



DESIGN GUIDELINES &
REGULATIONS
FOR THE
SPANISH MEADOWS
SUBDIVISION

In Effect as of May 24, 2007

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INTRODUCTION & OVERVIEW

The purpose of these Design Guidelines & Regulations (the “Design Guidelines”) as set forth in this document is to provide a framework for design, construction, maintenance and usage of their home and property within the subdivision. These guidelines are adopted in conjunction with the Declaration of Protective Covenants and Restrictions for Spanish Meadows Subdivision (the “Covenants”). This framework will allow each project to contribute to the long-term goal of creating a development that compliments and enhances the surrounding natural environment and protects the value of each owner’s investment in the neighborhood.

This document also explains the rules and restrictions that are intended to protect the landscape, wildlife and use of property for the protection and enjoyment of all owners of Spanish Meadows. This document also outlines appropriate architectural elements that reflect the specific context and environment of the Spanish Meadows Subdivision.

The specific objectives of these Design Guidelines are:

- To protect and enhance property values, wildlife and the natural environment;
- To respect environmental conditions and neighbors;
- To establish architectural criteria for buildings which allow for individual expression within clearly defined restraints; and
- To address all aspects of community usage and design, including: buildings, landscaping, maintenance, water usage, fences & signs.

SECTION 1 **DESIGN GOVERNANCE**

A. Design Review Committee (“DRC”) & Design Guidelines..

1. Authority. The Design Review Committee (“DRC”) is given authority through Article IV of the Declaration of Protective Covenants and Restrictions for Spanish Meadows Subdivision.

2. Committee Organization & Operation. DRC members are appointed by the Spanish Meadows Home Owners Association Board of Directors (“Directors”). The DRC shall consist of not less than 3 members. The terms of the DRC membership shall be established by the Directors. The Directors will also establish the rules of procedure in which the DRC shall operate and take action.

3. Purpose. The DRC is established to coordinate, expedite and assure fair equitable implementation of the Design Guidelines addressing the location, materials and all other aspects of building structures. The objective of the DRC is to encourage development quality that will enhance both the natural and built environments.

The DRC shall interpret and enforce the design regulations related to the external design, appearance, and location of all specified properties and improvements within the Spanish Meadows. However, the DRC shall not amend any regulations or location of improvement required as a condition of final plat approval.

4. Duties. The DRC is responsible for administering the Design Guidelines addressing location, material and all other aspects of building structures and performing the following duties:

- a) To form such reasonable rules and by-laws and adopt such procedures as it deems necessary to carry out its functions.
- b) To require that all buildings, including auxiliary structures, and site development be designed by professional designers who have documented experience in the field of residential design and who have been pre-qualified by the DRC to work in this subdivision. *(Note: Professional designers shall submit a portfolio demonstrating design experience and built work to DRC and receive pre-qualification status prior to beginning any design work on any site or building to be located in this subdivision.)*
- c) To review all of the following it deems necessary:
 - i. Site plans and site sections;
 - ii. Landscape plans;
 - iii. Building drawings and specifications;
 - iv. Material and color samples; and
 - v. Other information deemed appropriate to individual proposals.
- d) To require all improvements, such as the following, to be reviewed and approved by the DRC before construction commences:
 - i. Construction of buildings, auxiliary structures or roads;
 - ii. Alterations and Remodeling;
 - iii. Restorations;
 - iv. Landscaping, Fences and Walls;
 - v. Parking;
 - vi. Signs and Exterior Lighting; and
 - vii. Other Improvements specific to an individual proposal.
- e) To enforce height requirements contained within the Design Guidelines and to designate such requirements where they are not called out.
- f) To reject materials, designs and colors submitted with the plans and the plans themselves, if they are not compatible or are inappropriate with the overall plan of the subdivision.
- g) To grant variances to the Design Guidelines as it deems appropriate.
- h) To interpret Design Guidelines as it deems appropriate and make rulings thereon.
- i) To insist upon the completion of all improvements in substantial compliance with the approved plans and specifications.
- j) To enforce, in conjunction with the Directors, the Design Guidelines in a court of law.

- k) To revoke or suspend approvals and order the suspension or cessation of any construction in violation of the Design Guidelines or any approval issued by the DRC.
- l) To require that fees be paid for plan reviews as described in Section 9 below.
- m) To require the submission of landscape plans with all requests for review and approval of building plans.

5. Liability. Neither the DRC nor any member thereof shall be liable to the Spanish Meadows Homeowners Association (the "Association") or to any lot owner for any damage, loss or prejudice suffered or claimed on account of the following:

- a) Pre-qualification of any designer;
- b) The approval of any plans, drawings or specifications, whether or not defective;
- c) The construction or performance of any work, whether or not pursuant to approved plans, drawings, or specifications; or
- d) The development or manner of development of any property within Spanish Meadows provided, however, that such member has acted in good faith.

6. Amendments & Modifications of Design Guidelines. The Design Guidelines may be amended, modified or altered at any time upon a simple majority vote of the Directors. Any such amendment, modification or alteration will not have any effect or impact on approvals already given to Final Plans under Section 8.

B. Local Government Authority.

1. General Information. Spanish Meadows is located within the planning jurisdictional area of Gallatin County, Montana. Spanish Meadows is consistent with the Gallatin County Subdivision Regulations. In addition to these Design Guidelines, building design will be regulated by County, State and Federal regulatory agencies having jurisdiction. Each owner or his or her agent shall be responsible to ensure conformance with any applicable regulations, and should check with the County of Gallatin and State of Montana Building Codes Division to verify that the most recently adopted edition of any applicable regulation is being used. No site disturbance, construction of, or alteration to any improvements whether temporary or permanent, including but not necessarily limited to buildings, fences, walls, earthwork, paving, landscaping, signs, or secondary structures such as utility or trash enclosures, wells or storage tanks shall be commenced on any lot prior to receiving the written approval of the DRC. Interior modifications and/or improvements that do not alter the exterior appearance of a building or the site improvements shall not require the approval of the DRC.

