

Water Resource Committee

by Dan Rivers (WRC Chairman)

In March, the King's Deer Board of Directors signed an agreement with the KD developers (operating as Palmer Divide Water Company, "PDWC") to facilitate sales of approximately 0.6 acre-feet per year water rights to KD owners who wish to purchase, while not affecting owners who do not wish to purchase. The effort has been hindered by PDWC's inability to define a viable augmentation plan, without which the Water Court will not approve the sales of rights. Your HOA has worked hard to help PDWC in this effort through numerous meetings with our water attorney, with Woodmoor Water & Sanitation District (which currently handles our augmentation,) with the Town of Monument, with directors of other water districts, and with knowledgeable area developers. We expect to contract with a well-respected water consultant to help us with these very difficult issues. This matter has been very frustrating for our owners, for the KD Water Resource Committee, for the Board, and for PDWC. However, please understand that we as an HOA cannot force PDWC to file an application with the Water Court, and they will not do so until they are confident that the effort and expense have a good chance of succeeding. We will continue to do all we can and we will keep you posted on progress. 🦌

ACC is Helpful

by Mark Lunsford (ACC Chairman)

The HOA Covenants and Design Standards are critical to ensure our community remains appealing for future value and resale among other goals. Residents of the King's Deer Community take pride in the appearance and upkeep of their individual homes and lots. It is often a very personal issue and well thought out by the individual owners when designing projects to improve their homes. The Architectural Control Committee, or ACC, is involved in all new builds and exterior upgrades to existing homes. Projects include new builds, detached garages, home additions, landscape upgrades, fences, as well as other miscellaneous projects that affect the exterior of the homes. The ACC reviews each project, oftentimes a unique design, and uses "common sense" when interpreting the HOA Covenants and Design Standards. Many times the ACC helps the owners and builders in their design process. It is the intent of the ACC to help, not hinder, new builds and exterior changes to existing homes.

The King's Deer Covenants and Design Standards have evolved over the years since the inception of King's Deer initial layout and construction. New HOA Policy or Design Standards were revised at various times to ensure the appeal of the community remained high. For example, a homeowner might see a detached garage design that currently exists in King's Deer. The homeowner would like to build a similar design at their residence. After submitting a Project Application to the HOA Office, the homeowner might find the ACC disapproves the application to build that exact type of structure. HOA Policy or Design Standards have changed since the construction of the observed and inspirational detached garage design. The ACC will assist the homeowner in interpreting the current HOA Policy and Design Standards to help the homeowner complete the Project Application. If the homeowner is present at the ACC Meeting

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Be A Thoughtful Neighbor

Folks living in King's Deer are understandably proud of their community. We have a lot going for us. The area is still relatively rural and quiet, with open spaces, trails, a great golf course, mountain views, well-kept homes, nearby shopping, eating and recreational opportunities, and so much more! Although these all contribute to making King's Deer a great place to live, what truly makes a neighborhood are the people who live here and how they interact with each other. What makes a *great* neighborhood are people who are thoughtful of their neighbors and consider how their actions might affect the quality of life of those living around them.

As with any community governed by a Homeowners Association (HOA), residents agree to follow certain governing documents when they purchased/built a home in King's Deer. Although not perfect, these documents were established to maintain property values and a certain standard of living. The HOA is administered by the Board of Directors and various committees. The Board and committees are made up of residents who want King's Deer to remain a premier community. One committee, the Covenant Enforcement Oversight Committee (CEOC), is responsible for addressing complaints and alleged violations of, among other things, the Association's covenants and associated policies. The

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Neighbor's Outdoor Lighting

Perhaps you have a neighbor whose outdoor lighting presents a problem for you. For example, lighting that remains on all night, trespasses onto your property or into your home, creates nuisance glare, spoils your view of the night sky, and disrupts your sleep.

Some of us have experienced this scenario. Light trespass can cause a lot of agony and frustration. When faced with annoying lighting, your frustrations may tend to get the best of you, resulting in a confrontational situation, or lead you to complain to the homeowner's association (HOA), or if it's serious enough, to retain an attorney to deal with the matter. Before you take such steps, keep in mind that your neighbor may be doing what they sincerely believe is right. Just as importantly, their exterior lighting may not be in violation of any HOA rules.

Understand that people moving out from the city often bring with them their fears for home security. They may insist upon lighting up their yard all night under the notion that increased lighting promotes safety. Your neighbor may not be aware of the nuisance they create for their neighbors, nor do they realize that their lighting may actually make their property more vulnerable to those with bad intentions by attracting unnecessary attention.

