

**RESIDENTIAL IMPROVEMENT GUIDELINES
AND SITE RESTRICTIONS FOR

SOLTERRA**

AS OF JANUARY 2020

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1 INTRODUCTION

1.1 Basis for Guidelines

These Residential Improvement Guidelines and Site Restrictions (the “Guidelines”) are intended to assist Owners living in the Solterra Community (the “Community”) in implementing landscaping and other Improvements to their property. The Declaration of Covenants, Conditions and Restrictions for Solterra (the “Covenants”) require prior approval from the Design Review Board (the “DRB”), before the construction, installation, modification, renovation, demolition or removal of any Improvement upon any Lot. The Solterra Home Owners Association, Inc. (the “Association”), via resolution of the Board of Directors of the Association, has established an Architectural/Landscape Review Committee (the “A/LRC”), which has been empowered to receive, review and make recommendations to the DRB regarding architectural and landscaping requests received from Owners. In order to assist Owners, the DRB, with the review and recommendation of the A/LRC, desires to establish certain pre-approved designs for several types of Improvements and to exempt certain Improvements from the requirement for approval. This document contains the guidelines established by the DRB with respect to property subject to the Covenants.

Note that Owners may remodel, paint or redecorate the interior of structures on a Lot without the approval of the DRB. However, modifications to the interior of screened porches, patios and similar portions of a Lot visible from outside such structures shall be subject to such approval. Approval shall be required to repair or repaint the exterior of a structure that is not in accordance with the originally approved plans and color scheme.

1.2 Definitions

All capitalized words and phrases used in these Guidelines shall have the meaning provided in the Covenants unless otherwise defined herein.

1.3 Contents of Guidelines

In addition to the introductory material, these Guidelines contain (A) a summary of procedures for obtaining approval from the DRB (see Section 2); and (B) a listing of specific types of improvements that Owners might wish to make with specific information as to each of these types of improvements (see Section 3).

1.4 Architectural/Landscape Review Committee and Design Review Board

The A/LRC consists of persons, representatives or a committee appointed to review requests for approval of architectural or site changes and to make recommendations relative thereto to the DRB. The DRB has the final approval authority and shall consider and approve the recommendations from the A/LRC unless such recommendation from the A/LRC is clearly arbitrary and capricious or otherwise not in conformance with the standards established by the Covenants and these Guidelines.

1.5 A/LRC Contact Information

The contact information of the A/LRC, persons, committee or representative authorized to administer the architectural and landscaping review process is:

COMPANY NAME	OFFICE	CONTACT	E-MAIL
Overlook Property Management	6860 S. Yosemite Court, Suite 200, Centennial	Jennie Heinze	jheinze@overlookproperty.com

1.6 Effect of Covenants

The Covenants govern the Property within the Community. Each Owner should review and become familiar with the Covenants. Nothing in these Guidelines supersedes or alters the provisions or requirements of the Covenants and, if there is any conflict or inconsistency, the Covenants will control.

1.7 Effect of Governmental and Other Regulations

Use of property within the Community and any Improvements must comply with any applicable building codes and other governmental requirements and regulations. Owners are encouraged to contact the City of Lakewood and/or Jefferson County for further information and requirements for Improvements they wish to make.

Additionally, portions of the Community may be part of a subassociation and subject to separate covenants or restrictions imposed by such a subassociation. In addition to approval of any proposed Improvements by the DRB, approval of such Improvements may also be required by the architectural committee of any such subassociation. The guidelines and criteria of any such subassociation may be more restrictive than those of the Association, and it is the responsibility of each Owner to ensure that any proposed Improvements comply with any guidelines and criteria of any applicable subassociation and to obtain any necessary approvals from the architectural committee of any such subassociation.

APPROVAL BY THE DRB DOES NOT CONSTITUTE ASSURANCE THAT IMPROVEMENTS COMPLY WITH APPLICABLE GOVERNMENTAL REQUIREMENTS OR REGULATIONS OR THAT A PERMIT OR APPROVALS ARE NOT ALSO REQUIRED FROM APPLICABLE GOVERNMENTAL BODIES. APPROVAL BY THE DRB DOES NOT CONSTITUTE APPROVAL BY ANY SUBASSOCIATION WITHIN THE COMMUNITY.

1.8 Interference with Utilities

In making Improvements to property, Owners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Owners should not construct any

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Improvements over such easements without the consent of the utility involved, and Owners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting:

Utility Notification Center of Colorado
1-800-922-1987

1.9 Goal of Guidelines

Compliance with these Guidelines and the provisions of the Covenants will help preserve the inherent architectural and aesthetic quality of the Community. Refer to the Elements of Solterra-Design Guidelines and Landscape Guidelines for the overall design elements of Solterra. It is the responsibility of the A/LRC and the DRB to ensure that all proposed Improvements meet or exceed the requirements of these Guidelines and to promote the highest quality design for the neighborhood. It is important that Improvements to property be made in harmony with and not detrimental to the rest of the Community. A spirit of cooperation with the A/LRC, the DRB and neighbors will go far in creating an optimum environment, which will benefit all Owners. By following these Guidelines and obtaining prior written approval for Improvements to property from the DRB, Owners will be protecting their financial investment and will help ensure that Improvements to property are compatible with standards established for the Community. If a question ever arises as to the correct interpretation of any terms, phrases or language contained in these Guidelines, the DRB's interpretation shall be final and binding.

1.10 Enforcement of Covenants and Design Guidelines

The DRB and the Solterra Home Owners Association (the "Association") shall have responsibility for the enforcement of the architectural and landscaping requirements of the Covenants and these Guidelines, as more fully provided in the Covenants. The Association, its agents, and the DRB will investigate written complaints concerning violations of the requirements/prohibitions of the Covenants or these Guidelines, if such complaints are signed and dated by the person making the complaint. The Association, its agents, and the DRB shall use all reasonable means to maintain the anonymity of complainants. If a violation is found as a result of a complaint or through its own inspections, the DRB shall notify the Owner whose property is in violation, in writing, requesting that appropriate action be taken to achieve compliance. If compliance is not achieved, the Association may take enforcement action (including assessing fines, fees, and penalties) in accordance with the Covenants and Association's compliance and fee policy then in effect. Specific duties and powers of the DRB and the Association are more fully set forth in the Covenants.