2. General Development Parameters. The following requirements are the general development parameters for each lot in Spanish Meadows:

- a) ***Density.*** Not more than one single family residence may be built on each residential lot.
- b) ***Allowable Uses.*** Each residential lot shall be used primarily for residential purposes, and no more than one family (including its servants and transient guests) shall occupy such residence; provided, however, that nothing in this

subparagraph below shall be deemed to prevent construction of detached garages in accordance with these Design Guidelines and the Covenants;

- c) ***Building Envelopes.*** Each building lot in Spanish Meadows shall have a building envelope designated and surveyed in. All dwellings, exterior parking spaces, garages, sheds, carports, porches and decks shall be constructed inside of the building envelopes. The building envelope is defined by a stake near the center of each lot and a 60'-0" radius circle. Swimming pools may be located outside of, but immediate to the building envelope. Swimming pools and other areas of active use and noise shall be buffered from adjacent properties. A Building Envelope Map, showing the location of the envelopes, is available from the DRC.
- d) ***Maximum Building Footprints & Minimum Floor Areas.*** Single family residences shall have a maximum building footprint of 6500 square feet, exclusive of exterior parking spaces, garages, carports, porches and decks. The minimum floor area at or above ground level (single floor) of any single family dwelling shall not be less than 2200 square feet, exclusive of exterior parking spaces, garages, carports, porches and decks. Each principal residential structure shall have as a minimum an attached or detached two-car garage.
- e) ***Variances.*** The DRC may allow reasonable variances and adjustments of these Design Guidelines, conditions and restrictions in order to overcome practical difficulties and prevent unnecessary hardships in the application of the design guidelines contained herein, or to grant variances in regard to building envelope location for the purpose of enhancing views, utilizing a lot to better advantage, and enhancing the placement of improvements on the property, provided this granting of variances must be done in conformity with the intent and purpose thereof, and also provided in every instance that such grants or adjustments shall not be materially detrimental or injurious to other property or improvements in the neighborhood. With respect to movement of building envelopes, approval shall be required from both the DRC and all contiguous lot owners. Notwithstanding the foregoing provision, no variance shall be allowed which has the effect of creating additional lots. Any variances or adjustments of these conditions, guidelines and restrictions granted by the DRC, or any acquiescence or failure to enforce any violation of the conditions and restrictions herein, shall not be deemed to be a waiver of any of the conditions and restrictions in any other instance.

3. Applicable Building Codes. All construction shall comply with the provisions of the latest edition of all of the following design regulations, codes and their amendments, as adopted by the agency having jurisdiction.

- Spanish Meadows Design Guidelines
- Protective Covenants and Restrictions of Spanish Meadows
- International Building Code
- National Electrical Code
- Uniform Mechanical Code Uniform Fire Code

- National Fire Protection Association Code
- Central Valley Fire District
- State Fire Code Standards
- Montana Energy Code
- All other applicable County, State and Federal Regulations

SECTION 2

ENVIRONMENTAL & WILDLIFE

A. Existing Site Vegetation. The Owner of any lot within Spanish Meadows shall recognize that many wildlife species live on or migrate through the site during various times of year. The following limitations on a use and development are intended, in addition to all other requirements of this manual, to protect, preserve and maintain the existing wildlife habitat, and to minimize the adverse effects of development on wildlife habitat:

1. ***Non-Native Plants.*** Introduction of non-native plant species which might compete with or harm native species, or result in their decline is prohibited except where it is shown that such introduction can improve or prevent undue damage to the natural environment. The planting of ornamental (non-native) woody or shrubby vegetation, especially attractive to wildlife, for landscape purposes is discouraged in order to reduce, the likelihood of human-wildlife encounters on home sites.
2. ***Chemicals.*** The use of chemical herbicides and pesticides is prohibited except for the control of noxious weeds as required by law. Non-chemical weed control is strongly encouraged. Only approved herbicides should be used and a Gallatin County Weed Board Representative should be consulted before applying chemicals to sensitive areas. Lot owners are encouraged to contact a local nursery for the most effective pesticides that least impact desirable species of insects.
3. ***Burning.*** The open burning of any materials, garbage or vegetation is prohibited.
4. ***Clearing of Trees/Vegetation.*** No destruction, removal, or material alteration of living vegetation except during preparation of a building within the designated development area shall occur without permission from the DRC. The DRC may grant permission to clear vegetation when a building site is being prepared for construction.
5. ***Native Vegetation Transition Zone.*** All lots adjoining common open space areas are to incorporate and protect native vegetation on the lot edges adjacent to the open space.
6. ***Agricultural Practices.*** There shall be no agricultural activities carried on any lot, including, but not limited to, the growing of crops or raising of livestock. However, individual private gardens are permitted.

B. Wetlands. Spanish Meadows has been designed to be sensitive to existing streams and wetlands. Such wetlands have been mapped and delineated in various materials available from the DRC. The DRC will review all proposed construction and land use proposals on the properties to assure that wetlands are protected. The following sections are based on the fundamental precept that dredged or fill material should not be discharged into the aquatic ecosystem:

1. ***Permanent Standing, or Permanently or Seasonally Flowing Water.*** Owners proposing an activity which would have the effect of reducing the reach or changing the bottom elevation of delineated wetlands by filling shall furnish the DRC with proof of full compliance to Section 404 of the Clean Water Act. Notwithstanding the owner's compliance with the above federal program, the DRC shall not approve proposed activities which involve the discharge of dredged or fill material into any water body on the property which consists of permanent standing water or permanently or seasonally flowing water.

2. ***Seasonally Inundated Wetlands, or Wetlands not Inundated.*** For proposed activities, which may affect seasonally inundated wetlands or wetlands not inundated, but seasonally saturated with groundwater, the owner shall first furnish proof that the requisite Section 404 permissions have been obtained. Notwithstanding federal approval of the activity, the DRC shall not approve the activity unless it can be determined that the activity will not have a significant adverse impact on wetland values, either individually or in combination with known and/or probable impacts of other proposed or approved activities of which the DRC is aware.

