

## RECORD OF PROCEEDINGS

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**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
STONE CREEK METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
JULY 24, 2019**

A Regular Meeting of the Board of Directors of the Stone Creek Metropolitan District (referred to hereafter as the “Board”) was convened on Wednesday, the 24th day of July, 2019, at 11:00 a.m., at the Stone Creek Ranch Offices (Barn); 5989 Interlocken Street, Parker, CO. The meeting was open to the public.

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**Directors In Attendance Were:**

Peter J. Klymkow  
Eric Kubly  
Mauricio Barbera  
Shawnee Williams

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Barbera and, upon vote, unanimously carried, the absence of Patrick Lyng was excused, and Director Klymkow was appointed as acting President.

**Also In Attendance Was:**

Lisa A. Johnson; Special District Management Services, Inc. (“SDMS”)

Paula Williams, Esq.; McGeady Becher P.C.

Gigi Pangindian; CliftonLarsonAllen LLP

Tanna Boisvert; Independent District Engineering Services, LLC (“IDES”)

Michael Sanders; Choke Cherry Investors, LLC

**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

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The Board noted that disclosures of potential conflict of interest statements for each of the Directors were filed with the Secretary of State seventy-two hours in advance of the meeting. Attorney Williams requested that the Directors consider whether they had any additional conflicts of interest to disclose. Attorney Williams noted for the record that there were no new disclosures made by the Directors present at the meeting and incorporated for the record those applicable disclosures made by the Board Members prior to this meeting and in accordance with the statutes.

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## RECORD OF PROCEEDINGS

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### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Johnson distributed for the Board's review and approval a proposed Agenda for the District's Regular meeting.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Barbera and, upon vote, unanimously carried, the Agenda for the District's Regular meeting was approved, as amended.

**Minutes:** The Board reviewed the Minutes of the April 24, 2019 Regular Meeting.

Following discussion, upon motion duly made by Director Kubly, seconded by Director Barbera and, upon vote unanimously carried, the Board approved the Minutes of the April 24, 2019 Regular Meeting.

**2019 Legislation Regarding Posting of 24-Hour Meeting Notices:** Attorney Williams discussed with the Board the 2019 Legislation regarding posting of 24-Hour Meeting Notices.

*Resolution No. 2019-07-01; Establishing District Website and Designating Location of 24-Hour Notices:* The Board reviewed Resolution No. 2019-07-01; Establishing District Website and Designating Location of 24-Hour Notices.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Kubly and, upon vote, unanimously carried, the Board adopted Resolution No. 2019-07-01; Establishing District Website and Designating Location of 24-Hour Notices.

*First Amendment to Resolution No. 2018-11-01; Establishing Regular Meeting Dates, Time and Location, and Designating 72-Hour and 24-Hour Notices:* The Board discussed a First Amendment to Resolution No. 2018-11-01; Establishing Regular Meeting Dates, Time and Location, and Designating 72-Hour and 24-Hour Notices.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Kubly and, upon vote, unanimously carried, the Board approved the First Amendment to Resolution No. 2018-11-01; Establishing Regular Meeting Dates, Time and Location, and Designating 72-Hour and 24-Hour Notices.

### FINANCIAL MATTERS

**Claims:** The Board considered ratifying the approval of the payment of claims through the periods ending as follows:

Fund	Period ending April 30, 2019	Period ending May 31, 2019	Period ending June 30, 2019	Period ending July 31, 2019
General	\$ 13,554.16	\$ 10,228.73	\$ 2,618.84	\$ 3,147.82
Fee Revenue	\$ 1,778.00	\$ 456.00	\$ 165.50	\$ 19.00
Debt Service	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Capital Projects	\$ 5,937.10	\$ 7,156.44	\$ 4,355.98	\$ 4,193.75
<b>Total Claims</b>	<b>\$ 21,269.26</b>	<b>\$ 17,841.17</b>	<b>\$ 7,140.32</b>	<b>\$ 7,360.57</b>



## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director Williams, seconded by Director Klymkow and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented above.

**Unaudited Financial Statements:** Ms. Pangindian presented the Unaudited Financial Statements for the period ending June 30, 2019, Schedule of Cash Position for the period ending June 30, 2019, updated on July 17, 2019 and Developer Advances dated July 24, 2019.

Following review and discussion, upon motion duly made by Director Klymkow, seconded by Director Williams and, upon vote, unanimously carried, the Board accepted the Unaudited Financial Statements for the period ending June 30, 2019, Schedule of Cash Position for the period ending June 30, 2019, updated on July 17, 2019 and Developer Advances dated July 24, 2019. Discussion ensued regarding developer advances. Following discussion, the Board directed that future Cost Verifications by IDES were to cease, since all bond funds had been expended and there is no current revenue available to repay developer advances. A final cost verification can be completed at the end of the project to cover any improvements constructed following the last cost verification report received.

**2018 Audit:** Ms. Pangindian presented to the Board the 2018 audit and representations letter.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Barbera and, upon vote, unanimously carried, the Board approved the 2018 audit and execution of the representations letter, subject to receipt of and final review by legal counsel.

**2020 Budget Preparation:** The Board discussed the preparation of the 2020 Budget.

Following discussion, upon motion duly made by Director Barbera, seconded by Director Kubly and, upon vote, unanimously carried, the Board appointed the District Accountant to prepare the 2020 Budget. The Board determined to hold the public hearing to consider adoption of the 2020 Budget on Wednesday, October 23, 2019 at 11:00 a.m. at the regular meeting location.

### **CAPITAL IMPROVEMENTS**

**Project Status Report:** Ms. Boisvert distributed and reviewed with the Board the Project Status Report dated July 24, 2019. A copy of the report is attached hereto and incorporated herein by this reference.

## RECORD OF PROCEEDINGS

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**Status of Stormwater Permit Management:** Ms. Boisvert advised that the Colorado Department of Public Health and Environment (“CDPHE”) had indicated our response to their inspection document was adequate, all items had been addressed and no further action is required with regard to this matter.

**Initial Warranty Acceptance for Public Improvements for Stone Creek Ranch Filing 1, Phase 1, West- Scott Avenue:** The Board reviewed the Initial Warranty Acceptance for Public Improvements for Stone Creek Ranch Filing 1, Phase 1, West-Scott Avenue which found deficiencies in the road. It was noted that the contractor is working to cure the deficiencies. No action was taken at this time.

### **EXPENDITURE VERIFICATION/ COST CERTIFICATION**

**Expenditure Verification Report No. 10 prepared by IDES Certifying District Eligible Expenditures in the amount of \$290,921.11 (Pay Application Nos. 13, 14, and 15 under the Hudick Excavating, Inc. (“HEI” Contract):** The Board discussed Expenditure Verification Report No. 10 prepared by IDES Certifying District Eligible Expenditures in the amount of \$290,921.11 (Pay Application Nos. 13, 14, and 15 under the HEI Contract).

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Kubly and, upon vote, unanimously carried, the Board accepted Expenditure Verification Report No. 10 prepared by IDES Certifying District Eligible Expenditures in the amount of \$290,921.11 (Pay Application Nos. 13, 14, and 15 under the HEI Contract).

**Cost Certification and Bonding Report No. 5 prepared by IDES:** The Board discussed Cost Certification and Bonding Report No. 5 prepared by IDES.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Williams and, upon vote, unanimously carried, the Board approved Cost Certification and Bonding Report No. 5 prepared by IDES in the amount of \$361,090.21.

**Pay Application No. 14 and Pay Application No. 15 under the HEI Contract:** The Board discussed Pay Application No. 14 and Pay Application No. 15 under the HEI Contract.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Kubly and, upon vote, unanimously carried, the Board accepted Pay Application No. 14 and Pay Application No. 15 under the HEI Contract.

**Pay Application No. 13 under the HEI Contract:** The Board reviewed Pay Application No. 13 under the HEI Contract.



## RECORD OF PROCEEDINGS

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Following review, upon motion duly made by Director Klymkow, seconded by Director Kubly and, upon vote, unanimously carried, the Board ratified approval of Pay Application No. 13 under the HEI Contract.

**Pay Application No. 16 under the HEI Contract:** The Board discussed Pay Application No. 16 under the HEI Contract.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Kubly and, upon vote, unanimously carried, the Board approved Pay Application No. 16 under the HEI Contract.

### **LEGAL MATTERS**

**Clubhouse Funding, Construction, and Operations Agreement by and among the District, Choke Cherry Investors, LLC, Cielo Metropolitan District and Forestar (USA) Real Estate Group Inc. ("Forestar")("Clubhouse Agreement"):** Attorney Williams provided the Board with an update. The Board deferred discussion at this time.

**Clubhouse Rules and Regulations related to District Facilities:** The Board discussed the Clubhouse Rules and Regulations and provided additional revisions.

Following discussion, upon motion duly made by Director Kubly, seconded by Director Klymkow and, upon vote, unanimously carried, the Board approved the Clubhouse Rules and Regulations related to District Facilities, subject to final committee approval and legal counsel review.

**Resolution No. 2019-07-02; Resolution Concerning Use of District Recreational Facilities by Non-Residents and Non-Property Owners:** Attorney Williams discussed with the Board Resolution No. 2019-07-02; Resolution Concerning Use of District Recreational Facilities by Non-Residents and Non-Property Owners.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Kubly and, upon vote, unanimously carried, the Board adopted Resolution No. 2019-07-02; Resolution Concerning Use of District Recreational Facilities by Non-Residents and Non-Property Owners. It was noted that membership for Non-Residents and Non-Property Owners is \$950.00 a year with a maximum of twenty (20) memberships allowed per year.

**Resolution No. 2019-07-03; Resolution Adopting the Amended and Restated Design Review Guidelines of Stone Creek Ranch:** The Board discussed Resolution No. 2019-07-03; Resolution Adopting the Amended and Restated Design Review Guidelines of Stone Creek Ranch.

Following discussion, upon motion duly made by Director Klymkow, seconded by Director Williams and, upon vote, unanimously carried, the Board adopted Resolution

**RECORD OF PROCEEDINGS**

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No. 2019-07-03; Resolution Adopting the Amended and Restated Design Review Guidelines of Stone Creek Ranch.

\_\_\_\_\_

**COVENANT  
ENFORCEMENT/  
DESIGN REVIEW**

**Community Services:** There was nothing new to report.

\_\_\_\_\_

**OTHER BUSINESS**

There was no other business before the Board at this time.

\_\_\_\_\_

**ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made, seconded and, upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By \_\_\_\_\_

  
Secretary for the Meeting



**RESOLUTION NO. 2019-07-01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE STONE CREEK  
METROPOLITAN DISTRICT ESTABLISHING DISTRICT WEBSITE AND  
DESIGNATING LOCATION FOR POSTING OF 24-HOUR NOTICES**

A. Pursuant to Section 24-6-402(2)(c)(I), C.R.S., special districts are required to designate annually at the board of directors of the district's first regular meeting of each calendar year, the public place at which notice of the date, time and location of regular and special meetings ("**Notice of Meeting**") will be physically posted at least 24 hours prior to each meeting ("**Designated Public Place**").

B. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., effective as of August 2, 2019, special districts are relieved of the requirement to physically post the Notice of Meeting at the Designated Public Place, and are deemed to have given full and timely notice of a public meeting, if a special district posts the Notice of Meeting online at a public website of the special district ("**District Website**") at least 24 hours prior to each regular and special meeting.

C. Pursuant to Section 24-6-402(2)(c)(III), C.R.S., if a special district is unable to post a Notice of Meeting on the District Website at least 24 hours prior to the meeting due to exigent or emergency circumstances, then it must physically post the Notice of Meeting at the Designated Public Place at least 24 hours prior to the meeting.

D. Effective as of August 2, 2019, Section 32-1-903(2), C.R.S., has been amended to remove the requirement for additional postings at three public places within the boundaries of the special district and the office of the county clerk and recorder and the requirement for 72-hour notices for special meetings.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Stone Creek Metropolitan District (the "**District**"), Douglas County, Colorado:

1. That the Board of Directors (the "**District Board**") authorizes establishment of a District Website, if such District Website does not already exist, in order to provide full and timely notice of regular and special meetings of the District Board online pursuant to the provisions of Section 24-6-402(2)(c)(III), C.R.S.

2. That the Notice of Meeting of the District Board shall be posted on the District Website at least 24 hours prior to each regular and special meeting pursuant to Section 24-6-402(2)(c)(III), C.R.S. and Section 32-1-903(2), C.R.S., effective August 2, 2019.

