

DESIGN REVIEW PROCESS FOR SINGLE FAMILY HOMES

The CC&Rs require that all Improvements or changes on a Lot must be reviewed and approved by the ARC. The design review procedures are outlined below. Like the Guidelines in the preceding pages, they have been designed to facilitate an efficient and effective approval process.

The Spanish Peaks design review process is set up to be a cooperative one between Owners, their design and construction team, and the ARC. The ARC helps Owners to realize their own objectives while implementing the overall vision that distinguishes Spanish Peaks as one of Montana's great places year-after-year.

The ARC review evaluates the proposals for construction of improvements in terms of the CC&Rs and the Guidelines. At the same time, the ARC recognizes that each Lot has unique characteristics and Owners have individual needs. Accordingly, the ARC may, at its sole discretion, approve modifications from the Guidelines, provided it is demonstrated that the proposal is consistent with the CC&Rs and the intent of the Guidelines, and that it will not adversely affect adjoining or nearby Lots or Spanish Peaks as a whole. A major modification would be granted in the form of a written modification as set forth in the CC&Rs. Any modification would apply to a specific set of unique conditions and not be treated as a precedent.

The design review process is organized in three steps, as described below, followed by three aesthetic reviews during construction, as outlined in Chapter 11- Construction Regulations.

10.1 PROJECT TYPES TO BE REVIEWED

ARC review and approval is to be obtained for all project types listed below:

- New Construction – Construction of any new, freestanding structure, whether as a primary Residence and related Accessory Dwelling Unit, or Accessory Structure or landscape structure.
- Alterations, additions, demolition or rehabilitation of an existing structure – Any new construction, demolition or rehabilitation to an existing building or landscape structure that alters the original massing, exterior finishes, window placement, roof design, exterior lighting, interior lighting visible from off-site and/or other significant design elements.
- Major site and/or landscape Improvements – Any major Improvements or changes to Improvements, including, but not limited to, grading (for any excavation and/or fill involving more than 10 cubic yards of dirt, including geotechnical test pits), planting and re-vegetation plans, tree removal, irrigation, swimming pools, driveways, fencing and/or drainage, that alter an existing landscape.

The ARC evaluates all development proposals on the basis of these Guidelines. Some of the Guidelines are written as broad standards and the interpretation of these standards is at the sole discretion of the ARC.

10.2 DESIGN REVIEW PROCESS OVERVIEW

The Spanish Peaks design review process, unless otherwise noted takes place in three steps, followed by three aesthetic reviews during construction, as outlined in Chapter 11– Construction Regulations:

1. Concept Plan Review
 - 1A. Pre-design Conference (see Section 10.6.1)
 - 1B. Lot Diagram and On-Site Meeting (see Section 10.6.2)
 - 1C. Sketch Plan and BSFD Design Review (see Section 10.6.3)
2. Final Plan Design Review (see Section 10.7)
3. Working Drawings, Construction Management Plan, Staking and Site Meeting Review (see Section 10.9)

Any Improvement as described in Section 10.1 above is required to be preceded by the submission of plans, specifications and an application fee. The Owner is to retain competent assistance from an approved Architect, Landscape Architect, structural Engineer, Civil Engineer, Contractor and any other consultants (collectively “Consultants”, see Section 10.5) as necessary. The Owner and Consultants are to carefully review the CC&Rs and the Guidelines prior to commencing with the design review process.

Having secured final design approval from the ARC, the Owner is to also meet all submittal and approval requirements of applicable Zoning Regulations and any local, State and Federal requirements.

The Owner is to commence construction within one year of final design approval from the ARC. If the Owner fails to begin construction within this time period, the Owner may apply for one, one-year extension to the ARC. Failure to apply for and receive an extension will result in automatic revocation of the approval, (for further information refer to Section 11.6).

10.3 DESIGN REVIEW PROCESS - MINOR IMPROVEMENTS

Minor Improvements (including, but not limited to, the construction of, installation of, or addition to landscaping, fences, walls, and/or enclosure structures), which are being completed independent of any major Improvements as listed in Section 10.1 above, do not need to proceed through all three steps of the general design review process. Minor Improvements may be submitted as part of the following process:

1. Final Plan Design Review
2. Construction Monitoring
3. Final Observation

Specific submission requirements and application fees are determined on a case-by-case basis as required by the nature of the Improvement. Owners and/or Consultants are to contact the ARC to verify whether an Improvement qualifies for this design review process. Upon receipt of permission to proceed with the minor improvements, the Owner and/or Consultant will obtain a list of specific submission requirements in writing from the ARC.

10.4 ACTIONS AND APPROVALS

The ARC's action on matters is to be by a majority vote of the ARC. The ARC keeps and maintains a written record of all actions taken by it.

If an Owner disagrees with the ARC's written conclusions from a meeting or application, the Owner may appeal the decision in accordance with the procedures set forth in the CC&Rs.

The powers of the ARC relating to design review are in addition to all design review and/or permitting requirements imposed by County jurisdictions. In addition, ARC approval does not ensure compliance with County regulations.

10.5 APPROVED DESIGN PROFESSIONALS

The design team should be comprised of the following consultants, all of whom are to carry the appropriate and/or applicable licensing and registration within the State of Montana:

- *Architect*
- *Landscape Architect*
- *Structural and Civil Engineers*
- *Contractor*
- *Additional professional consultants as required*

10.6 STEP 1: CONCEPT DESIGN REVIEW

Concept design review consists of three steps that may be completed sequentially or in one meeting with the ARC.

10.6.1 Pre-design Conference

Owners and/or Owner's representatives shall request a meeting with the ARC to clarify any questions regarding the Guidelines and the associated design review process as well as to exchange ideas, and schedule the Lot Diagram and On-Site Meeting. This meeting may occur concurrently with the on-site meeting and sketch plan review meetings.

Prior to the scheduling of the Pre-Design Conference, the following actions are to be taken by the Owner and Owner's consultants:

- The Architect and Landscape Architect are to review all applicable Design Guideline documents for Spanish Peaks.
- The Architect and Landscape Architect are to review all applicable Zoning Regulations from applicable County jurisdictions, (Madison or Gallatin Counties).
- The Owner may identify an "Owner's Representative" to act and/or make decisions on their behalf at design review or ARC meetings in the event the Owner cannot be present. The Owner shall notify the ARC in writing as to whom the Owner's Representative is and what authority they have prior to any design review or ARC meetings.

10.6.2 The Lot Diagram and On-Site Meeting

This meeting is intended to provide the Owner and Owner's consultants an opportunity to meet with ARC representatives to review conditions on the individual Lot that will guide the siting of the building and the development of the Lot. ARC representatives will meet on the site with a team selected by the Owner, their Architect and/or their Landscape Architect. Together they will evaluate the key factors that are to guide the siting of the structures and landscaping of the site, identified in Section 2.1 of these Guidelines.

Following the meeting, the Owners' team will submit a Lot Diagram identifying and illustrating the agreed upon:

- *Building setbacks, that create the agreed upon Building Envelope area;*
- *Proposed driveway location;*
- *Locations of significant vegetation and other Lot features;*
- *Location of proposed building footprints.*

Refer to Section 2.1 for specific design criteria for the preparation of the Lot Diagram. An example of the submission drawing is provided in Section 2.1.

The Lot Diagram shall be submitted for review and approval by the ARC. The Lot Diagram will be approved if it meets the design criteria identified in Section 2.1 of these Guidelines and other specific requirements identified at the on-site meeting. It is the Owner's responsibility to ensure that the Lot Diagram is consistent with any applicable Zoning Regulations for the particular Lot. A review by the ARC at a regularly scheduled meeting may be required if the Lot Diagram is significantly different from what was discussed at the on-site meeting, or varies from the stated design criteria in Section 2.1. The Lot Diagram shall be approved by the ARC prior to Sketch Plan and BSFD Design Review.