In blowing off steam you may create an unpleasant and even irreversible rift between you and the neighbor, causing them to react angrily and to potentially even retaliate, perhaps by aiming the lights out further onto your property, adding more lights or flashing the lights on and off at odd hours. Conceivably, you might also hear, "Look, this is my property and I need the lights on all night for our safety, so get lost." At that point, further chance to communicate is greatly diminished.

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Neighbors *continued from page 1*

Association's governing documents can be found in the Library section of the King's Deer HOA home page.

The last thing the CEOC wants is to initiate its formal process to require a homeowner to comply with a covenant violation. The covenants are not meant to lay undue burdens on residents. In fact, the CEOC typically receives complaints that could easily be handled by neighbors themselves.

The following are matters that can be easily resolved by being a thoughtful neighbor:

Trash Cans: Trash cans (and trash) should be put out no sooner than the night before the day of pickup. Trash cans should not be left out after the day of pickup. Secure trash can lids so that trash is not blown away by the occasional high winds. It is not unusual to see neighborhood bushes and trees "decorated" with blown plastic, paper, etc. because someone didn't put a rock or bungee cord on a trash can lid.

Dogs: Some dogs like to bark, especially at passing wildlife, people, or other dogs. Unfortunately, some dogs seem to be excessive "communicators," and bark continuously. Excessive barking is considered a nuisance under the covenants and could lead to fines and/or visits from the Humane Society or Sheriff. Nothing is more obnoxious than a continuously barking dog, especially early in the morning/late at night when people are trying to sleep. If you have a dog that likes to bark, please be considerate (especially in warm weather when people's windows are open) and keep his/her "communications" to a minimum. Dogs can be removed from the community based on noise complaints. Please don't let this happen to your pet.

King's Deer is blessed with a well-maintained network of trails for the enjoyment of all residents. Nothing is a bigger "turnoff" than hiking a trail decorated with piles of dog poop. Not only is this unsightly, but it can pose a health risk for small children and other dogs that use the trail and attract unwanted wildlife looking for food. Please carry a poop bag/plastic bag and pickup after your pet.

Dogs are not allowed to run loose in the community. This is for the dog's safety as well as the safety of people and other pets in the community. Occasionally, dogs will get loose. But that should be the exception rather than the rule.

Dead Trees: Conditions on the Palmer Divide are not ideal for growing many types of plants, shrubs, and trees. Even with tender care and lots of water the hardiest of trees can die. Please keep a watchful eye on your shrubs and trees and, if they die, King's Deer requires they be removed as soon as weather permits. Brown, dead trees are not only unsightly, but they don't do much for the value of your property or the quality of the neighborhood.

Junk/Equipment Stored Outside: The covenants are very specific regarding the outside storage of equipment, lumber, debris, building materials, etc. These items cannot be visible from public streets **or other lots!** Tucking junk behind your house/garage doesn't necessarily mean it isn't an eyesore to a neighbor who is adjacent to your property. Please consider your neighbors and pickup and properly store any materials or equipment you have stored outside.

Don't wait for your neighbor(s) to approach you about these matters or for them to file a complaint with the HOA! Be a thoughtful neighbor and take care of these matters before the problem escalates into hard feelings or an unnecessary confrontation. It's not worth losing a friendly neighbor over something that you can easily fix. 🐾

Noisy Neighbors

by Jim Hazuka

Noisy neighbors are a common problem in HOA's. Loud noises can take many forms. For example, nearby home construction activities ongoing from dawn to dusk, 7 days a week. Dogs barking at all hours of the night. Early morning outdoor activities by your neighbor such as chopping wood, mowing the lawn, or reviving up the engine of a car or motorcycle. Neighborhood parties that go late into the evening with loud music. These situations can be delicate to deal with, requiring your ability to keep calm, especially when discussing the noise with a neighbor.

Reason suggests that you should first attempt to address noisy neighbors directly about the noise. This conversation should be polite, even friendly. It can begin with a statement like, "I'm not sure you're aware" so that the noise is attributed merely to the person's inability to recognize that the noise they make penetrates your walls. Explain briefly the noise issue, and ask the neighbor to turn down the music, create situations for the dog to stop barking, or not hold parties until 3 AM. You can also add that you realize they hear your noise also, and you're certainly willing to try to stop anything in your behavior that is creating extra noise in their home.