3. That if the District is unable to post the Notice of Meeting on the District Website at least 24 hours prior to each meeting due to exigent or emergency circumstances, the Notice of Meeting shall be posted within the boundaries of the District at least 24 hours prior to each meeting, pursuant to Section 24-6-402(2)(c)(III), C.R.S., at the following Designated Public Place:

The Barn 5989 Interlocken Street, Parker, Co 80134

**[SIGNATURE PAGE FOLLOWS]**



RESOLUTION APPROVED AND ADOPTED on July 27, 2019.

**STONE CREEK METROPOLITAN  
DISTRICT**

By:   
Acting President

Attest:

  
Secretary

**RESOLUTION OF THE BOARD OF DIRECTORS OF STONE CREEK  
METROPOLITAN DISTRICT CONCERNING USE OF DISTRICT RECREATIONAL  
FACILITIES BY OUTSIDE USERS – 2019 SEASON**

A. Stone Creek Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in Douglas County, Colorado (the “County”).

B. The District was organized pursuant to its Service Plan approved by the County on September 23, 2014, as it may be amended from time to time (the “Service Plan”).

C. The Service Plan and Section 32-1-1001(j) and (k) authorize the District to furnish services and facilities within and without its boundaries, and to establish fees, rates, tolls, penalties, or charges for such services and facilities.

D. The District provided for the construction, installation and/or financing of certain recreation facilities contemplated in the Service Plan, including a community center/pool, common parks, and open space (the “Recreational Facilities”).

E. The Recreational Facilities are intended to be open and available as public facilities to residents and owners of property within the District.

F. The District has adopted, or will adopt, rules and regulations related to District facilities, including the Recreational Facilities, as may be amended from time-to-time (the “Clubhouse Rules and Regulations”).

G. The Recreational Facilities may, on a limited basis and at the District’s discretion, be open and made available to non-residents/non-property owners of the District as determined by the District (the “Outside Users”), so long as capacity and the safe and enjoyable use of such facilities by District residents and property owners (“District Users”) can reasonably accommodate the Outside Users and/or the health, safety and welfare of District Users are not negatively impacted, all as determined by the District’s Board of Directors in its sole discretion.

H. The Board of Directors of the District (the “Board”) desires to establish proportionate rates, fees and charges for the provision of the Recreational Facilities and related services to Outside Users as contemplated by and otherwise limited by this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Stone Creek Metropolitan District, Douglas County, Colorado:

1. The Board hereby adopts this Resolution Concerning Use of District Recreational Facilities by Outside Users.

2. Outside Users may utilize the District’s Recreational Facilities in accordance with, and to the extent set forth in and limited by this Resolution and the Clubhouse Rules and Regulations. Outside Users may, at any time, be restricted and eliminated at the sole discretion of



the Directors as necessary to ensure the safe and enjoyable use of the Recreational Facilities by District Users, as well as to promote the health, safety and welfare of District Users, as further described below.

3. An Outside User (together with his/her legal spouse as such term is defined pursuant to the laws of the State of Colorado, collectively referred to herein as the “**Outside User**”) and the Immediate Family members thereof is further qualified and limited herein as follows. The “**Immediate Family**” of an Outside User includes the unmarried lineal or adopted children of the Outside User, who are under the age of twenty-three (23) and either permanently residing in the Outside User’s home (or part-time due to parental custodian decree) or living apart while and solely due to attending school on a full-time basis.

4. As set forth in the Clubhouse Rules and Regulations, charges applicable to Outside Users for the use of the Recreational Facilities are designed to be similar to the estimated average annual mill levy payments and other annual fees associated with such amenities paid by District Users, plus a reasonable administrative charge. In accordance herewith, the Board shall adopt an “**Annual Fee**” for use of the Recreational Facilities by Outside Users.

5. The Annual Fee for an Outside User’s household for 2019 shall be: Nine Hundred Fifty Dollars (\$950) (“**Annual Outside Membership**”); and the number of Annual Outside Memberships shall be limited to twenty (20) households. Annual Outside Memberships shall be sold on a “first-come, first-served” basis. The Board may increase the number of households to which an Annual Outside Membership may be sold in the Board’s sole discretion, provided that the increased number of Annual Outside Memberships does not negatively impact the health, safety and welfare of District Users.

6. Annually, each Outside User household desiring access to the Recreational Facilities for any given year, shall, no later than May 1, or as otherwise determined by the Board and the District Manager: (1) pay in full the Annual Fee that is due and owing pursuant to this Resolution; and (2) complete and turn in all forms required by the Recreation Policies and Procedures. The “first-come, first-served” basis is determined at the time the District receives the Annual Fee and executed forms.

7. The District always has the right, in its sole discretion, to limit access to the Recreational Facilities by Outside Users based upon the safe and enjoyable use by District Users, and based upon reasonable health, safety, welfare and capacity factors related to the Recreational Facilities, with priority of use given to District Users. Nothing herein shall be construed as giving any prior, current or future Outside Users any future entitlement to access and use of the Recreational Facilities from one year to the next. Outside User access and the number of Outside Users allowed is determined on an annual basis, and future years’ access and number of allowed Outside Users may be eliminated in their entirety as determined by the Board, without notice.

8. This Resolution shall apply in every instance where the District furnishes services related to Recreational Facilities to Outside Users, except as may be otherwise provided pursuant to written agreement. Nothing in this Resolution shall limit the District’s ability to enter into future agreements related to provision of park and recreation facilities and services.

9. Invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase, or word herein, or the application thereof in any given circumstance, shall not affect the validity of any other provision of this Resolution.

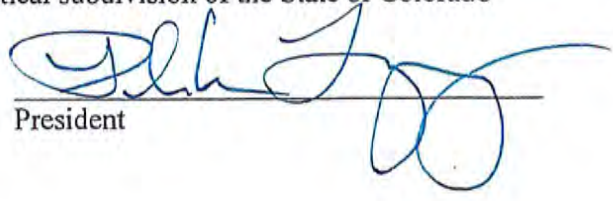
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[SIGNATURE PAGE TO RESOLUTION OF THE BOARD OF DIRECTORS OF STONE  
CREEK METROPOLITAN DISTRICT CONCERNING USE OF DISTRICT  
RECREATIONAL FACILITIES BY OUTSIDE USERS – 2019 SEASON]

APPROVED AND ADOPTED ON Oct. 23<sup>rd</sup>, 2019.

STONE CREEK METROPOLITAN  
DISTRICT, a quasi-municipal corporation and  
political subdivision of the State of Colorado

By:   
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary or Assistant Secretary

RESOLUTION NO. 2019-07-03

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE STONE CREEK METROPOLITAN DISTRICT ADOPTING THE AMENDED AND RESTATED DESIGN REVIEW GUIDELINES OF STONE CREEK RANCH**

WHEREAS, the Stone Creek Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in Douglas County, Colorado; and

WHEREAS, the District operates pursuant to its Service Plan approved by Douglas County, Colorado on September 23, 2014, as the same may be amended and/or modified from time to time (the “**Service Plan**”); and

WHEREAS, pursuant to Section 32-1-1001(1)(m), C.R.S., the District has the power “to adopt, amend and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district;” and

WHEREAS, WHEREAS, Choke Cherry Investors, LLC, a Colorado limited liability company (the “**Developer**”) has caused to be recorded the Declaration Of Covenants, Conditions, And Restrictions Of Stone Creek Ranch, recorded on March 7, 2018, at Reception No. 2018013714 of the Douglas County, Colorado, real property records, as the same may be amended and/or modified from time to time, and the subsequent technical amendment recorded on \_\_\_\_\_, 2019, at Reception No. \_\_\_\_\_ of the Douglas County, Colorado real property records (the “**Covenants**”) applicable to the real property within the District (the “**Property**”); and

WHEREAS, pursuant to Section 32-1-1004(8), C.R.S., and pursuant to the District’s Service Plan, a metropolitan district may provide covenant enforcement within the District, if the declaration, design and landscape guidelines, or any similar document containing the covenants to be enforced for the area within the metropolitan district, name the metropolitan district as the enforcement and design review entity; and

WHEREAS, the Covenants provide that it is the intention of the Developer to empower the District to provide covenant enforcement services to the Property; and

WHEREAS, pursuant to the Covenants, the District may promulgate, adopt, enact, modify, amend, and repeal design and landscape guidelines concerning and governing the Property and the enforcement of the Covenants; and

WHEREAS, the District desires to provide for the orderly and efficient enforcement of the Covenants by adopting design and landscape guidelines; and

WHEREAS, the Board of Directors of the District (the “**Board**”) approved Resolution No. 2018-04-04 Adopting the Design Review Guidelines of Stone Creek Ranch on April 19, 2018 (the “**Original Resolution**”); and



WHEREAS, pursuant to the Original Resolution, the Board declared the Design Review Guidelines effective as of January 1, 2018; and

WHEREAS, the Board has revised the Design Guidelines to correct some technical errors and implement minor revisions; and

WHEREAS, the Board, for purposes of efficiency, desires to amend and restate the Original Resolution in order to adopt the Amended and Restated Design Guidelines attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE STONE CREEK METROPOLITAN DISTRICT:

1. The Board of the District hereby adopts the Amended and Restated Design Review Guidelines of Stone Creek Ranch as described in **Exhibit A**, attached hereto and incorporated herein by this reference ("**Design Review Guidelines**").

2. The Board declares that the Design Review Guidelines are effective as of January 1, 2018.

3. Judicial invalidation of any of the provisions of this Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances, shall not affect the validity of the remainder of this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

**[SIGNATURE PAGE FOLLOWS]**


[SIGNATURE PAGE TO RESOLUTION NO. 2019-07-02]

APPROVED AND ADOPTED on July 24, 2019.

**STONE CREEK METROPOLITAN  
DISTRICT**, a quasi-municipal corporation and  
political subdivision of the State of Colorado

By:   
Acting President

Attest:

  
Secretary or Assistant Secretary



**EXHIBIT A**  
**AMENDED AND RESTATED DESIGN REVIEW GUIDELINES**  
**OF STONE CREEK RANCH**

**Amended and Restated  
Design Review Guidelines**

*for*

**STONE CREEK  
RANCH**

MARCH 2019



## Table of Contents

<b>Section 1: Introduction</b> .....	<b>4</b>
1.1 Purpose and Intent .....	4
1.2 Community Concept and Character .....	4
1.3 Relationship of the Landscape Design Standards to Other Regulations.....	5
<b>Section 2: Landscape Design</b> .....	<b>5</b>
2.1 Purpose and Intent .....	5
2.2 Landscape Requirements .....	5
2.3 Utility Location Requirements.....	6
2.4 Landscape Plan Submittal .....	6
2.5 Timing of Landscape Installation .....	6
2.6 Plant Material, Planting Requirements and Guidelines.....	7
2.7 Site Drainage and Grading .....	8
2.8 Rooftop Precipitation Collection .....	8
2.9 Irrigation .....	9
2.10 Landscape Maintenance.....	9
2.11 Fencing .....	10
2.12 Retaining Walls .....	10
2.13 Play Areas .....	11
2.14 Driveway Extensions .....	11
<b>Section 3: Signs</b> .....	<b>11</b>
<b>Section 4: Flags/Banners</b> .....	<b>12</b>
<b>Section 5: Exterior Holiday Decorations</b> .....	<b>12</b>
<b>Section 6: Basketball Backboards, Poles and Support Structures</b> .....	<b>13</b>
<b>Section 7: Sheds/Trash Cans &amp; Pick Up-Policy</b> .....	<b>13</b>
7.1 Sheds .....	13
7.2 Trash Cans & Pick-Up Policy .....	14
<b>Section 8: Play Equipment</b> .....	<b>14</b>
8.1 Play Equipment.....	14
8.2 Trampolines .....	15
<b>Section 9: Dog Runs and Pet Enclosures</b> .....	<b>15</b>
<b>Section 10: Exterior Fireplaces</b> .....	<b>15</b>
<b>Section 11: Barbecue Grills and Outdoor Cooktops</b> .....	<b>16</b>
<b>Section 12: Antenna/Satellite Dishes</b> .....	<b>16</b>
<b>Section 13: Lighting</b> .....	<b>17</b>
<b>Section 14: Solar Devices</b> .....	<b>17</b>
<b>Section 15: Window Coverings</b> .....	<b>19</b>
<b>Section 16: Decks</b> .....	<b>19</b>
<b>Section 17: Pergolas and Gazebos</b> .....	<b>19</b>
<b>Section 18: Water features, Fountains, Sculptures and Art</b> .....	<b>20</b>

**Section 19: Design Review and Approval Procedure.....20**  
19.1 Submission of Plans by Homeowners .....20  
19.2 Plan Submittal and Review .....20  
19.3 Resubmittal of Plans.....21  
19.4 Accuracy of Plans .....21  
19.5 Work in Progress.....22  
19.6 Non-liability of the DRC and Declarant .....22  
19.7 Enforcement .....22  
**Section 20: Residential Architectural Guidelines .....23**  
20.1 Residential Standards for all lots within Stone Creek Ranch .....23  
Exhibit A: Stone Creek Ranch Recommended Plant List .....25  
Exhibit B: Fencing .....28  
Exhibit C: Retaining Walls .....31  
Exhibit D: Design Review Request Form.....32  
Exhibit E: Typical Landscape Front Yard Designs .....35



## **Section 1: Introduction**

### **11 Purpose and Intent**

Stone Creek Ranch is a covenant controlled community. It is the intent of these Design Review Guidelines to unify the newly built community with the surrounding environment and neighborhoods, these Guidelines are important to the overall aesthetics of this community. The Design Review Guidelines (“DRG”) set forth below have been adopted for this reason, and to help ensure the beauty, sustainability, harmony and consistency of the Stone Creek Ranch community, its homes and landscape. The Board of the Stone Creek Metropolitan District (the “District”) has amended the DRG to clarify that there is not a homeowners’ association but rather that the District is the governing authority for enforcement of the DRG.