10.6.3 Sketch Plan and BSFD Design Review

Upon approval of the Lot Diagram, the Owner shall prepare a Sketch Plan submission as well as schedule a review meeting with the BSFD. The Sketch Plan package should adequately convey existing site conditions, constraints, building orientation and design, vehicular access, proposed use of materials and colors and conceptual landscaping. All submittals shall contain the required amount of hard copies as stated below, as well as one complete electronic copy provided on a CD, flash drive or similar device.

The submission package is to include the following:

A. SURVEY AND SITE PHOTOGRAPHS

Two copies of a property survey (minimum scale: 1"= 20'- 0") prepared by a Surveyor indicating property boundaries, the area of the property, all easements of record, applicable local government regulations, topography at two foot intervals and any significant natural features such as rock outcroppings, riparian areas, wetlands, watercourses, or existing trees of 8" in diameter or greater, together with the Building Envelope and other information from the approved Lot Diagram that influences the Owner's site plan and home design. To facilitate the review process, the submission will

be considered complete only if it includes clearly identified existing major trees and tree and shrub masses, with general sizes and heights noted. At heavily wooded sites, the tree information may be limited to the vicinity of the Building Envelope and the proposed driveway. The general masses of tree and shrub types may be information added to the survey by the Architect or Landscape Architect.

Provide two sets of color site photographs (4"x 6" min. size) of the site area to adequately describe the neighborhood including, site features, vegetation, views and/or relationship to Roadways and adjacent Lots.

B. PROPOSED SITE PLAN

Two sets full size (hard copy) and four sets 11"x 17" reductions (hard copy) of the site plan (minimum scale 1"= 20'- 0") (an electronic copy shall be submitted of the 11"X17" in PDF format), indicating the survey information plus the footprint(s) of buildings relative to the Building Envelope area, including calculated percentage of the site covered by Improvements, the driveway access with proposed grades, the proposed limits of grading and construction, the trees, topography and structures on adjacent Lots, scale and north direction. If the site plan differs significantly from the approved Lot Diagram, the ARC may require an Owner to repeat Step 2, and prepare a new submittal.

C. BUILDING PLANS

Two sets full size (hard copy) and four sets 11"x 17" reductions (hard copy) of plans (minimum scale 1/8"=1'- 0") (an electronic copy shall be submitted of the 11"X17" in PDF format), including floor plans for each level of building(s), exterior elevations, roof plan indicating materials and colors, existing and proposed grades, elevations for each floor and the highest roof ridge. Overall building dimensions and distance from property lines should be indicated.

D. SITE SECTIONS

Two sets full size (hard copy) and four sets 11"x 17" reductions (hard copy) (minimum scale 1"= 20'- 0") (an electronic copy shall be submitted of the 11"X17" in PDF format) of cross-sections showing proposed buildings and elevations in relation to the surrounding site, including adjacent Lots, structures on adjacent Lots and Roadways. A minimum of two sections, one in each direction is required.

E. BUILDING HEIGHT CALCULATION

One hard copy 11"X17" and one electronic copy in PDF Format (minimum scale 1/8"= 1'- 0") of building height calculations, drawn over building elevations, relating to, and coordinated with, the required topographic survey. Existing and finished grades should be clearly indicated around the perimeter of all proposed structures.

F. CONCEPTUAL LANDSCAPE PLAN

Two sets full size (hard copy) and four sets 11"x 17" reductions (hard copy) (minimum scale 1"= 20'- 0") (an electronic copy shall be submitted of the 11"X17" in PDF format) of the landscape plan, including location and type of existing vegetation, existing rock outcroppings, limits of site disturbance, proposed areas of new landscaping and plant materials, revegetation proposals for reseeding and mulching and preliminary concepts for lighting, grading, drainage, and erosion control measures.

G. STUDY MODEL (1"= 20'- 0" MINIMUM)

One small-scale massing model, indicating the three dimensional massing and relationship of the proposed building to site topography and tree masses. The model should be reflective of finished grade, driveway configuration and retaining walls.

H. GEOTECHNICAL REPORT

One hard copy of a geotechnical report prepared by a geotechnical Engineer, as well as one copy submitted electronically in PDF Format.

I. ARC APPLICATION, CHECKLIST AND FEE

Submit one copy of completed application, submission checklist and fee with drawings. Fee is based on Gross Floor Area in accordance with current fee schedule. Contact the ARC or refer to the website: www.spoassn.org, for current fee schedule and application.

10.6.4 Timing of Submissions

All submissions to the ARC shall be submitted to the ARC at least one week prior to the regularly scheduled meeting for which review is requested.

10.6.5 The Sketch Plan Design Review Meeting

Upon receipt of a complete submission, the Sketch Plan design review meeting will be scheduled for the next regularly scheduled meeting for which there is a quorum. If the submission is incomplete, the ARC will notify the Owner as to the incomplete submission, and place it on the agenda of the next regularly scheduled meeting for which there is quorum upon receiving all completed materials.

The ARC will review and comment on the application at the meeting and will subsequently provide the Owner with the conclusions of the meeting in writing within 14 business days of the meeting. The Owner, or Owner's Representative must be present at the meeting.

10.6.6 Resubmission of Materials for Sketch Plan Review

In the event the ARC has requested changes or modifications to the design after the Sketch Plan review meeting, corrected materials are to be provided to the ARC within 30 days of issuance of the meeting's conclusion. A second review meeting may be necessary to review corrected and/or new materials.

10.6.7 Big Sky Fire Department Sketch Plan Review

Either concurrently or before Sketch Plan review, the Owner or their representatives are to provide Sketch Plans to the Fire Chief of the BSFD or his/her designee for their review and comment. Those comments are to be incorporated into the Sketch Plan, and the ARC notified of any such changes or adjustments. A letter or email from the BSFD is to be provided to the ARC at Final Plan design review, (see Section 10.7) as evidence that this review has been completed.

Owners and their representatives should note that fire sprinkler plans are to be submitted for review and approval by the BSFD prior to construction installation activities commencing. Installed fire sprinkler systems shall be inspected by BSFD prior to being concealed by Construction Activities (See Section 3.2).

10.7 STEP 2: FINAL PLAN DESIGN REVIEW

Upon approval of the Sketch Plan in Step 2, the Owner may initiate the Final Plan design review process by submitting Final Review plan documents and fees. All drawings and documents shall be updated and/or adjusted to address any conditions of approval from the Sketch Plan approval. All submittals shall contain three (3) full size hard copy sets at the scales and/or sizes listed below, one 11 x 17 copy (unless noted otherwise in descriptions below), as well as one complete electronic copy in PDF Format provided on a CD, flash drive or similar device. The ARC may also request additional copies as needed.

The submission package for final plan design review is to include the following:

A. FINAL SITE PLAN (MINIMUM SCALE 1"= 20')

The final site plan shall include proposed building footprint(s), roof drip line, utility locations (including propane tank location(s), existing vegetation, existing and proposed 2' contours, areas of cut and fill, drainage, limits of construction, snow shed or snow storage areas, proposed driveway, sidewalks, decks, and any other proposed improvements. Proposed driveways should include spot elevations.

B. FLOOR PLANS (SCALE ¼"= 1'- 0")

Indicate all building dimensions, door and window locations and sizes, location of mechanical and electrical systems and fire sprinkler and monitoring systems, and the location and type of all exterior lighting fixtures.

C. ELEVATIONS (SCALE ¼"= 1'- 0")

Illustrate the exterior appearance of all views labeled in accordance with the site plan. Indicate the height of chimney(s) as compared with the ridge of the roof, the highest ridge of the roof, the elevation of each floor, and existing and finished grades for each elevation. Describe all exterior materials, colors, and finishes (walls, roofs, trim, chimneys, windows, doors, etc.) and locate all exterior lighting fixtures and the fire department connection. On the drawings indicate materials, textures, and proposed stone wall patterns.