SECTION 3 **SITE DESIGN**

The integration of buildings into the landscape of Spanish Meadows is important to the success and appearance of the development. This section of the Design Guidelines specifically serves to protect and enhance the natural landscape and habitat. Buildings shall be located in a manner that develops the least environmentally sensitive portion of a site. Building locations shall minimize the impact of cut and fill for roads, buildings, paths and other site improvements. In general, buildings should be sited in conformance with existing contours, and should disturb the existing grade as little as possible. New landscaping and plant materials shall be grouped in clusters in order to mimic naturally-existing vegetation patterns.

A. Topographic Influences.

1. ***Final Grading Plans.*** Final grading plans based on site topography survey, showing existing conditions and proposed revisions to topographic contours at one foot intervals shall be submitted to DRC for approval for **all** sites. Home foundations are required to be elevated 18 inches (1.5 feet) in relation to surrounding grade due to possible spring runoff and sheet flooding.

2. **Site Drainage.** All site plans shall indicate surface drainage patterns. All grading within the development shall relate to and blend into the surrounding natural landscape. Care should be taken to limit the extent of cuts and fills. All cut and fill areas shall feather into the natural topography with the confines of the property boundary.

3. **Driveways & Parking.** Site access shall be based on the approved plat on file with Gallatin County. All driveways and parking areas shall respect existing landforms and vegetation. Parking areas and garage doors shall not be the primary visual element of any residence. Every effort shall be made to diminish the impact of the entry to the garage through the consideration of angles of approach and landscaping. All parking shall be within the lot boundary, off public and private rights-of-way.

The construction and maintenance of all driveways and culverts shall be the responsibility of the owner. Culverts shall be a minimum length of 16 feet, constructed of metal and equipped with flared ends, tapered into the landscape. Driveways and parking areas shall be crowned and sloped for adequate drainage and safety. Driveway and parking surfaces shall be asphalt, concrete or any other materials as approved by the DRC. Materials shall restrict weed growth and maintain a clearly defined edge between the landscaped area and the driveway surface. Materials shall withstand deterioration from winter snow plowing and erosion. Driveways shall be limited in width to 20 feet maximum, and to 1:10 slope, unless otherwise approved by the DRC.

B. Utilities and Other On-site Details. It shall be the sole responsibility of each lot owner to contact utility companies prior to any excavation and grading.

1. **Utilities.** Utilities shall be installed underground. Satellite dishes should be those of smaller size of the most recent technology. Satellite dishes shall be screened from adjoining lots and streets. Conventional roof-top RF television antennas and radio towers are prohibited. Meters shall be placed in a location so as to be accessible to the meter reader and yet not highly visible from adjoining roadways or properties. Meters, transformers and other utility boxes may be concealed with landscaping, provided utility personnel are able to access equipment as needed. All conduit wires servicing the meter are to be enclosed.

2. **Water Supply.** Each lot owner shall install, at the owner's expense, a well for water supply to conform to all applicable standards of the State of Montana, Gallatin County, or other regulatory agency. All wells shall be required to comply with the requirements set forth in the Covenants.

3. **Sewage Disposal.** Each lot owner shall install, at the owner's expense, a septic tank sewage disposal system that shall conform to all applicable standards of the State of Montana, Gallatin County, or other regulatory agency. No outdoor toilets shall be permitted, except for the period of construction as required by Gallatin County. All septic tanks shall be required to comply with the requirements set forth in the Covenants.

4. ***Garbage and Refuse Disposal.*** Each lot owner shall arrange for all rubbish, debris, trash and garbage shall be regularly removed from their property, and shall not be allowed to accumulate rubbish, debris, trash or garbage thereon. Trash, garbage and other waste, shall not be kept except in sanitary containers, and the storage of such containers is governed by the Covenants. All equipment, wood piles, compost piles or storage piles shall be screened or concealed from view of other dwellings and common areas.

5. ***Exterior Lighting.*** The intent of the lighting restrictions is to reduce the amount of light pollution and to be unobtrusive to neighboring properties. Exterior lighting shall be subdued, understated and indirect. Area lighting shall utilize full cut-off type fixtures, having concealed light sources and shall be either all white or all pale yellow. Lighting shall be oriented downward and shall not radiate out from the property. In all cases, excessive glare to neighboring properties, roads or trails shall be avoided. Direct light sources, if used at all, shall be limited for use only for the definition of entries and walkways. Flashing, blinking, or moving lights shall not be used. Motion detector lighting fixtures, or similar lighting devices which detect motion are permitted so long as they do not detect motion outside lot boundaries. In no case shall sodium vapor floodlights, or similar lights, be allowed. Temporary holiday ornamental lights are allowed. Additionally, each lot shall be required, at the owner's expense, to purchase, install and maintain one free-standing dusk to dawn light fixture designated by the DRC for installation on the property near the driveway.

6. ***Fences, Walls & Gates.*** Fences, walls and gates provide important transitions and continuity between architecture and open spaces. In general, these improvements shall be consistent in color, texture and form with the associated building. No boundary fences around the exterior lot lines of any lot is allowed to be a wood post 'jack leg' boundary fence or similar style fence. No overhead entrance signs shall be permitted on individual building lots. Fences around swimming pools and gardens are permitted provided that the size and construction type shall have been approved by the DRC. Small area fences located behind homes are permitted provided design, size, construction type, location and compatibility with landscaping are approved by the DRC. Privacy screens may be used in conjunction with a hot tub or sunning deck. The screening shall be consistent with the overall design of the existing building and shall be submitted to and receive approval from the DRC. The length of the screen should not be longer than 25 feet in uninterrupted length. Landscape plantings are an acceptable method of screening, but do require DRC approval.