The purpose of the DRG is to provide specific design criteria for developing residential lots at Stone Creek Ranch. The DRG, though not intended to be a full list of considerations, deal with a variety of elements that will be subject to review by the District’s Design Review Committee (“DRC”). A number of other restrictions are included elsewhere in the District’s governing documents, copies of which were provided to you during the escrow process. Homeowners, homebuilders and their consultants are encouraged to review the entire DRG to better understand the total design goal of the community. Please contact the District’s managing agent for additional copies of the District’s governing documents.

The DRC is responsible for all matters of design review for all lots within Stone Creek Ranch. Design review includes both architecture and landscape. If you are contemplating an exterior modification to your home or landscape, you must submit a written request and obtain DRC approval prior to performing any modification. Section 10.6 of the Declaration of Covenants, Conditions and Restrictions of Stone Creek Ranch (“Declaration”) requires DRC approval for all property modifications. This includes exterior alterations to existing improvements and planting or removing existing landscape.

The regulations herein may be subject to revision over time. All development within Stone Creek Ranch must abide by the applicable criteria established by these DRG in addition to the zoning development standards established by the Douglas County Colorado and by the Stone Creek Ranch Declaration. In case of conflict or discrepancy, or for subjects not addressed in the DRG, the more restrictive guidelines, governing agencies, codes and/or regulations shall take precedence.

### **12 Community Concept and Character**

Stone Creek Ranch is in a unique landscape setting. Cherry Creek runs through the middle of the community and the land is somewhat rural in character with natural growth of cottonwood, chokecherry, willow and other native Colorado plants. Wildlife in the area

includes red tail hawk, deer, fox and coyote. The community design concept for Stone Creek Ranch provides for residential homes to be linked by public roadways and pedestrian walks to the Cherry Creek Trail and Open Space area.

### **13 Relationship of the Landscape Design Standards to Other Regulations**

The DRG are to be used by homeowners, homebuilders and their design consultants as a guide and framework for their efforts to develop landscapes within Stone Creek Ranch. The DRG are also to be used by homeowners when modifying or upgrading landscaping on individual properties within Stone Creek Ranch.

The DRG will also be used by the DRC in reviewing proposals and determining their relative conformance to the overall design objectives and criteria.

The DRG are intended to cover each site-specific or lot-specific issue, and community issues such as edge treatments and relationships to adjacent land uses. The DRG are to be used in conjunction with the recorded Declaration.

## **Section 2: Landscape Design**

### **2.1 Purpose and Intent**

The landscape within Stone Creek Ranch should provide a sustainable, unified landscape network and should have compatibility with adjacent properties, the project's streetscape, and ultimately transition into perimeter landscaping. The DRC reserves the right to require landscape components as a part of the architectural approval, if in the opinion of the DRC, the architectural design needs specific assistance to meet the intent of the design standards. It is the intent of the criteria to perpetuate a residential landscape, which maximizes the use of water efficient/drought tolerant planting materials and landscape areas. Irrigated blue grass lawns should be used sparingly, see Section 2.6. Homeowners should consider alternative lawn options such as RTF Water Saver Sod, Bluegrass hybrids, Buffalo Grass or even a native grass such as Blue Gramma. Landscape locations within a homeowner's lot must also conform to the Pinery Water & Sanitation District requirements which include: a.) No more than sixty (60%) percent of the total landscaped area of a lot shall include irrigated turf, and b.) No more than 6,000 square feet of irrigable landscape material shall be installed or irrigated on any lot.

### **2.2 Landscape Requirements**

The use of drought tolerant plants is highly encouraged and a mix of deciduous, evergreen plants and grasses will add seasonal interest. Water conservation methods of xeriscape



plantings, irrigation methods and maintenance should be used. Prohibited trees include Poplars, Silver Maple and Russian Olive. The Stone Creek Ranch landscape utilizes a low water native plant palate, see Exhibit A for the "Recommend Plant List".

### **23 Utility Location Requirements**

In making any improvements to a property, the homeowner is responsible for locating water, sewer, gas, electrical, cable television, phone or any other utility lines or easements. The homeowner should not construct any improvements over such easements without consent of the utility involved, and the homeowner will be responsible for any damage to any utility lines. Underground utility lines and easements can be located by contacting:

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

### **24 Landscape Plan Submittal**

Builder installed landscaping plans are pre-approved but must meet the minimum standards listed below. Homeowner must submit landscape plans to the DRC for approval prior to installation. The landscape plan shall include a plant schedule including common, botanical names, quantity and sizes of all plant materials. In addition, landscape plans shall accurately show property lines, easements and setbacks. Landscape plans shall include all proposed improvements such as fencing, decks, retaining walls, gazebos, arbors, built-in barbecues, hot tubs, etc. See Exhibit D, Design Review Request Form for Landscape Plan Submittal.

### **25 Timing of Landscape Installation**

The homebuilder shall install all front and partial side yard (the area between the front yard and the wing fences) landscape, irrigation and side yard wing fencing within 90 days of homeowner taking occupancy or within 8 months if occupancy date is after September 1. Landscape and irrigation is to be installed by each respective homebuilder as part of the homebuilding process in accordance with the Lot Typical Landscaping templates attached hereto as Exhibit E.

The homeowner shall install rear yard and remaining side yard landscape and irrigation within 90 days of occupancy of the home between March 1 and September 1, or within 8 months if occupancy date is after September 1. If the homeowner does not install the landscape within this time frame, they may be susceptible to a fine from the District.

## 2.6 Plant Material, Planting Requirements and Guidelines

The homebuilder shall install at minimum the front yard and partial side yard landscaping including the irrigation system, sod, shrubs and trees. All lots front yard landscape will require a minimum of one (1) – 2½" caliper deciduous tree or one (1) 8' tall evergreen tree and ten (10) – 5 gallon shrubs. All corner lots require an additional one (1) – 2½" caliper deciduous tree or one (1) 8' tall evergreen tree in the side yard area facing the street.

In place of a deciduous tree, one - 1½" caliper ornamental tree may be planted, see min. sizes below

In place of one (1) 5-gallon shrub, three (3) – 1 gallon ornamental grasses may be planted.

All plant/landscape material shall be installed per the following minimum sizes and specifications:

- Deciduous trees – 2½" caliper
- Ornamental trees – 1½" caliper or 6'-8' height multi-stemmed
- Evergreen trees – 8' height
- Shrubs – 5-gallon container
- Ornamental grasses - 1-gallon container
- Perennials – 1-gallon container
- Bark or rock mulch – minimum depth 3"
- Edger – may be a steel edger with rolled top edge or concrete form edging, no vinyl permitted

Rear yard landscape by the homeowner shall be at least 35% long lived plant material (turf, trees, shrubs or ornamental grasses), no more than 25% short-lived plant material (perennials or annuals), and no more than 25% non-living material. Mulch areas or planting beds in rear yards must have plant material coverage of 50% at inspection and 75% at maturity. Turf areas shall be limited to no more than 50% of the area to be landscaped. Not more than 50% of a front yard or rear yard landscape may be bark or rock mulch. Artificial turf is allowed in rear yards.

Internal side yards may be covered with rock or bark mulch and no plant material is required. External side yard exposed to public view shall be landscaped with shrubs and/or ornamental grasses at a minimum rate of six (6) 5-gallon shrubs along the side yard.

Landscape rocks and boulders are permitted, they must be integrated into the design to look as natural as possible. All landscape rocks and boulders should be buried at least 1/3 of their mass.

Lawn areas should be kept at least six (6') feet away from the foundation of the home or as recommended by a professional soils engineer or landscape professional, to ensure proper drainage is maintained. Drip irrigation should be no closer than three (3') feet away from the foundation.

No trees may be planted within utility easement areas, unless approved by the utility company(s) beforehand.

Gas meters, air conditioning units, etc. must be screened from public view with plantings. Evergreen trees or shrubs are encouraged to provide year-round screening. Waivers may be obtained for screening gas meters and air conditioning units based on review and approval of the DRC. Waiver requests will be reviewed by the DRC on a case by case basis.

All beds are to be mulched with 3" depth mulch, either rock or bark. Rock mulch shall be earth tones in color. White, red or black rock is not permitted.

## **27 Site Drainage and Grading**

Natural drainage patterns provided on your lot prior to occupancy must be retained and respected during the landscaping installation and following completion. All structures and landscape elements must be placed on the property so that the existing topography is disturbed as little as possible. Grading plans must conform to the approved Stone Creek Grading and Drainage Plan and the Grading Certificate applicable to the homeowner's lot. Newly graded areas must be protected against erosion, allow 10% slopes away from the residence (or whatever the geotechnical engineer recommends) for at least seven (7') feet. Occasionally, reducing the 10% is permitted by geotechnical engineer and may be necessary to solve grading/drainage issue. Location of topsoil stockpiles, barrow pits on site, and excess material disposal areas are subject to DRC approval. Homeowners are encouraged to utilize soils engineers and landscape professionals to help ensure that proper drainage is maintained.

## **28 Rooftop Precipitation Collection**

Colorado House Bill 16-1005, effective August 10, 2016, now allows "the use of rain barrels to collect precipitation from a residential rooftop for non-potable uses". As part of a sustainable landscape approach, Stone Creek Ranch residents are encouraged to use rain barrels for non-potable or landscape irrigation. Use of rain barrels must comply with the Colorado State law and utilize best management practices. The law states that up to 2 rain barrels with combined storage capacity of 110 gallons are allowed. Information on rooftop precipitation collection may be viewed on the State of Engineer's website, refer to Section 37-96.5-103.



## 29 Irrigation

Automatic irrigation systems are required for constructed landscape areas on all lots. An irrigation design professional should be consulted to provide an efficient watering system that promotes healthy plant growth and minimizes water loss due to run-off and evapotranspiration. All turf areas shall be spray irrigated, all plants in bed areas shall be irrigated with drip, micro-spray or bubbler systems. All irrigation to be automatic underground system design.

### (a) General Design Considerations

- All landscape areas shall be maintained on an automatic irrigation system.
- Introduction of irrigation water, by overspray, run-off, or other means, to areas within existing drip lines under native trees shall be avoided.
- Valve or other flush-mounted boxes shall match the color of the ground surface (tan to match soil color or green when in turf).
- Locate valve boxes, flush caps, wall-mounted or above-ground equipment, and the like in inconspicuous areas of the site and out of drainage swales, and set boxes on flat ground to minimize visibility.
- Paint free-standing or wall-mounted equipment to match the exterior color of the house or the walls on which they are mounted.

### (b) Valves

- Different plant species require varying amounts of water and frequency of application.
- Proper valving can significantly reduce maintenance and water costs. Separate valves should be considered for trees, low-water-use shrubs, ornamental shrubs, turf, annual flowers or pots.
- Additional valves should be considered to accommodate exposure differences. For example, most plants located in shady zones will require less water than the same plants placed in an exposure that receives full sun.

### (c) Turf Irrigation

- Spray irrigation is limited to turf areas only.

- If rotors and low trajectory type heads are utilized to irrigate turf areas, provide separate valves for each to maximize control and efficiency of the system.
- Runoff into streets, onto sidewalks, onto neighboring properties, or into natural areas not previously part of the site drainage pattern is prohibited.