D. BUILDING SECTIONS (SCALE ¼" OR ½"= 1'- 0")

Indicate building walls, floors, the elevation of each floor, interior relationships, finished exterior grades and any other information to clearly describe the exterior of the building as well as the building's relationship to the site.

E. PERSPECTIVE SKETCHES (OPTIONAL)

It is recommended that one or more ground level perspective sketch(es) of the building be provided from locations representing a primary public exposure to the building. Sketches should indicate exterior shadow patterns, materials, patterns, colors, textures, and trim details.

F. MODEL (SCALE 1"= 20'- 0")

Applicant shall provide the approved sketch plan model to the meeting. If the location of the building and/or the exterior form and massing of the structure is substantially different from the sketch plan approval, a new model shall be constructed and/or digitally updated.

G. DETAILS

Provide design details to sufficiently represent the visual expression of the building, exposed connections, and material interfaces. Include soffit/fascia details, window head and sill details, railing details, and other information necessary to describe the buildings aesthetic treatments.

H. BUILDING HEIGHT CALCULATIONS (SCALE ¼"= 1'- 0")

Submit one copy of building height calculations, drawn over the building elevations, related to, and coordinated with the required topographic survey. Existing and finished grades shall be clearly indicated around the perimeter of the building. Height calculations may be integrated in building elevations and/or site sections.

I. ROOF PLAN (SCALE 1/8"= 1'- 0")

Indicate areas of snow shedding and water removal, as well as the specific techniques proposed to manage snow-shed areas which may conflict with pedestrian and vehicular zones. In addition, indicate the location of chimneys.

J. LANDSCAPE PLANS (MINIMUM SCALE 1"= 20')

The proposed landscape plans should include:

- Grading plan - Include existing and proposed contours at 2' intervals, spot elevations, drainage patterns, rim and invert elevations and snow storage areas.
- Planting plan - Include plant material legend which lists common and botanical names, plant sizes and plant quantities which are keyed to locations on plan. Locate existing trees to be protected, rock outcrops, decks or patios, service yards, driveways, snow storage areas, and any other freestanding structures. Indicate any significant trees to be removed.
- Irrigation Plan - Illustrate the proposed type and size of the irrigation zones. The applicant shall provide details that illustrate adequate coverage of planted areas and coverage of areas proposed for restoration, until the native plant materials no longer require supplemental irrigation.
- Lighting - Locate in detail all proposed outdoor lights and signs. Submit cutsheets of all proposed light fixtures.
- Identification Marker - Submit details per Section 2.10.

K. EROSION CONTROL AND REVEGETATION PLAN (SCALE 1"= 20')

Indicate the means and time schedule by which the prevention of erosion and stream sedimentation will be addressed during and after construction, including any of the following that are appropriate for the Lot in question:

- The limits of construction and the technique proposed for defining that limit prior to and during construction. Green construction fencing around the perimeter of the construction limits is the preferred approach. Orange construction fencing may be used to delineate a hazard area, with the approval of the ARC;
 - *Location and proposed method of tree and vegetation protection;*
 - *Placement and type of perimeter filters;*
 - *Water control methods;*
 - *Vehicular access points and surface treatment;*
 - *Spoil storage and stabilization measures;*
 - *Siltation control devices;*
 - *Proposed revegetation methods;*
 - *Proposed seed and fertilizer types, application rates and methods;*
 - *Type and location of any permanent or temporary irrigation methods to be used; and*
 - *Concrete washout area.*

L. SPECIFICATIONS

Provide written specifications, samples and color boards as appropriate to describe the texture and color qualities, or a minimum size of 12" by 12" for each material, for the following items:

- *Roof material;*
- *Exterior wall materials and colors, (samples of logs must be submitted for proposed log buildings);*
- *Windows and exterior doors with colors;*
- *Exterior trim materials and colors;*
- *Exterior lighting fixture cutsheets.*

M. ON-SITE MOCK-UP

Before any exterior materials, including stone, are applied to the building, an on-site full scale mock-up of principal exterior materials and colors or a sample panel must be approved by the ARC during the construction phase of the project.

N. ARC APPLICATION, CHECKLIST AND FEE

Submit one copy of completed application, checklist, review letter from BSFD, and fee with drawings. Fee is based on Gross Floor Area in accordance with current fee schedule. Contact the ARC or refer to the website, www.spoassn.org for current application fees, checklist and application materials.

10.7.1 The Final Plan Design Review Meeting

Upon receipt of a complete submission, the final design review meeting will be scheduled for the next regularly scheduled meeting for which there is quorum (see www.spoassn.org for ARC schedule). If the submission is incomplete, the ARC will notify the Owner as to the incomplete submission, and place it on the agenda of the next regularly scheduled meeting for which there is quorum upon receiving all completed materials.

The ARC will review and comment on the application at the meeting and will subsequently provide the Owner with the conclusions of the meeting in writing within 14 business days of the meeting. The Owner, or Owner's Representative must be present at the meeting.

10.7.2 Resubmission of Materials for Final Plan Review

In the event the ARC has requested changes or modifications to the design after the final plan review meeting, corrected materials are to be provided to the ARC within 30 days of issuance of the meeting's conclusion. A second review meeting may be necessary to review corrected and/or new materials.

10.8 RIGHT OF APPEAL

If an Owner disagrees with the ARC's written conclusions from any of the review meetings the Owner and/or Consultant(s) may appeal the decision in accordance with the procedures set forth in the CC&Rs .

10.9 STEP 3: WORKING DRAWINGS, CONSTRUCTION MANAGEMENT PLAN, STAKING AND SITE MEETING

A. WORKING DRAWINGS:

Upon approval of final plans the Owner will prepare and submit final working drawings to the ARC. The contents of the final working drawings submittal should be substantially consistent with the approved final design plans, while responding to any conditions or revisions imposed by the ARC at final design review. The final working drawing submittal package is to include the following drawings:

1. *Final Working Drawings and Specifications*
2. *Initial Erosion Control Plan*
3. *Permanent Erosion Control Plan*
4. *Copy of the confirmation letter from the Montana Department of Environmental Quality acknowledging receipt of a complete "Notice of Intent" for permit coverage under the "General Permit for Storm Water Discharges Associated with Construction Activity".*

B. CONSTRUCTION SCHEDULE:

Including start and completion dates for both construction and landscape installation. Please note that construction is to be completed within 24 months from the commencement of Construction Activities (refer to Section 11.5).

C. CONSTRUCTION MANAGEMENT PLAN:

A plan showing the area in which all Construction Activities will be confined, and how the remaining portions of the Lot will be protected. Access during all stages of construction, including after completion of framing, is to be addressed to insure the continued protection of existing vegetation. The Construction Management Plan is to include the following information:

1. *Area of Disturbance*
2. *Type, size and color of the construction trailer or portable office (Section 11.4);*
3. *Vehicular access route;*
4. *Extent of protection fencing at stands of existing vegetation and around construction site (Section 11.4, and Appendix 4);*
5. *Location and size of the construction storage area (Section 11.4);*
6. *Parking and access plan - including maximum number of vehicular parking spaces, location and the manner in which construction workers will be transported to and from the site during construction;*
7. *Locations of the chemical toilet, dumpster and debris storage, wash-off areas and fire fighting equipment (Sections 11.4);*
8. *Areas of utility trenching;*
9. *Limit of excavation, drainage patterns and erosion control measures in compliance with best management practices and Section 11.4; and*
10. *Location and size of stockpiles and the length of time stockpiles are to remain (Section 11.4; Grading, Drainage and Erosion Control Plans).*
11. *Construction Sign – the design, location and layout of the master construction sign to be posted on site during the Construction Activity, in compliance with Section 11.4 of these Guidelines.*
12. *Concrete washout area.*

The ARC reserves the right to amend the Construction Management Plan requirements on a case-by-case basis as required by conditions and considerations particular to each Lot and/or Improvement.

