



BUFFALO CREEK

A T W E L L I N G T O N

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**RESIDENTIAL
IMPROVEMENT GUIDELINES
AND
SITE RESTRICTIONS**

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(Guidelines subject to change without notice)

These Residential Improvement Guidelines have been prepared by the Architectural Review Committee of the Buffalo Creek Homeowners Association. The Architectural Review Committee reserves the right to add to or modify these guidelines at its discretion. Please check with the Architectural Review Committee to be certain that you have the latest edition.

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RESIDENTIAL IMPROVEMENT GUIDELINES AND SITE RESTRICTIONS FOR BUFFALO CREEK

I. INTRODUCTION.

1.1. Basis for Guidelines – These Residential Improvement Guidelines and Site Restrictions ("Guidelines") are intended to assist homeowners in Buffalo Creek in the design of their homes, landscaping, and other improvements to their property as provided for in the Covenants and to list the rules and regulations adopted by the Homeowners Association with respect to the use of residential sites.

**THE COVENANTS FOR BUFFALO CREEK
REQUIRE APPROVAL FROM THE ARCHITECTURAL REVIEW COMMITTEE
BEFORE
ANY IMPROVEMENT TO PROPERTY IN BUFFALO CREEK COMMENCES.**

"Improvement to Property" is very broadly defined in the Covenants. For instance, an "Improvement to Property" could include any landscaping or change of the grade of property; the construction or installation of any accessory building, patio, deck, pool, or hot tub; the demolition or removal of any building or other improvement; and any change of exterior appearance of a building or other improvement. In order to assist homeowners, the Covenants authorize the Architectural Review Committee ("ARC") to establish guidelines, to establish certain pre-approved designs for several types of improvements to property, and to exempt certain improvements to property from the requirement for approval. This booklet contains the guidelines established by the ARC with respect to residential property. Throughout this document, the term "Property" shall refer to a residential site. The term "written approval" includes both paper and email-based notification of communications.

1.2. Contents of Guidelines – In addition to the introductory material, these Guidelines contain: (a) a listing of specific types of improvements, which homeowners might wish to make with specific information as to each of these types of improvements; (b) rules and regulations applicable to residential sites; and (c) a summary of procedures for obtaining approval from the ARC.

1.3. Architectural Review Committee – The ARC consists of not more than three (3) persons who are appointed by the Board of Directors.

1.4. Committee Address and Phone – The address of the ARC will be the same as the address of the Management Company for the Homeowners Association. The present address of the ARC is Buffalo Creek HOA, Buffalo Creek Management LLC, PO Box 1182, Wellington, CO 80549 Phone: (970) 568-3170 Management Email: singewald@aol.com ARC Email; arc@buffalocreekhoa.com

1.5. Effect of Covenants and Resource Management Plan – The Declaration of Protective Covenants, Conditions and Restrictions for Buffalo Creek and applicable Supplemental Declarations (jointly "Covenants") govern property within Buffalo Creek. Real estate will become part of the Homeowners Association by annexation pursuant to a supplemental declaration. Copies of the Covenants are delivered to new homebuyers when they purchase their homes and are available at any time, on the Website (www.buffalocreekhoa.com), or at the ARC office. Each homeowner should review and become familiar with the Covenants. Nothing in these Guidelines can supersede or alter the provisions or requirements of the Covenants and, if there is any conflict or inconsistency, the Covenants shall control. Provisions relating to the use of Property and to improvements to Property are found in the Covenants.

1.6. Effect of Governmental and Other Regulations – Use of Property and improvements to Property must comply with applicable building codes and other governmental requirements and regulations. Approval by the ARC will 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. For general information about Town of Wellington requirements, homeowners may write or call the Town of Wellington. (970) 568-3381

1.7. Utilities – In making improvements to Property, homeowners are responsible for locating all water, sewer, gas, electrical, cable television, or other utility lines or easements. Homeowners should not construct any improvements over such easements without the consent of the utility involved and homeowners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting the following entities:

Call in locates – Colorado	811
CenturyLink (Telephone)	1-800-244-1111
Xcel Energy (Electric)	1-800-895-4999
Black Hills Energy (Gas)	1-888-890-5554
Town of Wellington Water & Sewer	1-970-568-3381

1.8. Goal of Guidelines – Compliance with these Guidelines and the provisions of the Covenants will help preserve the inherent architectural and aesthetic quality of Buffalo Creek. It is important that the improvements to Property be made in harmony with and not detrimental to the rest of the community. A spirit of cooperation with the ARC and neighbors will go very far in creating an optimal environment, which will benefit all homeowners. By following these Guidelines and obtaining approvals for improvements to Property from the ARC, homeowners will be protecting their financial investment and will help ensure that improvements to Property are compatible with standards established for Buffalo Creek. If questions arise as to the correct interpretation of any terms, phrases, or language contained in these Guidelines, the ARC's interpretation thereof shall be final and binding.

