removal of any violation at the owner's expense in a timeframe and manner designated by the Board;
- c. Imposing reasonable fines;
- d. Suspending the ability to serve on the Board, and/or;

- e. Recording in the real property records a notice of violation identifying any uncured violation of the Governing Documents;
- f. Referral of this matter by the Board to its attorney for legal action for any violation not cured within the 30-day cure period.

Violations must be addressed by the Board of Directors within one year of the date on which written notification is made to the ACC that construction or improvements have been completed. If no such notice is received by the ACC, the owner waives the one-year requirement, and a violation may be filed and addressed.

**Concerns about potential ACC Guideline infractions from members must be in writing. Please send emails to the Soda Creek Management Company, KC & Associates ([Brittany.Bazan@kchoa.com](mailto:Brittany.Bazan@kchoa.com)). Emails will be forwarded to the Board of Directors and ACC for review.**

# ACC CHECKLIST

OWNER \_\_\_\_\_ LOT # \_\_\_\_\_

\_\_\_\_\_ NEW CONSTRUCTION \_\_\_\_\_ ADDITION OR REMODEL \_\_\_\_\_ OUTBUILDING

ACTIONS BASED ON PLANS SUBMITTED \_\_\_\_\_

## APPROVAL OF LOCATIONS:

- \_\_\_\_\_ DRIVEWAY
- \_\_\_\_\_ HOUSE
- \_\_\_\_\_ WELL / SEPTIC SYSTEM / LEACH FIELD
- \_\_\_\_\_ BARN / STABLES / CORRAL
- \_\_\_\_\_ OTHER OUT BUILDING \_\_\_\_\_
- \_\_\_\_\_ FENCING
- \_\_\_\_\_ DEFENSIBLE SPACE - Zone 1, 0-5' & Zone 2, 5-30'

## APPROVAL OF EXTERIOR MATERIALS:

	HOUSE	BARN	OTHER
BUILDING DESIGN	_____	_____	_____
ROOFING	_____	_____	_____
WOOD SIDING	_____	_____	_____
STUCCO SIDING	_____	_____	_____
CONCRETE SIDING	_____	_____	_____
ROCK ACCENTS	_____	_____	_____
TRIM	_____	_____	_____
EXTERIOR LIGHTING	_____	_____	_____
FENCING	_____	_____	_____
LANDSCAPING	_____	_____	_____
OTHER	_____	_____	_____

## APPROVAL OF EXTERIOR COLORS:

HOUSE	_____	_____	_____
TRIM	_____	_____	_____
ROOF	_____	_____	_____
ACCENTS	_____	_____	_____
MORTAR COLOR	_____	_____	_____

(A = approved; P = pending; R = rejected; N = not applicable)

## COMMENTS:

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

SIGNED \_\_\_\_\_ ACC Chair DATE \_\_\_\_\_

**REQUEST FOR CHANGE, ADDITION, OR IMPROVEMENT  
TO EXISTING PROPERTY  
TO BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE**

DATE \_\_\_\_\_

FILING / LOT NUMBER \_\_\_\_\_

OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

**CHANGE, ADDITION OR IMPROVEMENT REQUESTED:**

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**Please attach plans, elevations, sketches and descriptions of exterior materials and colors, placement on the property in relation to existing buildings, size dimensions, defensible space thinning areas and any other information that would be helpful in evaluating the request. Material samples may be requested during the review process.**

**Owner Signature** \_\_\_\_\_

**Submit to:** KC & Associates, ([\*\*Brittany.Bazan@kchoa.com\*\*](mailto:Brittany.Bazan@kchoa.com))