D. CONSTRUCTION STAKING.

The Owner will stake-out the footprints of the following areas consistent with the Construction Management Plan:

- *the Improvements to be constructed on the site.*
- *the parking, storage, and laydown areas and related limit of disturbance.*
- *tree removal/protection as described in the Construction Management Plan and in compliance with Appendix 4.*

Upon completion of the staking, the Owner shall request a meeting with the ARC staff. The Contractor must be present at this meeting. The ARC may approve the staking with conditions, or require a resubmittal and re-staking prior to approval.

E. CONTRACTOR AFFIDAVIT

The Contractor, or Owner's Representative that will be overseeing the Construction Site and Construction Activities shall provide the ARC with a signed affidavit that they have read the Construction Regulations (Chapter 11) stated herein, and understand the construction schedule (Section 10.9B) and associated milestones.

10.10 COMPLIANCE DEPOSIT AND AUTHORIZATION TO PROCEED WITH CONSTRUCTION

After the ARC approves an Owner's proposed Construction Activity in Step 3, and prior to commencing construction, the Owner shall deliver a Compliance Deposit to the ARC. See Construction Regulations, Chapter 11 for information regarding the Compliance Deposit.

A written approval to proceed with construction is issued by the ARC upon satisfactory completion of the following requirements:

1. *Approval of the Working Drawings and Construction Management Plan (Section 10.9);*
2. *Acceptance of Construction Staking (Section 10.9);*
3. *Compliance Deposit delivered to the ARC (Section 11.3);*
4. *Access to the Lot has been granted (Section 11.4).*

CONSTRUCTION REGULATIONS: SINGLE FAMILY HOMES

The purpose of the following regulations is to regulate Construction Activity within Spanish Peaks in order to minimize the impacts of construction on Owners and their guests and invitees. The ARC may amend these regulations from time to time, without prior notice.

Construction may begin after the written authorization to proceed with construction has been issued by the ARC (see Section 10.10) and all required approvals and permits have been obtained from the applicable County.

11.1 CONSTRUCTION AESTHETIC REVIEWS AND CERTIFICATE OF COMPLIANCE

The ARC may enter a construction site at any reasonable time to review the progress of Construction Activities and ensure compliance with approved final plans and these Guidelines.

“Certificates of Compliance” are issued by the ARC, and Owners may not occupy or otherwise use any constructed Improvement until they have received a Certificate of Compliance from the ARC. In addition to any inspections required by a government agency, an Owner is to schedule the following reviews with the ARC.

- **On-Site Mock Up.** Before any exterior materials, including stone, are applied to the building, an on-site full scale mock-up of principal exterior materials and colors or a sample panel must be approved by the ARC per Section 10.7M of these Guidelines. The on-site mock up shall incorporate all materials, colors, key details and finishes planned to be used on the project.
- **Foundations.** Upon completion of foundations and prior to commencing framing, the Owner shall request, and the ARC will perform, a foundation review. The purpose of this review is to verify the location of the foundation. At the same time, the Owner is to deliver to the ARC a survey that shows the location of all permanent improvements that have been constructed, including the elevations of the top of all foundation walls, and driveway access.
- **Temporary Certificate of Compliance.** Upon Substantial Completion of the construction, the Owner may request a temporary Certificate of Compliance aesthetic review from the ARC. Thereafter, the ARC will review the site to ensure that the Construction Activity is substantially complete and has been performed in compliance with the approved final plans and these Guidelines.
- **Final Aesthetic Review.** Upon final completion of all portions of the construction, including all landscaping required and any remedial work that the ARC required the Owner to perform following the temporary Certificate of Compliance, the Owner shall request a final aesthetic review.

Following a final aesthetic review, if all Construction Activity is in compliance with the approved final plans and these Guidelines, the ARC will issue a Certificate of Compliance to the Owner. If not, the Owner shall promptly perform such remedial work as the ARC requires. The ARC shall use its best effort to conduct this final aesthetic review described above within seventy-two hours after receiving written requests (weather permitting).

11.2 BSFD APPROVAL

The Owner is to submit fire sprinkler plans for review and approval by the Big Sky Fire Department (BSFD) prior to installation activities commencing. Installed fire sprinkler systems shall be inspected by BSFD prior to being concealed by Construction Activities. Any adjustments to ARC approved plans required by the BSFD are to be submitted to the ARC for review and approval prior to commencing construction. The issuance of any approvals by the ARC does not imply corresponding compliance with the BSFD.

11.3 COMPLIANCE DEPOSIT

After the ARC approves an Owner's proposed Construction Activity (see Section 10.9) and prior to commencing construction, the Owner shall deliver a Compliance Deposit to the ARC, on behalf of the Association, as security for the Owner's full and faithful performance of its construction in accordance with its approved final plans and these Guidelines. The amount of the Compliance Deposit shall be based upon the maximum Gross Floor Area, as measured from the outside of all exterior walls of all enclosed structures to be built on the Lot. Contact the ARC for current fee schedule or refer to www.spoassn.org.

The ARC, on behalf of the Association, shall administer each Compliance Deposit in accordance with an adopted policy by the Association.

11.4 CONSTRUCTION SITE REQUIREMENTS

Each Owner shall ensure that all Construction Activity that is performed on its Construction Site is performed in accordance with the following requirements.

- Erosion Control. The ARC will not approve any proposed Construction Activity until it has first approved an initial erosion control and soil stabilization plan and a permanent erosion control and revegetation plan for the construction site, as outlined in Section 10.9. The Owner is responsible for preparing and submitting such plans, and if the ARC requires changes, the Owner shall make changes and resubmit the plan. Once the ARC has approved the erosion control plans for the construction site, the Owner shall ensure that all Construction Activities are performed in compliance with these plans.
- Vegetation Protection. In addition, the Owner shall ensure that (a) trees not authorized for removal are not damaged; (b) brush, surplus soil, and other excavated debris are promptly removed from the Construction Site; (c) dust is controlled by a dust abatement method approved by the ARC; and (d) during all Construction Activity, all driveway, parking and laydown areas are covered with at least two inches of three-quarter-inch screened rock as outlined in the Construction Management Plan.
- Noise. Each Owner shall use all reasonable efforts to minimize external noise resulting from its Construction Activity and limit construction to Monday through Saturday 7.00 am to 7.00 pm.
- Gravel Driveway Installation. Prior to commencing framing, Owner shall install a minimum of 8" depth of 6" minus gravel over geotechnical stabilization fabric on an approved driveway profile.
- Protection of property. An Owner's Construction Activity shall be limited to its Construction Site. Access to the Lot shall be from only the approved road adjoining the Lot and the approved driveway. Adjacent Lots or Area of Common Responsibility are not to be used for parking, storing construction

materials and/or any Construction Activities related to the project. An Owner shall restore promptly any adjacent Lots or Roadways damaged during its Construction Activity to the ARC's satisfaction and, in any event, within 30 days after such damage occurs (weather permitting). If restoration is not accomplished by the end of the growing season following completion of construction, all required repairs will be performed by the ARC, with 125% of the costs thereof deducted from the Compliance Deposit, due to their Construction Activities.

