

10/15/03

**CASTLEGATE
DESIGN GUIDELINES
And ASSOCIATION RULES
(Adopted June 16, 2003)**

COMMUNITY ORGANIZATION

Every homeowner of Castlegate is a member of the Castlegate Homeowners' Association (the "Association"), the entity responsible for the management of all common areas and related homeowners facilities as well as administration of the affairs of the community. The Association is created by the recording of the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements (the "CC&Rs"). The CC&Rs set forth procedures, rules and regulations, which govern the community. These "Design Guidelines and Association rules" are an extension of the CC&Rs and they are designed to be used in harmony.

The Board of Directors (the "Board") is charged with the responsibility for overseeing the business of the Association and has a wide range of powers. The Design Review Committee (the "Committee") is established by the Board to review all improvements within Castlegate including new construction, modifications to existing properties and landscaping. The Committee has adopted Design Review guidelines and standards to evaluate proposed construction activities. The Committee is hereby empowered to supplement and amend the Design Review guidelines and its procedural rules and regulations to the extent and with the frequency it deems necessary; provided, however, that such modifications are in general conformity with the standards set forth in the CC&Rs. **IMPORTANT:** The CC&R's also have many restrictions and guidelines. Many of these are found in Article 4 "use restrictions".

DESIGN REVIEW PROCESS

Any change, addition, or modification to a site or building exterior of a residential property requires the prior written approval of the Committee. Residents with proposed changes should contact their management company, with whom the Association has contracted for full Association management, to obtain the necessary Design Review guidelines and submittal documentation.

Simply stated, no new construction, front yard landscaping, or remodeling, including changes in exterior color, is to occur on any Lot or exterior of any home without the prior approval of the committee. The responsibility of the Committee is to ensure the harmonious, high quality image of Castlegate is implemented and maintained. Your submittal will be returned to you either approved, denied, or for more information once it has been reviewed by the Committee. Homeowners may appeal the decisions of the Committee to the Board for consideration, in which case the decision of the Board shall prevail.

It is the homeowner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all counties, local, state and federal government agencies. The Committee, the Management Company and the Association assume no responsibility for obtaining these reviews and approvals.

GENERAL PRINCIPALS

The Committee monitors any portion of any lot or parcel that is visible from other lots or parcels, the street, or Association common areas. This would include backyards that are visually open to other lots or Association common areas. The Design Guidelines promote those qualities in Castlegate, which enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography and the overall design of the community.

Protection of Neighbors

The interest of neighboring property must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, light and air, and other aspects of design that may have a substantial effect on neighboring properties.

Design Compatibility

The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the neighboring setting. Compatibility is defined as harmony in style, scale, materials, color and construction details.

Workmanship

The quality of workmanship evidenced in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the Committee assume no responsibility for the safety or livability of new construction by virtue of design or workmanship.

BUILDING ARCHITECTURE

In general, any exterior addition or alteration to an existing residence shall be compatible with the design character of the original structure.

Minimum Dwelling Size

No home smaller than 1,000 square feet livable is allowed, except in "The Villages" no home smaller than 900 square feet livable is allowed.

Patio Covers and Storage Sheds

Storage sheds, along with any permanent addition to a home, including patio covers and other buildings, must be submitted to the Committee for approval prior to construction. Backyard storage sheds detached from the house will be considered provided they are lower than 7 feet in height and the neighbor doesn't have a problem with the height. The shed must be set back a minimum of 4 feet from the side or rear property line. The storage shed shall not be served by any utility (electric, gas or water), and all roof drainage must flow back onto the owner's property. All materials and colors must match the existing house. All such construction must be completed within 90 days of beginning.

Roof & Wall-Mounted Equipment

No solar units or panels, heating, air conditioning or ventilation equipment or structures shall be located or installed on any roof.

Roof Materials

Roofing materials shall be concrete tile, clay tile, dimensional fiberglass shingles (30 year minimum) or wood shake shingles.

Outdoor Fireplaces

Installation of outdoor fireplaces requires advance approval by the Committee. Outdoor fireplaces may not exceed fence height.