You should be aware that not all neighbors are going to respond positively to your request, and some may respond in a hostile manner. If you can't resolve the situation yourself, report the incident to the King's Deer HOA. Be sure to provide specific details of the possible violation such as the type of noise, responsible owner, date and time of the activity. If other neighbors in your immediate vicinity also perceive these activities as a violation of King's Deer covenants regarding noise, suggest that they report the incidents as well.

Now in actuality, King's Deer HOA does not receive a lot of noise complaints. The primary one that is reported is barking dogs. Owners of dogs can resolve this specific issue by placing barking collars on their pets. This is highly effective in correcting the problem. For other potential noise violations, there are limits to what the HOA can do. That shouldn't stop you and other neighbors from reporting the "noisy" activity that you perceive is a covenant violation.

One resident in the King's Deer community has proposed a "Quiet Hour Policy" that would go beyond what is outlined in our covenants. It includes limiting builder/contractor work times and days, start times for resident outdoor activities such as mowing, and limitations regarding neighborhood parties. We would like to hear your thoughts on this matter. Please go to the contact us selection on our King's Deer HOA website and let us know (<http://www.kingsdeer.org/contactus1.php>). 🐾

Excerpts from an article by Community Association Partners

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when their Project Application is reviewed, questions about the Application can be answered quickly. Many times this help from the ACC ensures quick approval and may also save the homeowner money on the whole project. This type of scenario is also true of new builds. Always check with the HOA Office located at the King's Deer Golf Course Clubhouse before starting a project at your residence that impacts the exterior of your home or lot whether permanent or temporary, such as a snow fence. The HOA Manager, Pat Wasson, can assist you in determining if the project even requires a Project Application submittal. Applications for projects can be found at www.KingsDeer.org, under "Library" then "ACC Forms & Applications." 🐾

Lighting *continued from page 1*

A better technique involves approaching your neighbor in a friendly manner to keep relations amicable and ripe for opportunity. Unless you are on unusually friendly terms, carefully consider the potentially irreversible consequences. Just how important is the issue to you? Is there anything you could do to lessen the impact without involving the neighbor, such as planting trees, installing window blinds and/or heavy curtains, or just heaving a sigh and resigning yourself to the circumstances?

If at some point you decide to confront your neighbor, recommend an approach that is civil and keeps them on your side. You might want to invite them over for coffee or a beer. Then, in the course of the conversation, casually bring up the lighting issue. In a non-confrontational manner, mention, as sort of an oh-by-the-way, that their lights are a bit of a problem and you wondered if something might be done to tone them down a bit. You might add that the neighborhood is a safe one and that you have an active neighborhood watch program. Maybe point out that they could save money by not having the lights on all night.

In preparation for the get-together or as a follow up, you might wish to consider and offer solutions that help the problem. Take a close look at your neighbor's offensive lighting and see what makes it offensive. If the problem is your neighbor's porch or accent lights on their garage, a simple solution could be to suggest that they install lower wattage, soft or frosted bulb versus daylight bulbs. A 40-watt incandescent or equivalent intensity fluorescent or LED bulbs, will provide plenty of light for such lighting needs while greatly reducing the glare. Also, perhaps educate your neighbor that a bright unshielded glare source causes the eye to automatically adjust to the high brightness, thereby making the eye less able to see in the darker areas beyond the light. With lower wattage bulbs visitors and family members arriving during hours of darkness would still have the welcoming effect of the light but wouldn't suffer the ill-effects of glare.

Depending on the extent of the offensive lighting, other easy solutions include just turning off the light after a certain hour. Having outdoor lights on all night wastes energy and money. You might suggest they purchase a motion sensor for their security floodlights so the lights come on automatically when someone enters the property then turn off when there is no movement. For garage and porch lights, programmable controllers are available that replace the wall switch that controls the lights and can be set to automatically turn the lights on at dusk and off at a preset hour, say 11 p.m. Some controllers readjust themselves after a power outage and at semiannual time changes. They quickly pay for themselves in energy cost savings.

Floodlights can often be the most significant problem. These fixtures are used extensively in King's Deer and should be aimed downward so that they illuminate the perimeter of the owner's house. Focusing the light in this way means that less of the light will reach your property. Floodlights can also be shielded so your eyes don't look directly at the bulb. Light fixture shields can be clipped onto the floodlight rim, partially or totally covering the view of the bulb as seen from your neighbor's property or windows, concentrating the light on the owner's property.