- **Temporary Structures.** Temporary structures, but not temporary living quarters, may be maintained on a Construction Site as described in the Construction Management Plan, Section 10.9. They shall be removed within 30 days after completion of the Construction Activity. Temporary structures and trash dumpsters shall not encroach on adjacent Lots or Areas of Common Responsibility and shall be maintained in a clean and orderly fashion. All trash dumpsters shall comply with current Association regulations regarding trash storage and enclosures to minimize wildlife attractants. Construction workers are prohibited from living or overnighting on property during any Construction Activities.
- **Water Connections and Toilets.** A temporary water connection and on-site enclosed chemical toilets must be available at all times when the Construction Activity is taking place. Chemical toilets shall be located so as to minimize any adverse impacts on adjacent Lots and/or the Areas of Common Responsibility and cleaned regularly.
- **Blasting Restrictions.** No blasting shall be performed on any Construction Site without the ARC's prior consent. Blasting may be subject to special restrictions, which shall be determined by the ARC in its sole and absolute discretion and which may vary from Lot to Lot.
- **Signs.** No signs shall be displayed on a Construction Site without prior approval of the ARC (See Section 10.9C). One construction sign shall be allowed for each project. The construction sign shall not exceed six (6) square feet of total area and shall be located on the site and visible from an adjacent Roadway and/or entry to the project. The content of the sign shall be limited to information pertaining to the project, Contractor, Engineer, Architect, and/or Landscape Architect. The sign will be freestanding and constructed in a standardized format as provided by the ARC. Construction signage will be allowed for the duration of construction or 24 months, whichever is less. No other signs including signs with the intended use of selling property may be displayed on the property without prior written approval of the ARC.
- **Roadway Maintenance.** An Owner shall repair any damage to Roadways caused by construction vehicles used in connection with the Owner's Construction Activity and shall keep all such roads free and clear of mud, dirt, materials, rubbish, and debris resulting from the Owner's Construction Activity. No road cuts, deletions or additions shall be made without the consent of the ARC.
- **Access and Parking.** Construction Vehicles shall gain access to Construction Sites only from existing adjacent Roadways to the Construction Sites. The Owner shall submit a Construction Management Plan, as described in Section 10.9, to the ARC for review. This plan describes how and where Construction Vehicles will be parked at the Construction Site, the maximum number that will be parked at any time and the manner in which construction workers will be transported to and from the Construction Site, including anticipated routes of travel. Construction Vehicles shall access Construction Sites within Spanish Peaks via Ousel Falls Road and South Fork Road. No Construction Vehicles shall be permitted to access Spanish Peaks from Andesite Road or Autumn Trail.

- **Construction Lighting.** No Construction Site or Construction Activity shall be lighted unless and until a construction lighting plan has been submitted to, and approved by, the ARC. The ARC shall not approve any construction lighting plan unless it determines that the proposed lighting will not cause unreasonable glare upon or the excessive lighting of property not owned by the Owner of the Construction Site. All interior construction lighting, including lights within temporary structures such as construction offices, shall be turned off when not actually in use.
- **Animals.** No Owner Representative or construction worker may keep or maintain a dog or other animal on a Construction Site at any time.
- **Hydrants.** The use of fire hydrants for Construction Activities is strictly prohibited.

11.5 COMPLETION OF CONSTRUCTION.

Unless otherwise approved by the ARC, Owners shall commence their Construction Activity within one year after the ARC's approval of the final plans. Construction is required to be Substantially Complete within 16 months after commencement, and fully complete including all required landscaping within 24 months after commencement. Unless otherwise agreed upon by the ARC and the Owner, commencement of construction shall coincide with the date of the posting of the Compliance Deposit, see Section 11.3.

11.6 EXTENSIONS

In the event that the Owner does not complete construction within the 24 month timeframe, the Owner may submit to the ARC a request for an extension in one-month increments. The ARC's decision to grant any extension will be governed by any restrictions in the CC&Rs prior to the 24 month expiration date. In addition, the ARC is not obligated to grant an extension. An Owner may request from the ARC an extension to the project completion deadline. Such request must be made in writing to the ARC, forty-five business (45) days prior to the current construction schedule deadline. The ARC will review such request at its next regularly scheduled meeting for which there is quorum. Failure to apply for an extension may result in total or partial forfeiture of the Compliance Deposit or the ARC may initiate procedures under Section 11.8 – Enforcement.

11.7 COMPLIANCE WITH LAWS AND REGULATIONS

Each Owner shall, at its own expense, comply with all terms and conditions of these regulations, the CC&R's, any and all local governmental rules and regulations, and all other regulations promulgated from time to time by the ARC that are applicable to its Construction Activities. Owners are to ensure that all Owner Representatives comply as well, but ultimate responsibility for compliance is the Owner's responsibility.

11.8 ENFORCEMENT

If an Owner or any Owner Representative violates any term or condition set forth herein, the ARC shall have the rights set forth in the CC&Rs.

APPENDIX 1

GOVERNING REGULATIONS AND PERMITTED USES

In addition to the terms and conditions as set forth in these Guidelines and regulations, all proposed Improvements shall comply with the following:

- *The CC&R's;*
- *All applicable Gallatin County or Madison County Codes and Regulations;*
- *All applicable Local, State, and Federal Codes and Regulations;*
- *Applicable NFPA standards, including the Firewise Construction and Landscaping Principles.*



APPENDIX 2 PROPANE CHECKLIST

Propane Equipment Inspection Checklist

Property Owners Name _____ Address: _____

Lot Number: _____

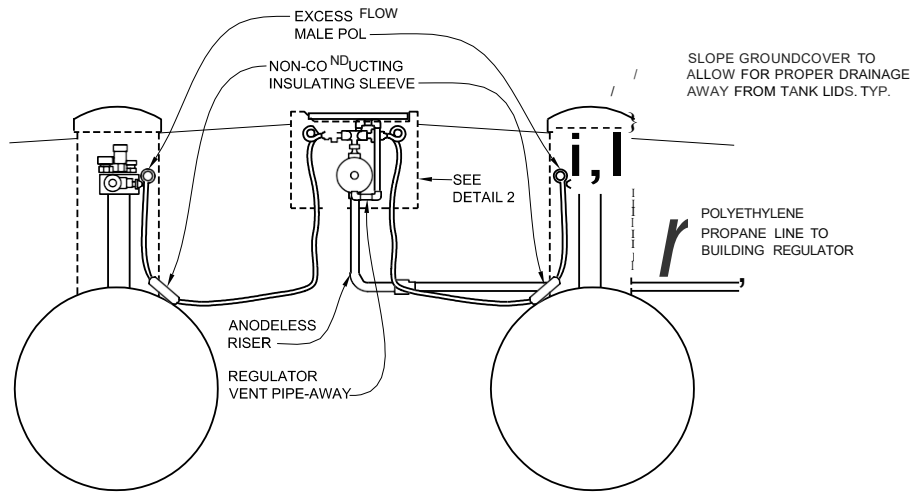
Propane Vendor: _____ Date: _____

Please Mark (Y)es or (N)o in each box:

- Are there multiple tanks manifolded together at this installation?
- Is the 1st Stage Regulator mounted under the dome or cover of the tank?
- Is the 1st Stage Regulator protected in any other way? If yes, explain:

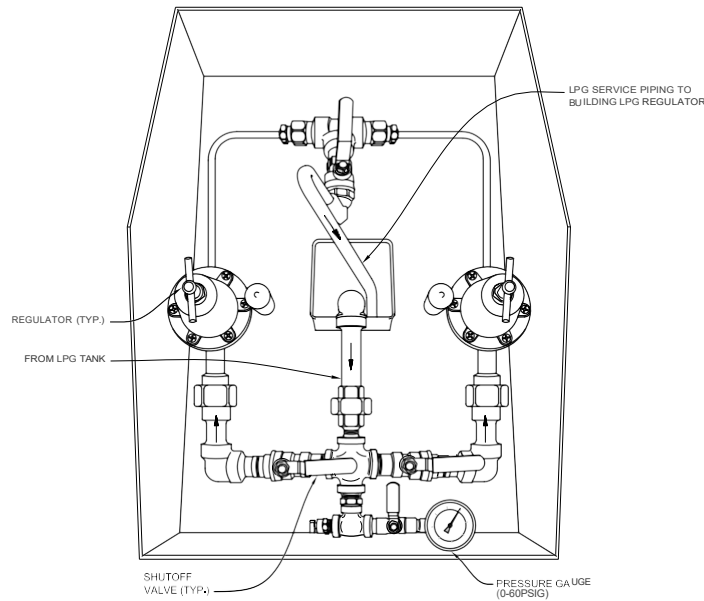
- If not installed under the dome or cover, is the vent of the 1st stage regulator pointing down?
- Is the 2nd Stage regulator protected now?
- Is the 2nd Stage regulator on the gable end?
- Is the 2nd Stage regulator on the shed side?
- If the 2nd stage regulator is protected, is this protection adequate?
- If not installed under a protective cover, is the vent of the second stage regulator pointing down?
- Is the vent the proper distance from ignition source and openings?
- Does the riser incorporate flexibility, such as swing joints, now?
- Is a shutoff installed upstream of the 2nd stage regulator?
- Is a union installed after the line shutoff and upstream of the 2nd stage regulator?
- Is there sufficient room to install a regulator cover at this installation?
- Tanks have been labeled?
- Cathodic protection has been checked