Outdoor Lighting

Any additional outdoor lighting installed on a lot or dwelling must receive advance approval by the Committee. Permanent lighting sources shall not be directed towards streets, common areas or neighboring property. Temporary holiday lighting (to include decorations) is permitted so long as they are removed after a reasonable period of time.

Satellite Dishes

While the Association cannot prohibit the use of satellite dishes, they do regulate the size and location of the "dish." All dishes should be placed in the rear yard or on the back side of the home. Any dish larger than one meter (39 inches) may not be visible above the fence line to streets, neighboring property and common areas.

Those homes with "view" fencing must locate the dish in the best possible location so as to minimize the visibility from neighboring property and common areas. All dishes that are above the fence line must be painted to match the color of the house. Prior approval from the committee is required.

LANDSCAPING GUIDELINES

1. The Design Review Committee requires that "front yard" (includes visible side yard) landscape plans be submitted for approval before installation. Contact committee **before** drawing plans. Rear yard

- structures which are taller than the fence or are visible from outside the property (swings, gazebos, basketball hoops, trampolines, etc) also require approval.
2. Homes must have the front yard landscaping completed within four (4) months of occupancy or closing (whichever occurs first). Prior to landscaping, (and after) all yards must be maintained in a neat, weed-free, debris free condition.
 3. No tree, shrub, or plant of any kind on any Lot may overhang or otherwise encroach upon any sidewalk or other pedestrian way from ground level to a height of eight (8) feet.
 4. Landscape Design Requirements:
 - a. A minimum of two 15 gallon trees in front yard, except in "the Villages" (because of reduced lot width) one 15 gallon tree minimum.
 - b. A minimum of six 5 gallon plants in front yard.
 - c. Automatic in ground irrigation system (sprinklers, bubblers, drip system etc. on a timer)
 - d. Granite: approved sizes range from ¼ inch to 1 inch and must be of natural earth tone colors. White, green or red rock will not be approved. River rock may be used sparingly in accent locations only.
 5. Landscape Submittal Requirements/Process:
 - a. A completed copy of the design review approval request form. Contact the management company.
 - b. Specifications list including plant list with sizes and quantities, granite type and color, border materials, etc.
 - c. Drawings – 8 ½ x 11 or 11 x 17 (front yard only). Do not color code; colors won't photo copy.

Ornamentation

The utilization of non-living objects as ornaments in the landscape must be harmonious with the character of the neighborhood, must be in general good taste which enhances the landscaping and home (all at the sole discretion of the Committee) and must be pre-approved by the Committee.

Maintenance

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash.

MISCELLANEOUS ITEMS

Driveways

Driveways may not be expanded without the prior approval of the Committee. A minimum two-foot landscape separation is suggested between the driveway and any expansion. Something should be planted in that separation, near the public sidewalk.

Swimming Pools

Prior to construction of a swimming pool, a homeowner should contact the Management Company to coordinate the point of construction access to assure damage to common landscaped areas and common perimeter walls is avoided. In most cases, residents will be advised to enter through the side yard wall, from the front of their homes. Any opening that effects a common Association wall shall require a Design Review submittal and a \$1000 deposit for such work, payable to the HOA, and refundable after the walls and landscape are returned to their original condition.

The Committee may also require the Association to replace and repair any common wall, which has been effected to insure continuity within the community with the ability to charge back to the member for labor and materials.

Pools may not be backwashed into the drainage ditches, natural washes, common landscaped areas, drainage-ways or streets. All backwashed water is to be retained on the owner's lot. If necessary, a hold should be dug and filled with tocks to provide for the needed capacity.

Swimming pool fence requirements are regulated. The City should be contacted to determine the safety fence requirements for your pool. For safety reasons, all openings in walls must be securely covered during the construction to prevent children from entering and being injured.

Pool plans will not need prior approval unless there is a feature (pool slide or other structure), which would be visible above the top of the wall. All pool equipment shall be screened from view of neighboring property, streets and common area with walls, which match the Design Review character and color of the house, or the existing wall. If pool equipment is placed near view fencing, space must be allowed to accommodate the screening wall.