Now sometimes the neighborly approach will not work and you turn to the Homeowners Association for help. Our Association receives relatively few exterior lighting complaints from our residents. In fact, throughout the entire 20 plus year

existence of King's Deer, there has been no violation issued for excessive exterior lighting. Now why is that? More than likely it's because we all have several acres of land and many lots have trees on them. Outdoor lighting is reduced or deflected by trees and light intensity dissipates with distance. If King's Deer was a high density development (homes closer together) outdoor lighting might be more of an issue. That's not to say we don't have any exterior lighting problems within King's Deer. In the rare instances the association addresses a complaint, we generally ask the homeowner to focus the light downward, change the light bulbs to a lower wattage or frosted variety, or add shielding to the light fixture. Almost always the responsible homeowner complies and the issue is resolved.

During the October 2017 HOA Board meeting, members expressed concern that unshielded, high intensity, outwardly focused flood, spot, security and wallpack lighting have become more prevalent on King's Deer homes. Additionally, there are new technology fixtures that leverage bright LED's that don't have available shielding or can't be positioned downward onto the ground. Some of these fixtures can produce 40,000 lumens or more of light which in a cul de sac situation or in areas where homes are relatively close together, could potentially create a light nuisance problem for specific neighbors. There is recognition by Board members that more research needs to be conducted to determine if a lighting policy should be developed. Thus in December, a working group was formed to look into this issue and make recommendations to the Board. Results of this effort will hopefully be forthcoming in the Spring of 2018.

Complicating the efforts to establish a lighting policy is that King's Deer covenants have limited and somewhat ambiguous language regarding excessive or nuisance exterior lighting. Thus it is hard to develop a policy based upon covenants where there is no clear standard that defines to the community what constitutes acceptable or unacceptable lighting. Another complicating factor is that most homes in King's Deer have very similar exterior lighting which has been in use for years. What's been acceptable for most residents and neighbors could potentially be affected by a lighting policy. Still another factor is enforcement of a new policy. We need to be cognizant of the fact that our community has limited resources. We shouldn't create policy that is impossible to enforce or has subjective criteria for defining nuisance lighting. This will make no one happy.

To be sure, creating a lighting policy for King's Deer where there was none, can create more problems than it resolves so we need to be careful. Now if the HOA is not moving fast enough to resolve your specific situation, section 28A of our HOA covenants grants any owner the right to enforce the covenants. Of course this action would be at the owner's expense. But be advised that given the lack of clearly defined standards for nuisance lighting for King's Deer, past practice within the community, and limited lighting laws within the County, seeking a legal solution may not provide a sure-fire end to your problems.

If residents have thoughts and ideas regarding outdoor lighting within the development, we would like to hear from you. Please go to the contact us selection on our King's Deer HOA website and let us know (<http://www.kingsdeer.org/contactus1.php>).

Excerpts from sources provided by the Pennsylvania Outdoor Lighting Council



King's Deer Homeowners Association
 PO Box 3143
 Monument, CO 80132

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Tri-Lakes Chamber of Commerce Events

Business After Hours - Open to public, evening social networking event at different Chamber Member locations around the area each month. 2018 dates associated with these events are as follows: 1/16, 2/20, 3/20, 4/17. Cost is \$15 for Non-Members which includes two drinks and snacks. See website for details (Trilakeschamber.com)

State of the Tri-Lakes Region - Tri-Lakes Chamber of Commerce, Economic Development Corporation and Visitor Center hosts a luncheon to review the past year and to look forward to the New Year from the Northern El Paso County perspective. Speakers include local mayors, trustees and county commissioners, all giving their views of what's going on in their areas of responsibility and hopes for the future. This event is scheduled for January 31st 2018. \$37 for Chamber Members; \$42 for Non-Members. See the website for details (trilakeschamber.com/state-of-the-tri-lakes-region.htm). 

Neighborhood Watch

The HOA Board is looking for residents within the community to serve as Block Captains for the Kings Deer Neighborhood Watch program. If you are interested in serving in this capacity, please notify the HOA office through the following methods: Phone: 719 488-2840 or Email: admin@kingsdeer.org. 

King's Deer HOA Reference

IMPORTANT DATES

Annual Assessment Due: 5 January
Late fees will be assessed the first of February 2018

PLANNED OFFICE CLOSURES

15 January–MLK Day
 19 February–Presidents Day

MEETING DATES

Board of Directors: 3rd Thursday each month
 ACC Meetings: 2d and 4th Thursday each month
 CEOC Meetings: 1st Thursday each month

CONTACT US

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Office Location: (*Do not send mail to this address.*)

19255 Royal Troon Drive
(King's Deer Golf Course Club House)

Website: kingsdeer.org