

THE PRESERVE AT
Walnut Springs
HOMEOWNERS ASSOCIATION INC.

Master Rules and Regulations

WHEREAS the Community-Wide Standard of conduct, maintenance, or other activity generally prevailing throughout the Properties in The Preserve at Walnut Springs is established initially by the Declarant, this standard may be more specifically defined in the Design Guidelines, in Board resolutions, and in these Master Rules and Regulations.

When any provision of these Master Rules & Regulations are determined to be unlawful at Federal, State or Local levels, said provision of these Master Rules & Regulations will be deemed null and void.

Section 1.0 Possession, Transportation and Use of Firearms

- 1.1 Possession of firearms in Open Space is prohibited, except for persons who carry a valid State of Texas Hunting License and who are registered with The Preserve at Walnut Springs Homeowners Association, Inc. to participate in wildlife harvesting and related activities, and only during the hours and days posted for these activities to occur. Hunting hours and days will be posted at the Clubhouse.
- 1.2 Owners and guests may transport firearms across Open Space in their vehicles so long as the firearms are not loaded, safety devices are engaged, and the firearm is not visible from outside the vehicle.
- 1.3 No hunting or target practice is to occur on individually owned Lots.

Section 2.0 Protection of Wildlife

2.0 No Owner shall capture, injure or kill any living being in the Open Space, including but not limited to wildlife, livestock, snakes, birds, and insects, except as prescribed The Preserve at Walnut Springs Homeowners Association, Inc.- Wildlife Harvesting Program.

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Design Guidelines

Design Guidelines—Overview

The Design Guidelines apply to the development and construction of any improvements at The Preserve at Walnut Springs. The purpose of the Guidelines is to: identify and establish the aesthetic vision at The Preserve at Walnut Springs; promote residential design that complements the natural environment; and protect and enhance property values. The Guidelines not only provide architectural standards and restrictions regarding height, color, massing and building materials but extend to such matters as set back lines, site planning, fencing, and landscaping. The Design Guidelines are administered by the Design Environment and Wildlife Committee. No improvements of any kind shall commence on a Lot without the approval of the Design Environment and Wildlife Committee. The Committee's job is one of assistance, helping Owners and their Architects/Designers maximize their architectural and living experience at The Preserve at Walnut Springs.

Preface

The Design Guidelines are applicable to all residential Lots and property at The Preserve at Walnut Springs. Properties within The Preserve at Walnut Springs Master Plan may not be developed for non-residential uses with the exception of the amenities detailed on the Area of Common Responsibility. These Design Guidelines do not apply to nonresidential uses, although the structures permitted in the common area shall also be subject to review by the Design Environment and Wildlife Committee and shall be encouraged to conform to The Preserve at Walnut Springs aesthetic.

As deemed appropriate by the Design Environment and Wildlife Committee, and in its sole discretion, the Design Guidelines may be modified or supplemented periodically; withstanding that any such modifications or supplements will retain the values and general aesthetics of The Preserve at Walnut Springs.

These Design Guidelines are subject to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for The Preserve at Walnut Springs as recorded in the Official Public Records of Real Property of Blanco County, Texas (the "Declaration"). In the event there is a conflict between the language of the Declaration and the Design Guidelines, the language of the Declaration shall control. The Preserve at Walnut Springs, L.P. may elect to create additional or supplementary guidelines to subsequent parcels within The Preserve at Walnut Springs and to additional property which may be annexed to The Preserve at Walnut Springs. Such Design Guidelines may add to or supplement general standards set forth in these Design Guidelines but will not materially contradict or diminish the aesthetic and procedural standards stated herein.

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1. Introduction

1.1. The Preserve at Walnut Springs Vision

The Preserve at Walnut Springs' approach towards land development and planning is unique. The development has been planned to harmonize, blend and compliment, rather than dominate the natural environment. The Club Facilities architecture and design evidence this philosophy with structures that combine understated elegance with the natural beauty of the environment.

The philosophy of The Preserve at Walnut Springs is the thoughtful integration of man and the environment. The goal is to create and maintain a "Hill Country" way of life by the subtle blending of the constructed structures with the diverse and natural beauty of the land. Preservation and enjoyment of the natural environment is the unifying visual theme throughout The Preserve at Walnut Springs. Designation of open space and clustered development were planned to ensure the enjoyment of large tracts of open space and water features and preservation of view corridors by all residents. The open space lands include all of the water features on the property and a diverse terrain of pasturelands, canyons, and undisturbed view corridors. Lots are carefully situated to maximize the natural beauty of the landscape and support the light density of the development.

1.2. Preservation of the Natural Environment

The Design Guidelines have been developed to communicate the philosophy of developing with sensitivity towards the preservation and conservation of the environment. These are minimum standards of design, driven in part by the climate, natural habitat and terrain of the site. They provide direction in the planning, design, and construction of residential structures to ensure compatibility with that environment. The purpose of the Design Guidelines is not to create identical or cookie-cutter residential structures, but to ensure that designs are compatible with one another and to ensure the preservation of the beauty of the surrounding terrain. No residence should stand so apart in its design or construction as to detract from the overall aesthetic concept of The Preserve at Walnut Springs. Creativity in design, innovative use of materials and unique methods of construction are encouraged, as long as the final result is consistent with the vision for the development.