II. SPECIFIC TYPES OF IMPROVEMENTS - GUIDELINES.

2.1. **General** – Following is a list of restrictions and improvement guidelines.

**UNLESS OTHERWISE SPECIFICALLY STATED,
DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT
MUST BE SUBMITTED TO THE ARC
AND
WRITTEN APPROVAL OF THE ARC OBTAINED
BEFORE
THE IMPROVEMENTS ARE MADE.**

([Submittal form](#) is available on Website)

Most changes to the exterior of your property requires an ARC Improvement Request form to be filled out and submitted to ARC for approval. ARC Improvement Request forms should receive a response back within 30 days, however if you do not get a response back within 5 days, please send a follow up email confirming that ARC did receive your request. Complicated issues which need to go to the Board, or the Homeowners at an Annual Homeowners meeting will take longer. If you do not receive notice back in 30 days, you should consider this as a non-approval.

Failure to Gain ARC Approval – For improvements requiring ARC approval, failure to follow proper procedure in obtaining approval will result in the following: Immediate issuance of a \$100 fine and a letter informing the Homeowner that they have embarked upon an improvement that requires approval from the ARC and are currently in violation. That they need to stop all work and contact the ARC before proceeding any further. It will also advise them that they have fourteen (14) days to come into compliance or the standard fine schedule will apply, beginning with a cumulative \$50 fine on the fifteenth (15th) day and proceeding from there. The ARC reserves the right to address every situation on a case-by-case basis. Should approval ultimately be denied, it is the responsibility of the Homeowner to return the property to its original condition and any costs of reversing/removing a denied project is the sole responsibility of the Homeowner

2.2. **Accessory Buildings** – Not permitted unless approved by the ARC. (See Sheds and Storage Units)

2.3. **Additions and Expansions** – ARC approval required. Additions or expansions to homes will require submission of detailed plans and specifications. (See also Building Plans).

2.4. **Advertising** – See Signs.

2.5. **Air Conditioning Equipment** – Air conditioning equipment, swamp coolers, and evaporative coolers shall be installed in the side or rear yard, be screened from view of adjacent property owners, and installed in such a way that any noise to adjacent properties is minimized. Installation of air conditioning equipment on the roof the house or through the wall of the house is not permitted. Air

conditioning in a window of the house, swamp coolers, and evaporation coolers are permitted, but must be approved by the ARC; they cannot face the front of the house. When possible, steps should be taken to reduce the visibility of the window-based air conditioner, swamp cooler or evaporative cooler from the view of the front of the house.

2.6. Antennae – Not permitted. No exterior radio antennae, television antennae or other antennae may be erected. Satellite dishes are allowed provided they do not exceed 24" in diameter and placement of such satellite is approved by ARC (See also Satellite).

2.7. Basketball Backboards (Portable and Permanent) – ARC approval is required for pole or garage mounted backboards. "Rear" and "side" yard pole mounted basketball backboards may be approved based upon, but not limited to, the following considerations:

- Proximity of goal to the property lines
- Proximity to the neighbor's living area
- Landscaping and vehicles.

Free standing, portable basketball hoops may be used, but when not in use, no portion of the basketball hoop, net, can cover, or encroach upon the street or sidewalk for a height of eight (8) feet. When not in use it is advisable to lay down portable basketball backboards that are left close to the street or sidewalk so they do not blow over in the wind.

All types of basketball boards must be well maintained, with no broken glass or boards, and must be neatly painted (if appropriate).

2.8. Boats – See Vehicles.

2.9. Building Code – All residential structures must conform to the applicable building code of the Town of Wellington. Approval by the ARC of plans does not imply compliance with any building code or ordinances. The owner and builder shall be required to obtain a building permit from the Town of Wellington and obtain the necessary inspections for a Certificate of Occupancy.

2.10. Building/Construction Plans

2.10.1. General – The review and plan submittal procedures have been written to accommodate the most complex conditions that may exist in the variety of construction activities. Procedures may be waived, or certain listed submittal items may not be required by the ARC. The ARC should be consulted to determine what information would be required for review by the ARC.