Notes and/or Comments:



E9 BURIED PROPANE REMOTE TANK & REGULATOR DETAIL

NTS



ALL ASME PROPANE TANKS IN SERVICE ARE REQUIRED TO HAVE A REGULATOR INSTALLED NO MORE THAN 36 INCHES FROM THE TANK'S SERVICE VALVE (SEE REGULATOR CONNECTION). REGULATORS THAT ARE INSTALLED AT THE TANK WILL BE EITHER A SINGLE STAGE REGULATOR, HIGH PRESSURE REGULATOR OR INTEGRAL TWO-STAGE REGULATOR AND MUST BE PROTECTED FROM THE ELEMENTS BY ONE OF TWO MEANS: 1) THE REGULATOR BEING SHIELDED BY MEANS OF A SUITABLE COVER OR 2) THE REGULATOR BEING INSTALLED WITH THE VENT FACING DOWN IF INSTALLED WITHOUT A COVER. THE UNDERLYING PRINCIPLE WITH REGARD TO TANK REGULATOR INSTALLATION IS TO PROTECT THE REGULATOR'S VENT FROM ANYTHING THAT COULD ENTER THROUGH THE VENT.

REGULATORS INSTALLED ON AN UNDERGROUND PROPANE TANK ARE SUBJECT TO DIFFERENT PRECAUTIONARY MEASURES FOR PROPER PROTECTION, SAFETY AND CONTINUOUS OPERATION CONCERNING ALL PROPANE TANK INSTALLATIONS. REGULATOR SAFETY AND PROTECTION IS OF THE UTMOST IMPORTANCE. BUT WHEN DEALING WITH UNDERGROUND INSTALLATIONS, REGULATOR INSTALLATION TAKES ON A NEW SET OF STANDARDS AND ADDITIONAL SAFEGUARDS. ACCORDING TO NFPA 58, "THE DISCHARGE OF THE REGULATOR VENT SHALL BE ABOVE THE HIGHEST PROBABLE WATER LEVEL."

REGULATORS ARE TO BE INSTALLED BY LP GAS PROFESSIONALS ONLY

8 PROPANE REMOTE REGULATOR DETAIL

NTS



APPENDIX 4

RESERVED



APPENDIX 4

TREE REMOVAL PROCEDURES

1. Concurrently with Step 3, the submission of the working drawing and the stake-out, an ARC site inspection is to be scheduled by the Owner. At this time the Owner is to identify trees planned for removal and trees to be saved within disturbed areas that also meets the criteria in Section 3.2 for defensible space:

For proposed tree removals and tree preservation:

- *Bright pink flagging with a single band on all trees to be removed greater than 16" in diameter within the Building Envelope.*
 - *Bright pink flagging with a double band on all trees to be removed greater than 8" in diameter outside the Building Envelope.*
 - *Where removal of prominent clusters or groves is proposed, wrap flagging tape around entire group.*
 - *For trees to be saved within disturbed areas, wrap white flagging on all trees with handwritten note "save."*
2. Prior to the site inspection, the Owner is to submit plans, details, and specifications for proposed tree protection and maintenance during construction and permanent Improvements such as tree wells, aeration systems, etc. for trees to be saved within disturbed areas.
 3. The ARC staff will review the flagging on site and the plans with the Owner and will notify the Owner of its findings.
 4. Flagging on the trees is to be changed as directed by the ARC and left in place on the trees to be saved for the duration of the Construction Activities.
 5. The final working drawings are to include existing trees or tree groups to be saved on the site plans and landscape plans along with the previously reviewed and approved documents for tree protection, maintenance, fertilization, and permanent Improvements such as tree wells, aeration systems, etc.
 6. Any person who removes, destroys, or significantly damages a tree of 8" diameter or more, beyond the reasonable limits of construction or outside of the Lot boundary, shall be liable to the ARC for the value of the tree(s) and the ARC reserves the right to fine the Owner the sum of up to \$10,000 for each tree destroyed. The ARC may authorize the removal of trees on the Owner's Lot in the event a tree is disease-bearing or poses a threat to health and safety. This does not preclude the ARC from requiring trees to be replanted as further restitution to the irreparable damage caused by the unauthorized destruction of trees.



APPENDIX 5

DEFINITIONS

The words and terms used herein shall be deemed to have the same definitions and meanings as in The Second Restated and Revised Declaration of Protective Covenants, Conditions and Restrictions for Spanish Peaks dated November 15, 2006, and recorded at the office of the Clerk and Recorder, Gallatin County, Montana on December 7, 2006, as Document No. 2250423, and recorded at the office of the Clerk and Recorder, Madison County, Montana on March 12, 2007 as Document No. 118896 and as subsequently amended unless the context otherwise specifies or requires or as specifically defined herein:

ACCESSORY APARTMENT.

A subordinate dwelling unit that is contained within the primary Residence, or above an attached or detached garage.

ACCESSORY DWELLING UNIT.

For the purposes of these Guidelines, an Accessory Dwelling Unit is a freestanding dwelling unit on the Lot, located within the Building Envelope, which is smaller in area and subordinate in use to the primary Residence and provides for permanent cooking, eating, sleeping and living facilities.

ACCESSORY STRUCTURE.

For the purposes of these Guidelines, an Accessory Structure is a freestanding non-residential structure, which is smaller in area and subordinate in use to the primary Residence, and which contributes to the comfort, convenience or necessity of the occupants of the primary Residence. The Accessory Structure must be designed in the same architectural style as the primary Residence.

APPLICANT

An Owner or Owner's Representative who is authorized to represent and/or act upon any application materials or submittal on behalf of the Owner.

ARCHITECT

A person licensed to practice professionally in the State of Montana, and who is required for the design of all buildings.

BUILDER

A person or entity engaged by an Owner for the purpose of constructing any Improvements within the Project. The "Builder" and "Owner" may be the same person or entity.

BUILDING COVERAGE

Building Coverage shall mean the total area of a Lot covered by building or buildings, measured at the ground surface. Building coverage is measured from outside of all exterior walls at ground level and shall include stairways, fireplaces, covered parking and walkway areas, porte-cocheres, and all cantilevered building areas. In effect, it is the area that is covered by buildings and does not include roof overhangs, unenclosed walkways, usable areas under above-grade decks, or similar extensions. It excludes uncovered decks, porches, patios, terraces and stairways less than 30" above finished grade.

BUILDING ENVELOPE

That portion of a Lot, as described in the Site Development Section of this document, which encompasses the area in which all Improvements must be built as specified on the Lot Diagram for each Lot or as otherwise designated in a supplemental declaration, plat or building envelope plan.

BUILDING HEIGHT

The maximum building height (exclusive of chimneys) shall be established by a measurement, not to exceed 33', measured vertically from any point on a roof or eave, to the existing or finished grade located directly below that point, , whichever is more restrictive. Within the building footprint, height shall be measured from any point on a roof to the existing grade directly below that roof.

COMPLIANCE DEPOSIT

The deposit that the Owner is required to deliver to the ARC prior to commencing a Construction Activity.