Each Lot in The Preserve at Walnut Springs is unique in terms of its natural opportunities and constraints. It is expected that the design of each home in The Preserve at Walnut Springs will be distinct in response to the parameters of each Lot. In an effort to complement the natural environment, each structure should be placed on the site to minimize disruption of the existing environment; to preserve the natural features of each Lot including views, significant existing plant and tree materials; topography; creek beds and other natural drainage features. The Design Environment and Wildlife Committee shall evaluate each proposed design for appropriateness to its Lot and compliance with the objectives of the Design Guidelines.

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It is strongly recommended that each Owner retain competent professional services for planning and design. A thorough analysis and understanding of a particular Lot and the Owner's special needs and the skill to translate these factors into building form, as well as the ability to convey to the Design Environment and Wildlife Committee the concept and design of a proposed residence or other improvement, are all elements of the design review process.

2. Site Development Guidelines

Like most ecosystems, the existing landscape at The Preserve at Walnut Springs is fragile and if disrupted by negative development impacts, it could take years to be naturally restored. The Design Guidelines were developed for all Owners' benefit, and are intended to provide protection for the land and its vegetation.

2.1. Site Planning Recommendations

Planning the location of the Building Envelope and the improvements is an important aspect in the design process. Designers should consider the following site planning recommendations:

- 2.1.1. Consider the potential impact of future homes and improvements on neighboring and nearby Lots upon the views, noise and privacy of your own home, and conversely consider the impact of your home upon the views and privacy of your neighbors. Locate your improvements away from prominent ridges and just off of hilltops.
- 2.1.2. Evaluate the daytime versus nighttime quality of your views and arrange your living spaces to correspond to these differences.
- 2.1.3. Position your driveway and garages so they do not dominate the entry experience of your home or significantly impact the views or enjoyment from your living and entertaining areas.
- 2.1.4. Outbuildings such as guesthouses, garden sheds or out-of-door spaces, and any of their associated connecting walkways, should be visually integrated with the main house and the surrounding landscape.
- 2.1.5. Carefully consider site drainage and building runoff. Avoid unnatural modifications of existing drainage. Avoid soil erosion by seeding natural grasses and other planting material on exposed or disturbed soils. Consider capturing building runoff in a cistern for the conservation of water and for future irrigation.

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2.2. Site Planning Requirements

While the natural topography at The Preserve at Walnut Springs can vary considerably from Lot to Lot, the following are general guidelines and will apply in the absence of special circumstances:

2.2.1. Extensive cut and fill slopes should be avoided, and if required should have minimum exposure following completion of construction; site drainage and grading should be done with a goal of minimum disruption to the Lot. Retaining walls and re-vegetation of slopes are recommended when any land is significantly impacted by cut and fill. Drawings (plans and elevations) of cut and fill areas, retaining walls and proposed re-vegetation, if applicable, shall be submitted to the Design Environment and Wildlife Committee as a part of the final design package.

2.2.2. There shall be no interference with the established drainage patterns over any of the Property unless adequate provision is made for proper drainage and approved by the Design Environment and Wildlife Committee. All drainage structures under private driveways shall be constructed out of concrete or rock and have a net drainage opening area of sufficient size to permit the free flow of water without backwater. All drainage structures shall be subject to the approval of the Design Environment and Wildlife Committee.

2.3. Site Plan Review

A site plan at 1"=10' or 1"=20' should be provided which details easements, setbacks, utility trenching, connections and meters, impervious cover calculations, existing trees to remain or to be removed, man-made features, grading and drainage, site restoration, re-vegetation, and any special features.

2.4. Parking

Except for special events, no on-street parking will be permitted for residents or their guests' vehicles. Views of guest parking areas from adjacent Lots, street, or public spaces should be mitigated and diffused by screen walls or a combination of screen walls and landscaping. Walls shall be between 36" and 48" high. Landscaped berms are discouraged unless appearing natural to the landscape.

2.5. Setbacks

Minimum setbacks for buildings from the Lot lines must conform to any and all applicable Subdivision Regulations of Blanco County, Texas and all other applicable governmental authorities. In the event of any variance in regulations, the more stringent requirements shall govern.

2.6. Drives and Entranceways

Structures, roads, driveways or any improvement should be designed with the objective of fitting the existing contours of the site as nearly as possible, with minimal excavation.

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Freestanding site walls, planters or gate posts may be allowed at the driveway entrance, as long as the improvements are a minimum of 50 feet from the roadway right of way. No driveway entrance shall be designed as a “drive under” using beams or arches spanning the driveway, and no driveway entrance feature shall exceed 8’ in height and 50’ in width along the street.

Entrance driveways should be located so as to minimize their visual impact on the important natural features of a Lot such as large or significant plant materials, washes or drainage ways, and to minimize disruption of the existing landscape. Driveways shall be a minimum of 12 feet and a maximum of 16 feet wide at the property line. Only one driveway entrance will be permitted for each Lot. A secondary entrance may be considered by the Design Environment and Wildlife Committee at its’ sole discretion.

Entranceway designs and drives are subject to the approval of the Design Environment and Wildlife Committee.