7. ***Recreational Vehicles.*** No house trailer, mobile home, truck camper, boat, tent, teepee or similar facility or structure shall be kept, placed or maintained outdoors upon any lot at any time for extended periods of time. In regards to the storage of such items, the storage shall be done in a manner so that such items are not be visible from neighboring property and shall be screened or enclosed in a manner approved in writing by the DRC. Temporary construction shelters maintained during, and used exclusively in connection with the construction of any work or Improvement shall be permitted. No person shall reside in such temporary construction shelters or facilities. No snowmobile,

motorcycle or similar device shall be operated on any lot or common area for recreational purposes. Motorcycles or similar vehicles may be used for access to and from residential structures only.

8. ***Dog Runs and Kennels.*** Kennels shall be placed in an area that is inconspicuous and removed from the direct view of neighbors and the primary road. All kennels shall obtain the DRC's approval for size, materials and location. A dog run shall be permitted provided that the size, construction and location shall have been approved by the DRC.

9. ***Site Accessories.*** Swimming pools, spas, play structures, clotheslines and other similar personal elements shall be established within the lot area not to encroach within the setbacks unless approved by the DRC. Such items shall also be screened from view from adjacent properties and roads.

10. ***General Alteration of Site Features.*** No mining or other mineral extraction or development activities shall be permitted on any lot, including the removal of gravel. Intensive grading and/or earth berm creation for landscape purposes may be permitted with the prior written approval of the DRC. Both a riparian waterway and agricultural ditch are located on the Property and are identified on the subdivision plat. It is essential to keep these waterways flowing freely and to avoid flooding problems caused by blockage. The owner of any lot adjacent to a waterway shall not take any action to plug or impede the flow of the waterway. Any lot owner shall promptly notify the DRC of any animals such as beaver who are plugging a waterway so that the Homeowners' Association can take necessary control actions. No pesticides or other noxious or dangerous chemicals shall be put into or allowed to enter irrigation ditches, waterways, and riparian or wet areas.

C. **Landscaping.** In general, landscaping on lots within Spanish Meadows should link the development to the existing, open agricultural landscape. The buildings within Spanish Meadows should complement this natural meadow landscape. Through effective use of landscaping the architectural elements of the Spanish Meadows can be softened and blended into the land forms and vegetation of the site. New plant materials should respect existing topographic patterns that are present on and surrounding Spanish Meadows. Therefore, trees, shrubs and ground cover should be placed in groups of similar species, rather than alone or with a number of other species. Effort should be made to avoid straight lines or geometric shapes. In an effort to blend with the surrounding environment and acknowledge the extreme conditions of temperature and moisture, an informal landscape using indigenous plant materials is recommended. All owners are required to maintain their grounds. Should a lot owner be a part-time resident, maintenance contracts shall be entered into with local landscape and maintenance companies. If grounds are not being maintained, the owner will be notified to rectify the situation. If maintenance is ignored, arrangements shall be made to have the necessary work done and the owner shall be billed as allowed and described in the Covenants. The DRC requires that all areas disturbed during the building process be restored to their natural state, or landscaped to a degree that is acceptable to the DRC. Sowing of wild grass seed over a disturbed area is not sufficient to restore the land.

Owners and their builder should designate land areas that shall not be disturbed during construction. All areas disturbed by construction shall be revegetated. All private properties within Spanish Meadows shall also be controlled for noxious weeds. It is each owner's responsibility to restore and landscape his or her property. A detailed landscape plan shall be presented to the DRC for approval before landscaping is begun. Please Note: Landscaping should begin no later than the beginning of the first growing season after completion of the home and should be substantially completed by the end of the second growing season.

The following shall be included in the preparation of landscape plans:

1. ***Topsoil and Sod.*** Topsoil replacement is required to a minimum depth of six (6) Inches. Sod is required in landscape areas where manicured lawns are desired, such as adjacent to buildings, pathways, patios, etc. In areas where manicured lawn gives way to the natural landscape, an informal edge shall be created to tie with the natural line created by the existing vegetation. Water wise, drought hardy grasses such as hard fescue, sheep fescue, thick spiked wheat grass are recommended in the informal edge of the lot.

2. ***Underground Sprinklers.*** Underground sprinkler systems are required where manicured portions of landscaping are planted as well as areas of planted trees and flower/plant beds. Sprinkler systems are to be used in a water wise manner to conserve our water resource.

3. ***Edges.*** Where formal or manicured planting gives way to the natural landscape, the transition should be accomplished in a way that eliminates a jarring edge. This can be accomplished through a soft transition using combinations of boulders, perennial wildflowers, shrub beds, low walls, or pathways.

4. ***Screening.*** Planting can be used effectively to screen yards and decks for privacy and to avoid glare from sources such as automobile head lamps. Sight lines at roadway shall be preserved by holding plantings back sufficiently from the roadway. As a basic solar consideration, clusters of evergreens should be placed on the north and east sides of a building to provide a wind break from prevailing winter winds. Deciduous trees and shrubs can be placed on the southern and western side to provide shade in the summer months and allow sun to penetrate to the building during the winter months.

5. ***Snow Storage.*** Plants located in snow storage areas or in areas of snow and iceshedding should be able to withstand the accumulated snow loads.

D. **Plant Materials.** Listed below are some suggested plant materials for Spanish Meadows. The suggested plant materials have been observed growing in similar environments and soils of the Gallatin Valley and other areas of comparable elevation. Since many factors affect the success of plant material, a qualified landscape architect or other plant professional, familiar with local conditions should be consulted. The selection and location of plant materials by individual owners shall be made in part to minimize irrigation water usage.

Trees:

Deciduous: Aspen, Cottonwood, Alder, Crabapple Chokecherry, European Green Birch & Rocky Mountain Maple.

Evergreen: Douglas Fir, Ponderosa or Scotch Pine, Engelman and White, Spruce, Sub-alpine Fir and Rocky Mountain Juniper.

Shrubs: Alpine Currant, Red Twig Dogwood, Potentilla, Plum, Serviceberry, Snow berry, Caragana, Cotoneaster, Juniper (varieties), Spirea, Woodrose.