2 PROCEDURES FOR ARCHITECTURAL APPROVAL

2.1 General

As indicated in Section 3, there are some cases in which advance written approval of the DRB is not required if the guidelines with respect to that specific type of Improvement are followed. In a few cases, as indicated in Section 3, a specific type of Improvement is not permitted under any circumstances. In all other cases, including Improvements not included in Section 3, advance, or prior written approval of the DRB is required before an Improvement to property is commenced.

2.2 Drawings or Plans

Owners are required to submit to the A/LRC plans and specifications showing the nature, kind, shape, color, size, materials and location, as applicable, of all proposed Improvements, alterations or removals of Improvements (the "Submittal") for review and approval or disapproval prior to the commencement of construction, alteration or removal. Whether done by the Owner, or professionally, the following guidelines should be followed in preparing plans and specifications:

- A.** The drawing or plan should be done to scale and shall depict the property lines of the Lot and the outside boundary lines of the home as located on the Lot. A copy of an improvement survey of the Lot obtained when it was purchased is also required. See EXHIBIT D for examples of the type of drawings and plans to be submitted.
- B.** Existing Improvements, in addition to the home, should be shown on the drawing or plan and identified or labeled. Such existing Improvements include driveways, walks, decks, trees, shrubs, fences, etc. The proposed Improvements should be shown on the plan and labeled. Either on the plan or on an attachment, there should be a brief description of the proposed Improvement, including the dimensions of the proposed Improvement (width, depth and height), the materials to be used and the colors. For Example: Redwood deck, ten (10) feet by twelve (12) feet with two inches by four inches (2"x4") decking and natural stain.
- C.** The plan or drawing and other materials should include the name of the Owner, the address of the home, the lot, block and filing number of the Lot, and the e-mail address and telephone number where the Owner can be reached.
- D.** The proposed Improvements must take into consideration the easements, building location restrictions and sight distance limitations at intersections.
- E.** Owners should be aware that many Improvements require a permit from the City of Lakewood. The A/LRC and/or the DRB reserves the right to require a copy of such permit as a condition of its approval.
- F.** In some instances, elevation drawings of the proposed Improvement will be required. The elevation drawings should indicate the materials to be used and the applicable dimensions of the proposed Improvement.

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- G. Photographs of existing conditions and of proposed materials and colors are encouraged to be included, and are helpful to convey the intended design, but should not be used solely to describe the proposed changes. If the proposed Improvement is to be installed in the front or side yard, photographs and information regarding adjacent Lots will be required to understand how the proposed Improvement will impact the streetscape.

2.3 Submission of Drawings and Plans

The Submittal may be done electronically. Color photographs, brochures, paint swatches, etc. will help expedite the approval process. Specific dimensions and locations are required.

Per the Covenants, the DRB may establish and charge reasonable fees for review of Submittals and may require such fees be paid in full prior to review of any Submittal. Such fees may include the reasonable costs incurred by the DRB in having any Submittal reviewed by architects, engineers or other professionals, and may vary between Lots and types of Lots. The fees will be listed on the Submittal form provided by the DRB for submission of Submittals.

2.4 Action by the A/LRC and the DRB

The A/LRC shall meet as required to review Submittals received. The A/LRC may require submission of additional information or material, and the Submittal shall not be deemed complete until all required information and materials have been submitted to the A/LRC. In reviewing each Submittal, the A/LRC shall consider these Guidelines and may consider the quality of materials and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography and finish grade elevation, among other things. Recommendations of the A/LRC may be based on purely aesthetic considerations and compliance with these Guidelines does not guarantee approval of any Submittal.

The A/LRC shall, within ten (10) days of receipt of a complete Submittal, forward the same to the DRB. The A/LRC will review each Submittal and make a written recommendation to the DRB to approve and/or disapprove (which may be with conditions and/or requirements) each request. Thereafter, the DRB shall review the recommendation of the A/LRC and make a decision on the recommendation of the A/LRC to approve and/or disapprove in writing each such request (which may be with conditions and/or requirements), which decision of the DRB shall be made within forty-five (45) days after the A/LRC acknowledges to the applicant, in writing, of its review of a complete Submittal. The DRB has the final approval authority and shall consider and approve the recommendations from the A/LRC unless such recommendation from the A/LRC is clearly arbitrary and capricious or otherwise not in conformance with the standards established by the Declaration and these Guidelines.

If, upon initial submission of a Submittal, the A/LRC determines it requires additional materials or information, it shall notify the applicant in writing, and the forty-five (45) day timeline shall not begin to run until any such additional materials or information is provided to the A/LRC, and the A/LRC provides the applicant with the written notice provided for above. If the DRB fails to review and approve in writing (which may be with conditions and/or requirements), or disapprove, a request for architectural approval within forty-five (45) days after the A/LRC provides the

applicant with notice of its receipt of a complete Submission, such request is deemed denied by the DRB. The decision of the DRB in relation to any architectural or landscaping request shall be final.

2.5 Revisions and Additions to Approved Plans

Any revisions and/or additions to approved plans made by the Owner or as required by any governmental agency, must be re-submitted for review by the A/LRC and approval by the DRB. The revised plans must follow the requirements as outlined above.

2.6 Completion of Work

Unless otherwise specified in writing by the DRB, any approval granted by the DRB shall be deemed conditioned upon completion of all elements of the approved work and all work previously approved with respect to the same Lot, unless approval to modify any application has been obtained. All improvements approved by the DRB must be commenced within three (3) months from the date of approval. If not commenced within such time, then such approval shall be deemed revoked by the DRB, unless the DRB gives a written extension for commencing the work. Additionally, except with written DRB approval otherwise, and except for delays caused by strikes, fires, national emergencies, critical materials shortages or other intervening forces beyond the control of the Owner, all work approved by the DRB shall be completed within six (6) months of commencement, or within such time as otherwise specified in the approval from the DRB. If any person fails to commence and diligently pursue completion of all approved work as set forth above, the Association, acting through its Board of Directors, shall be authorized to enter upon the Lot and remove or complete any incomplete work and to assess all costs incurred against the Lot and the Owner thereof as a Specific Assessment.