2.7. Fencing

As a general rule, fences are discouraged. However, if fencing is desired, all fencing shall have the effect of disappearing into the vegetation. Materials such as metal, wrought iron, and cedar are encouraged.

No boundary fences around the perimeter of any Lot are allowed however natural elements such as stone and trees intended to demarcate the perimeter of any Lot shall be permitted. The following are the only fences permitted on any Lot and shall be subject to approval by the Design Environment and Wildlife Committee (DEW Committee).

- 2.7.1. Around approved Building Envelopes, fences not greater than four feet in height constructed of materials approved by the DEW Committee;
- 2.7.2. On garden plots approved as to size by the DEW Committee, a garden fence not greater than eight (8) feet in height constructed of materials approved by the DEW Committee;
- 2.7.3. Fences around swimming pools and tennis courts, the permitted size, construction type and color of which shall be approved by the DEW Committee; and
- 2.7.4. A dog run, the size, construction and location of which shall be approved by the DEW Committee, provided that the run is contiguous to and bordered on one side by one of the four permitted Structures within the Building Envelope but in no case shall be less than 100’ from the perimeter property line of such Lot.

2.8. Washes and Drainage Easements

Natural drainage ways occur throughout The Preserve at Walnut Springs. Bridging over by drives or the siting of building improvements alongside or above natural drainage ways is appropriate and can be desirable. Building improvements, however, must be designed so as not to be situated within or obstruct 100-year storm flows of

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greater than 50 cubic feet per second. These easements are areas of special consideration due to the potential for water flows of a high volume, and must remain unaltered and unobstructed except as may be approved by the Design Environment and Wildlife Committee. In such cases, a backwater flood analysis prepared by a Texas licensed civil engineer, ensuring the safety and feasibility of the design, may be required by the Design Environment and Wildlife Committee. The cost of such study shall be born by the Owner.

2.9. Swimming Pools

Swimming pools should be designed to be visually connected to the residence through the use of walls or courtyards, and must be screened from view from adjacent Lots, streets and public spaces. Swimming pools are prohibited outside of the Building Envelope. Moveable aboveground swimming pools are strictly prohibited, excluding “kiddy pools”.

2.10. Tennis Courts

Tennis courts or other recreational surfaces should be shielded from view and be inconspicuous in nature. The following criteria should be used:

- 2.10.1. Any grading required to create a level playing surface should achieve a balance of cut to fill.
- 2.10.2. The playing surface must be screened from view.
- 2.10.3. A combination of solid walls and approved colored fencing is recommended and may be required. The height of perimeter protection may be limited if, in the opinion of the Design Environment and Wildlife Committee, such devices would be obtrusive and/or unattractive. Chain link fencing is generally discouraged, but may be allowed if covered in a colored plastic coating such as green or black to camouflage the fencing.
- 2.10.4. Additional landscaping with indigenous trees and vegetation may be required to mitigate the court’s visibility from nearby streets, Lots and Common Areas.
- 2.10.5. Bright sports lighting would disrupt The Preserve at Walnut Springs nighttime views; therefore, the lighting of tennis courts and other sport/recreation areas are discouraged and may be disallowed by the Design Environment and Wildlife Committee at its sole discretion.

All courts must be submitted for review and approval to the Design Environment and Wildlife Committee.

2.11. Site Lighting

Excessive and obtrusive lighting can be invasive to neighboring Lots as well as intrude upon evening Hill Country vistas and the night sky over The Preserve at Walnut Springs.

No light shall be emitted from any Lot which is unreasonably bright or causes glare for any adjacent Owner. All exterior lights shall be downcast by design at no less than

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a 45-degree angle and shall radiate within a limited radius of ground focus not to exceed ten (10) feet. Lights cast upwards towards walls or trees shall not be allowed on any Lot. All exterior lighting must provide for complete shielding of light sources; no bare lamps will be permitted. All interior lights shall be designed to avoid glare or unreasonable brightness from being emitted from any window, door, or other opening in the building. All building plans shall include specifications for both the interior and exterior lighting plans and shall be subject to approval by the Design Environment and Wildlife Committee at its sole discretion.

2.12. Maintenance

Each Lot and all improvements thereon shall be maintained in a clean, safe and environmentally sensitive manner. Boats, tractors, vehicles other than automobiles, campers (whether or not on a truck) and garden or maintenance equipment shall be kept and enclosed at all times within one of the approved Structures, except when in actual use. Refuse garbage and trash shall be kept at all times in a covered container, and any such container shall be kept within an enclosed Structure or appropriately screened from view. Service areas, storage piles, compost piles and facilities for hanging, drying or airing clothing or household fabrics shall be appropriately screened from view. No lumber, grass, shrub or tree clippings or plant waste, materials, bulk materials, scraps, refuse or trash shall be kept, stored or allowed to accumulate on any Lot. Further, an area 150' in radius around buildings shall be kept clear of dead or fallen trees and excess ground fuels to mitigate potential fire danger.

2.13. Noxious or Offensive Activities

No noxious or offensive activity shall be permitted on any Lot. No unreasonable loud or annoying noises or noxious or offensive odors shall be emitted beyond the perimeter lines of any Lot.