CONSTRUCTION ACTIVITY

Any site preparation, landscaping, sign erection, construction, reconstruction, change, modification, alteration, enlargement or material maintenance of any Improvements or real property, or any physical changes in the use of any Lot or other property or building or structure thereon, interior or exterior.

CONSTRUCTION MANAGEMENT PLAN

A plan showing the area in which all Construction Activities shall be confined, and how the remaining portions of the Lot shall be protected per Section 11.11 of these Guidelines.

CONSTRUCTION SITE

A site upon which Construction Activity takes place.

CONSTRUCTION VEHICLE

Any car, truck, tractor, trailer, or other vehicle used to perform any part of a Construction Activity or to transport equipment, supplies, or workers to a Construction Site.

COUNTY

Refers to either Gallatin County or Madison County in the State of Montana.

DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR SPANISH PEAKS (“CC&RS”)

The Second Restated and Revised Declaration of Protective Covenants, Conditions and Restrictions for Spanish Peaks dated November 15, 2006, and recorded at the office of the Clerk and Recorder, Gallatin County, Montana on December 7, 2006, as Document No. 2250423, and recorded at the office of the Clerk and Recorder, Madison County, Montana on March 12, 2007 as Document No. 118896 and as subsequently amended.

DESIGN GUIDELINES (GUIDELINES)

Any instruments adopted by the ARC for the regulation and management of Single Family Residential with respect to any matter that the ARC is authorized to review or for which the ARC is authorized to establish standards, as the same may be amended from time to time.

ENGINEER

A person licensed in the State of Montana and who is required for the design of all buildings.

EXCAVATION

Any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation or soil testing), including any trenching which results in the removal of earth, rock, or other substance or any grading of the surface.

FILL

Any addition of earth, rock, or other materials to the surface of the land, which increases the natural elevation of such surface.

GROSS FLOOR AREA

The total floor area of a building as measured per the current ANSI Z765-2003-Square Footage - Method for Calculating.

IMPROVEMENT

Any changes, alterations, or additions to a Lot including any excavation, fill, residence or buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, landscape plantings, fences, signs, and structures of any kind.

IMPERVIOUS COVERAGE

The total Lot area covered by building or buildings and related site improvements such as patios, decks, terraces, pools, tennis courts, walks, paths and all paved areas including driveways.

LANDSCAPE ARCHITECT

A person licensed to practice professionally in the State of Montana, and who is required for the site design and landscape treatments for the home.

LOT DIAGRAM

The drawing prepared for each individual Lot. Each Lot Diagram specifies the required Building Envelope area, specific building height, suggested driveway access, views and any additional special restrictions pertinent to the development of the Lot.

MINIMUM FLOOR AREA

“Minimum Floor Area” shall be 2,500 square feet of habitable space (“floor area” defined as in Gross Floor Area).

OWNER REPRESENTATIVE

An Architect, Contractor, subcontractor, agent or employee hired or engaged by an Owner designated in writing with the ARC that they are authorized to act or make decisions on the Owner’s behalf.

RESIDENCE

The building or buildings, including any garage, or other accessory building, used for residential purposes constructed on a Lot, and any improvements constructed in connection therewith.

SPANISH PEAKS

The residential property subject to these Guidelines and the CC&Rs, including property annexed pursuant to Article IX of the CC&Rs.

SUBSTANTIAL COMPLETION OR SUBSTANTIALLY COMPLETE

The stage of a Construction Activity at which work is sufficiently complete for an Owner to request a certificate of compliance from the ARC. A project shall not be deemed to be Substantially Complete until all exterior finish and landscaping work has been completed, construction equipment and machinery are demobilized, construction staging materials including but not limited to portable toilets, dumpsters and all debris are cleared from the Lot.

SURVEYOR

A person licensed in the State of Montana to practice professionally and who is required to prepare the property survey for the Lot.

TEMPORARY STRUCTURE

Any structure erected or otherwise installed as a job office or for the purpose of storing materials in connection with Construction Activity.

WETLAND

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. For purposes of this definition, wetlands will also include those areas that have been delineated either on a recorded plat, by the owner of the Lot, or as otherwise would be identified as jurisdictional wetlands for purposes of regulation under Section 404 of the Clean Water Act.

ZONING REGULATIONS

The zoning regulations adopted for the Gallatin Canyon/Big Sky Zoning District on July 30, 1996 (Gallatin County Commission Resolution 1996-38) and as subsequently amended.



APPENDIX 6

APPROVED PLANT MATERIALS

BOTANICAL NAME	COMMON NAME
TREES	
<i>Abies lasiocarpa</i> *	Subalpine fir
<i>Juniperus osteosperma</i> *	Utah juniper
<i>Juniperus scopulorum</i> *	Rocky Mountain juniper
<i>Picea pungens</i> *	Blue spruce
<i>Picea engelmannii</i> *	Engelmann spruce
<i>Pinus aristata</i>	Bristlecone pine
<i>Pinus contorta</i>	Lodgepole pine
<i>Pinus flexilis</i>	Limber pine
<i>Populus tremuloides</i> *	Aspen
<i>Pseudotsuga menziesii</i> *	Douglas-fir
SHRUBS	
<i>Acer glabrum</i> *	Mountain maple
<i>Amelanchier alnifolia</i> *	Serviceberry
<i>Artemisia tridentata ssp. vaseyana</i> *	Mountain big sagebrush
<i>Cercocarpus montanus</i> *	Mountain mohogany
<i>Chrysothamnus nauseosus</i> *	Rubber rabbitbrush
<i>Chrysothamnus viscidiflorus</i> *	Low rabbitbrush
<i>Juniperus communis</i> *	Common juniper
<i>Lonicera involucrata</i> *	Honeysuckle
<i>Dasiphosa floribunda</i> *	Shrubby cinquefoil
<i>Prunus virginiana</i> *	Chokecherry
<i>Purshia tridentata</i> *	Bitterbrush
<i>Quercus gambelii</i> *	Gambel oak
<i>Rhus aromatica ssp. trilobata</i> *	Skunkbrush
<i>Rhus glabra</i>	Smooth sumac
<i>Ribes aureum</i> *	Yellow currant
<i>Ribes cereum</i> *	Wax currant
<i>Ribes spp.</i> *	Gooseberry

BOTANICAL NAME	COMMON NAME
<i>Rosa rubrifolia</i> *	Readleaf woods rose
<i>Rosa woodsii</i> *	Woods rose
<i>Rubus parviflorus</i> *	Thimbleberry
<i>Sambucus microbotrys</i>	Red elderberry
<i>Sambucus racemosa</i> *	Red elderberry
<i>Sorbus scopulorum</i> *	Mountain ash
<i>Symphoricarpos oreophilus</i> *	Snowberry
SUBSHRUBS	
<i>Arctostaphylos uva-ursi</i> *	Kinnikinnik
<i>Artemisia frigida</i> *	Fringed sage
<i>Eriogonum umbellatum</i> *	Sulphur flower
<i>Eurotia lanata</i> *	Winterfat
<i>Mahonia repens</i> *	Oregon grape
PERENNIAL GRAMINOIDS	
<i>Agropyron dastystachyum</i> *	Thickspike wheatgrass
<i>Agropyron smithii</i> *	Western wheatgrass
<i>Agropyron spicatum</i> *	Bluebunch wheatgrass
<i>Agropyron trachycaulum</i>	Slender wheatgrass
<i>Bromus inermis</i>	Smooth brome
<i>Bromus lanatipes</i>	Nodding brome
<i>Bromus marginatus</i>	Mountain brome
<i>Bromus pumpelliana</i>	Native brome
<i>Carex geyeri</i> *	Elk sedge
<i>Deschampsia cespitosa</i> *	Tufted hairgrass
<i>Elymus canadensis</i> *	Canada wildrye
<i>Elymus cinereus</i> *	Basin wildrye
<i>Elymus glaucus</i> *	Blue wildrye
<i>Festuca idahoensis</i> *	Idaho fescue
<i>Festuca ovina</i> *	Sheep fescue
<i>Festuca rubra</i> *	Red fescue
<i>Festuca thurberi</i> *	Thurber fescue
<i>Koeleria cristata</i> *	Junegrass
<i>Oryzopsis hymenoides</i> *	Indian ricegrass
<i>Poa ampla</i> *	Big bluegrass