2.10.2. Submittal Fee – The ARC reserves the right to pass on all fees they are required to pay to obtain professional review opinions.

2.10.3. Construction Drawings Submittal – All construction drawings should be approved by the ARC prior to submittal to the Town of Wellington for a building permit and prior to any construction. Two sets of construction drawings are required to be submitted to the ARC. Each set should consist of:

- Size and square footage of finished space, including floor plans.
- Exterior elevations.
- Exterior colors and samples of exterior materials.
 - All colors must conform to the requirements of the ARC.
 - Colors must be selected from approved colors.
 - The general rule is the trim color shall be lighter in color than and an accent to the base color.
- Shingles shall be weathered wood color only.
- Such plans must demonstrate that the improvements are in harmony with the design of the surrounding structures.
- Plot layout with respect to topography, grade, and drainage in relation to existing dwellings and drainage.

2.10.4. Landscaping Plans – Landscaping plans must be submitted prior to commencement of landscaping. Plans must depict fences, decks, sod, seeded areas, retaining walls, rock, railroad ties, sprinkler system plan, sizes, and species of nursery material, and include drainage and grading plan showing any drainage improvements.

Other requirements are as follows:

- Plans must include a timetable for starting and completing of the landscape and provided in writing within 30 days of the completion of the residence.
- Homeowner must notify ARC when project is complete.
- A minimum of 1200 square feet of the total yard will consist of non-irrigated material such as rock, mulch, bark, or other non-irrigable materials.
- A minimum of 2000 square feet of the total yard will consist of irrigated sod, not to exceed 2900 square feet, or drought tolerant vegetative landscape.
- The Town of Wellington has requirements for landscaping and types of trees acceptable for the front and back yards of individual lots. The Town should be consulted prior to ensure compliance with Town ordinances.

2.10.5. Review and ARC Action – Following the review, the ARC shall:

- Approve or disapprove the plans as required by the Covenants, in writing, on the builder's or owner's set of plans and specifications.
- Failure of the ARC or designated representative to approve or disapprove plans and specifications within 30 days of submittal shall be interpreted as disapproval. Deemed approval shall only apply when matters specifically and sufficiently described in plans and specifications are submitted to, and received by, the ARC and are in full compliance with the Covenants and Guidelines.

- All buildings and improvements shall follow the letter of the plans and specifications submitted and approved by the ARC. **Any changes to approved plans will require the re-submission and additional approval of the ARC.**
- ARC may formulate or adopt guidelines for the assistance or clarifications of the items set forth in the Covenants.
- Approval for one Property does not imply approval for any other Property without the submission of plans and specifications and written approval from the ARC.

2.11 Car Covers or Carports – Not permitted.

2.12 Chicken Coops – An owner or tenant may keep up to six (6) chicken hens. Keeping roosters or more than 6 chicken hens is prohibited.

2.12.1 Shelter – The chickens must be provided with a covered, properly ventilated, predator-resistant chicken coop.

2.12.2 Outdoor Enclosure – The chickens must have access to an outdoor enclosure that is adequately fenced to protect them from predators.

2.12.3 Structure Requirements – Chicken Coops must be less than six feet (6') in height at the peak, and less than 120 square feet of interior floor space. Basic design, materials, and colors must match the residence, and must be incorporated into, and at least partially screened by the landscape features. Premanufactured chicken coops can be used but require ARC approval.

2.12.4 Upkeep – The chicken coop and outdoor enclosure shall be regularly cleaned to control dust, odor, and waste and not constitute a nuisance, safety hazard, or health problem to surrounding properties

2.12.5 Enclosed Yards Only – Chicken Coops are only allowed on properties with fence-enclosed backyard

2.13 Clothes Lines – Retractable clothes lines are allowed but must be retracted when not in use and require ARC approval prior to installation.

2.14 Colors – All colors and color combinations must be selected from the pre-approved colors scheme or a comparable color scheme approved by the ARC ([pre-approved color list](#) is available on the HOA website).

2.14.1 Changing Colors – Repainting when existing color is changed shall require **prior approval** by the ARC. All projections including, but not limited to, chimney ties, vents, gutters, down spouts, utility boxes, porches, railings, and exterior stairways shall closely match the permanent color of the surface from which they project or shall be of an approved trim color.

2.14.2 Duplicate Color Schemes – Shall not be allowed on adjacent lots or lots across the street from each other. The general guidelines to follow when selecting colors is to make the trim color a lighter accent to the darker base color.