Groundcovers: Low Juniper, Phlox, Low Potentilla, Kinnickinnick, Sedum.

Turf grass: For planting in informal edges of lots, drought tolerant and water wise mixes including, hard fescue, sheep fescue, and thick spike wheat grass, combined with northwestern wildflower mixes are recommended.

Manicured Lawn: High quality grass sods.

SECTION 4 BUILDING DESIGN

The intent of this section is to provide continuity to the context of the built environment, while allowing for the vitality of Individual expression. Through the use of materials and color all structures in the residential districts will blend into the surrounding site. These regulations specifically require custom designed homes that are sensitive to environmental conditions and specifically prohibit tract type designs, inadequate site planning solutions, unorthodox design solutions or other problematic approaches that impair or erode property values and/ or aesthetic values.

A. **Building Types.** All homes within Spanish Meadows shall be built on-site, using common dimension lumber and other basic materials as allowed by the DRC.

B. **Building Height.** Building heights within Spanish Meadows shall be limited to a maximum of 30 feet for roof slopes less than 6:12 and 34 feet for roof slopes greater than 8:12. Building height shall be measured from the highest ridge to the lowest adjacent grade. On complex buildings with multiple heights, the building height shall be determined by, calculating the highest ridgeline of the building, and measuring to the average of the highest and lowest finished grade. Finished grade shall be the final elevation of the surface material, whether soil, paving, or decking, adjacent to the building as shown on the building designer's drawings. With the approval of the DRC, chimneys, cupolas, and other architectural features may exceed the given height limitations by no more than a few feet.

C. **Roof Form.** The architecture within Spanish Meadows should complement and respond to the natural qualities of the foothill landscape. The consistency and compatibility of roof shapes, pitches and materials will contribute significantly to the continuity of the character of the Spanish Meadows. When refining roof forms consideration should also be given to the prevention of excessive snow build-up, snow

shedding and ice damming. The following design regulations have been developed to allow for distinct building forms while addressing the character of the entire community:

- 1) ***Shape and Pitch.*** Mansard roofs, pseudo, curvilinear roofs, and A-frame roofs are not allowed. Primary roof forms shall not be greater than 9:12. Secondary roofs may be shed roofs with pitches not less than 4:12 when attached to major building forms. The DRC reserves the right to waive the minimum or maximum roof pitch requirement when, in its sole judgment, a lower or higher roof pitch is more appropriate for the design of a building, and does not compromise the integrity of Spanish Meadows. The DRC may exercise this privilege without relinquishing its right to enforce the minimum requirement on other projects.
- 2) ***Dormers, Secondary Roofs and Skylights.*** Dormers and secondary roofs are encouraged, both to add interest and scale to major roof areas and to make habitable use of space within the roofs. Dormers and secondary roofs may have gable, hip or shed forms and may be stacked in multiple forms. When designing the location of skylights, consideration should be given to both the interior and exterior appearance of the unit. Locations should also be coordinated with window and door locations. Skylights shall be located away from valleys, ridges and all other areas where drifting snow may hinder the performance and safety of the unit. Skylights should be of high quality insulated, double pane construction. If solar collectors are proposed they shall be integrated into the overall roof design, and shall be placed flush with the Slope of the roof or wall of the building. The maximum uninterrupted length shall not exceed 25 feet.
- 3) ***Entry Definition, Overhangs & Fascias.*** Caution should be taken In design to minimize shedding of snow and ice toward driveways, sidewalks, porches, decks, balconies or any other areas which may be damaged or cause injury. Entrances should be expressed with gable or shed roof forms and protected with adequate overhangs. All roofs shall have overhangs of at least 2 feet. All fascia materials shall be a minimum of 8 inches. Built-up fascias of 12 inches are preferred.

SECTION 5

BUILDING MATERIALS

Building materials in Spanish Meadows shall be selected for the quality, durability and low-maintenance characteristics. The following are the only allowable materials In the Spanish Meadows:

A. **Roof Materials.** Roof materials above occupied areas of buildings, or in areas exposed to the sun, mechanical vents, and heat from adjacent chimneys shall be carefully selected to address the freezing and thawing cycle common to most roof designs. Cold roof systems with adequate ventilation and insulation are recommended. Roof materials shall be constructed of fire resistant materials carrying a Class 1 rating. The following are acceptable roof materials:

- Class 1 synthetic shakes or shingles

- Natural and synthetic slate tiles
- Class 1 asphalt random tab shingles
- Other similar materials as allowed by the DRC.

All roof flashing vents, hoods, and roof accessories shall be copper or a pre finished metal that blends with the color of the roofing material selected, and shall be positioned to be as non-visible as possible.

No reflective roofing materials will be allowed.

B. Exterior Wall Materials. The character of the building exterior should be kept simple in order to harmonize and compliment the surrounding environment of the site. Natural materials and subdued colors should dominate the main body of the building. Exterior trim can be more colorful and contrast with the main body. The DRC shall consider materials not listed below that maintain the aesthetic continuity of Spanish Meadows including pre finished composite wood products and synthetic siding materials.

1. **Stonework**. Rock shall be natural stone materials, or realistic-appearing types of manufactured stone as approved by the DRC. Stonework shall not be applied to individual wall surfaces, to avoid a veneer like appearance. Detailed drawings of all stonework shall be included with the Final Plan Review materials.

2. **Unit Masonry**. Unit masonry materials shall be limited to brick, as approved by the DRC. Brick surfaces shall be limited to 20% of the exterior surface area, and shall not be applied to individual wall surfaces in order to avoid a veneer like appearance.

3. **Concrete**. Exposed concrete foundation walls between ground level and exterior wall siding shall be a maximum of 8 inches. Foundation exposure over 8 inches shall be finished with textured stucco of a subdued color in harmony with the building, stone, or treated wood.

4. **Stucco**. Synthetic stucco shall be permitted providing that the finished surface is adequately textured to obscure the pattern of insulation panels. Synthetic stucco surfaces shall be a subordinate portion of the exterior surface area (not to exceed 25% of the exterior surface), and shall not be applied to individual wall surfaces in order to avoid a veneer-like appearance.