Pool Drainage

No person shall deposit in, sweep upon, or permit to drain into any public right-of-way place of the City any garbage, junk, obstruction or similar matter or any hazardous material that impedes passage or is detrimental to public health (gray water). It is unlawful for any person to discharge or cause to be discharged to the sanitary sewers. You must obtain a permit from the Engineering section first.

Basketball Goals

Homeowners must submit an application to the Committee for approval prior to the installation or placement of a basketball goal. Goals will be allowed as a permanent installation adjacent to the driveway; portable goals are prohibited. Strict guidelines will be adhered to regarding the quality of equipment and installation and special attention will be paid to placement of the pole on the lot. Backboards may be transparent or a standard type with highly visible logo material prohibited. No lighting designed to illuminate basketball goals shall be installed without prior written approval of the Committee. Goals and nets must be maintained in a near new condition.

Flagpoles

As of 24 April 2002, the House approved bill SB1055-452R dealing with this subject. It states that, *"an Association shall not prohibit the outdoor display of the American flag by an Association member on that member's property if the American flag is displayed in a manner consistent with the Federal Flag Code. The Association shall adopt reasonable rules and regulations regarding the placement and manner of display of the American flag. The Association rules may regulate the location and size of flagpoles."*

Height: Flagpoles should be limited to a maximum height of 15 feet. This is 9 feet above a typical privacy wall, and approx. 5 feet below the roof line of a single-story dwelling. This height shouldn't affect neighboring homeowners "view" of surrounding scenery as is often stated as a negative factor. This would also cover "telescoping flagpoles" on the market.

Location:

1. Front Yard: Anywhere except for city street, city sidewalk, driveways, or on the shared privacy wall. If owner wishes to install lighting for a patriotic effect, lighting cannot be directed towards streets, common areas or neighboring property.
2. Back Yard: Anywhere except for the shared privacy wall. If owner wishes to install lighting for a patriotic effect, lighting cannot be directed towards streets, common areas or neighboring property.
3. If placing a flagpole on a house or garage, homeowners are advised to use brackets mounted on the house or garage to display flags. For this particular placement, the Design Review Committee has adopted that the size of the flagpoles not exceed 6 foot in length (such as a staff normally sold with the flag).

Construction: Suggestion would be lightweight aluminum, or fiberglass, rust-free.

Rating: For wind speeds - minimum 54 MPH (for monsoon season)

The owner will be responsible for all damages should flagpole damage any adjoining property (vehicles, residence, shared privacy wall, etc.). The owner would also be responsible to check with the city for any setback restrictions.

Planters and Walkways

Planters, paved walkways and other landscape features visible from neighboring property must be reviewed and approved by the Committee. Surface textures and colors are to match the paint color and materials of the house.

Window Coverings Criteria

No reflective materials, including, but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type items, or temporary window coverings such as newspaper or bed sheets shall be installed or

placed upon the outside or inside of any window of any house without the prior written approval of the Committee.

No enclosures, drapes, blinds, shades, screens, awnings, or other items affecting the exterior appearance of the house shall be constructed or installed in any home without the prior written consent of the Committee. The Board has given blanket approval to all off-white or white, shutters, mini-blinds, and vertical blinds installed on the interior of windows.

Gates

Double gates may be installed to allow access ways to yards. Double gates should be the same type, design, and color as the originally installed single gates. All double gates require Committee approval. Shrubs, trees, or other plants should be located between the house and the double gates, where possible.

Ramada's and Gazebo's

Ramada's and gazebo's may be considered in the rear yards only and require prior review and approval by the Committee, subject to the following guidelines:

1. Maximum square footage (under roof area) is 120 square feet.
2. Maximum roof height is 10 feet at the highest point.
3. The structure must be set back a minimum of 7 feet from any perimeter wall.
4. The structure must be painted to match the house color and maintained in good condition.
5. Any roof material must also match the roof material on the house
6. Any lighting must be approved prior to installation.
7. The structure must be decorative, attractive and tasteful at the sole discretion of the committee.
8. The structure must not obstruct any meaningful view of public or neighbor.