2.15 Commercial and/or Oversized Vehicles – A commercial vehicle is defined as, but not limited to, a vehicle or trailer that has a business name or logo and/or has equipment attached to or is used for the purpose of providing services to an individual or corporation. No vehicle, whether commercial or oversized, shall be parked in such a manner that it blocks the sidewalk. Only one commercial vehicle per lot is allowed. Commercial pickups and vans cannot exceed one-ton capacity. Commercial vehicles cannot exceed 10,000 pounds Gross Vehicle Weight Rating. Neither tractors nor their trailers are allowed.

2.16 Decks and Porticos – ARC approval required. They must be wood or other material like the material of the residence and must be treated or painted a similar or in what is generally accepted as a complementary color to the residence. They must be installed as an integral part of the residence and patio area. They must be located so as not to obstruct or greatly diminish the view or create an unreasonable level of noise for adjacent property owners. Decks and porticos that are attached to a house must be inspected by the city of Wellington upon completion.

2.17 Dog Houses, Runs, and Pet Enclosures – ARC approval required.

2.18 Drainage – ARC approval is required for any changes affecting drainage. Drainage plans for all houses and lots must be submitted and approved prior to any construction. There can be no interference with the established drainage pattern over any property except as approved in writing by the ARC. When landscaping is installed, it is very important to ensure that water drains away from the foundation and driveways of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks, and driveways. Water should flow over walkways, sidewalks, or driveways, into the street gutters. The ARC may require a report from a drainage engineer as part of the landscaping or improvement plan approval.

2.19 Driveways – There shall be no expansion or extension of driveways without prior ARC approval.

2.20 Elevation Treatments – ARC approval required. Architectural design shall incorporate a consistent level of architectural interest in all elevations.

2.21 Entrances (Front) – Astroturf is not allowed on walks, front steps, or decks.

2.22 Evaporative Coolers – (See also Air Conditioning Equipment.)

2.23 Exterior Lighting – See Lights and Lighting.

2.24 Fences – ARC approval required. ARC reserves the right to select pre-approved fence builder for Buffalo Creek. The following are general guidelines regarding fence specifications:

2.24.1 Stain and Design – Fences shall be built per developer's specifications and stained with Sea Gull Gray Solid Base Stain (KWAL) inside and out within thirty (30) days of installation. KWAL stain number #6230. If you tell the Harmony store that you need the Buffalo Creek Sea Gull Gray, you will receive a 10% discount on your stain. No other colors or formulas are approved.

2.24.2 Fence of ½-Acre Lots – The owners' of 1/2 acre lots shall install a three-rail, western-style fence that is four feet (4') high.

2.24.3 Work Permit – A permit from the Town of Wellington is required prior to the installation of any fence as well as ARC approval.

2.24.4 Fence Design – All fencing will strictly follow the "Fence Design Specifications" as described on the Website. ARC application form shall be submitted for approval of the location of your new fence, and/or repair of an existing fence. Print a copy of the "[Fence Design Specifications](#)" from the website for the type of fence you are working on and submit that with your ARC form.

2.24.5 Fence Responsibility – Once a Homeowner erects a fence and/or a return from an existing fence, or makes any change to an existing fence, they assume full responsibility for the upkeep and maintenance of the entire fence surrounding their property. If a Homeowner has not participated in any erection of a fence and does not want to assume responsibility for a fence erected by either a neighbor or a perimeter fence of the HOA, it is assumed that this Homeowner has granted access to the one who has the responsibility for such maintenance and repair, and/or to any contractor so hired to do the repairs by order of the responsible party. Any homeowner who refuses such access can only do so by assuming the maintenance and repair responsibilities. The HOA shares responsibility for Perimeter fences of the HOA common areas.

2.25 Fireplaces – Gas fireplaces either must be housed within the exterior wall or, if protruding to the outside, must be housed and vented in chase/chimney-like structure to the roof and finished with a decorative top in keeping with the architecture of the home.

2.26 Flagpoles – One wall-mounted bracket per home shall be allowed. Flags must be in good condition and must not have shredded edges. Any variations will require ARC approval. If you receive an approval for a stand-alone flagpole, it must adhere to the "fall factor", meaning it cannot be placed nor too tall that if it were to fall it could fall outside your property line.

2.27 Foundations – No more than sixteen inches (16") of exposed concrete of a foundation may be visible on any elevation.

2.28 Gardens – Gardens in the back yard are allowed. Otherwise, ARC approval is required. (See also Landscaping.)

2.29 Hot Tubs – ARC approval required. Hot Tubs must be an integral part of the deck or patio area and of the rear or side yard landscaping. Hot Tubs must be installed in such a way that is not immediately visible to adjacent property owners and does not create an unreasonable level of noise for adjacent property owners. The top of the tub shall not extend above fence level.