2.7 Inspection of Work

The DRB, or its duly authorized representative, including the A/LRC, shall have the right, after reasonable notice to the Owner or occupants of the Lot and during regular business hours, to inspect any Improvement, including prior to or after completion, in order to determine whether or not the proposed Improvement is being completed or has been completed in compliance with the approval granted by the DRB.

2.8 Notice of Non-Compliance

Any Improvement constructed, installed, modified or renovated in violation of Article XI of the Covenants shall be deemed to be nonconforming. Upon written request from the DRB, the Owner of the Lot on which such Improvement is located shall, at such Owner's own cost and expense, remove such Improvement and restore the Lot to substantially the same condition as existed prior to the nonconforming work, or, if applicable, cure such nonconformance by bringing the Improvement into compliance with the requirements of the DRB. Should an Owner fail to remove and restore or cure as required, the Association, acting through its Board of Directors, shall have the right to enter the Lot, remove the nonconforming Improvements, and restore the Lot to substantially the same condition as previously existed. All costs of any such entry, removal and

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restoration, together with interest at the maximum rate then allowed by law, may be assessed against the subject Lot and collected as a Specific Assessment.

2.9 Amendment

These Guidelines may at any time, from time to time, be added to, deleted from, repealed, amended, and modified, reenacted, or otherwise changed by the DRB.

2.10 Questions

If you have any questions about the foregoing procedures, feel free to contact the A/LRC at the e-mail and address listed in the Section 1.5 of these Guidelines.

3 SPECIFIC TYPES OF IMPROVEMENTS / SITE RESTRICTIONS

3.1 General

The following is a listing, in alphabetical order, of a wide variety of specific types of improvements that Owners typically consider installing, with pertinent information as to each. Unless otherwise specifically stated, drawings or plans for a proposed Improvement must be submitted to the A/LRC and written approval of the DRB obtained before the Improvements are made. In some cases, where it is specifically so noted, an Owner may proceed with the Improvements without advance approval if the Owner follows the stated guideline. In some cases, where specifically stated, some types of Improvements are prohibited. A/LRC review and DRB approval is required on any external items not be listed below.

3.1.1 Variances

Approval of any proposed plans by the granting of a variance from compliance with any of the provisions of these Guidelines is at the sole discretion of the DRB when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require.

3.1.2 No Unsightliness

All unsightly conditions, structures, facilities, equipment, and objects, including snow removal equipment and garden or maintenance equipment, when not in actual use, must be enclosed within an approved structure.

3.1.3 Waivers; No Precedent

The approval or consent of the DRB to any application for approval shall not be deemed to constitute a waiver of any right to withhold or deny approval or consent as to any application or other matters whatsoever, as to which approval or consent may subsequently or additionally be required. Nor shall any such approval or consent be deemed to constitute a precedent in any other matter.

3.1.4 Liability

Neither the A/LRC, the DRB, nor the members thereof, shall be liable in damages to any person submitting requests for approval or to any approval, or failure to approve or disapprove in regard to any matter within its jurisdiction. Neither the A/LRC nor the DRB, nor the members thereof, shall bear any responsibility for ensuring structural integrity or soundness of approved construction or modifications, or for ensuring compliance with building codes and other governmental requirements. Neither the A/LRC nor the DRB will make any investigation into title, ownership, easements, rights-of-way, or other rights appurtenant to property with respect to architectural requests and shall not be liable for any disputes relating to the same.

3.2 Accessory Buildings

Free standing accessory buildings are prohibited.

3.3 Additions and Expansions (Application fee required)

Approval is required. Additions or expansions must be constructed of wood, stucco, glass, brick, stone, or other material as used in construction of the exterior of the home. The design must be the same or generally recognized as a complimentary architectural style and meet all design guidelines as may be applicable. Colors must be the same as that of the residence.

3.4 Address Numbers

Approval is required to replace, alter or relocate existing address numbers, unless the address numbers are replaced using the same style and type of number currently on the residence.

3.5 Air Conditioning Equipment

Approval is required for all air conditioning equipment including evaporative coolers (swamp coolers) and attic ventilators installed after the initial construction.

Approval is not required for replacement of existing air conditioning equipment with like equipment; otherwise approval is required.

No heating, air conditioning, air movement (e.g. swamp coolers) or refrigeration equipment shall be extended from windows. Ground mounted or exterior wall air conditioning equipment installed in the side yard must be installed in a manner so as to minimize visibility from the street and minimize any noise to adjacent property Owners.

3.6 Antennae/Satellite Dishes

3.6.1 General

"Permitted Antennas" are those types of antennas and satellite dishes covered by the Federal Communication Commission's Over-the-Air Reception Devised Rule ("OTARD Rule"), as may be amended from time to time. Installation of Permitted Antennas shall not require the approval of the DRB.

A. All Permitted Antennas shall be installed with emphasis on being as unobtrusive as possible to the Community. To the extent that reception is not substantially degraded or costs unreasonably increased, all Permitted Antennas shall be screened from view from any street and nearby lots to the maximum extent possible, and placement shall be made in the following order of preference:

- (1) Inside the structure of the house, not visible from the street
- (2) Rear yard or side yard, behind and below the fence line

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- (3) Rear yard or side yard, mounted on the house, in the least visible location below roofline
- (4) Side yard in front of wing fence, screened by and integrated into landscaping
- (5) Back rooftop
- (6) Front yard screened by and integrated into landscaping.

B. If more than one (1) location on the Lot allows for adequate reception without imposing unreasonable expense or delay, the order of preference described above shall be used, and the least visible site shall be selected.

C. Permitted Antennas shall not encroach upon common areas or any other Owner's property.

3.6.2 Installation

A. All installations must comply with all applicable building codes and other governmental regulations and must be secured so they do not jeopardize the safety of residents or cause damage to adjacent properties. Any installation must strictly comply with FCC guidelines.

B. All Permitted Antennas shall be no larger, nor installed more visibly, than is necessary for reception of an acceptable signal.

C. Owners are responsible for all costs associated with the Permitted Antenna, including but not limited to costs to install, replace, repair, maintain, relocate, or remove the Permitted Antenna.

D. All cabling must be run internally when feasible, must be securely attached, and must be as inconspicuous as possible. Permitted Antennas, masts and any visible wiring may be required to be painted to match the color of the structure to which they are attached. The Owner should check with the installer/vendor for the appropriate type of paint.