## **2.10 Landscape Maintenance**

Each homeowner is required to maintain the landscape on his or her lot in a neat and attractive condition and in such a manner that it does not become visually unattractive, overgrown, or otherwise not in keeping with the DRG. Minimum maintenance requirements include watering, mowing, edging, pruning, removal/replacement of dead or dying plant materials, removal and/or elimination of weeds and noxious grasses, treatment of diseased plant material and removal of trash. The District and the DRC reserves all rights to cause the maintenance of the landscape in accordance with these DRG including the imposition of fines.

## **2.11 Fencing**

Fencing at Stone Creek Ranch is subject to review and approval by the DRC. Private lot fencing is allowed to provide a sense of security and confinement for family activities and pets. "Invisible" type fencing, buried beneath the surface of the ground on private lots is also allowed. All private lot fencing, including any "invisible" fencing must be approved by the DRC prior to any work being done. All fencing to be installed or replaced shall be consistent with the Fencing Masterplan shown on Exhibit B. All fencing shall be installed or replaced with same fence style, material, color and specifications shown on the Fencing Masterplan and shall be subject to DRC review prior to installation. Homeowners or Builders shall have the option of installing 5 ft. privacy fencing for internal wing, side and rear fences with the approval of the DRC. The Three Rail Fence shall be National Vinyl Products- Ranch Rail Style -Sand Color and the 5-ft. privacy fence shall be National Vinyl Products-Solid Privacy Style- Sand Color. In the event these specified fences are not available, then the DRC shall specify a replacement fence specification.

Removal of the perimeter fence to access a lot is not permitted.

The fencing design at Stone Creek Ranch is part of the Zoning approval by Douglas County, Colorado in addition to being endorsed by the DRG. Therefore, there are no allowed variations in fencing design or height. See Exhibit B for required fence and gate designs.

Rear yard gates are prohibited.

## **2.12 Retaining Walls**

Retaining walls should be aesthetically pleasing and blend in with the surrounding landscape, walls should be constructed of durable materials. All retaining wall information including location, height and materials, must be shown on the Landscape Plan Submittal and will be subject to review by the DRC. See Exhibit C for retaining wall details.

Allowed retaining wall materials include nature stone boulders, concrete block (earth tone colors), concrete with brick or stone veneer and heavy, water resistant timbers. Wall must not exceed four (4') feet in height unless it is designed by a structural engineer and provides adequate fall protection. All walls must be review by the DRC for approval. Terraced walls should include plantings to reduce visual impact.

Retaining walls must not adversely affect adjoining properties and shall comply with the Stone Creek Grading and Drainage Plan.

Maintenance, repair or removal cost associated with retaining walls are the responsibility of the homeowner.

### **2.13 Play Areas**

Play structures including playhouses, swing sets, etc. shall be located in the rear or side yard and will be reviewed on a case by case basis by the DRC. All play structures shall be maintained in a good and slightly manner. See Section 8 for additional details.

### **2.14 Driveway Extensions**

No additional driveway concrete slabs are permitted, unless approved by the DRC.

## **Section 3: Signs**

Unless permitted in the Declaration, no sign of any kind shall be displayed to the public view on any part of a lot or home, except:

- one (1) professional sign to advertise a dwelling for sale, lease or for an "Open House" showing by a realtor. Such sign shall not exceed a total of six (6) square feet.
- one (1) sign indicating protection by security system. Such sign shall not exceed a total of two (2) square feet.
- one (1) "neighborhood watch" sign. Such sign shall not exceed a total of three (3) square feet.



Standards relating to dimensions, color, style and location of such signs must also comply with local sign codes and with all other applicable statutes, ordinances and regulations.

Any and all signs must be placed at least two (2') feet into the yard from the sidewalk.

Except as specifically permitted in the Declaration, no signs shall be permitted in common space areas.

#### **Section 4: Flags/Banners**

Unless permitted in the Declaration, no flag or banner of any kind shall be displayed to the public view on any part of a lot or home, including during the period when a home is for sale. The only exceptions are the American flag and military service flags. The American flag may be displayed on the property, in windows and on balconies if the display complies with the Federal Flag Code, 4 U.S.C. 4 to 10. Service flags with a star denoting the service of the homeowner or a member of the homeowner's immediate family in the active or reserve military service during a time of war or armed conflict may be displayed on the inside of a window or door of the homeowner's residence. Service flags can be no larger than 9 (nine) inches by 16 (sixteen) inches in size. Service flags may be displayed inside of a window or door only.

#### **Section 5: Exterior Holiday Decorations**

The intent of this section is not to discourage decorating for holidays, but only to maintain a standard of quality fitting with a community like Stone Creek Ranch. Holiday decorations are considered gifts to the street, and, as such, should be subtle, soft, and tasteful. Decoration displays should not have a commercial appearance and should not be "overdone." The DRC reserves the right, in its sole opinion, to prohibit any holiday decorations deemed inappropriate for the image of the community.

The following criteria should be followed:

- Cut evergreen trees and/or decorated winter holiday trees are not permitted outside the exterior of the home, except when located in private courtyards.
- No exposed spotlights are allowed. Avoid excessive light pollution at night.
- Luminaries may be placed along driveways and patios, but not on roofs or parapets. Paper luminaries with candles are discouraged due to potential fire danger. Care must be taken that paper luminaries do not blow away or litter adjacent properties.

- Exterior holiday music is not permitted, except for that which is played for personal and social enjoyment within the outdoor living spaces or which may otherwise be approved by the DRC.
- winter holiday decorations may be displayed only between Thanksgiving and January 10th.
- Decorations for any other holiday may be displayed no more than two (2) weeks prior to the holiday and must be removed within one (1) week after the holiday.

## **Section 6: Basketball Backboards, Poles and Support Structures**

Basketball hoops and backboards are exterior improvements and must be approved by the DRC prior to installation.

Basketball hoops/backboards may not be permanently attached to the front elevation of any home. Portable basketball hoops/backboards are acceptable but must be placed in such a manner that they do not block sidewalks and cannot be placed in streets and must be removed within 48 hours when not in use and stored out of public view. Violations will be considered an unauthorized improvement to the exterior of the home.

## **Section 7: Sheds/Trash Cans & Pick-Up Policy**

### **7.1 Sheds**

No accessory buildings other than a storage shed shall be allowed on any lot unless integrated into the character of the overall yard/landscaping. A playhouse or structure is not an “accessory building” under this Section 7 but shall be governed by Section 8, Play Equipment.

- Prior to construction or placement of any storage shed, a complete set of building plans with a sitemap showing dimensioned location of the proposed storage shed, adjacent fences, and the adjacent home must be submitted to the DRC for approval.
- All storage sheds may also require a Douglas County, Colorado building permit.
- Only one (1) storage shed per lot is allowed.
- Storage sheds must maintain the character of the surrounding neighborhood and

architecturally resemble and be constructed of like or similar materials as the



existing principal building (i.e., same color for trim, body, and shingles as the residence.)

- Prefabricated or corrugated metal, cinder block, plastic, vinyl, canvas or similar material buildings are prohibited.
- Building on easements is prohibited.
- The front setback shall be the same as the adjacent home. The side and rear setbacks shall be the same as the adjacent home. The side and rear setbacks shall be a minimum of three (3') feet from any adjacent property line, but may not encroach into any easements.
- Storage sheds may be integrated into the main building or garage but must be located within the rear yard. All storage sheds shall be kept well painted and maintained.
- Maximum height shall not exceed 12 feet at the peak of the roof. Storage sheds shall not exceed one hundred-fifty (150) square feet in size. All storage shed plans shall be reviewed by and require the approval of the DRC.

## **7.2 Trash & Pick-up Policy**

Residents of Stone Creek Ranch may only leave covered trash containers, cans and receptacles out for curb side pick-up no earlier than 5 PM the day before scheduled pick-up service and same shall be stowed/stored out of public view no later than 11 PM the day of scheduled pick-up service. Trash containers, cans and receptacles must be permanently stored in a manner so they are not visible from the street, i.e. behind a screen fence, plantings or in a garage.

## **Section 8: Play Equipment**

### **8.1 Play Equipment**

All play structures must be submitted to the DRC for approval prior to being installed. The DRC request must include the location of the play structure in the backyard. The play structure must not exceed twelve (12') feet in height. Play structures must be made mostly of natural materials. Covers, tents, awnings, or flags must be submitted for approval. Play structures must be neutral in color. No portion of the play equipment, as utilized, may be located or extended closer than five (5') feet to the property line of the lot it is being utilized on.

## 8.2 Trampolines

All trampolines must be submitted to the DRC for approval prior to being installed.

- Where possible trampolines should be installed in-ground. Above ground trampolines must be anchored securely. Homeowner will be required to provide proof of adequate anchoring to the DRC.
- Trampolines and safety nets must be fully screened with mature plant material on the side facing the street.
- Plans submitted must include size and height of trampoline and net.
- Plans must also include heights and diameters of all screening plant life to be planted around the trampoline.

## Section 9: Dog Runs and Pet Enclosures

All dog runs, pet enclosures and similar structures must be submitted to the DRC for approval prior to being installed.

- Dog runs, pet enclosures and similar structures shall be designed as integral elements to the home.
- Fencing or wire-type mesh must be framed or encased in architectural elements that tie into the architectural character of the home and shall not exceed five (5') feet in height. No chain-link style fence is permitted to be used as part of a pet enclosure.
- Dog runs and pet enclosures may not appear as freestanding elements or arbitrarily tacked-on structures. Such structures must be located in the rear yard and in compliance with the building setbacks for the lot.

## Section 10: Exterior Fireplaces

All exterior fireplaces, fire-pits and similar structures must be submitted to the DRC for approval prior to being installed.

Gas fueled fireplace (including two-sided fireplaces shared with finished indoor living space) and fire pit features are permitted. Homeowner must obtain all necessary permits prior to installation. Gas fire pits and fireplaces must meet local building codes.

Wood burning fireplaces or fire pits are prohibited.

Exterior fireplace design should complement the architectural style, materials and colors of the home and conform to the following guidelines:

- Exterior fireplaces and/or fire pits must be contained within the rear yard.
- Internally mounted spark arrestors should be considered a part of the finished design.
- A fireplace or fire pit shall be located a minimum of five (5') feet from any property line.
- A fireplace or fire pit taller than six (6') feet shall be located a minimum of ten (10') feet from any fence.
- Any freestanding exterior fireplace, including the chimney, shall not exceed a height of ten (10') feet as measured from the adjacent finished grade of the lot.

### **Section 11: Barbecue Grills and Outdoor Cooktops**

Fire safety measures shall be adhered to in locating and supervising barbecues on lots. No barbecue shall cause a threat of fire or expose adjacent lots to unnecessary smoke.

All built-in barbecue units and outdoor cooktops must be submitted to the DRC for approval prior to being installed. Homeowner must obtain all necessary permits prior to construction; barbecue grills must meet local building codes.

Built-in barbecue units must be contained within the rear yard and must be designed to integrate with the design of the home and conform to the following guidelines:

- Barbecues shall be located a minimum of five (5') feet from any property line.
- A barbecue taller than six (6') feet shall be located a minimum of ten (10') feet from any property line.
- Any freestanding exterior barbecue, including the chimney, shall not exceed a height of ten (10') feet as measured from the adjacent finished grade of the lot.

### **Section 12: Antenna/Satellite Dishes**

The DRG recognize and adhere to all local, state and federal regulations concerning antennas and satellite dishes, and no-one will be denied the use of a recognizable system.

Large satellite dishes will be prohibited in favor of the smaller (18") varieties unless otherwise approved by the DRC.

Inconspicuous locations under the eaves are encouraged. Location above the eaves of the roofs is generally not necessary for dishes; however, locations over the home's entry or other conspicuous places will not be permitted. Connection cables should be hidden or located in a non-obtrusive location, and should be colored to blend with the color of the home. Line of sight aerials will be allowed.

DRC approval will be required for more than one satellite dish, antenna or any combination thereof.

### **Section 13: Lighting**

In an effort to minimize unnecessary light pollution, exterior lights should generally be turned off by manual or automatic methods by midnight.

The following guidelines apply to exterior lighting installations:

- With the exception of indirect lighting, all exterior lighting requires DRC approval prior to installation
- Exterior lighting must be soft and indirect in white or yellow bulbs. Other colored bulbs will only be permitted to be used for holiday decorations
- Outdoor spotlights attached to homes must be focused downward, and shielded, if necessary. Spotlights, floodlights or similar type-high intensity lighting shall not be placed or utilized upon any portion of the lot which will direct light or produce excessive glare to any other residences or to the common areas or any part thereof, without DRC approval.
- Lighting elements must not adversely affect neighboring properties
- Landscape and accent lighting must be low-voltage, and shall not become a nuisance to neighbors
- String or rope lighting that is visible from the street, common areas or neighboring properties is considered to be "holiday decoration" lighting, and is subject to the DRG set forth for holiday decorations

### **Section 14: Solar Devices**

The District recognizes your right to install solar energy devices on your lot. For purposes of these DRG, solar energy devices include solar panels and thermal water heating panels ("Solar Devices").