2.30 Junk Vehicles – See Vehicles.

2.31 Lattice Work – ARC approval required.

2.32 Lights and Lighting – Conventional style with illumination patterns that do not cause a nuisance to neighboring properties are allowed.

2.33 Overhangs (Cloth or Canvas) – ARC approval required. The color must be the same color as, or generally recognized as, a complementary color to the exterior of the residence. The covering may be used over a patio only. No aluminum or fiberglass awnings are allowed.

2.34 Painting – All houses shall be kept well painted in the color approved with original plans or, if changed, as approved by the ARC. Changes in paint colors require **prior** ARC approval. (See also Colors.)

2.35 Patio Covers – ARC approval required. Patio Covers must be constructed of wood or material generally recognized as complementary to the home and similar or generally recognized as complementary in colors to the colors of the home.

2.36 Patios (Enclosed) – See Additions and Expansions.

2.37 Patios (Open) – ARC approval required. 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. Must be similar to and generally accepted as a complimentary color and design of the residence. Patios must be located so as not to block any existing drainage pattern on lot.

2.38 Paving – ARC approval required regardless of whether for walks, driveways, porches, patio areas, or other purposes and regardless of whether concrete, asphalt, brick, flagstone, steppingstones, pre-cast patterned, or exposed aggregate concrete pavers are used as paving material. Paving must be located so as not to block any existing drainage pattern on the lot.

2.39 Play and Sports Equipment – ARC approval required.

2.40 Playhouses – ARC approval required. General guidelines for Playhouses require that they be less than eight feet (8') in height at the peak and have less than 120 square feet of interior floor space. Basic

design, materials, and colors must match the residence and must be incorporated into, and at least partially screened, by the landscape features. Metal "A-frame" swings sets are not allowed.

2.41 Pools – ARC approval required for pools larger than 100 square feet. Pools in the back yard, which are smaller than 100 square feet are permitted.

2.42 Radio Antennae – Not allowed.

2.425 Rain Barrels - Homeowners are allowed up to two (2) 55 Gallon rain barrels for the collection of rainwater from your roof for "outdoor purposes" such as watering your lawn or garden. This water can only be used on your own property. The rain barrels must be ARC approved for color, style, and placement. Rain barrels must be completely sealable to prevent mosquitoes and other insects from setting up shop. Rain barrels are only allowed on backyard down spouts, screened from view of the street. (Homeowners who only have one downspout in the back yard would need to specifically address placement with ARC.

2.43 Roofs – ARC approval required. All roofs shall be a minimum 30-year warranty composition shingled roof. Weathered Wood color , or shingles of higher quality and same color if approved by ARC.

2.44 Rooftop Equipment – Not allowed.

2.45 Satellite Dishes – Microwave and/or satellite television dishes are permitted as long as they are 24" in diameter or smaller and must be screened from view with a privacy wall or fence approved by the ARC.

2.46 Sauna – See Additions and Expansions.

2.47 Seasonal Decorations – Permitted with the following qualifications and conditions:

2.47.1 Christmas Decorations – shall not be displayed prior to Thanksgiving and must be removed by January 10 of the following year.

2.47.2 Music – Audible music shall be allowed at a level as to not be a nuisance to surrounding neighbors. All audible music must be off by 10:00 pm.

2.47.3 Removal – Holiday decorations should be removed within two (2) weeks of celebrated holiday.

2.47.4 Roof Figures – Reasonable Roof figures shall be allowed as long as they are properly anchored not to move.

2.47.5 Non-Offensive – No decorations shall be displayed in such a manner as to be offensive to the neighborhood or create a public nuisance.

2.48 Setbacks – The location and setback of each building on any lot shall be determined in the sole discretion of the ARC. Location restrictions and limitations shall be consistent with all applicable governmental zoning ordinances, subdivision regulations, and building codes. Whenever reasonably possible, side setback should be a minimum of seven feet (7'). Whenever reasonably possible, the front setback for each adjacent house shall be a minimum of twenty-five feet (25') from the front lot line. Whenever reasonably possible, the rear setback shall be a minimum of twenty feet (20') from the rear lot lines. The ARC may, in its sole discretion, require and enforce varied, less, or more restrictive setback and location requirements, with respect to the various lots located in the Buffalo Creek subdivision. No portion of any improvement or building on a lot may encroach upon another lot.