E. All other antennas, not addressed above, are prohibited.

3.7 Awnings/Overhangs

Approval is required. Awnings should be an integral part of the house or patio design. The color shall be complementary to the exterior of the residence.

3.8 Barbecue/Gas Grills

Approval is not required for portable barbecue gas grills. All barbecue grills, smokers, etc. must be stored in the rear yard or within an approved structure, not visible from the front of the home. Approval is required for all built-in barbecue grills or outdoor kitchens. Built-in barbecue grills or outdoor kitchens must be an integral part of the deck or patio area and of the rear yard

landscaping. (Application fee required)

3.9 Basketball Backboards

Basketball backboards attached to the house above the garage door may be approved by the DRB after review of submitted plans by the A/LRC. Approval is not required for portable basketball backboards, subject to the following limitations.

- A. Portable units cannot be placed in the public rights of way, streets, sidewalks or street lawns.
- B. Location must be in the driveway, at least half of the length of the driveway away from the street, or in the side or rear yard.
- C. Portable basketball backboards may be left out when not in use only if the backboard, hoop, and net are in good repair. Portable basketball backboards that are not in good repair, including the hoop and net, must be stored out of sight when not in use and may not be left out for more than 24 hours.

3.10 Carports

Carports are prohibited.

3.11 Clothes Lines and Hangers

Clotheslines and hangars are prohibited, except within an enclosed structure.

3.12 Compost

Compost containers must be placed in the rear yard, not visible from the street. It is recommended that they be screened with plantings to make them unobtrusive.

3.13 Decks (Application fee required)

Approval is required. The deck must be constructed of wood or composite type decking products and approved by the DRB. The appropriate City or County permits are also required. The deck should be located in the rear yard so as not to create an unreasonable level of noise for adjacent property Owners. Construction shall not occur over easements and must be set back a minimum of ten (10) feet from the rear property line. Construction of decks over a sloped area is discouraged.

Variances can be submitted for review.

The decking material must be of a color that matches or complements one of the exterior paint colors or the masonry on the home. Decks may be finished with clear semi-transparent sealer, stained to match a Cedar tone, an oil-based wood finish or a similar product that matches. The deck may also be painted to match the body or trim color of the home. Owners are reminded that

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as with wood, some types of “maintenance free” decking products may also require periodic maintenance for proper care and to retain the product’s aesthetic conformity, including but not limited to, fading, warping, etc.

All deck columns shall be integrated into the architectural style/character of the home. Covered decks shall be compatible with the architectural style of the home through roof form integration, column design, and railing details. Supporting posts and columns associated with all covered decks or those more than thirty (30) inches above grade shall be a minimum finished dimension of eight (8) inches by eight (8) inches. When possible, matching the column style present on the front of the home is preferred.

Decking that is less than thirty (30) inches above grade of the Lot may utilize a lattice skirting provided the skirting is made of material compatible with the materials of the deck, with a minimum one-half ($\frac{1}{2}$) inch thick boards and stained or painted to match the remaining portions of the deck. Construction shall not occur over easements and must be set back a minimum of ten (10) feet from the property line. Construction of decks over a sloped area is discouraged

3.14 Dog Houses

Approval is required.

3.15 Dog Runs

Approval is required. Dog runs must be located in the rear yard, abutting the home and substantially screened from view by planting fast-growing trees or shrubs. Dog runs will be limited to two hundred (200) square feet, unless a variance is granted by the DRB. Dog run fences should be compatible with other fencing on the Lot and in the community. Covers (ex: tarps, sheets, blankets, etc.) on dog runs are not allowed.

3.16 Doors

Approval is not required for replacing an existing entrance door to a home if the same building materials and colors are used. Any modification to door material, character or color requires approval from the DRB.

Approval is not required for replacing an existing garage door if the same building materials and colors are used. Any modification to door material, windows on the door, character or color requires approval from the DRB. All doors must be replaced with the same material, features and style.

Approval is required for all storm doors and security doors.

3.17 Drainage (Application fee required)

The Covenants prohibit the alteration of the grading on any Lot without the approval of the DRB.

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When installing your landscaping, it is very important to ensure that water drains away from the foundation of the house and that the flow patterns prevent water from flowing under or against the house foundation, walkways, sidewalks, and driveways into the street. Landscaping and all drainage from downspouts off the house should conform to the established drainage pattern. Sump pump drainage should be vented a reasonable distance from the property line, on the Owner's property, to allow for absorption. Adverse effects to adjacent properties, including District lands, sidewalks and streets, will not be tolerated. If an Owner's Submittal includes or will result in a change in the grading on the Lot, the Submittal shall include a letter or report from a licensed engineer certifying that such change in grade will not alter the established drainage pattern on the Lot. Any Owner who changes the established drainage on his or her Lot may void warranties applicable to affected components of the home and shall be liable for all costs and expenses of repairing such changes, or any costs, liabilities, damages or causes of action arising out of such changes. Each Owner shall hold harmless the Association, the Board of Directors of the Association, the DRB and its members, and the A/LRC and its members, for any and all damage to any party caused by any change to the established drainage on the Owner's Lot.

3.18 Driveways (Application fee required)

Approval is required for any changes or alterations to driveways. This includes construction of a pull-off area to the side of the driveway and/or driveway extensions. Owners will be required to maintain the driveways against oil spills, spalling/peeling and degradation.

3.19 Fences

3.19.1 General Statement

Fences constructed by the Declarant, a Builder and/or the Districts along or abutting property lines, arterial streets, collector streets, and local streets may not be removed, replaced, painted a different color or altered, including, adding a gate, without approval of the DRB.

- A.** If any such fences constructed by the Declarant, a Builder and/or the Districts which are located upon an Owner's property are damaged or destroyed, the Owner shall repair or recondition the same at the Owner's expense.
- B.** Some fences may be located upon property owned by the Districts and, if so, the approval of the Districts shall also be obtained before any such fence is removed, replaced, painted or altered.
- C.** Non-living privacy fences are not allowed except for screening hot tubs. A trellis, with living plants, shrubs or trees is encouraged for privacy screening. For privacy screening around hot tubs, please refer to section 3.25.

3.19.2 Fence Designs

Approval is required for any fencing not constructed by the Declarant, a Builder and/or the Districts. All fencing shall be in compliance with the guidelines set forth in **Exhibit A**, with a limitation of 6 feet in height. Any Owner desiring to replace an existing fence must replace the fence with the same style, height and color as the existing fence.