5. **Wood Siding/ Wood Product Siding**. Smooth or rough sawn wood siding, of at least 1/2" nominal thickness, shall be an acceptable exterior wood sheathing material. All wood siding shall be painted or stained. As a general rule, wood shingles should be used as smaller scale accents to the larger scale materials of the exterior walls. No log siding shall be allowed. Other wood product siding or applications will be considered by the DRC on a case by case basis.

6. **Natural Log**. Natural, machine or hand peeled log materials and dove tailed beam homes are acceptable uses of log products. Integration of Natural logs with other building

materials is preferred. Swedish cope with saddle notch on corners is the preferred style of natural log construction as opposed to tongue and groove D-log styles. Natural log homes are to be custom designed homes. An emphasis of design shall be the integration of the home with the surrounding environment and view sheds. Natural log homes, which are not custom designed and produced as prefabricated kits, are not allowed. All designs and materials shall be approved by the DRC.

C. Chimneys Materials. Chimneys, flues and vents may be used to create visual contrast to the dominant roof forms of the buildings within Spanish Meadows. All flues shall be enclosed with a chimney cap and fitted with a spark arrestor. All chimney forms shall relate to the overall building, and shall be covered with either stone, brick or stucco. No chimneys enclosures shall be clad in wood, unless specifically approved by the DRC. Chimneys and flues shall be located to avoid smoke and fumes at ground levels created by down slope winds. Buildings adjacent to steep slopes or with unique roof configurations shall give special attention to down drafts. All chimneys shall be located as high as possible on the upwind side of the roof to ensure adequate disbursement of smoke. Building vents and flues for such functions as ventilation and exhaust should be consolidated into enclosures wherever possible and should typically be concealed from public view.

D. Windows and Doors.

1. ***Scale, Composition & Proportion***. Window and door patterns and reveals should be carefully studied to create interest, variety and consistency. Uninterrupted bands of windows and doors shall not be allowed in any building. Window and door locations shall be carefully considered to avoid being obscured by accumulating snow.

2. ***Solar Orientation and Exposure***. The design and location of exterior windows should respond to the solar orientation of the building. Energy considerations should be addressed in the building design.

3. ***Materials***. Windows and doors shall be constructed of natural, stained or painted wood, or pre-finished enamel or colored aluminum cladding. All glazing shall be framed. Glass curtain walls shall not be approved. Mirrored glass shall not be used. Glass storm panels, set within the window sash, may be used within divided-light windows provided that the storm panel is installed on the interior side of the window. Divided light glass shall be authentic appearing. Authentic appearing snap-in grills will be considered.

4. ***Garage Doors***. Garage doors shall be subdued and oriented away from the street, and shall be de-emphasized in the elevation of the building. Doors shall be recessed a minimum of 6 inches in an exterior wall, and shall be subdivided with secondary materials. Exceptions shall be reviewed by the DRC on a lot by lot basis.

E. Decks and Balconies.

1. **Design.** Decks, balconies and terraces shall be designed to enhance the overall architecture of the building by creating variety and detail on exterior elevations. Combinations of covered decks, projecting balconies and bay windows are encouraged. Terraces should be used to integrate the building and landscape by creating a transition between the built and natural character of the site.

2. **Materials.** Low level decks shall be skirted to grade. Decks which are not practical to skirt shall be designed to assure that the underside of the deck is integrated with the design of the building. Exposed anodized aluminum joist hangers will be allowed, so long as they are not visible from adjoining streets and properties. Posts shall be a minimum of eight inches square, and should be paired or grouped to diminish a thin visual appearance. Materials and colors shall be consistent with the building and surrounding landscape.

F. Color. Exterior color schemes throughout Spanish Meadows shall emphasize the natural tones of the surrounding environment. Large exterior wall surfaces shall be painted or stained with neutral tones. Color schemes shall be developed to provide a pleasing contrast between the basic wall surfaces and accented details. All exterior color schemes shall be reviewed by, and approved by the DRC as a part of the Final Plan Review & Approval.

G. Energy Conservation. All residential buildings shall meet the following minimum standards for roof and exterior wall insulation set forth in the applicable building codes.

H. General. Spanish Meadows is a neighborhood specifically designed to accommodate quality homes in a setting where property values and environmental quality are protected. The DRC is charged with the all important responsibility to see that homes at Spanish Meadows are well-designed, property sited, landscaped and constructed according to COR approvals. The DRC is responsible to review house designs and has the clear authority and discretion to approve, disapprove or approve with conditions any and all design submissions. Highly qualified design professionals (architects, home designers and landscape architects) who have been pre-qualified by the DRC shall be retained to aid each property owner in achieving sound design solutions.

SECTION 6
SIGNAGE

All signs, posters, displays, or advertisements are prohibited unless they have received the approval of the DRC prior to installation or use. Signs covered by these requirements include:

A. Residence Identification. Each owner, at its own expense, in an approved location on the property or the primary dwelling shall be responsible for placing a standardized sign identifying residences in Spanish Meadows. The sign shall be no greater than 20 feet

from the street and no less than 5 feet from the drive. The identification sign shall be of a standard size, material, and color established by the DRC. Numbers shall be at least 3 inches high and 1/2 wide in stroke. The identification shall be clearly visible to emergency vehicles from the adjacent street at all times. Individual newspaper boxes may be integrated with the residence identification sign and constructed of similar materials. Clustered keyed mail boxes will be provided in centralized locations for each lot.

B. Contractor-Builder. Construction signs shall be placed on a lot only during the construction period. The sign shall not be larger than ten (10) square feet in size and be of a color that is harmonious with the structure being built and the surrounding area. The sign shall be removed immediately upon closing of property with homeowner. 'Parade of Homes' Signs are exempt from this guideline and are not limited to size, but signs must be removed within 90 days following the final day of the 'Parade of Homes' event.