2.49 Sheds, Storage Units and Green Houses – When selecting an outside storage unit, please keep these guidelines in mind as you complete the application for construction and/or contemplate the purchase of a pre-manufactured unit. In no event will metal sheds be approved.

2.49.1 Classification and Intent – All sheds shall be classified as accessory buildings and meet all applicable requirements of the Town of Wellington Zoning and Building Codes. The intent of a shed is for use as a storage facility.

2.49.2 Front Yard – No shed will be allowed in the front yard.

2.49.3 Setback – All sheds shall meet the Town of Wellington setback requirements, which is 5 feet (5') from the rear of the lot line and 7 feet (7') from the side lot lines and cannot be placed over any easement or drainage line. Corner lots are the same with the exception of a 15-foot (15') setback from the side lot line that faces the common area.

2.49.4 Size and Material Specifications – Sheds shall not exceed 8 feet in height and 120 square feet (10x12) of interior floor space. Constructed sheds should match the basic design, colors of the residence and the roofing material must be the same as the residence. Prebuilt, manufactured sheds are allowed within the size limits however must be of earth tone colors, which complement the residence.

2.49.5 Landscaping – Sheds must be incorporated into and be partially screened by landscape features.

2.49.6 Site Plan – Along with the ARC application, a site plan (see appendix) showing landscaping, location, and size of proposed shed along with dimensions to the existing residence and property lines shall be submitted to the Architectural Review Committee for approval. Upon acceptance by the ARC, the homeowner shall obtain all necessary permits from the Town of Wellington prior to construction.

2.49.7 Large Lots – Large lots are ¼ acre in size or larger. On larger Lots a second structure may be approved to include a second shed, green house, and/or storage unit.

2.49.8 Green Houses - Have all the same requirements, however specific design and materials will need to be approved.

2.50 Siding (Exterior Facade) – A minimum of twenty percent (20%) of the front facing facade of each residence (excluding windows, doors, and garage doors) shall be constructed of stone, brick, or other masonry materials approved by the ARC in its sole discretion.

2.51 Signs – No sign shall be located on any lot except reasonably sized signs offering the lot for sale, rent, or lease; except builder or supplier signage during the period of construction, or unless approval for such other sign or signs is obtained in writing from the ARC, said committee reserving the right to disapprove all such requests for signs except those described above. Builder “For Sale”, “For Lease”, or “For Rent” signs must be removed from Property within two (2) weeks from date of closing. Political signs are allowed no earlier than forty-five days before an election and must be removed no later than seven days after an election. Garage sales can be posted for two days before and up to one day after a garage sale.

2.52 Snow Removal - Every owner or occupant of any premises within the HOA abutting a street and having a sidewalk adjacent to the street shall have the duty to keep the sidewalk clean of snow and ice. All snow and ice shall be removed within twenty-four (24) hours of accumulation. Under HB 22-1137 a violation of this would be considered a public safety issue and a fine is applied at 72 hours.

2.53 Solar Energy Devices – Colorado law ([C.R.S. 38-30-168](#)) addresses the authority of HOAs to regulate the installation and use of “solar energy devices.”

2.53.1 Appearance – ARC approval is required for all passive and active solar systems. Solar Devices shall be designed to appear as an integral part of the roof. No exterior plumbing or other non-collecting structures may be visible. Homeowner is responsible for the maintenance and for the continued appearance of all installed equipment.

2.53.2 Colors – All mounting brackets and frames will need to be the same color as the roof shingles, a flat black or dark gray color and must be approved by ARC.

2.53.3 Placement – An individual does not have the right to place solar panels on:

- (1) Property owned by another person.
- (2) Property that is leased by the individual.
- (3) *Limited common elements of an association.*
- (4) *General common elements of an association.*
- (5) Property that is collateral for a commercial loan, without permission of the secured party.

2.53.4 Panel Mounting – All must be engineered and designed for high wind. A copy of the County Approved Building Permit is required. A complete approved plan showing engineered anchoring brackets must be submitted.

2.53.5 Electrical Blueprint – A County approved electrical blueprint must be submitted to the ARC verifying compliance with current electrical code.

2.53.6 Additional Restrictions – ARC reserves the right to impose *reasonable restrictions* on the dimensions, placement, or external appearance of solar panels.

2.54 Spas – See Hot Tubs.

2.55 Square Footage – No dwelling shall be erected, altered, or permitted to remain on any lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out buildings, and based on exterior measurements, is not less than:

- 1100 square feet for a one-story dwelling.
- 1300 square feet for a two-story dwelling.
- 1200 square feet for a tri-level dwelling.