3.19.3 Maintenance

All fences constructed on a Lot shall be maintained, repaired and replaced by the Owner of such Lot. Regular physical and aesthetic maintenance of fencing is required.

3.19.4 Additional Fence Requirements

- A. No electric fences are permitted (other than pet containment fencing installed below grade).
- B. It is important to remember that certain drainage patterns may exist along, or under, proposed fence locations. When constructing a fence, be sure to provide for adequate space between the fence and the ground to accommodate these drainage patterns.
- C. When making a submittal for fencing, include the style and height of the fence, color, and all other descriptive details, as well as an elevation drawing with dimensions of the fence and a plot plan with the location of the fence clearly marked.
- D. Rodent ingress protection may be added to fences as long if the top edge of the same aligns with one of the horizontal rails of the fence and is black or silver in color, such as silver chicken wire or black plastic mesh material.
- E. DRB Approval is required for all gates adjacent to common area property. No hardscape items (i.e., paving stones, landscaping rocks, gravel, etc.) may be installed beyond the homeowner's property.

3.19.5 Pet Fencing

Pet fencing may include any invisible fence on or within the perimeter boundary of an Owner's site per the above fencing standards.

3.20 Fire Pits (Application fee required)

No more than one fire pit shall be allowed on each Lot, and any such fire pit shall be gas operated.

3.21 Flags/Flagpoles

Freestanding flagpoles are prohibited. No DRB approval is required for flagpoles attached to a home. Any flagpoles attached to a home must comply with any applicable provisions of the applicable City of Lakewood codes.

3.22 Gardens – Flower or Vegetable

For flower gardens, DRB approval is not required for one flower garden of no more than 100 square feet located in the front yard and one flower garden of no more than 100 square feet located in the rear yard. Any additional or larger flower gardens must be approved by the DRB. All flower gardens must be weeded, cared for and carefully maintained. Flowers should not exceed three (3) feet in height unless approved by the DRB.

For vegetable gardens, DRB approval is not required for one vegetable garden of no more than 100 square feet in the rear yard and if plants in the garden do not exceed six (6) feet in height,

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unless approved by the DRB. Additional or larger vegetable gardens in the rear yard must be approved by the DRB. No vegetable gardens shall be permitted in the front yard. An exception to policy for vegetable gardens in side yards with the same size limitations may be granted for homes on corner lots with no rear yard.

3.23 Greenhouses

Greenhouses are prohibited.

3.24 Holiday Decorations

Approval is not required if installed on a lot within thirty (30) days of a holiday event, provided that an Owner is keeping with the Community standards, and provided that the decorations are removed within thirty (30) days of the holiday. See Section 3.31, Lights and Lighting.

3.25 Hot Tubs and Jacuzzis (Application fee required)

Approval and screening is required. Hot tubs and Jacuzzis must be an integral part of the deck or patio area and be installed in such a way that it is not immediately visible to adjacent property Owners. Hot tubs and Jacuzzis must be installed in the rear or side of the property. Operation of the hot tub and Jacuzzi must be that it does not create an unreasonable level of noise for adjacent property Owners. Non vegetative screening, no higher than six feet, may be used around the hot tub and should complement the house or deck architecture and material. In some instances, additional plant material, around the hot tub, may be required for screening to soften the look of hard surfaces.

Prefabricated hot tub enclosures will be evaluated on a case-by-case basis and may require additional plant material screening.

3.26 Irrigation Systems

Approval is not required for underground automatic irrigation systems. Such systems may require approval through the City or the County. All Lots must have an underground automatic irrigation system installed with the landscape. All irrigation systems should be designed by a landscape architect, designer or irrigation specialist to ensure water management and plant growth. The irrigation system must be designed so that water does not cross property lines and the irrigation system is must be in complete compliance with the individual home's soil report recommendations, specifically with regard to the no-irrigation zone at the edge of the home's building foundation. All irrigation systems shall comply with any applicable City or County codes.

3.27 Kennels

Kennels are prohibited. Breeding or maintaining animals for a commercial purpose is prohibited.

3.28 Landscaping (Application fee required))

- A.** Approval is required. All Owners must comply with any applicable landscaping requirements of the City or County (Refer to Exhibit B). A drawing or plan should be done to scale and shall depict the property lines of the Lot and the outside boundary lines of the home as located on the Lot. All organic materials (plants, shrubs, trees, etc.), building materials (stone, wood, edging, etc.), must be clearly labeled in detail. A copy of an improvement survey of the Lot obtained when it was purchased is required. Refer to Section 2.2 for complete details of required documents.

The Lot landscaping should be designed to create a coherent environment which complements the overall Community. Plant material should relate to the scale and character used in the Community landscape areas and to the Lot improvements. Particular attention should be paid to the functional aspects of planting design. Consideration should be given to the use of plants for screening, space definition, erosion control, glare reduction, dust control, and aesthetics. The use of drought tolerant plants is highly encouraged. This means that in the landscaping of each Lot, plant materials, irrigation systems and maintenance practices should be utilized to conserve water, wherever possible. No artificial vegetation shall be permitted outside of any structure on a Lot.

Landscaping must consist of trees, shrubs, ornamental grasses, ground covers, annual and perennial flowers, turf grasses, mulches and automatic irrigation. Refer to the Solterra Landscaping Handout for Single-Family Homes, which sets forth notes from the City relative to landscaping, attached hereto as Exhibit B, and the Elements of Solterra: Landscape Design Guidelines, attached hereto as Exhibit C, for further information.

3.28.1 Landscape Installation Schedule

- A.** Initial landscaping of all yards shall be installed within nine months after the recording of the deed conveying a Lot to an Owner other than a Builder. Extensions may be granted by the DRB upon receipt of a request by an Owner (specifications will need to be provided as to why an extension is being requested).
- B.** The Owner shall install and thereafter maintain landscaping on the residential Lot and on the area between the sidewalk and curb of the street, also known as the “Street/Tree Lawn Area”.

3.28.2 Landscape Maintenance

Each Owner of each Lot shall maintain all landscaping on such Owner's Lot in a neat and attractive condition, including periodic and horticulturally correct pruning, removal of weeds and debris, and replacement of landscaping. This applies to the front, back, and side yards as well as the Street/Tree Lawn Area.