Solar Devices shall be submitted to the DRC for approval and must comply with the following guidelines, to the extent that they do not impair the functioning of the Solar Device, or adversely affect the cost or efficiency of the Solar Device:

- Solar Devices may only be placed on property that you own. They may not be installed or encroach on any portion of District common area or the property of another owner
- Solar Devices must be placed in the back yard or on a portion of the roof facing away from the street so as not to be visible from neighboring property
- Solar Devices must be shielded from view so as not to be visible from neighboring property to the maximum extent possible. The landscaping or structure used to shield the solar energy device must be approved in advance by the DRC.
- It is recommended that roof-mounted Solar Devices should consist of black or dark colored materials or a color to match the existing roof of the house to the maximum extent possible
- Solar Devices must be an integrated part of the roof design and mounted directly to the roof plane. Solar Devices must not break the roof ridgeline.
- Solar Devices must comply with all applicable town, county and state laws, regulations and codes. The District must be provided with a copy of any applicable governmental permits, if requested.
- Placement and installation must be pursuant to the manufacturer's instructions
- To protect against personal injury and property damage, Solar Devices may not be placed in a location where they may come into contact with a power line, must be properly grounded and secured and may not block or obstruct and driver's view of an intersection or street
- All Solar Device installations must be approved by the DRC prior to installation.

## **Section 15: Window Coverings**

Stone Creek Ranch homeowners are required to install window coverings within sixty (60) days of taking title to their lot.

- The exterior-facing window coverings must be a neutral color that blends with the exterior of the home, such as white, off-white, light beige, or wood tones.
- The tinting of exterior windows is subject to prior DRC approval. Reflective glazing, silver foil or similar sun screening material is not permitted.

## **Section 16: Decks**

Decks should be incorporated to blend and compliment the architecture of the home, all decks or deck improvements or modifications will be subject to DRC approval prior to construction and must meet all local building codes.

Modification or alterations to homebuilder installed decks must incorporate the same materials, colors and detailing as the homebuilder's or approved existing deck. Synthetic decking material such as Trex or other engineered composite wood products are preferred. Decks must be kept in good condition and maintained in an attractive manner.

## **Section 17: Pergolas and Gazebos**

A pergola is a feature with an open lattice or framework that may or not be attached to a house, which provides both shade and or an aesthetic feature with or without climbing plants. Occasionally, a temporary seasonal fabric cover is incorporated in the pergola. Pergolas and gazebos must be kept in good condition and maintained in an attractive manner. A pergola must be approved by the DRC and meet the following standards:

- Compliment the house color and materials
- Maximum height of ten (10') feet
- Must be constructed entirely outside of easements, may be constructed outside building setback if approved by the DRC and permitted by the local authority
- Homeowner must obtain all necessary building permits and comply with local

building codes

A gazebo is an accessory building which is detached, permanent, decorative and used as a seasonal gathering place. Gazebos must be approved by the DRC and meet the following standards:

- Compliment the house color and materials
- Maximum height of thirteen (13') feet
- Must be constructed entirely outside of easements, may be constructed outside building setback if approved by the DRC and permitted by the local authority
- Homeowner must obtain all necessary building permits and comply with local building codes

### **Section 18: Water features, Fountains, Sculptures and Art**

Artificial vegetation, exterior sculptures or similar items shall not be permitted in the front yard or visible from the street view. Removable water features, fountains, sculptures or art under five (5') feet tall are permitted in the rear yard without DRC approval. Items in excess of five (5') feet tall in the rear yard require DRC approval. Any permanent water feature on the lot or removable water feature in the front yard must be approved by the DRC prior to installation.

### **Section 19: Design Review and Approval Procedure**

#### **19.1 Submission of Plans by Homeowners**

Plans and specifications for proposed designs must be submitted to the DRC as specified in the Declaration, and according to the following submittal and review procedures.

The DRC shall conduct a review and respond no later than thirty (30) days after receipt of complete submittal.

Should the plans be approved, the homeowners may apply for the appropriate building and/or governmental permit(s), and when approved, begin construction.

In the case of disapproval, the re-submittal of plans shall follow the re-submittal procedure.

#### **19.2 Plan Submittal and Review**

A Design Review Request form including copies of the plans and specifications must be submitted for approval. That form is included as Exhibit D to these DRG.



Each DRC submittal shall include:

- An approximate time schedule indicating starting and completion dates
- Two 11" x 17" copies of the landscape plan using a 1" = 10' scale, containing the following:
  - a) all existing conditions including house, garage, walks, driveways, patios, decks, walls, property lines and easements
  - b) all proposed landscape improvements, including but not limited to: walls, patios, structures, hot tubs, gazebos, water features, irrigation, shrubs, trees, perennial and annual beds, and quantity, size and type of all trees and shrubs

Approval by the DRC shall be issued in writing.

Construction shall not commence until all of the above requirements are satisfied.

### **19.3 Resubmittal of Plans**

In the case of disapproval of any submission, the resubmittal of plans will follow the same procedure as an original submittal.

In the event a decision by the DRC is felt to be unjust, the homeowner can submit a written request to the DRC for reconsideration:

- Such request must be made within thirty (30) days of the notification date of the DRC's original decision.
- The request should contain an explanation of why the decision is felt to be unjust, as well as any additional material that would be helpful to the DRC in reviewing the situation.
- A meeting of all parties concerned may be arranged when warranted, and the decision of the DRC at any such meeting or after reviewing this material will be final.

### **19.4 Accuracy of Plans**

Any owner submitting plans for approval to the DRC shall be responsible for the verification and accuracy of all lot dimensions, grade, elevations, and the location of the key features of the natural terrain. Each owner shall certify to the accuracy of that before the DRC will undertake its review.

## **19.5 Work in Progress**

The DRC may inspect all work in progress and give notice of non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval of the DRC of work in progress or compliance with these DRG or the Declaration.

If, during construction, changes occur to an improvement which cause it to be significantly different from the approved documents, a request for approval of these changes shall be submitted to the DRC in the following manner:

- A written statement giving the reason such changes are desired
- A complete description of the change, including drawings, specifications and any other descriptive material required by the DRC

In case of disapproval of the changes, resubmission of plans or request for a special hearing shall be in accordance with Section 19.3, above.

The DRC, or its duly authorized representative, shall have the right to inspect any improvement prior to, during or after completion.

## **19.6 Non-liability of the DRC and Declarant**

Neither the DRC nor the Declarant, or their respective successors or assigns, shall be liable in damages to anyone submitting plans. This exemption from liability shall be for any reason, including error in judgment, negligence or nonfeasance. Every owner or other person who submits plans to the DRC for approval agrees, by submission of such plans and specifications, that he will not bring any action or suit against the DRC or Declarant to recover damages.

## **19.7 Enforcement**

These DRG may be enforced by the DRC or the District or the Declarant as provided in the Declaration.

## Section 20: Residential Architectural Guidelines

These Residential Architectural Guidelines are intended to guide any development by homebuilders or residents within the Stone Creek Ranch community.

A variety of building elevations will be encouraged and each home shall have a two-car garage and two off-street parking spaces as a minimum. Within each individual village, all residences shall have exterior elevations, roofs and details that shall be coordinated and consistent in their architectural treatment for such village. Exterior elevations shall be designed to complement the natural and enhanced environments of Stone Creek Ranch.

No two identical home elevations or identical color schemes shall be placed side by side or immediately across the street from one another within the project to provide a variety of design.

Homes with three-car garages shall have a minimum two-foot horizontal stagger between the front face of the one-car garage bay and the two-car garage bay.

### 20.1 Residential Standards for all lots within Stone Creek Ranch

- Minimum habitable enclosed area per dwelling unit, excluding garages and basements – 1,400 square feet
- Roof overhangs shall be a minimum of twelve (12”) inches as measured horizontally from the adjacent vertical wall plane.
- Roof Materials – All roof materials must be non-reflective and carry a minimum 30-year guarantee. Materials may consist of asphalt or fiberglass composite, clay, metal or concrete.
- Building Materials – All exterior siding and finishes must be made of non-reflective materials. A minimum of two different materials are required for the front façade of each home. Materials shall include the following: natural or synthetic materials- stucco, brick, thin set brick, stone, cementitious siding, wood siding and any other material deemed to be of high quality and low maintenance by the master developer, its successors, and/or assigns. A minimum of 20% of a side elevation, when facing the adjacent side street, and a minimum of 25% of the front façade of each home, excluding entry doors, windows and garage doors, shall include natural or synthetic brick, stone, or other masonry material, provided that the DRC may waive this provision in the event a specific architectural theme is appropriately designed without such materials or ratios. Any front façade’s natural or synthetic brick, stone, or other masonry material shall be extended and wrap at least contiguously two (2’) feet on each side elevation.
- Building Height - No residential buildings or structures shall exceed thirty-five (35’) feet in height, excluding chimneys.

- Building Setbacks - The minimum principal building or accessory building setback from any public street right-of-way or any other property line shall be:

Building front	20 feet (front-loaded garage) 10 feet (side-loaded garage) 8 feet (covered porch)
Garage door setback	20 feet (front or side-loaded garage)
Building sides	5 feet (to lot or open space tract) 10 feet (street-side side setback on a corner lot)
Building rear	15 feet (home from rear lot line) 5 feet (accessory structure to rear lot line)



## Exhibit A

### Stone Creek Ranch Recommended Plant List

COMMON NAME	BOTANICAL NAME
DECIDUOUS TREES	
Autumn Blaze Maple	Acer x Freemanii
Northern Red Maple	Acer rubrum
Hot Wings Maple	Acer tartarian
Big Tooth Maple	Acer grandidentatum
Thin-leaf Alder	Alnus incana tenuifolia
Western Catalpa	Catalpa speciose
Hackberry	Celtis occidentalis
Fall Gold Ash	Fraxinus nigra 'Fall Gold'
Autumn Purple Ash	Fraxinus Americana 'Autumn Purple'
Green Ash	Fraxinus pennsylvanica
Ginko	Gindo biloba
Honeylocust	Gledisia spp.
Kentucky Coffeetree	Gymnocladus dioisus
Golden Raintree	Koelreuteria paniculata
Aristocrat Pear	Pyrus calleryana 'Aristocrat'
English Oak	Quercus robur 'Fastigata'
Swamp White Oak	Quercus bicolor
Burr Oak	Quercus robur
Greenspire Linden	Tilia cordata 'Greenspire'
Frontier Elm	Ulmus 'Frontier'
EVERGREEN TREES	
One Seed Juniper	Juniperus monosperma
Spartan Juniper	Juniperus chinensis
Rocky Mountain Juniper	Juniperus scopulorum
Blue Spruce	Picea pungeons
Norway Spruce	Picea abies
Austrian Pine	Pinus nigra
Bosnian Pine	Pinus heldreichii
Bristlecone Pine	Pinus aristata
Scotch Pine	Pinus sylvestris
ORNAMENTAL TREES	
Ginnala Maple	Acer ginnala 'Flame'

Serviceberry	Amelanchier spp.
Cockspur Hawthorne	Crataegus crusgalli
Washington Hawthorne	Crataegus phaenopyrum
Spring Snow Crabapple	Malus spp. 'Spring Snow'
Hopa Crabapple	Malus spp. 'Hopa'
Prairie Fire Crabapple	Malus spp. 'Prairie Fire'
American Plum	Pyrus American
Chanticleer Pear	Pyrus calleryana 'Chanticleer'
Montmorency Cherry	Pyrus cerasus

#### DECIDUOUS SHRUBS

Regent Serviceberry	Amelanchier alnifolia
Indigo Leadplant	Amorpha fruticose var. angustifolia
Blue Mist Spirea	Caryopteris x clandonensis 'Blue Mist'
Mountain Mahogany	Cercocarpus montanus
Dwarf Rabbitbrush	Chrysothamnus nauseosus
Burning Bush	Euonymus alatus
Apache Plum	Fallugia paradoxa
Russian Sage	Perovskia atriplicifolia
Lewis Mockorange	Philadelphus lewisii
Potentilla	spp.
Native Chokecherry	Prunus virginiana melancarpa
Wax Leaf Current	Ribes cereum
Boulder Raspberry	Rubus deliciosus
Woods Rose	Rosa woodsia
Rocky Mt. Sumac	Rhus glabra cismontana
Native Snowberry	Symphiocarpus albus
Dwarf Korean Lilac	Syringa meyeri 'Paliban'
Mohican Viburnum	Viburnum lantana
Compact Cranberrybush	Viburnum opulus compactum

#### EVERGREEN SHRUBS

Common Juniper	Juniperus communis 'effusa'
Buffalo Juniper	Juniperus Sabina 'Buffalo'
Hughes Juniper	Juniperus horizontalis 'Hughes'
Tammy Juniper	Juniperus Sabina 'Tammy'
Sea Green Juniper	Juniperus x media 'Sea Green'
Oregon Grape Holly	Mahonia aquifolium
Mugo Pine Varieties	Pinus mugo
Boxwood	Buxus spp.