2.56 Statues – Statues and lawn ornaments shall be allowed but are not exceed 5 feet (5') in height.

2.57 Swamp Coolers – See Air Conditioners

2.58 Swing Sets – See Playhouses.

2.59 Television Antennae – Not allowed.

2.60 Temporary Structures – Not allowed.

2.61 Temporary Vehicles – No cars which are being repaired, restored, or otherwise being worked on may be kept on any lot unless in an enclosed garage.

2.62 Trailers – See Vehicles.

2.63 Trees – Each owner, at the owner's expense, shall install a minimum of at least one (1) one- and three-quarter inch (1 ¾ inch) caliper deciduous tree (must be 1 ¾ inch caliper at time of purchase) in the front yard of each lot. In addition, contact the Town of Wellington for a list of trees allowed and prohibited by Town ordinance and other ordinances regarding placement. Currently there is a list of five (5) trees not allowed in section [16-3-380](#) of the Town Ordinances:

- Russian Olive
- Lombardy Poplar
- Siberian Elm
- Boxelder Maple

- Cotton Bearing Cottonwood.

Trees, bushes, and shrubs must not encroach upon the public walkways and/or common area fencing. Branches cannot overhang sidewalks for a minimum of 8 feet and streets by a minimum of 15 feet.

2.64 Vehicles – No lot shall be used as a parking or storage area for vehicles or materials of any kind, other than personally owned automobiles of the owner.

2.64.1 No campers, trailers, motor homes, buses, tractor/trailers, RVs, or boats shall be stored or parked at the Property more than forty-eight (48) consecutive hours during any month, nor more than 72 hours in any week, except if stored in an enclosed garage.

2.64.2 No motor vehicles of any kind, including cars, trucks, trailers, motorcycles, golf carts, or the like, may be stored, junked, or otherwise maintained anywhere on the lot or any other portion of Buffalo Creek Subdivision in any idle or unworkable condition.

2.64.3 No motor vehicle or machine will be overhauled or rebuilt on any portion of the property, unless entirely enclosed in a garage or other improvement approved by the ARC, in its sole discretion.

2.64.4 Except as otherwise provided, only those vehicles and machines in good running condition, which are currently licensed and registered, are permitted on any portion of the Property.

2.64.5 Commercial and/or Oversized Vehicles – A commercial vehicle is defined as, but not limited to, a vehicle that has a business name or logo and/or has equipment attached or is used for the purpose of providing services to an individual or corporation. Commercial pickups and vans cannot exceed one-ton capacity and other commercial vehicles cannot exceed 10,000 pounds Gross Vehicle Weight Rating. Only one commercial vehicle per lot is allowed. No vehicle shall be parked in such a manner that it blocks the sidewalk. No box trucks, semis, tractors, or trailers are allowed.

2.64.6 Large Pickup Trucks: Standard Ford, Dodge, and GMC trucks that are not modified welding trucks and/or commercially upgraded, that fall into the F-350 and/or 3500 series are currently allowed within the HOA as long as they comply with all other vehicle and Commercial Truck guidelines.

2.65 Vents – All exhaust vents, including but not limited to dryer, cook-tops or range hoods, gas fireplaces, and plumbing vents must be screened from sight.

2.66 Walls (Retaining) – ARC approval required.

2.67 Wells – Not permitted.

2.68 Yard Maintenance – Owners of lots shall cut and control all weeds and vegetation growing on all lots, whether vacant, occupied, or those with improvements under construction. Trees, bushes, and shrubs must not encroach upon the public walkways and/or common area fencing. Branches cannot overhang sidewalks for a minimum of 8 feet and streets by a minimum of 15 feet. Grass areas must be watered and maintained in a green healthy condition. No trash, litter, junk, boxes, containers, bottles, cans, implements, machinery, lumber, or other building materials shall be permitted to remain exposed upon any lot, so they are visible from any neighboring lot or streets, except as necessary during the period of construction. Anything other than approved landscape design requires a Board approved variance.

2.69 Xeriscaping - (The following guideline pertains to areas of a lot where sod is being replaced, not hardscapes resultant of the original builds and landscaping.) Xeriscaping is defined as landscaping and gardening methods that reduce or eliminate the need for supplemental irrigation beyond the quantity of water that falls as natural precipitation (rain, snow, etc.). This is not to be confused with “zero-scaping,” where the landscape consists of rocks and other hardscapes, with very few or no plantings. Xeriscaping is not a ‘natural area’ and, while some decorative native species that are drought tolerant might be incorporated into the area, it is not an area that is free from the requirement of regular maintenance (pruning, weeding, etc.) Zero-scaping is prohibited beyond that which existed from the original build and landscaping (large aggregate beds between properties).