3.29 Latticework, Trellis, Arbors (Application fee required)

Approval is required for any type of installation of latticework, trellis or arbor. Adequate framing is required. The inside height of a proposed arbor or trellis must not exceed 8 feet 6 inches. Considerations will include, but may not be limited to, height, color and material. Arbors must be complementary to the residence and shall be painted or stained in colors that are complimentary to the residence. Professionally prepared plans for arbors are highly encouraged to expedite the approval process; otherwise a photograph or catalog picture must be provided.

3.30 Lights and Lighting

Approval is not required for replacing existing lighting, including coach lights, with the same or similar lighting, color and style as originally installed.

Exterior floodlights, searchlights, spotlights, sodium vapor lights and barnyard lights are prohibited. Approval is required to modify or add exterior lighting, subject to the following.

See the Elements of Solterra: Landscape Design Guidelines, attached hereto as Exhibit C, for additional information.

- A.** Considerations will include, but may not be limited to, the visibility, style and location of the fixture.
- B.** Any exterior lighting must be “cutoff” fixtures directed to eliminate glare to neighboring properties. Fixtures with low wattage bulbs (15 watt or less) are recommended.
- C.** Ground lighting along walks must be maintained in a working and sightly manner. Low-voltage or solar powered ground lighting fixtures which are typically affixed by stakes or similar posts are to be maintained in good aesthetic repair, be functional, not be a tripping or other physical hazard along pedestrian pathways and remain generally vertical in their presentation.
- D.** The addition of a front yard light post will be allowed with approval and pursuant to the following:
 - (1) Exterior lights must be conservative in design and be as small in size as is reasonably practical.
 - (2) The light post should match or complement the architecture of the home in design, size, color, and finish along with any existing light fixtures.
 - (3) Light posts shall be located at an appropriate distance from the right-of-way and property line to minimize glare onto neighboring properties and the street and should be integrated into the natural or architectural features of the site.

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- (4) Light or lamp posts shall not be erected higher than 6' feet from ground level, unless approved by the DRB.
- (5) All lighting should not be intrusive to neighboring properties and must meet all City or County requirements.

Holiday lighting and decorations do not require approval. Refer to 3.24 for information.

3.31 Mailboxes

Mail is delivered to group mailboxes and individual mailboxes on Lots are prohibited.

3.32 Ornaments/Art - Landscape/Yard

Artificial vegetation, artificial lawn turf, lawn ornaments, statues or similar items are prohibited outside of any structure on a Lot.

3.33 Painting

In general, only those areas that are painted may be repainted, and only those areas that are stained may be re-stained; unpainted and unstained areas (such as brick or stone) shall remain unpainted and unstained.

Revitalization of the stucco body and trim and/or the doors and shutters does not require DRB approval, if the original (pre-faded) paint palette is maintained.

Any change of the colors or color palette must be submitted for approval by the DRB.

- A. Color selections should be submitted in the form of manufacturer's paint chips identified for trim, body, and accent (doors and shutters). Homes must maintain the multiple tone paint schemes, and new colors submitted should preserve this multiple tone scheme. Digital or electronic reproductions of color samples, such as color samples sent via e-mail, will not be accepted.
- B. The Submittal must include color samples, as well as photos of the home in its current state and photos showing the colors of the next two (2) houses on either side of the home and the home directly across the street.

Outlining the garage door panels in a contrasting color or in a checkerboard design is not permitted.

3.34 Patios (Application fee required)

Approval is required. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property Owners. In some instances, additional plant material around the patio may be required for screening or integration into the landscape design. The patio and materials must be similar or generally accepted as a

complementary color and design to the residence.

Patio covers such as pergolas, must be constructed of material consistent with the home and be similar or generally recognized as complementary in color to the colors on the house. Freestanding and roof extension pergolas may be permitted.

See the Elements of Solterra: Landscape Design Guidelines, attached hereto as Exhibit C, for further information.

3.35 Paving (Application fee required)

Approval is required, regardless of whether for walks, driveways, patio areas or other purposes, and regardless of whether concrete, asphalt, brick, flagstones, stepping stones, pre-cast patterned, or exposed aggregate concrete pavers are used as the paving material. See Section 3.18, Driveways.

3.36 Pergolas and Gazebos (Application fee required)

Approval is required. A pergola must be an integral part of the landscape plan and must be similar in material and design to the residence. The maximum inside height of the pergola is limited to 8 feet 6 inches. The design must be consistent with the architecture of the home. The color must be generally accepted as a complementary color to the exterior of the residence or stained in a color that is complementary to the color of the exterior of the residence. No pergola may be located within any setbacks established pursuant to regulations of the City of Lakewood.

Gazebos, as depicted in the Homeowner's Guide to DRB Applications, are prohibited.

3.37 Play Structures and Sports Equipment (Application fee required)

Approval is required for permanent play structures and sports equipment. Except for basketball backboards as set forth in Section 3.9, all play structures and sports equipment must be placed in the rear yard. Consideration will be given to adjacent properties so as not to create an undue disturbance. In some instances, additional plant material around the equipment may be required for screening. Wood structures must be constructed of weather resistant materials. All play equipment must be maintained in a good condition. The use of multi-colored cloth/canvas tarps will not be approved. No structure may be located within any setbacks or utility easements established pursuant to regulations of the City of Lakewood. The height of any play structure or sports equipment may not exceed 10 feet.

3.38 Ponds and Water Features (Application fee required)

Approval is required. Considerations by the A/LRC will include, but not be limited to, the following criteria:

- A. Must be integrated into landscape scheme.
- B. Setback shall be a minimum of five (5) feet from all property lines.

- C. Must not affect existing drainage on the lot or off the property.
- D. Must always be maintained.
- E. The maximum height of all fountain/pool elements and their spray is not allowed to be higher than four (4) feet from the ground plane.
- F. Must be a minimum of 5' from the building foundation.

3.39 Pools (Application fee required)

Approval is required. Pools must be placed in the rear yard and be an integral part of the deck or patio area. Effort shall be taken such that pools are located in such a way that they are not immediately visible to adjacent property Owners (i.e. screened with plant material). Above ground pools are prohibited. Notwithstanding the above, one (1) wading pool, if less than eighteen (18) inches high and eight (8) feet in diameter, per Lot, is permitted on a temporary basis without prior approval and may not remain in a front yard when not in use. See Section 3.25, Hot Tubs and Jacuzzis.