2.14. Business Restrictions

No home office or business shall be operated from any residence, which employs more than one employee.

3. Architectural Design Guidelines

In order to create an identifying character as well as a harmonious community, The Preserve at Walnut Springs has developed Architectural Guidelines. The character of "Hill Country" architecture has been emphasized. Restrictions and guidelines have been developed for materials, size of residence, massing, colors, slope of roofs, and other elements to assist Owners and their Architects/Designers in creating architecture which maintains the spirit of The Preserve at Walnut Springs.

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3.1. Building Permit

No development, including without limitation, the construction or placement of any Structure, road, fence, or other improvement of any kind, shall be erected, placed, altered, added to, reconstructed or permitted to remain on any Lot, and no construction activities or landscaping activities including removal of trees or other vegetation shall be commenced, unless and until the plans and specifications for such work have been approved by the Design Environment and Wildlife Committee and a building permit if required for such work has been issued. The site plan, architectural drawings and landscaping plan are the primary components of the final plans required by the Design Environment and Wildlife Committee.

3.2. Building Envelope

All Structures and other authorized improvements shall be constructed within a Building Envelope. Each Owner may designate a Building Envelope within each Lot owned by such Owner at the time of their first filing, which may not exceed one acre in size and can be either a circle or a rectangle. With the exception of habitat enhancements noted below, no Development shall be permitted on any Lot outside of the Building Envelope except for access driveways, utility installations, well, septic systems and bridges.

3.3. Authorized Structures

The following buildings and structures shall be permitted within the confines of the Building Envelope designated for each Lot, subject to any additional restrictions contained herein: one single family residence, one guest house, a garage or storage structures, a swimming pool, tennis court or similar structure; not to exceed a total of four (4) Structures or as approved by the Design Environment and Wildlife Committee.

3.4. Building Height

The terrain of The Preserve at Walnut Springs is varied, with hilltops, valleys and other changes in elevation, making absolute and uniform applicability of height restrictions for residences both inadvisable and impractical. These design guidelines are intended to discourage and/or prevent any residence or other structure which would appear excessive in height when viewed from a street, public space, or other Lot, or which would appear out of character with The Preserve at Walnut Springs aesthetic.

The Preserve at Walnut Springs encourages the siting of residences and improvements away from hilltops or in prominent ridge locations. It is preferred that vistas of the native landscape remain as unimpeded as is practical, and that building improvements not dominate the environment. Despite the maximum heights generally permitted as herein specified, the Design Environment and Wildlife Committee may, at its' sole discretion, disapprove a proposed residence or other structure which may be within the maximum height guidelines. These considerations will be of particular

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importance concerning residences to be constructed near or upon tops of hills or ridges.

The overall height of a single-family residence and a garage shall not exceed thirty (30) feet measured in a vertical plane from the finished grade to the highest ridgeline of the roof except that elements of the roof up to thirty-eight (38) feet in height may be permitted at the discretion of the DEW committee. Guest houses shall not be greater than sixteen (16) feet in height. Carports shall not be greater than twelve (12) feet in height.

Roof vents and other penetrations shall be as unobtrusive as possible.

3.5. Building Sizes

The principal single family residence shall have a minimum floor area "foot-print" of 2,400 square feet and an unlimited maximum floor area "footprint" subject to review by the Design Environment and Wildlife Committee. Up to 15% of the floor area of the primary residence may include attached, covered outdoor living space. The guesthouse shall have a minimum enclosed floor area "foot-print" of 800 square feet and a maximum enclosed floor area of 1,500 square feet and shall not be greater than sixteen (16) feet in height. Guest houses constructed prior to the principal residence must be built to the maximum enclosed floor area size. The garage shall have a maximum floor area of 1,500 square feet. Carports shall have a maximum floor area of 500 square feet.

3.6. Building Massing

In order to enhance the concept of predominance of the environment, and in keeping with the spirit of early Texas houses, building masses may be broken into a main mass, with smaller scale appendages, ells or outbuildings. Covered links are encouraged to attach a garage, guesthouse, or other outbuildings which may be used frequently. The creation of a ranch like compound is encouraged. Porches and sleeping porches may be used to articulate building mass as well as provide adjacent interior spaces with shade and covered out-of-door access. Cisterns can also become an architectural element to assist in creating variance in height and shape to the overall theme. The Design Environment and Wildlife Committee may, at its' sole discretion, increase the number of authorized structures to allow for this approach, permitting that the building size restrictions are adhered to.

3.7. Building Colors

Colors for the body of the house (whether stone, plaster, or wood) should be compatible with the landscape around them. Regional stone color is encouraged to promote the historical context for the construction of a "Hill Country" house. Similarly, plaster colors which imitate a regional limestone color or are compatible with the colors of the native landscape are encouraged.

3.8. Roofs

No reflective, white or bright colored roofing materials shall be permitted on any structure. The minimum standards for roof shingles shall be dimensional, 300 pounds

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per square, 25-year shingles or better. Galvalum, the standing seam roofing standard which dulls over time shall be permitted. Non-glistening metal or tile roofs, including drain gutters, shall be permitted.