BOTANICAL NAME	COMMON NAME
<i>Poa compressa</i> *	Canada bluegrass
<i>Poa sandbergii</i> *	Sandberg bluegrass
<i>Sitanion hystrix</i> *	Squirreltail
<i>Stipa columbiana</i> *	Columbia needlegrass
<i>Stipa lettermanii</i> *	Letterman needlegrass
<i>Stipa nelsonii</i> *	Nelson needlegrass
<i>Stipa viridula</i> *	Green needlegrass
PERENNIAL FORBS	
<i>Achillea lanulosa</i> *	Western yarrow
<i>Actea rubra ssp. arguta</i> *	Baneberry
<i>Anaphalis margaritacea</i> *	Pearly everlasting
<i>Antennaria rosea</i> *	Pussytoes
<i>Aquilegia coerulea</i> *	Blue columbine
<i>Aquilegia elegantula</i> *	Red columbine
<i>Artemisia dracunculus</i> *	Wormwood
<i>Aster ascendens</i> *	Aster
<i>Aster chilensis</i> *	Pacific aster
<i>Aster coloradoensis</i> *	Colorado aster
<i>Aster engelmannii</i> *	Engelmann aster
<i>Aster glaucodes</i> *	Glaucous aster
<i>Balsamorhiza sagittata</i> *	Balsamroot
<i>Campanula rotundifolia</i> *	Harebell
<i>Clematis columbiana</i> *	Blue clematis
<i>Disporum trachycarpum</i> *	Fairybells
<i>Erigeron simplex</i> *	Daisy
<i>Erigeron speciosus</i> *	Showy daisy
<i>Fragaria vesca ssp. bracteata</i> *	Strawberry
<i>Frasera speciosa</i>	Green gentian
<i>Galium septem trionale</i> *	Northern bedstraw
<i>Geranium viscosissimum</i> *	Sticky geranium
<i>Helianthella quinquenervis</i> *	Little sunflower
<i>Heliomeris multiflora</i> *	Showy goldeneyed
<i>Heracleum spondylium ssp. montanum</i>	Cow parsnip
<i>Lathyrus leucanthus</i>	Peavine
<i>Linum lewisii</i> *	Blue flax

BOTANICAL NAME	COMMON NAME
<i>Linum perenne</i> *	Blue flax
<i>Lupinus argenteus</i> *	Blue lupine
<i>Lupinus bakeri</i> spp. <i>bakeri</i> *	Baker lupine
<i>Monarda fistulosa</i> *	Beebalm
<i>Osmorhiza depauperata</i> *	Sweet cicely
<i>Pedicularis procera</i> *	Lousewort
<i>Penstemon strictus</i> *	Rocky Mountain Penstemon
<i>Penstemon whippleanus</i> *	Whipple penstemon
<i>Potentilla pulcherrima</i> *	Cinquefoil
<i>Rudbeckia hirta</i> *	Blackeyed Susan
<i>Senecio serra</i> *	Saw groundsel
<i>Silene vulgaris</i>	Campion
<i>Smilacina stellata</i> *	False Solomon's Seal
<i>Solidago canadensis</i>	Canada goldenrod
<i>Solidago spathulata</i> *	Goldenrod
<i>Sphaeralcea coccinea</i> *	Scarlet globemallow
<i>Thalictrum fendleri</i> *	Meadowrue
<i>Trifolium repens</i>	White Dutch clover
<i>Trifolium pratense</i>	Red clover
<i>Vicia americana</i> *	American vetch
<i>Viguiera multiflora</i> *	Showy goldeneye
<i>Viola canadensis</i> *	Canadian violet
ANNUAL / BIENNIAL FORBS	
<i>Carduus nutans</i> ssp. <i>macrolepis</i>	Musk thistle
<i>Chenopodium berlandieri</i>	Goosefoot
<i>Ipomopsis aggregata</i> *	Scarlet gilia
<i>Lactuca serriola</i>	Prickly lettuce
<i>Thlaspi arvense</i>	Pennycress
<i>Tragopogon dubius</i>	False salsify



APPENDIX 7

POOL & SPA DESIGN, CONSTRUCTION & APPROVAL POLICIES

A7.1 HOT TUB DESIGN, CONSTRUCTION AND APPROVAL POLICY

ARC will consider applications to install hot tubs for Residences that meet the following criteria:

- An application for review and approval of a hot tub design must include a site plan, showing adequate landscaping, ground berms and mounds to effectively obstruct noise and views of the hot tub from other properties, roads, trails, open spaces.
- Hot tubs shall be designed to blend into the natural environment, minimize site disturbance and be located entirely within the building envelope per these Guidelines.
- Site plans shall also designate an appropriate area to dispose of the water if the hot tub needs to be emptied for any reason. Discharge to the sanitary sewer system and/or any jurisdictional wetland area will not be authorized.
- If a location is approved, the applicant will be responsible for reviewing the geotechnical nature of the terrain in the design of the hot tub to resist ground movement, landslides and seismic activity.
- Hot tubs shall be designed in a manner that does NOT include or necessitate a sewer connection. Applicant acknowledges no sewer connection is available for hot tubs.
- Hot tubs shall be designed, equipped and maintained in a manner to minimize the frequency of water needing to be drained and refilled.
- Additional lighting and hardscape proposed for the hot tub must conform to ARC regulations as noted in these Guidelines. Lighting in the hot tub area must be turned off when not in use.
- Hot tubs must be covered when not in use.

A7.2 POOL DESIGN, CONSTRUCTION AND APPROVAL POLICY

The installation of a swimming pool is considered inconsistent with the alpine setting of the Spanish Peaks community. However, the ARC will consider applications to install in-ground pools (where appropriate) for Residences that meet the following criteria:

- An application for review and approval of a pool design must include a site plan, showing adequate landscaping, ground berms and mounds to effectively obstruct all noise and views of the pool and fence from any other property, road, trail, open space.
- An application for review and approval of a pool design must include a lighting plan, showing location, intensity, height and illumination areas of all pool area lighting. Lighting and illumination of pools and surrounding areas and landscaping may not be visible from any other property, road, trail, open space, and must conform to ARC regulations as noted in these Guidelines.
- The ARC requires the use of in-ground pool designs only. Pools and pool fences shall be designed to blend into the natural environment, minimize site disturbance and be located entirely within the building envelope per these Guidelines.
- Pool fencing must be a minimum of five feet tall as measured on exterior of the fence. Suggested material for the fence is wrought iron or similar material. The applicant is responsible for fence and pool design to comply with the regulations contained in the most recent edition of the International Building Code. The intent of the taller height of the fence is to deter wildlife from entering the pool and is exempt from the fencing Guidelines regarding fence height stated in these Guidelines.
- Site plans shall also designate an appropriate area to dispose of the water if the pool needs to be emptied for any reason. Discharge to the sanitary sewer system and/or any jurisdictional wetland area will not be authorized.
- If a location is approved, the applicant will be responsible for reviewing the geotechnical nature of the terrain in the design of the pool to resist ground movement, landslides and seismic activity.
- Pools shall be designed in a manner that does NOT include or necessitate a sewer connection. Owner acknowledges no sewer connection is available for pools.
- Pools shall be designed, equipped and maintained in a manner to minimize the frequency of water needing to be pumped and refilled.
- Pool related equipment must be housed within the Residence. No accessory buildings for this purpose will be authorized.
- Pools must be covered when not in use.
- Pools must be winterized when drained for the season.