3.40 Radon Mitigation Systems

Owners desiring to install a radon mitigation system must ensure that all equipment will be installed so as to minimize its visibility. Approval for installation of a radon mitigation system is not required if the equipment is painted a color that matches the original house body or trim color.

3.41 Retaining Walls (Application fee required)

Approval is required. Front yard retaining walls shall not exceed thirty (30) inches in height. In the side yard, retaining walls up to thirty (30) inches high, with a planted slope above the wall, may be constructed. In no event shall rear yard retaining walls exceed four (4) feet in height unless installed by the Declarant or a Builder. Any retaining walls over thirty (30) inches must be designed by a professional engineer and approved by the City prior to construction.

All retaining walls shall comply with applicable requirements of the City or County and shall not significantly alter the drainage patterns on the lot or adjacent properties. Retaining walls shall be made of natural stone or an approved alternative. Approved alternatives may include faux stone veneer, or an extension of the materials used on the home, such as brick or stucco, if directly connected to the architecture of the home. Preference shall be given to stone indigenous to the surrounding environment (sandstone).

New or old creosote treated timber railroad ties and split faced blocks are prohibited.

3.42 Roofing Materials

Approval is required for all roofing materials other than those originally used by the Declarant or a Builder. All buildings constructed on a Lot should be roofed with the same or greater quality and type of roofing material as originally used by the builder.

Approval is not required for repairs to an existing roof with the same building material that exist on the building.

3.43 Rooftop Equipment

Approval is required. Equipment must be painted a color similar or generally accepted as complimentary to the roofing material of the house. All rooftop equipment shall be installed to minimize its visibility. See Section 3.49 Solar Energy Devices.

3.44 Sewage Disposal Systems/Septic Systems (Individual)

Individual sewage disposal systems/septic systems are prohibited.

3.45 Shutters - Exterior

Approval is required. Shutters should be appropriate for the architectural style of the home and be of the appropriate proportion to the windows they frame. Shutters shall have ample dimension. The maximum shutter dimension shall be two feet three inches (2'-3") wide.

3.46 Siding

Vinyl siding is prohibited. Any replacement of structural materials requires approval by the DRB.

3.47 Signs

One sign, not to exceed two feet by three feet in dimension (six square feet in sign face area), which may be used in connection with the sale of the Lot, may be erected on a Lot without DRB approval. Realtor open house signs may be displayed on the Lot during the open house and must be removed each day at the conclusion of the open house.

Additionally, political signs (defined as signs that carry a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue) may be displayed within the boundaries of a Lot without approval, subject to the following:

- A. Political signs may not be displayed earlier than 45 days before the day of the election and must be removed no later than seven days after the election.
- B. No more than one political sign per political office or ballot issue that is contested in the

pending election may be displayed.

C. Political signs shall not exceed 36” by 48” in size.

Approval is required for all other signs.

3.48 Skylights

Approval is required. Skylight glazing must be clear, solar bronze, or white. Bubble type skylights are prohibited.

3.49 Solar Energy Devices

Approval is required in order to review aesthetic conditions. All solar energy collector panels or attendant hardware shall be constructed or installed as an integral and harmonious part of the architectural design of the structure. Photovoltaic (PV) Solar panels must lay flat on the roof, meet all applicable safety, building codes and electrical requirements, including solar panels for thermal systems (solar water heaters). The edges of solar panels must be of a color compatible to the color of the roof. Screens between the solar panels and the roof are highly recommended to prevent nesting of birds and animals. Conduits and wires must, to the extent possible, following the eaves, direction of the siding, gutters, etc., and be painted to match the roof, siding or other material to which the conduit or wire is attached. Panels shall be installed to be low profile. The A/LRC and the DRB may be allowed to request changes if they do not significantly increase the cost or decrease the efficiency of the proposed device and panels. Please also see Colorado Law C.R.S. 38-30-168, which governs the review and the Owner’s installation of such devices.

3.50 Temporary Structures

Temporary structures are prohibited. No structure of a temporary character, including, but not limited to, barns, storage sheds, tents, shacks, mobile homes or other accessory building or any other structure of a temporary nature shall be placed or erected upon any Lot, except as allowed by the Design Guidelines and approved by the DRB. However, during the actual construction, alteration, repair or remodeling of a structure or other Improvements, necessary temporary structures for storage of materials or waste may be erected and maintained by the person doing such work. The work of constructing, altering, or remodeling any structure or other Improvements shall be diligently pursued from the commencement thereof until the completion.

3.51 Trash Enclosures

Trash enclosures must be approved, screened from all sides, and integrated into the architectural design of the home. The enclosure must be constructed of wood or faced with stucco or stone veneer. The enclosure must be located adjacent to either the rear or side of the house. The enclosure must be four-sided and completely enclosed, with one side being a side or rear wall of the home. The enclosure may not extend past the front wall of the house and should be set back a minimum of three (3) feet from the front wall. No more than one enclosure will be permitted on

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any Lot. The maximum size of a trash enclosure is limited to four (4) feet by seven (7) feet for inside dimensions and no more than 4 feet in height. Stucco or wood trash enclosures must be painted to match the exterior walls or trim on the house.

3.52 Tree Houses

Tree houses are prohibited.

3.53 Tree Lawns

Owners are responsible for the maintenance of all landscaping on the Owner's Lot. Owners are also responsible for the maintenance of the Street/Tree Lawn Area (the area between the sidewalk and street), even if such area is within a public right-of-way. Owners are not permitted to alter plant material installed by the Builder or the Declarant in Street/Tree Lawn Area. Notwithstanding, Owners shall replace dead plant material in the Street/Tree Lawn Area with like material of similar size as the plant material being replaced, unless otherwise approved in writing by the DRB.

3.54 Utility Equipment (Application fee required)

Approval is required for installation of utilities or utility equipment, including but not limited to all exterior pipes, conduits and equipment. Utility facilities must be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure. Adequate screening may also be required.

3.55 Wind Electric Generators (Application fee required)

Approval is required. In addition to DRB approval, windmills and any other type of fixture, which fall under the criteria of a wind generator, or are used to generate power etc., must meet the requirement of the C.R.S. 40-2-124 and any regulations of the Colorado Public Utilities Commission.