C. Real Estate Marketing. Real estate signs shall be no larger than six (6) square feet in size, and shall be placed on a lot by owners or their agents. Signs shall be removed immediately upon closing of the sale or listing expiration. This guideline in no way limits the size, location or type of signs, banners or related advertising media that the Developer (Spanish Meadows Development, LLC), or the Agents or Designees of the developer, wish to place in locations of their choosing. Nor is there a limit to the time the Developer, or its Agents or Designees, can maintain said signage.

D. Temporary. Signs of a temporary nature such as "Open House", "Model" or political candidate endorsements need not be approved by the DRC but shall be removed when not in use, and shall not exceed ten (10) square feet in size. Larger signs and banners shall be approved by the DRC.

SECTION 7 **CONSTRUCTION PROCEDURES**

A. Approvals Required Prior to Construction Commencement.

1. ***Permits***. No site disturbance or construction shall commence until written Final Plan Approval has been received from the DRC. Building construction shall strictly conform to the approved final plan and shall be completed within 14 (fourteen) months after obtaining the written Final Plan Approval unless specific written extension is granted by the DRC. No accessory structure, buildings, garages or sheds shall be constructed or maintained on any lot prior to the construction of the main structure of the residence provided however, that the provisions of this sub-paragraph shall not apply to temporary construction shelters which may be constructed for use after the issuance of the residence's building permit.

2. ***Approvals***. All modifications to previously approved construction and landscape plans shall be submitted to be approved by the DRC.

3. **Letter of Credit.** The DRC, as a condition for granting permission to proceed with construction, may require a letter of credit to secure the Lot Owners performance of the terms and conditions of the approval. The letter of credit may also be used by the DRC to pay any attorneys fees or other costs incurred by the DRC, Board of Directors or Homeowners' Association in the course of enforcing the terms of permission to proceed with construction and Lot Owners compliance with all related items in the Design Guidelines during home construction. The letter of credit retained by the Board shall be released to the lot owner within thirty (30) days of satisfactory completion of the work for which the letter of credit was required.

B. Construction Regulations

1. **Noise Abatement and Hours of Work.** Blasting, heavy equipment operation and other loud noise from construction shall be prohibited between 7:30 pm and 7:30 am. All blasting will require prior written approval of the DRC. The owner/owner's agent shall take necessary precautions and notify adjacent property owners, local traffic, pedestrians, etc. prior to blasting.

2. **Construction Staging and Material Storage.** All construction staging, including but not limited to, daily vehicular movement and parking, material storage, equipment storage, construction trailers, etc., shall take place within the lot for which the building permit was issued unless an alternate staging area is approved in writing by the Home Owner's Association.

3. **Trash Containment and Removal.** Trash and construction debris shall be kept in containers, and be emptied on a regular basis to insure sufficient room to store trash at the end of each working day. It shall be the responsibility of the general contractor to remove and dispose of, at an authorized county land fill, any excess trash and construction debris. Care should be taken to have any trash or debris blown away from the Lot.

4. **Property Protection.** Construction practices shall include care during grading and excavation to avoid damage to existing trees, shrubs and their root structures. All construction equipment and activity including vehicular movement, unloading or daily parking, as well as stockpiling of materials and topsoil shall be kept within the perimeter of the lot unless written authorization is received from the DRC. Any adjacent property including roads or common grounds damaged during construction shall be promptly restored and revegetated to the satisfaction of the DRC. If such restoration is not completed promptly, the DRC will contract for the repairs with all costs charged to the person in whose name the Final Plan Approval was issued.

5. **Temporary Structures.** A small job office or trailer may be located on the site during the construction period. The job office shall be removed from the site prior to occupancy.

6. **Erosion Control.** All disturbed areas of the site shall be protected from erosion during and after the construction period. Erosion control measures shall be taken during construction to insure soil stabilization, sediment control, and timely revegetation.

C. **Building Inspections.** The DRC will not inspect projects for building code conformance. The DRC will however, from time to time review the construction sites for conformance to these design standards. It is the responsibility of the Applicant or the Applicant's builder to contact the state and other authorities regarding electrical, plumbing and other required inspections for building code conformance.

SECTION 8 **DESIGN REVIEW & APPROVAL PROCESS**

The design review and approval process shall be followed for any of the following:

- Construction of any building.
- Renovation, expansion, or refinishing of the exterior of any building.
- Interior changes which affect the major function of a building.
- Major landscape, road or parking changes.
- Exterior lighting changes.

All plans submitted to the DRC shall be of professional quality prepared by a licensed architect or home designer who has been pre-qualified by the DRC. The DRC shall reject materials, designs and colors submitted with the plans, and the plans themselves, if they are not compatible or are inappropriate with the overall plan of the subdivision. The DRC may, in its sole discretion, engage the services of outside consultants and advisors such as architects or builders to assist in the review process. Any costs for such outside consultants or advisors shall be paid for by the homeowners association using the fees described in this Section 8.

The Spanish Meadows Design Review & Approval Process has three steps:

1. Prequalification of building designer;
2. Initial Plan Review; and
3. Final Plan Review & Approval.

It is recommended that owners follow this three step process for any major building project. Owners may submit materials for Final Plan Review and Approval without an Initial Plan Review, though this method is not recommended. In addition, the owner may appeal the DRC's decision to the Spanish Meadows Homeowners' Association Board of Directors.

Step 1. Pre-qualification of Building Designer. Before submitting the Initial or Final Plan Review, the Lot Owner shall submit a portfolio of the building designer's work.

This step has been put in place to lessen the likelihood of a Lot Owner going to the time and expense of having a design created by someone who does not have the design style or experience designing homes, which are compatible with these Design Guidelines. The prequalification of a Building Designer does not guarantee the approval of a specific design. There is no fee for prequalification of a building designer(s).