#### ORNAMENTAL GRASSES

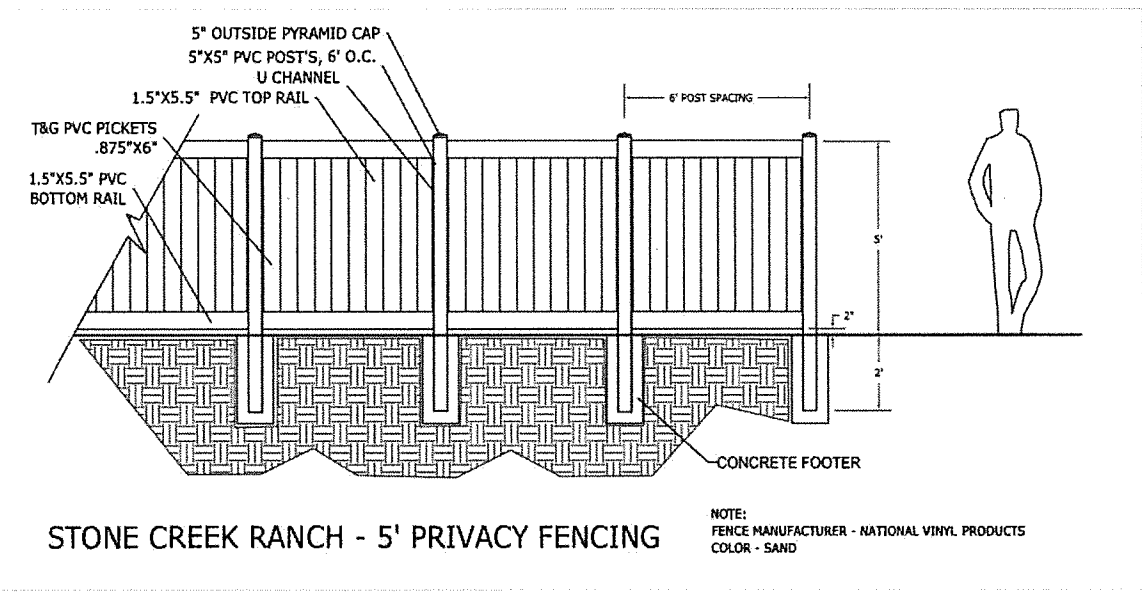
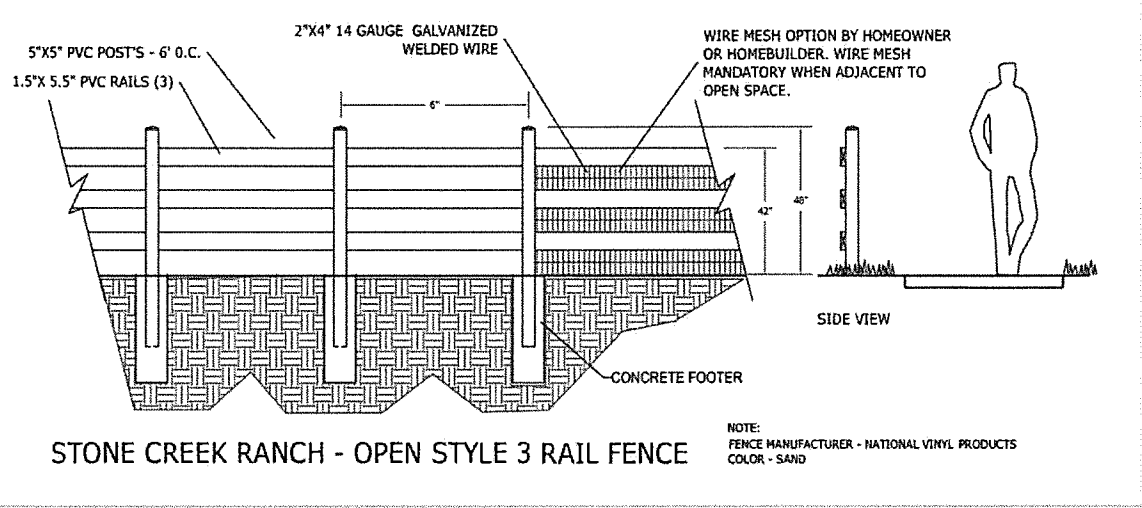
COMMON NAME	BOTANICAL NAME
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Blue Avena Grass	<i>Helictotrichon sempervirens</i>
Feather Reed Grass	<i>Calamagrostis acutiflora</i>
Maiden Hair Grass	<i>Miscanthus sinensis</i> 'Morning Light'
Blue Switchgrass	<i>Panicum virgatum</i> 'Heavy Metal'
Ribbongrass	<i>Phalaris arundinacea</i> 'Picta'
Indian Grass	<i>Sorghastrum nutans</i> 'Sioux Blue'
Mexican Feather Grass	<i>Stipa tenuissima</i>
Blonde Ambition Blue Grama	<i>Boutolua gracilis</i> 'Blonde Ambition'

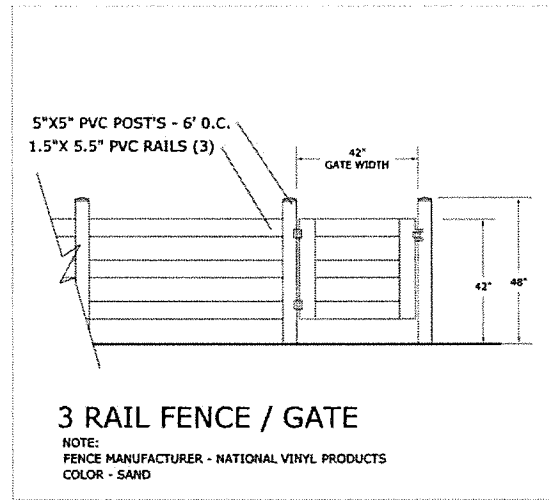
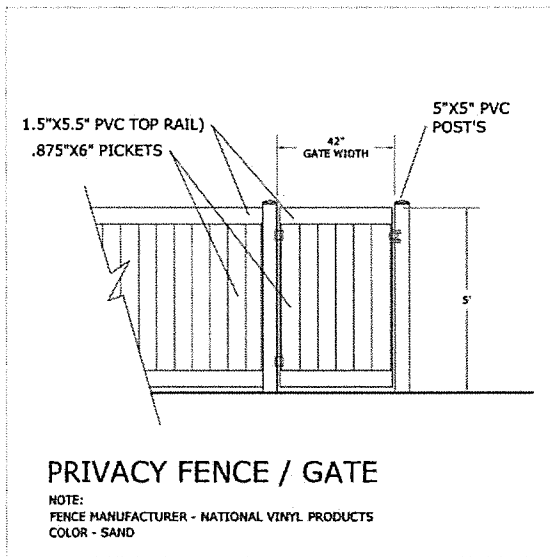
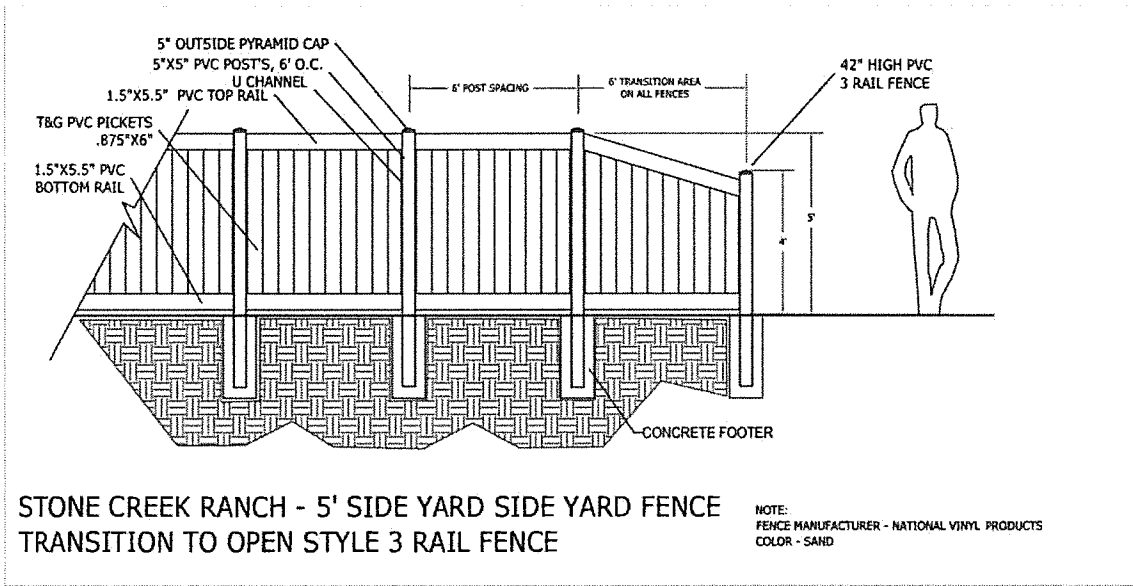
## PERENNIALS

Yarrow species	<i>Achillea</i> spp.
Hyssop	<i>Agastache</i> spp.
Fall Aster	<i>Aster oblongifolius</i>
Columbine	<i>Aquilegia</i> spp.
Fringed Sage	<i>Artemisia frigida</i>
Coreopsis	<i>Coreopsis</i> spp.
Ice Plant	<i>Delosperma</i> spp.
Purple Coneflower	<i>Echinacea fleischeri</i>
Fleabane Daisy	<i>Erigeron compositus</i>
Puple-leaf Wintercreeper	<i>Euonymus fortune</i> 'Coloratus'
Ganzania	<i>Ganzanis krebsiana</i>
Cranesbill	<i>Geranium</i> spp.
Daylilies	<i>Hemerocallis</i> spp.
Iris	<i>Iris</i> spp.
Lavender	<i>Lavendula</i> spp.
Gayfeather	<i>Liatris</i> spp.
Blue Flax	<i>Linium lewisii</i>
Lupine	<i>Lupinus</i> spp.
Bee Balm	<i>Monarda</i> spp.
Catmint	<i>Nepeta x faassenii</i>
Viginia Creeper	<i>Parthenocissus quinquefolia</i>
Penstemon	spp.
Black Eyed Susan	<i>Rudbeckia</i> spp.
Salvia	<i>Salvia</i> spp.
Pincushion Flower	<i>Scabiosa</i> spp.
Thyme	<i>Thymus</i> spp.
Tulips	<i>Tulipa</i> spp.
Veronica	<i>Veronica</i> spp.
Periwinkle	<i>Vinca minor</i>