3.56 Window Boxes

Approval is required. New window box details must include location, size, and color.

3.57 Window Replacement

Approval is not required if replacing windows with windows matching the existing windows in style, material, size, and color. Otherwise, approval is required. Considerations will include, but may not be limited to, size, color, existing and proposed window style and style of home.

3.58 Windows: Tinting, Security Bars, Well Covers, etc.

Approval is not required for window well covers that are manufactured with metal or acrylic glass. All others will require DRB approval.

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Approval is required for any visible window tinting. Highly reflective and/or dark tinting is considered too commercial for residential applications and is not permitted.

No “burglar bars,” steel or wrought iron bars or similar fixtures, whether designed for decorative, security or other purposes, shall be installed on the exterior of any windows of any building.

EXHIBIT A

FENCE GUIDELINES - Solterra Approved Fence Styles

Typically these fences are 4-5 feet in height. The maximum permitted height is 6 ft.

Montage Plus

Classic Style



This through picket style with a pressed spear adorning the top provides the classic look, by which it gets its name. Classic is one of the most popular styles, timeless in its design. The Design Review Board approves the Classic 3 rail, with the standard bottom rail.

Genesis Style



Genesis is a squared top, through picket style, which provides a traditional look of wrought iron fences. For a more customized look, Genesis is the perfect choice as decorative finials, rings and butterfly scrolls can be added. The Design Review Board approves the Genesis 3 rail, with the standard bottom rail.

EXHIBIT B

CITY OF LAKEWOOD LANDSCAPING REQUIREMENTS
FOR SOLTERRA SINGLE-FAMILY HOMES

The plans must conform to the approved irrigation and landscape requirements of the Springfield Green Official Development Plan (ODP) Modification No. 4 or the Solterra West ODP. All items followed by **(Note)** must be listed as notes on the plans. The landscape and irrigation plans shall include:

- 1) All landscapers are required to obtain a no cost public way permit prior to commencing work. A traffic control plan will be required if work is conducted within the right-of-way. A landscaper does not need contractor registration but must carry proof of insurance. A \$500 collateral will be required with the public way permit. The collateral money will be returned upon inspection of the right-of-way if no damage has occurred.
- 2) A minimum of six (6) inches of topsoil shall be provided in all planting areas. **(Note)**
- 3) A minimum of four (4) cubic yards of organic material shall be added to topsoil per 1,000 square feet of planting areas. Organic material shall be aged compost; wood humus from soft, non-toxic trees; sphagnum peat moss (excluding that of Colorado origin); or aged manure. **(Note)**
- 4) Organic material shall be tilled to a minimum depth of eight (8) inches. **(Note)**
- 5) In areas that will receive sod, superphosphate (0/46/0 mix) shall be added at the rate of 15 pounds per 1,000 square feet, evenly spread, after organic matter is tilled in prior to sod placement. Superphosphate shall be raked into the top one inch of topsoil. **(Note)**
- 6) Planted areas shall have automatic irrigation that includes matched precipitation rate heads; Bubblers, drip and /or spray heads shall not be combined within any zone. **(Note)**
- 7) All irrigation systems shall include moisture sensors that automatically interrupt irrigation cycles when irrigation is unnecessary. **(Note)**
- 8) Planting areas with irrigation systems that spray above-ground shall be of adequate width to ensure no over spray onto impermeable areas. Irrigation heads shall minimize evaporation loss, wind-blown water loss and overspray onto impermeable surfaces. **(Note)**
- 9) All downspouts must daylight with a positive flow. Underground downspout extensions with or without pop-ups are not recommended due to the potential of underground systems freezing in the winter that may cause system failure. **(Note)**
- 10) Use of indigenous and xeric species is encouraged. Selection of plant species shall comply with Article 15 of the City of Lakewood Zoning Ordinance. **(Note)**
- 11) Plan species shall vary and include deciduous and coniferous trees and shrubs. **(Note)**

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- 12) A maximum of 45% of the permeable surface of the lot may be covered by turf and the minimum turf width is 8 feet. A minimum of 50% of the permeable surface area needs to be living ground cover. **(Note)**
- 13) Permeable areas, other than turf areas, shall have a minimum of three (3) inches of mulch. Mulch shall be rock or organic meeting the following criteria: Shredded, fibrous material capable of “knitting” together to form a mat that is wind and erosion resistant. Generally, the shredded mulch or peelings are at least 3 inches in length on average. **(Note)**
- 14) Provide setbacks to any new structures such as: seating walls, retaining walls, outdoor fireplaces, etc.
- 15) Provide retaining wall heights. All retaining walls must be setback from the property line a minimum distance of the wall height.
- 16) Street tree species, size, quantity and location for each property are determined by the approved Article 15 Site Plan for the subdivision. These must be shown on plan and called out in the planting schedule.
- 17) Drainage flows must be maintained and shown per the approved drainage plans.
- 18) Separate permits are required for fences, back flow devices, retaining walls or other structures over 30” in height. **(Note)**
- 19) All landscaping and irrigation shall be per Springfield Green Official Development Plan (ODP) Modification No. 3. or Solterra West ODP **(Note)**

All items followed by **(Note)** must be listed as notes on the plans.

EXHIBIT C

ELEMENTS OF SOLTERRA: LANDSCAPE DESIGN GUIDELINES

The Elements of Solterra are the governing principles that are followed to ensure the homes built will respect the communities' physical environment, visual prominence and identifiable community character. This character reflects the hillside context and timeless nature of a European hilltown. Solterra is located against the backdrop of bountiful views of the foothills, Red Rocks Park and protected open space. The European hilltown architecture of Solterra has a strong theme that is reinforced through landscaping and outdoor spaces.

Residents are encouraged to review the following documents:

THE ELEMENTS OF SOLTERRA - Design Guidelines
(Found on the Solterra-connect website under the DRB Info tab)

THE ELEMENTS OF SOLTERRA - Landscape Design Guidelines
(Enclosed on the following pages)

EXHIBIT D

SOLTERRA LANDSCAPE PLAN DESIGN EXAMPLES

Note: These drawings are shown as examples of the type of drawings and information needed. Some required information may be missing from these examples.