Step 2. Initial Plan Review & Approval. The Initial Plan Review addresses the conceptual design of the project. The review will address existing site conditions and planned improvements, building floor plans and elevations, roof design, architectural character or expression, exterior materials, grading, drainage, and erosion control measures. *See Initial Plan Review Checklists for complete submission requirements.*

The Initial Plan Review includes the following steps:

- a) Pre-qualified designer and Owner prepare and submit to the DRC three copies of the Initial Plan which will include all information required by the Initial Plan Review Checklist.
- b) DRC reviews Initial Plan and notifies owner in writing of either (i) its approval or (ii) its rejection along with a written list of findings which require modifications to the Initial Plan. Such notification shall be given within 21 business days following submission.
- c) If necessary the Owner may resubmit an Initial Plan or appeal to the Home Owner's Association Board of Directors within thirty days.

A \$50 dollar Initial Plan review fee is to be submitted with the Initial Plan. No fee is required for a resubmission.

Step 3. Final Plan Review & Approval. The Final Plan Review & Approval addresses the final design details of the project the review will address planned improvements, building elevations, building sections, roof design, architectural character or expression, exterior materials, site conditions, grading, drainage and erosion control measures. *See Final Plan Review Checklists and Evaluation Criteria for complete submission requirements.*

The Final Plan Review & Approval includes the following steps:

- a) Upon receiving an approval of the Initial Plan the owner/architect shall prepare and submit three copies of the final plan, which shall include all information required by the Final Plan Review Checklist.
- b) DRC reviews the Final Plan and notifies owner in writing of either (i) its approval or (ii) its rejection along with a written list of findings which require modifications to the Final Plan. Such notification shall be given within 28 business days following submission. If necessary the Owner may resubmit a Final Plan or appeal to the Home Owner's Association Board of Directors within thirty days.

- c) Upon issuance of written Approval, owner may begin construction. If construction has not been completed within 14 months after the approval, then the owner must restart the process and gain a new approval from the DRC.

A \$750 dollar Final Plan Review fee is to be submitted with the Final Plan. No fee is required for a resubmission.

Note: AFTER FINAL PLAN APPROVAL HAS BEEN OBTAINED, NO CHANGE FROM APPROVED PLANS SHALL BE MADE WITHOUT THE REVIEW AND WRITTEN APPROVAL OF SPANISH MEADOWS COMMITTEE FOR DESIGN REVIEW.

Note: The following section contains Checklist Forms, listing the required steps and submittals needed for both the Initial Plan Review and the Final Plan Review. To ensure that the Lot Owner, the Owner's Architect, Builder or other representative files a complete Submittal Package with the DRC at each stage of review, it is recommended, but not required, that these forms be used during the compilation of needed materials prior to scheduling a review by the DRC.

SECTION 9 **CHECKLISTS FOR SUBMITTALS REQUIRED BY DRC**

A. Initial Plan Review Checklist. Prepare and submit to the DRC three copies of the preliminary design in conceptual drawing form to describe the following:

- Submission of Initial Plan Review fee.
- Site plans indicating building envelopes, easements, setbacks, existing site elements, stream corridors, landscaping concepts, contours @ 1'-0" intervals, site drainage, location of retaining walls, orientation of garage, driveway materials & width, location of site section. (Scale: 1" = 20' min.).
- Site sections indicating percent slope of site, extent of cut and fill, retaining walls, conformance with building height restrictions. (Scale: 1" = 20' min.).
- Floor Plans (Scale: 1/8" = 1'-0" min.).
- Exterior Elevations of all sides of proposed buildings. (Scale: 1/8" = 1'-0" min.).
- Roof Plan. (Scale: 1/8" = 1'-0" min.).
- Exterior Materials noted on elevation drawings.
- Building height, per these Building Design Guidelines, noted on building elevation drawings.
- Written Statement summarizing setback, height and square footage or proposed construction and whether any variance requests will be made.

B. Final Plan Review Checklist. Three copies of drawings and written materials, along with one set of samples for all proposed building materials for the Final Plan Review & Approval shall be submitted to the DRC. The DRC can only approve a final plan submittal when each of the items listed below has been submitted and approved.

GENERAL PLAN

- Submission of Final Plan Review fee.
- Square footage summary.
- Statement of building height and building height calculations.
- Site Plan (scale 1"=20").
- Property boundaries.
- Easements and setbacks.
- Existing and proposed contours at one foot intervals.
- Building footprint lies without encroachment out of the building envelopes, confirmed by the production of an engineered drawing, verifying the location of the as built home. This drawing shall be presented to the DRC within 30 days of the completion of the foundation pour.
- Utility meters.
- Transformer locations.
- Service lines for water, sewer, gas, telephone, cable TV and electric (existing service to building, if applicable).
- Proposed roads, walks, driveways, parking, decks, pools, patios, accessory buildings and all site improvements.
- Identification of materials to be utilized for construction, including roads, walks, driveways, decks, pools and patios along with a material sample board indicating exterior wall and trim materials, exterior stone samples, window colors, roof materials and flashing, exterior paving materials, exterior finish colors, presented as actual materials with finishes applied.
- Surface drainage.
- Finished floor elevations.

LANDSCAPE and IRRIGATION PLAN (same scale as Site Plan, to be submitted prior to beginning of landscaping)

- Location, type, planted size and quantity of all plant materials and landscape features proposed for use.
- Final grading, extent of cut and fill.
- Proposed treatment of all ground surfaces (turf, ground cover, mulch, pavers, etc.).
- Extent of turf areas to be mowed and irrigated (transition zone maintained, irrigation method indicated).
- Proposed seed mixes and rate.
- Lighting location, fixture type and wattage.
- Details of any fencing proposed.
- Building Drawings (scale 1/4" = 1'-0").
- Floor Plans showing square footage.
- All exterior elevations showing finished grade, materials, windows, doors, colors, graphics, details and lighting.
- Primary roof pitch.
- Secondary roof pitch.
- Conformance with building height restrictions.
- Project Specifications, including use of water saving devices.

- Exterior lighting fixture cut sheets.
- Acknowledge and accept water and septic tank guidelines as set forth in Protective Covenants and Restrictions for Spanish Meadows Subdivision.