Play Structures

Play Structures may be placed in rear yards only and require review and approval by the Committee, subject to the following guidelines:

1. Structure must be set back a minimum of 7 feet from any perimeter wall.
2. Maximum height allowed to top support bar or highest point of structure is 10 feet.
3. Maximum height of any deck/platform is to be 4 feet above ground.
4. The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans.
5. The Committee will take appearance, height, and proximity to neighboring property into consideration.
6. Any shade canopy must be a solid tan, earth tone, forest green or sky blue.
7. Submit a brochure or picture if possible.

Screen Doors

The Committee must approve screen doors and "security" doors in advance. Submittals should be high quality wrought iron in a color that matches the body of the house. Overly ornate designs would be discouraged. Pictures or brochures should be submitted.

Gutters and Downspouts

Gutters and downspouts may be considered for approval. The finish on same must match the adjacent surface of the home in color. High-quality materials that offer long life are recommended, as the homeowner will be required to maintain these additions in good repair. Plans must also include the proposed locations of the gutters and downspouts, the quality of material to be used, warranty by the manufacturer, and the name and telephone number of the installer.

Clothesline

Clotheslines or other outside facilities for drying clothes are not permitted unless they are placed exclusively within a fenced yard and not visible above the top of the block wall or otherwise concealed.

ASSOCIATION RULES

The following community rules summarize some of the common provisions found in the CC&Rs as well as rules established by the Board. Cooperation on the part of all residents in following these rules will make living at Castlegate an enjoyable experience.

Right of Entry

During reasonable hours and upon reasonable notice to the Owner or other Occupants of a Lot, any member of the Design Review Committee, any member of the Board, shall have the right to enter upon and inspect any Lot, and the improvements thereon, except for the interior portions of any completed Dwelling Unit, for the purpose of ascertaining whether or not the provisions of this Declaration have been, or are being, complied with, and such persons shall not be deemed guilty of trespass by reason of such entry.

General Property Restrictions

Owners may rent only the entire lot or dwelling unit. Rental must be made only to a single family. No gainful occupation, commercial, trade or other non-residential use may be conducted on the property or receiving products or services related to such usage. Owners must receive Board permission to apply for any rezoning, variances or use permits.

Building Repair

No building or structure shall be permitted to fall into a state of disrepair. The Owner of every home or structure is responsible at all times for keeping the buildings in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the Owner is responsible for immediate repair or reconstruction. Roofs must be kept in good condition at all times.

Trash/Recycling Containers and Collection

No garbage or trash shall be kept on any lot except in covered containers as provided by the City. These containers must be stored out of sight except for days of collection. The only exception to this guideline would be bulk-trash collection days as set forth by the City.

Parking

Vehicles of all Owners, Lessees, and Residents, are to be kept only in garages or the driveways of any Lot. Except with respect to model home garages, no garage located on a Lot shall be used for any purpose other than the storage of vehicles and other household items, and in no event shall any such garage be converted to living area. It is the intent of the declaration to prohibit on street parking other than temporary. In no event shall a disabled or inoperative vehicle be maintained on a street, driveway or otherwise be visible from neighboring property or from the common areas. This also means that no vehicle may park on/in front/side yard landscape.

Campers, Boats, Commercial, Recreational, and All Other Motorized Vehicles

No motor vehicle classed by manufacturer as exceeding 3/4 ton, mobile home, travel trailer, camper shell, boat, or other similar equipment or vehicle may be parked, maintained or repaired on any lot or on any street so as to be visible from neighboring property. Temporary parking of recreational vehicles, boats and similar equipment will be permitted, if it is apparent that the item(s) are being loaded or unloaded. All motorized vehicles, including ATVs, motorcycles, go-carts, and similar vehicles (such as dune buggies) are prohibited from entering onto any common areas. No commercial vehicles exceeding a gross vehicle weight of 10,000 pounds shall be parked on streets or lots in the community. Vendors may park for a reasonable amount of time while rendering a service.

Pets

Residents are allowed to keep a reasonable number of generally recognized house or yard pets. Animals cannot be kept or raised for commercial purposes, and they are not allowed to make an unreasonable amount of noise or become a nuisance to neighbors. Dog runs must have prior approval of the Committee. Dogs must remain on leashes at all times while outside fenced yards and are not allowed on or within 100 feet of tot lots or play areas. All owners must clean up after their pets.