3.9. The roof of all structures shall be constructed of materials approved by the Design Environment and Wildlife Committee and shall have a pitch not less than 2 1/12" nor greater than 10". The use of roof designs like Mansard will be considered by the Design Environment and Wildlife Committee, but the Design Environment and Wildlife Committee is not obligated to approve any proposed use of roof designs like Mansard.

Materials—Exterior Surface

A minimum of 75% of the body of the primary residence must be constructed of native or Texas stone. Plaster exterior walls may be used in lieu of stone for the body of the primary residence, although in this instance a minimum of 10% of the exterior should incorporate allowable stone. All materials should blend naturally with the environment.

Other exterior surfaces must generally be of materials that will withstand the climate extremes, and like stone and plaster, be natural and unobtrusive to the surrounding landscape. The use of wood is allowed but requires careful consideration and detailing particularly as a wall surface material. Wood shake shingles, as well as logs and board and batten have historical precedence and are encouraged over wide board contemporary siding.

Outbuildings, in general, should be of similar construction to the main body of the primary residence, although other materials may be approved at the sole discretion of the Design Environment and Wildlife Committee.

No prefabricated or modular structures of any kind shall be permitted. Used materials may be permitted, at the discretion of the Design Environment and Wildlife Committee, in the construction of any structure. Materials which are specifically prohibited include: metal siding, opaque glass, mirrored glass, vinyl and plastics, reflective materials, reflective exterior art work and sculpture.

All windows on all structures in The Preserve at Walnut Springs shall utilize only clear or lightly tinted, non-reflective glass.

3.10. Signs

The Owner shall install individual address identification devices for each approved residence. Such devices should utilize the same materials and colors as the residence and must reflect its design character. Declarant and any other person or entity engaged in the construction and/or sale of a residence within The Preserve at Walnut Springs shall be permitted to place, during the period of development, construction, sales and resale of houses in the Property one (1) "For Sale/Builder/Etc." sign of less than four (4) square feet in size. No other signs or advertising devices shall be erected or maintained on any Lot without the express written consent of the Design Environment and Wildlife Committee.

3.11. Antennae

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Exterior radio or television antennas, or aerial or satellite dish receivers (18" in diameter or smaller"), or other devices designed to receive telecommunication signals, including but not limited to, radio, television, or microwave signals which are intended for cable television, network television reception, internet, cellular telephones or entertainment or business purposes may be erected or maintained only with the prior written approval of the DEW Committee. Any such telecommunications equipment must be visually shielded from adjacent Lots.

3.12. No Visible Storage Tanks

All fuel tanks or similar storage facilities shall be located underground with all visible projections screened from view. Above ground water storage tanks are permitted and are subject to exterior material surface standards. Use and/or construction shall comply with all applicable codes and ordinances.

3.13. Utilities

Utility lines have been installed underground in the Common Roads. Any further utility lines or extensions thereof required for the Development and use of any Lot shall be made and completed at the applicable Lot Owner's expense and shall be installed underground. Utility lines include but are not limited to, wires or other devices from the communication or transmission of telephone or electric current or power, cable television or any other type of line or wire. Temporary power or telephone structures associated with the construction of buildings or other structures are permitted pending Design Environment and Wildlife Committee approval.

3.14. Solar Equipment

The Preserve at Walnut Springs encourages the minimum usage of all nonrenewable energies and encourages the adoption of appropriate passive energy technologies and the utilization of renewable resources. Solar equipment will be permitted so long as the installation of such equipment does not cause a glare to adjoining Lots or detract from the design of the structures.

3.15. Service Yard

All above-ground garbage and trash containers, clotheslines, mechanical equipment, and other outdoor maintenance and service facilities must be screened by walls from other Lots, streets or public places.

4. Landscape Guidelines

The goal of the Landscape Guidelines is to ensure that the developed areas within The Preserve at Walnut Springs harmonize and blend with rather than dominate or significantly alter the natural environment. The natural or existing mix of under-story growth, cedars, oaks, other trees, and native grasses that give the Hill Country its color and texture are to be preserved and enhanced. The goal of these guidelines is to limit the amount of natural vegetation that is destroyed and to ensure that a natural transition occurs between the Building Envelope, the remaining deeded Lot acreage and the open space surrounding the properties.

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Owners are encouraged to create landscape plans that alter the site as little as possible from its original native conditions, protecting existing watershed and drainage ways wherever practical. Limit structures to the area on the site where drainage, soil and geological conditions will provide a safe foundation. Soil analysis shall be obtained to assure proper foundation design.

Damaged vegetation (which includes the ground surface) shall be immediately replaced and/or repaired at the expense of the Owner. Damaged vegetation that is not replaced in a timely manner may be installed by the directive and action of the Design Environment and Wildlife Committee at the expense of the Owner.

4.1. Landscape Plans

To ensure preservation, conservation and restoration of The Preserve at Walnut Springs, a landscape plan must be submitted and approved by the Design Environment and Wildlife Committee as part of the final plans. Plans should be mapped to the overall site plan and should be a minimum scale of 1"=10'. A plant legend indicating all plant species, quantities and sizes, as well as decks, fencing, pavements, driveways and any freestanding structures must also be included.