2.69.1.1.1 An ARC Request form must be completed, which includes plans as specified on the form, and submitted to the ARC for approval.

2.69.1.1.2 To create visual interest, the area must contain a variety of landscape materials and points of interest (rock of various sizes, mulch, plants, boulders, dead/driftwood, birdbaths, statues – see 2.55, etc.).

2.69.1.1.3 On average, there must be one group for every 100 square feet (10’ x 10’) of Xeriscaped area. A group is defined as three (3) or more plants and collectively, one quarter of the groups must contain or consist of mature plants (4 groups of 3 plants = 3 mature plants minimum.) Please see <http://www.ext.colostate.edu/ptlk/1907.html> for plant types recommended for Colorado Xeriscaping.

2.69.1.1.4 Artificial turf or plants are prohibited.

2.69.1.1.5 Weeds and unplanned growth must be removed promptly.

2.69.1.1.6 All landscape materials must be installed in a manner which prevents them from blowing or washing away and in such a way as to not interfere with the established watershed paths.

2.69.1.1.7 The ARC reserves the right to approve or reject plans on a case-by-case basis.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Buffalo Creek Subdivision at Wellington Homeowners Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on February 9, 2023, and in witness thereof, the undersigned has subscribed his/her name.

BUFFALO CREEK SUBDIVISION AT WELLINGTON
HOMEOWNERS ASSOCIATION, INC.
a Colorado non-profit corporation,

By: 
Pat Cordova, President

BUFFALO CREEK ARCHITECTURAL STANDARDS
(REQUIREMENTS ARE SUBJECT TO CHANGE)

ITEMS STANDARD

SQUARE FOOTAGE:

Minimum 1,100 s.f. for one-story dwelling

Minimum 1,200 s.f. for tri-level dwelling

Minimum 1,300 s.f. for two-story dwelling

EXTERIORS:

Exterior Brick or Stone - 20% minimum of entire front elevation to be brick, masonry, or stone.

Siding ARC approval is required for all exterior finish materials. Wood or Masonite siding shall have a maximum width of eight inches (8"), with no more than a seven-inch (7") exposure. Vinyl siding shall not be permitted.

FASCIA / SOFFITS

Minimum 6" / Minimum 12"

Vinyl soffits shall be permitted.

Windows Painted wood, natural wood, painted steel, anodized aluminum, or vinyl cladding.
Gridded on all "street sides".

Architectural Accents Minimum of two shutters, vents, brackets, braces, architectural shingles,
board and batten siding, planter boxes, etc.

Overhang Minimum 12"

Roof Slope 5/12 or greater.

COLORS:

Only approved colors from ARC allowed. All exterior railing, wood, trim must be painted or stained.

ROOFING:

Minimum 30-year, composition shingle. Weathered Wood.

SETBACKS:

Per Wellington Standards

The side setback shall be a minimum of seven feet (7') from the side lot lines. The front setback shall be a minimum of twenty-five feet (25') from the front lot lines. The rear setback shall be a minimum of twenty feet (20') from the rear lot lines. Setbacks must also conform to Town of Wellington standards.

LANDSCAPING:

ARC approval required on all Landscaping changes.

FENCING:

Three-rail, 4' high western fence - for estate lots. Arterial/Collector Streets: 6' solid cedar. Plans and specs must be obtained from ARC prior to commencement. The fence is to be set back from front of house the same distance as side-yard setback requirement. This all requires ARC approval.

TOP OF FOUNDATION:

Minimum elevation as per plans prepared by Engineering is 16" above grade maximum.

– The Declaration of Protective Covenants, Conditions and Restrictions for Buffalo Creek and applicable Supplemental Declarations (jointly "Covenants") govern property within Buffalo Creek. Real estate will become part of the Homeowners Association by annexation pursuant to a supplemental declaration. Copies of the Covenants are delivered to new homebuyers when they purchase their homes and are available at any time, on the Website (www.buffalocreekhoa.com), or at the ARC office. Each homeowner should review and become familiar with the Covenants. Nothing in these Guidelines can supersede or alter the provisions or requirements of the Covenants and, if there is any conflict or inconsistency, the Covenants shall control. Provisions relating to the use of Property and to improvements to Property are found in the Covenants.