# Exhibit B: Fencing



# Exhibit B: Fencing continued

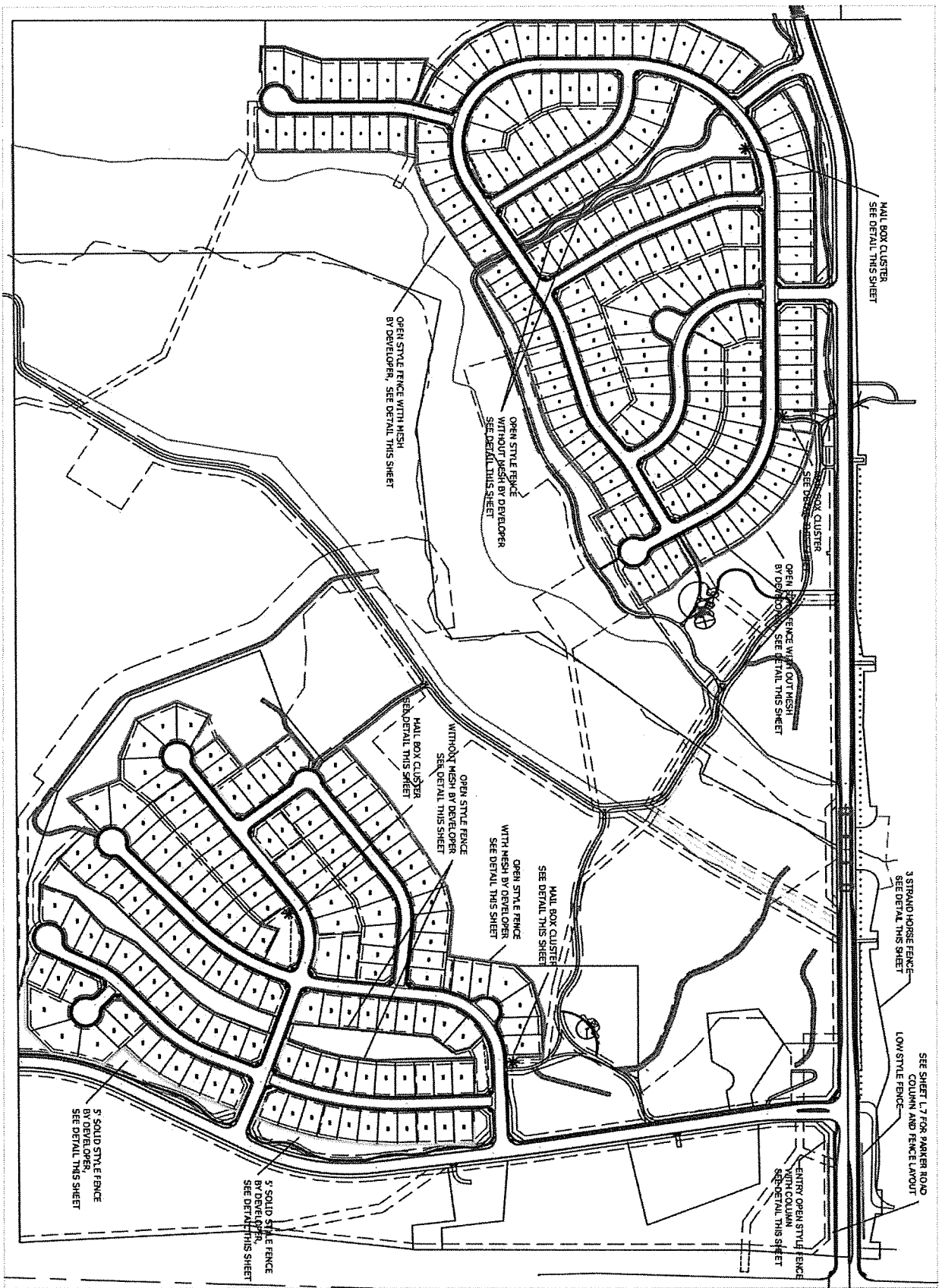




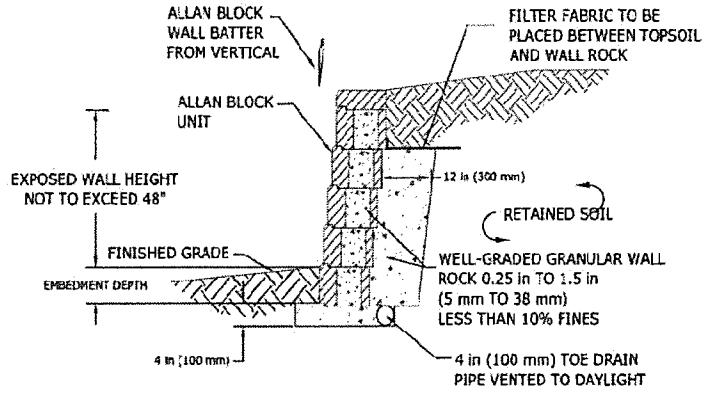
# FENCE MASTER PLAN

## Legend

- OPEN STYLE PVC 3 RAIL FENCE WITH WIRE MESH - BY DEVELOPER
- OPEN STYLE PVC 3 RAIL FENCE WITHOUT WIRE MESH - BY DEVELOPER
- 5 HT. PRIVACY FENCE - BY DEVELOPER
- THREE STRAND HORSE FENCE - BY DEVELOPER
- \* MAILBOX CLUSTER LOCATIONS - BY DEVELOPER



# Exhibit C: Retaining Walls



NOTES:  
1. RETAINING WALLS NOT TO EXCEED 48" HEIGHT  
BLOCK TO BE ALLAN BLOCK "DOVER BLEND"  
APPROVED BY THE DESIGN REVIEW COMMITTEE

STONE CREEK RANCH - RETAINING WALL DETAIL

## Exhibit D: Design Review Request Form

**STONE CREEK METROPOLITAN  
DISTRICT  
DESIGN REVIEW REQUEST**

<b>FOR ASSOCIATION USE ONLY:</b>
Account # _____
Submittal # _____
Review Date: _____

Date	Telephone Number
Member's Name	Email
Property Address	
Contractor	
Contact Name	Telephone Number

In accordance with the Declaration, I am submitting the following architectural modification(s) for review and consideration:

**Project Description:**

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<b>EXTERIOR HOUSE PAINTING</b>	
Base/Body Color	Trim Color (popouts, wood fascia, etc.)
Front Door Color (if applicable)	Garage Door Color

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**PLEASE READ AND SIGN THIS AGREEMENT—YOUR SIGNATURE IS REQUIRED**

These plans are:

Preliminary

Final

Proposed Start Date

Anticipated Completion Date

I understand that my submittal will be reviewed by the DRC within 30 (thirty) days after a complete application and submission is received by the District. A written decision setting forth the decisions made by the DRC will be sent to the applicant.

Construction must not begin before receiving written DRC approval.

Upon written receipt of approval, commencement of construction shall begin within ninety (90) days of the proposed start date, subject to obtaining all necessary permits required by governmental agencies. If the project is not started within the 90 days, it must be resubmitted to the District unless extended by DRC in writing. The project must be completed within a reasonable time, commensurate with the extent of the project, following commencement of construction.

I understand that in addition to the District's Declaration, DRG and any stipulations as outlined in the forthcoming DRC's written decision, I am required to meet all regulations set by the Douglas County, Colorado, State or Federal governments.

The DRC, in its sole discretion, shall be authorized to assess architectural fees in amounts not to exceed five hundred dollars (\$500.00) for extensive projects that require expert review in order to arrive at appropriate architectural evaluations and decisions.

I understand that I am solely responsible for the accuracy of all documentation submitted in connection with this design review request. Approval of a design review request by the DRC does not, in any manner, constitute approval or endorsement of the architectural and technical soundness of the proposed project, and neither the

DRC nor the District's Board of Directors shall incur any liability with respect to any apparent or latent defects and errors in the plans, specifications or construction of proposed projects. I agree to pay any costs incurred by the District if I fail to meet the standards as established by the DRC and the District's Board of Directors.

**I have read this application and agreement, understand its content and agree to abide by its provisions.**

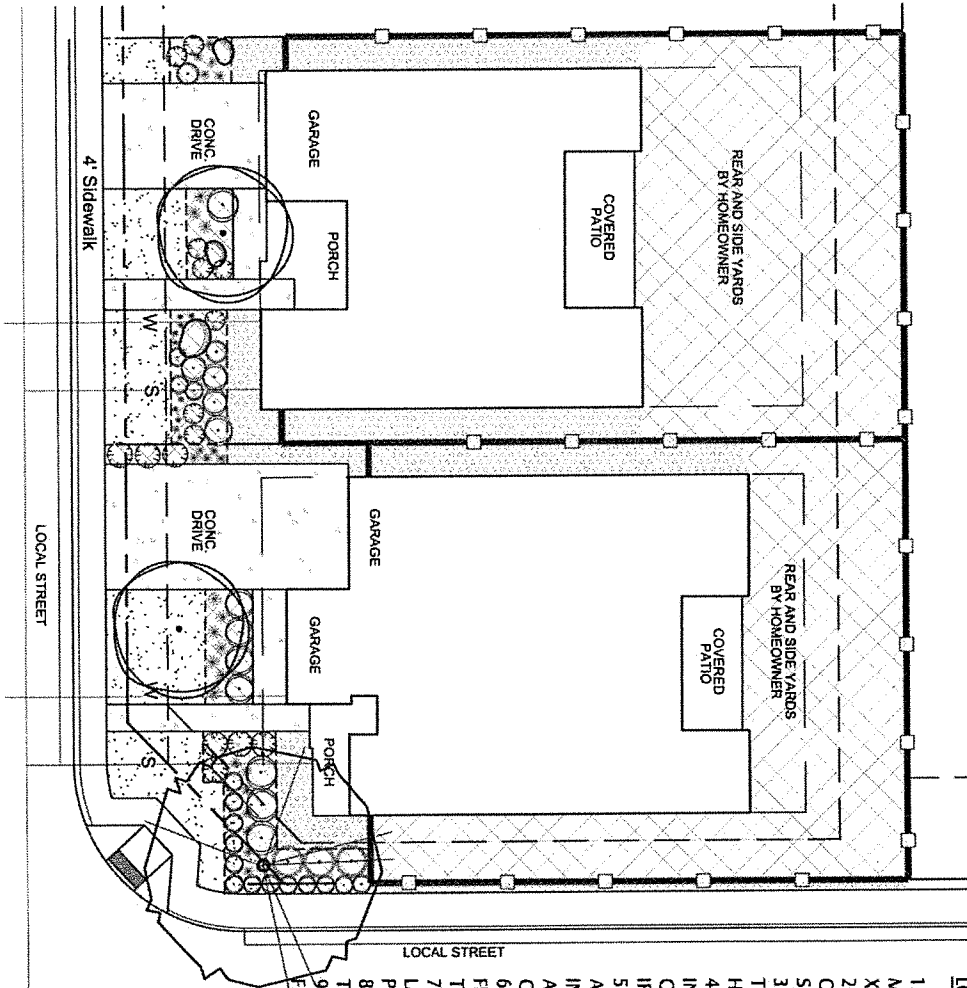
Signature	Date
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# EXHIBIT E TYPICAL LANDSCAPE FRONT YARD DESIGNS

## STONE CREEK RANCH - 60' WIDE LOT TYPICAL LANDSCAPING

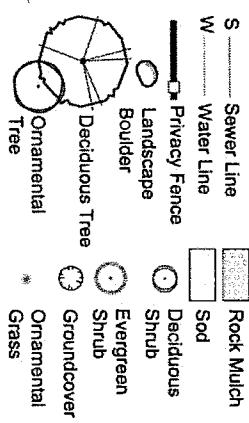
### TYPICAL SINGLE FAMILY 60' WIDE LOT



**LOT TYPICAL NOTES:**

1. FRONT YARD LANDSCAPING SHALL NOT EXCEED MODERATE WATER DEMAND - THE USE OF XERISCAPE PLANTS IS ENCOURAGED.
2. TURF AREAS SHALL COUNT FOR A MAX. OF 50% OF THE AREA TO BE LANDSCAPED - LOW WATER USE SOD MIXES LIKE REVELLE OR RTF ARE ENCOURAGED.
3. FRONT YARD LANDSCAPING AND IRRIGATION IS TO BE INSTALLED BY BUILDER AND MAINTAINED BY HOMEOWNER.
4. ALL REAR & SIDE YARD LANDSCAPING TO BE INSTALLED BY HOMEOWNER WITHIN 90 DAYS OF CERTIFICATE OF OCCUPANCY OR WITHIN 8 MONTHS IF OCCUPANCY DATE IS AFTER SEPTEMBER 1ST.
5. A MINIMUM OF ONE (1) 2 1/2' CALIPER TREE AND TEN (10) 5 GALLON SHRUBS ARE TO BE INSTALLED IN EVERY FRONT YARD AND AN ADDITIONAL 2 1/2' CALIPER TREE AND SIX (6) 5 GALLON SHRUBS ARE REQUIRED ON CORNER LOTS.
6. WHEN THE DISTANCE BETWEEN HOMES IS 10 FEET (OR LESS), ROCK MULCH SHALL BE USED IN THE SIDE YARDS IN ALL CASES.
7. AT PLANT MATURITY, 75% OF THE AREA TO BE LANDSCAPED MUST BE COVERED WITH LIVING PLANT MATERIAL.
8. FENCING SHALL NOT ENCROACH VISIBILITY TRIANGLES.
9. IT IS RECOMMENDED TO PLANT TREES 10' MIN. FROM WATER AND SEWER LINES.