4.2. Landscape Planting

Introduction of any non-native plant species which might compete with or harm native species and result in their decline, except where it is shown that the introduction of a non-native species can improve or prevent undue damage to the natural environment (e.g., stream bank stabilization) shall be prohibited. Native plants use less water and are more deer resistant and are well adapted to the soil composition. Native plants, when properly planned, can be not only colorful but strong and effective design elements as well. Low water grasses are encouraged. St. Augustine grass is not permitted. The planting of ornamental (non-native) woody or shrubby vegetation for landscaping purposes shall be discouraged in order to reduce the likelihood of human-Wildlife encounters.

Owners are encouraged to hire a landscape designer or landscape architect that has experience in the Texas Hill Country. The Design Environment and Wildlife Committee will assist residents in selecting plant materials, which are less palatable to Wildlife species and in suggesting temporary enclosures to protect newly planted shrubs and trees if desired.

4.3. Irrigation

Owners that wish to irrigate areas inside of their Building Envelope must install a rainwater collection system of at least 10,000 gallons to help supplement the use of the well on their Lot or the common well system to which such Lot is connected.

Irrigating plants during the high evaporation periods of mid-day is wasteful of water resources and highly discouraged.

4.4. Recommended Plant Materials

Plants play a major role in the restoration fundamentals central to the Design Guidelines for The Preserve at Walnut Springs. The plant palette attached as

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Appendix A details a variety of plants indigenous to the Texas Hill Country. These plants shall be used wherever landscaping is required. This plant list is not all-inclusive, though it is meant to serve as a guide for most Owners. Owners are encouraged to consider the specific topography and landscape of a Lot in selecting appropriate plant material.

4.5. Habitat Enhancement

Wildlife habitat and wetland enhancements are acceptable physical alterations to a Lot. However, prior to undertaking any enhancement activities, a plan describing enhancements must be submitted to the Design Environment and Wildlife Committee for approval. Design Environment and Wildlife Committee will review any enhancements to ensure full compliance with the Texas, Parks & Wildlife Department Wildlife Management Plan for the property. In the case of wetland alterations, individuals proposing alterations must ensure full compliance with all applicable wetland protection regulations including the National Clean Water Act via the Section 404 permit process and all engineering and water rights requirements of the Texas Natural Resource Conversation Commission.

4.6. Pest Management and Control of Noxious Weeds

Owners shall take all actions necessary to control noxious weeds as defined by the Blanco County Extension Agent and/or the Board. Because the timing for effective control of noxious weeds is very critical, if an Owner fails to respond within 72 hours to a written request for weed control from the Design Environment and Wildlife Committee, the Board shall have the right to contract for such control services and the company so contracted shall have the right to enter upon any such Lot to treat noxious weeds without any liability for trespass. In the event that the Board provides for noxious weed treatment as described herein, the Owner of a Lot treated for noxious weed control shall pay all costs incurred by the Board. Noxious weed treatment by any Lot Owner shall be strictly limited to herbicides approved by the Blanco County Extension Agent. Under no circumstance, however, shall materials or methods be utilized by any Lot Owner to control noxious weeds that would endanger Wildlife or sensitive habitat on the Property or adjacent ranch lands. Use of chemical herbicides and pesticides shall be prohibited. No pesticides or other noxious or dangerous chemicals shall be put into or allowed to enter water ditches or waterways.

4.7. Oak Wilt

The tree disease caused by the fungus *Ceratocystis fagacearum*, commonly known as Oak Wilt, may be present on the Property and is present in the Texas Hill Country. Both red oaks and live oaks are susceptible to Oak Wilt and the disease has been diagnosed in more than sixty (60) Texas counties. The fungus spreads through the common root system of oaks. Existing trees shall be pruned and treated for diseases and insects in keeping with good arboricultural practice as deemed by the Design Environment and Wildlife Committee. Owners must cooperate with the Association and the Design Environment and Wildlife Committee to control any tree disease

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present on Owner's Lot. In the event a tree larger than a ten (10) inch caliper, but smaller than sixty (60) inches in circumference, is removed or destroyed, the Owner of the Lot from which such tree was removed or destroyed will replace that tree with at least three (3) hardwood trees of a minimum three (3) inch caliper or seven (7) inch circumference. This restriction does not apply to the Declarant or the Association.

5. Construction Guidelines

The following Construction Guidelines have been compiled to ensure that sensitivity towards preserving and restoring the natural landscape is applied throughout the development process. All Owners and Owners' Representatives (including builders, landscape architects, subcontractors, etc.) shall be bound by these Construction Guidelines and any violation, regardless if by an Owner's Representative, shall be deemed to be a violation by the Owner of the Lot.

The Design Environment and Wildlife Committee and the Board of Directors of the Walnut Springs Homeowners' Association will police the implementation of the Design and Construction Guidelines during the construction of any improvement to the Lot. Violations of the Construction Guidelines will be reported to the Board of Directors of The Preserve at Walnut Springs Homeowners' Association, who will send a letter to the Builder and/or Owner involved. A copy of this letter will also be sent to the Design Environment and Wildlife Committee.

5.1. Compliance Deposit

The Design Environment and Wildlife Committee will require a \$5,000 deposit (to be held in an interest bearing account) as security against any damages caused to the Area of Common Responsibility, streets or adjacent properties. A final inspection will be performed by the Design Environment and Wildlife Committee upon completion of the home per the approved plans and specifications (including landscape installation). Provided that no damage to any of the Properties cited above has been done, the Compliance Deposit or any balance thereof will be returned.

5.2. Occupational Safety and Health Act Compliance (OSHA)

All applicable OSHA regulations and guidelines must be strictly observed at all times.

5.3. Temporary Facilities

No temporary structures, such as trailers, tents, shacks or other similar buildings shall be permitted on any Lot, except during construction as authorized by the Design Environment and Wildlife Committee. Design Environment and Wildlife Committee approval will include the nature, size, duration and location of each structure.

5.4. Sanitary Facilities

Each builder shall be responsible for providing and maintaining adequate sanitary facilities for its construction workers. Portable toilets shall be located only within the approved Building Envelope.

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5.5. Fencing

To protect the land outside of the Building Envelope from damage due to construction operations, a chain or fence shall be installed to completely enclose the construction site within the Building Envelope. The border protecting the Open Space and remainder of the Lot shall be maintained intact until the completion of construction. The construction trailer, (if any), portable toilet, construction material storage dumpsters, and all parking areas must be contained within the Building Envelope.

5.6. Debris and Trash Removal

Builders shall provide a regulation sized dumpster for debris. Trash and debris shall be removed from the site frequently and not be permitted to accumulate. Lightweight materials, packaging, and other items shall be covered or weighted down to prevent their being blown off the construction site. Builders are prohibited from dumping, burying, or burning trash anywhere on the Property except as expressly permitted by the Design Environment and Wildlife Committee. Unsightly dirt, mud, or debris from activity on each construction site shall be promptly removed and the general area cleaned up on a regular basis.

5.7. Vehicles and Parking Areas

Construction crews shall not park on or otherwise use other building sites or Open Spaces. Parking is not permitted on any grass or natural vegetation. The Owner and Builder shall plan parking needs in advance of construction and submit a parking plan upon request by the Design Environment and Wildlife Committee.

Washout of concrete trucks or cleaning of any equipment must be contained within the Building Envelope. Washout or cleaning residue shall not be allowed to flow out of the Building Envelope.

5.8. Restoration or Repairs of Property Damages

Damage and scarring to any property, Open Space or other Lot, including, but not limited to roads, driveways, utilities, vegetation and/or other improvements, resulting from construction operations, will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly and any expense will be born by the Builder or Owner.

5.9. Insurance

Builders shall furnish satisfactory proof of Builders' Risk Insurance to the Design Environment and Wildlife Committee.

5.10. Dust and Noise

The Builder shall be responsible for controlling dust and noise, including, without limitation, music from the construction site.

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5.11. Daily Operation

Construction will be permitted Monday through Friday from 30 minutes before sunrise to 30 minutes after sunset unless the Design Environment and Wildlife Committee designates other hours in writing. Saturday construction hours will be from 9:00am to 5:00pm. No construction is allowed on Sundays or on New Years Day, Easter, Independence Day, Thanksgiving or Christmas.

5.12. Construction Timeline

All construction shall be completed within two (2) years from the commencement date of construction. For purposes hereof, the commencement date of construction shall be determined in accordance with applicable Texas law governing the inception date and priority of statutory mechanic's and materialman's liens.

6. Review and Approval Process

An Design Environment and Wildlife Committee has been created to oversee the overall residential development of The Preserve at Walnut Springs in accordance with these Design Guidelines and the Amended and Restated Declaration of Conditions, Covenants and Restrictions as recorded in the Official Public Records of Real Property of Blanco County, Texas for The Preserve at Walnut Springs.

6.1. Purpose and Authority of the Design Environment and Wildlife Committee. In order to assist each Owner in the planning and designing of a residence (or any other improvement of the Lot) within the Preserve at Walnut Springs aesthetic, a comprehensive design review process has been established and will be administered by the Design Environment and Wildlife Committee. As provided by the Declaration, the Design Environment and Wildlife Committee is charged with the responsibility of maintaining the standards set forth in the Design Guidelines and as provided herein the Design Environment and Wildlife Committee has the authority to issue all formal approvals or disapprovals of projects and enforce the Design Guidelines. Each residence and/or improvement on the Lot must meet the criteria of the Design Guidelines.

The Design Environment and Wildlife Committee will review designs only after determining that it has all information necessary. After receiving a complete package, it will take one of the following actions: a) Approval, with or without conditions; b) Approval of a portion of the application and disapproval of other portions; or c) Disapproval of the entire application. The DEW Committee will inform the applicant in writing of its actions within 30 days.

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6.2. The Review Process in General

The architectural review process was developed to provide adequate checkpoints in an effort to: ensure compliance with the overall philosophy of The Preserve at Walnut Springs, and to minimize time and money spent on residential designs which do not adhere to the Design Guidelines. The Design Environment and Wildlife Committee encourages all Lot owners to meet with the DEW Committee early and often throughout the Architectural Review process so as to ensure clear communication and prevent unnecessary delay or expense.