**LEGEND**

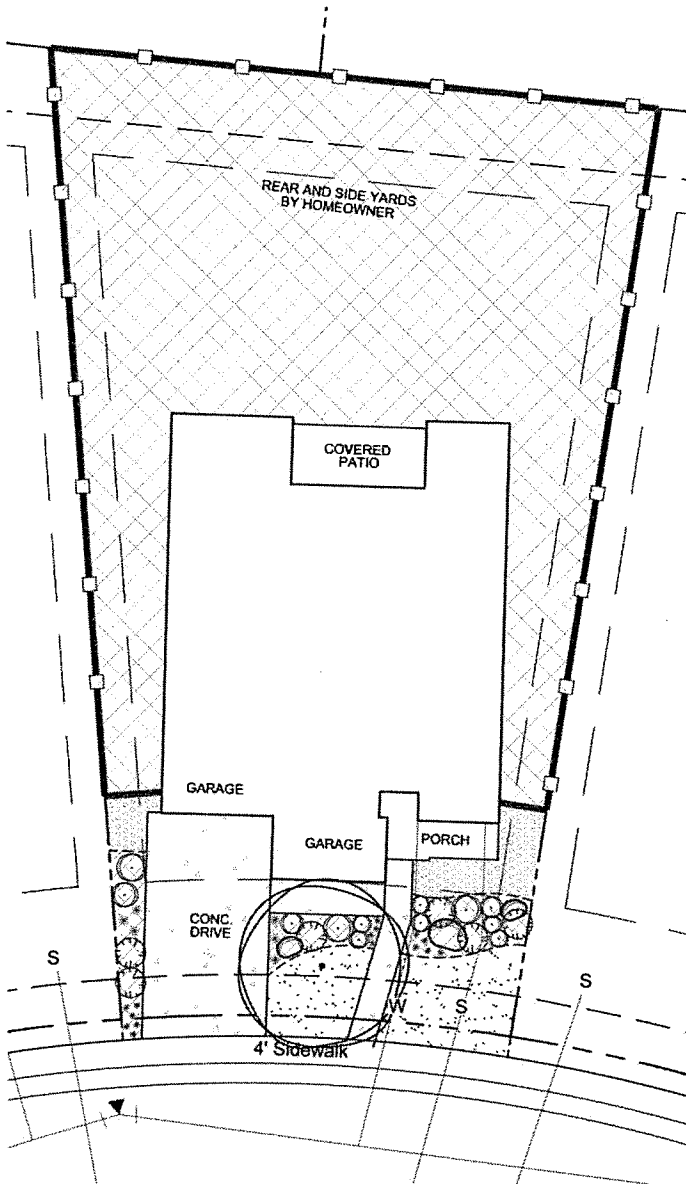


**THE HENRY DESIGN GROUP**  
LANDSCAPE ARCHITECTURE & DESIGN  
18700 WEST 10TH AVE. DENVER, COLORADO 80233  
PHONE: 303-756-5200 FAX: 303-756-9393

NOT TO SCALE

# STONE CREEK RANCH - 60' IRREGULAR LOT

## TYPICAL LANDSCAPING



### LOT TYPICAL NOTES:

1. FRONT YARD LANDSCAPING SHALL NOT EXCEED MODERATE WATER DEMAND - THE USE OF XERISCAPE PLANTS IS REQUIRED.
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6. WHEN THE DISTANCE BETWEEN HOMES IS 10 FEET (OR LESS), ROCK MULCH SHALL BE USED IN THE SIDE YARDS IN ALL CASES.
7. AT PLANT MATURITY, 75% OF THE AREA TO BE LANDSCAPED MUST BE COVERED WITH LIVING PLANT MATERIAL.
8. FENCING SHALL NOT ENCROACH VISIBILITY TRIANGLES.
9. IT IS RECOMMENDED TO PLANT TREES 10' MIN. FROM WATER AND SEWER LINES.

### LEGEND

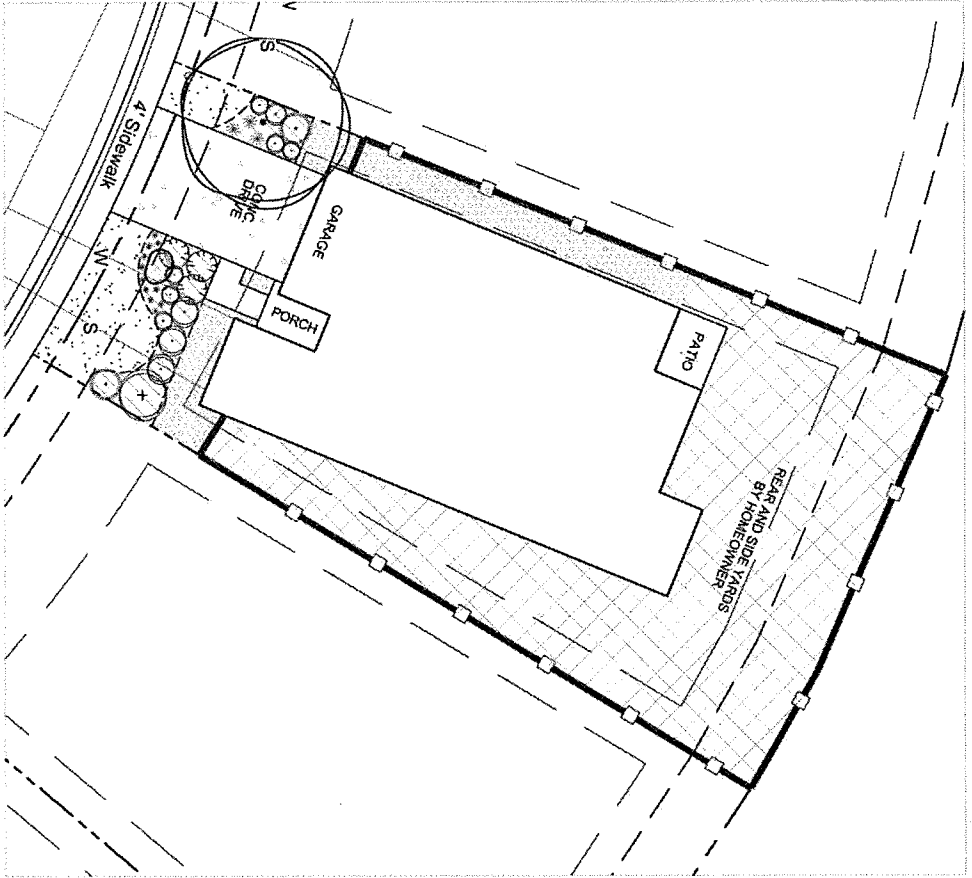
- Private
- Rock Mulch
- Sod
- Privacy Fence
- Sewer Line
- Water Line
- Landscape Boulder
- Deciduous Tree
- Ornamental Tree
- Deciduous Shrub
- Evergreen Shrub
- Groundcover
- Ornamental Grass

SINGLE FAMILY 60' WIDE IRREGULAR LOT

NOT TO SCALE

**H** THE HENRY DESIGN GROUP  
 LAND PLANNING - LANDSCAPE ARCHITECTURE & DESIGN  
 1521 WAZEE STREET SUITE 1-C DENVER, COLORADO 80202  
 Phone: 303-444-2388 Fax: 303-444-8938

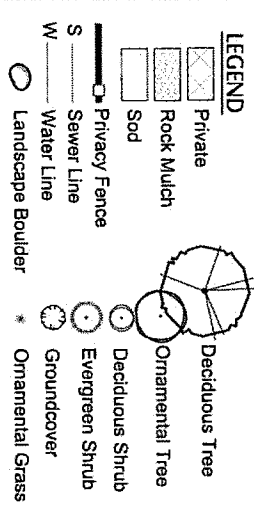
# STONE CREEK RANCH - 50' IRREGULAR LOT TYPICAL LANDSCAPING



## SINGLE FAMILY 50' WIDE IRREGULAR LOT

### LOT TYPICAL NOTES:

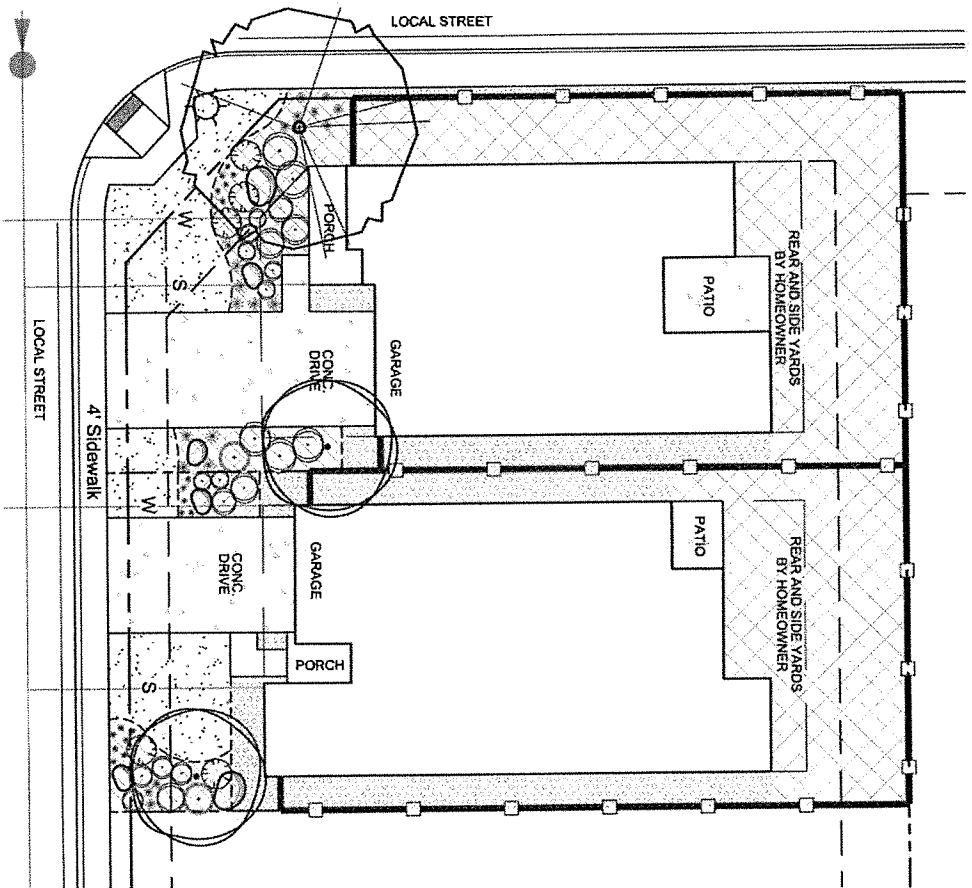
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3. FRONT YARD LANDSCAPING AND IRRIGATION IS TO BE INSTALLED BY BUILDER AND MAINTAINED BY HOMEOWNER.
4. ALL REAR & SIDE YARD LANDSCAPING TO BE INSTALLED BY HOMEOWNER WITHIN 90 DAYS OF CERTIFICATE OF OCCUPANCY OR WITHIN 8 MONTHS IF OCCUPANCY DATE IS AFTER SEPTEMBER 1ST.
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6. WHEN THE DISTANCE BETWEEN HOMES IS 10 FEET (OR LESS), ROCK MULCH SHALL BE USED IN THE SIDE YARDS IN ALL CASES.
7. AT PLANT MATURITY, 75% OF THE AREA TO BE LANDSCAPED MUST BE COVERED WITH LIVING PLANT MATERIAL.
8. FENCING SHALL NOT ENCROACH VISIBILITY TRIANGLES.
9. IT IS RECOMMENDED TO PLANT TREES 10' MIN. FROM WATER AND SEWER LINES.



**H** THE HENRY DESIGN GROUP  
 1480 W. 10TH AVENUE SUITE 110  
 DENVER, CO 80202  
 PHONE: 303.733.4344 FAX: 303.733.4444

NOT TO SCALE

# STONE CREEK RANCH - 50' WIDE LOT TYPICAL LANDSCAPING



## LOT TYPICAL NOTES:

1. FRONT YARD LANDSCAPING SHALL NOT EXCEED MODERATE WATER DEMAND - THE USE OF XERISCAPE PLANTS IS ENCOURAGED.
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## LEGEND

- Private
- Rock Mulch
- Sod
- Optional Fence
- Sewer Line
- Water Line
- Landscape Boulder
- Deciduous Tree
- Ornamental Tree
- Deciduous Shrub
- Evergreen Shrub
- Groundcover
- Ornamental Grass

# TYPICAL SINGLE FAMILY 50' WIDE LOT

**H** THE HEARY DESIGN GROUP  
 LANDSCAPE ARCHITECTS  
 10100 W. 10TH AVENUE, SUITE 100, DENVER, CO 80202  
 PHONE: 303-441-2318 FAX: 303-441-9511

NOT TO SCALE