The Design Environment and Wildlife Committee will conduct reviews of projects during regularly scheduled meetings or at such other times as they deem appropriate. Each submittal package shall include 8 sets of documents, one for each of the DEW Committee members. Electronic submittal packages are encouraged to facilitate review and reduce costs for all parties. The Design Environment and Wildlife Committee will respond in writing no later than 30 days after a complete submittal is received. Results of reviews will not normally be discussed over the telephone. Any response an Owner may wish to make in reference to issues raised by the Design Environment and Wildlife Committee should be addressed to the DEW Committee in writing.

6.3. The Review Process

The architectural review process is divided into three phases: 1) Pre-Design Meeting, 2) Preliminary Design Review Meeting and the 3) Final Design Review Meeting. Each of the three phases is reviewed below:

6.3.1. Pre-Design Meeting

The pre-design meeting is with the owner, architect/designer and/or builder. Items required for this meeting include site analysis plan including preferred building envelope location, desirable view corridors, significant vegetation, rock outcroppings, utilities and drainage, setbacks and buffers, orientation or proposed residence and location of adjacent properties. This is also an opportunity for the owner and or architect/designer or builder to resolve any questions about building requirements or interpretation of the Design Guidelines or the Design review process.

6.3.2. Preliminary Design Review Meeting

For the preliminary design review meeting the applicant should submit a site plan, preliminary elevations, floor plans, landscape plan and any applicable Design Review Fee.

6.3.2.1. The site plan should be at a scale no less than 1"=30" on a 24"x36" or a 30"x42" sheet.

6.3.2.2. The roof plan and floor plans should be at a scale no less than 1/8"=1'-0". Roof plans shall show all areas of roof pitch, porch roofs, roof mounted equipment, all skylights and solar collectors, etc.

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- 6.3.2.3. Exterior elevations of all sides of the residence, at the same scale as the floor plans, with both existing and proposed grade lines shown and all exterior materials and general colors indicated. Elevations (heights) of all roof ridge lines, cupolas, or parapets shall be shown.
- 6.3.2.4. Ancillary improvements contemplated on the Lot must be shown in this phase.
- 6.3.2.5. Any other drawings, materials, or samples requested by the Design Environment and Wildlife Committee.

To assist the Design Environment and Wildlife Committee in its evaluation of the plans, the Owner shall, if requested, provide preliminary staking at the locations of the corners of the building envelope and the residence or major improvements and at such other locations as the DEW Committee may request. The staking will be at such heights as may be necessary to indicate proposed finish floor elevations.

6.3.3. Final Design Review Meeting

After preliminary approval is obtained, the following documents are to be submitted to the Design Environment and Wildlife Committee for final approval.

- 6.3.3.1. Complete construction documents for the residence including all data required in the Preliminary approval stage.
- 6.3.3.2. A complete landscape plan at the scale of 1"=10'. This plan should show areas to be irrigated, if any, drainage, locations and sizes of all existing and proposed plants, exterior lighting, habitat enhancement plan, if applicable, and any additional improvements such as pools, rock sculptures and other structures.
- 6.3.3.3. An approximate time schedule indicating approximate dates for starting and completion of construction, utility hook-up, completion of landscaping work, and anticipated occupancy date.
- 6.3.3.4. Locations of any temporary facilities, including construction sanitary facilities.

The Design Environment and Wildlife Committee, at its discretion, may request samples of exterior materials and colors, window and glass specifications, and accent items including color photographs of any exterior art work.

6.4. Exterior Changes and Resubmittals of Drawings

Any exterior changes to the approved drawings before, during, or after the construction of an improvement must first be submitted for approval by the Design Environment and Wildlife Committee. In the event of any significant change or disapproval by the Design Environment and Wildlife Committee, a resubmittal must follow the same procedure as the original submittal.

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6.5. Inspections

The Design Environment and Wildlife Committee may inspect all work in progress and the completed project at any point in time. If non-compliance with the approved plans is identified during inspection, a written warning stating the area of non-compliance along with a stipulated remedy period shall be issued. If upon the expiration of the remedy period, the Owner shall have failed to remedy such noncompliance, the Design Environment and Wildlife Committee shall notify the Owner. The DEW Committee may take such action to remedy this noncompliance as is provided for in these Design Guidelines or the Declaration including, but without limitation, injunctive relief or the imposition of a fine.

6.6. No Waiver of Future Approvals

Approval by the Design Environment and Wildlife Committee of any drawings or specifications or work done or proposed, or in connection with any other matter requiring such approval under these Design Guidelines or the Declaration, including a waiver by the DEW Committee, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval. For example, the DEW Committee may disapprove an item shown on the Final Submittal even though it may have been existent in previous submittals and was not disapproved. The Owner and his/her representative shall make known to the DEW Committee any variances from the Design Guidelines. Should the DEW Committee overlook or not be aware of any item of noncompliance at any time during the review process, construction process or during inspection, the oversight of the DEW Committee in no way relieves the Owner from compliance with these Design Guidelines and all other applicable codes, ordinances and laws. (See Section 4.4 of CC&Rs)

6.7. Variances

The Design Environment and Wildlife Committee may authorize variances from compliance with any of its guidelines and procedures when circumstances such as topography, natural obstructions, hardship or aesthetic or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless approved in writing by the DEW Committee; (b) be contrary to the Declaration; or (c) estop the DEW Committee from denying a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.