

# North Slopes HOA Design Guidelines

Adopted October 27, 2017  
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These Design Guidelines (DG) have been established by the North Slopes Design Review Committee (NSDRC) and the Board of Directors of the North Slopes Homeowners Association (NSHOA), in accordance with the Declaration of Covenants, Conditions and Restrictions (CC&Rs) for North Slopes. As these Design Guidelines are periodically amended, it is the responsibility of each interested party to access the most up-to-date edition. These Design Guidelines are subject to the terms and conditions of the CC&Rs and applicable statutes. Therefore, in the event of a conflict between any provision of the Design Guidelines and the CC&Rs (or any applicable statute), the provisions of the CC&Rs and/or the statute, as the case may be, shall prevail.

## **I. NORTH SLOPES PHILOSOPHY**

North Slopes was conceived as a single family subdivision catering to all homeowners. The intent of these Design Guidelines is to assure all homeowners within the North Slopes property that design and construction standards will result in compatible neighborhoods and improvements that will be in harmony with the rural nature of the surrounding native environment, including the native forests, washes and topography.

In keeping with the CC&Rs and in order to assist owners with environmentally sound and aesthetically compatible designs of residences, a design review process has been established pursuant to these Design Guidelines. A Design Review Committee (DRC) has also been established and is charged with ensuring that all standards are adhered to throughout all phases of design and construction. The design review process encompasses the following steps:

- A. The design submittal, at which time the DRC will review the final construction documents to verify continuity with the governing documents of the Association, including, without limitation the CC&Rs and these Design Guidelines.
- B. The final inspection of the completed improvements by the DRC to confirm the improvements have been constructed in accordance with the approved plans, the CC&Rs and these Design Guidelines.

This design review process is intended to take place concurrently with the plan review process required by the City of Flagstaff for obtaining a building permit. It is required in addition to the City of Flagstaff review process, and not in lieu of that process. Approval of the plans by the City shall not truncate or be a substitute for the DRC review and approval and will not be in lieu of the approval process by the DRC.

## **2. SITE PLANNING AND LANDSCAPE GUIDELINES**

The climate, terrain, and existing forestation at North Slopes are all-important factors which must be considered in the design of all improvements within the

development. It is the intent of these Design Guidelines to ensure environmentally sound and aesthetically pleasing development that will benefit all residents and homeowners.

## 2.1 Building Envelopes and Setbacks

The building envelope is that portion of each lot within which all improvements, excepting fireplaces, eaves and roof overhangs, must be located. The owner and the DRC will mutually determine the specific building envelope for each lot; provided that in the event of a disagreement, the DRC shall have the final approval thereof. The basic building envelope will be determined by the application of the City of Flagstaff setback and lot coverage minimums set out in the Land Development Code known as "Ordinance 1690 Adopted by the City of Flagstaff on April 8, 1991." While there are exceptions for special circumstances, the bulk standards call out minimum setback requirements as follows:

Front	25 feet from back of sidewalk
Typical Rear	25 feet
Rear (if plat provides)	50 feet
Typical Side Yard	8 feet
Side Yard on Street Side of House	15 feet

Any prevailing City regulations will take precedence over the CC&R restrictions if City regulations are more restrictive. Anyone considering any improvements to a lot in North Slopes must contact the DRC and the City Planning and Zoning Department to confirm setback requirements for their lot.

## 2.2 Grading and Drainage

Site grading and drainage must occur with minimum disruption to the lot, and without creating conditions that could lead to unnecessary erosion, or cause any damage to neighboring properties. No residence, structure, building, landscaping, fence, wall or other improvements shall be constructed, installed, placed or maintained in any manner that would obstruct, interfere with or change the direction or flow of water in accordance with the drainage plans for North Slopes, or any part thereof, or for any lot as shown on the approved drainage plans on file with the City of Flagstaff. In addition, no owner or other person shall change the grade or elevation of a lot in any manner that would obstruct, interfere with or change the direction or flow of water in accordance with the approved drainage plans.

## 2.3 Walls and Fencing

Lot fencing must be visually and architecturally consistent with other fencing in North Slopes. Owners are required to submit fencing plans and specifications to the DRC for approval prior to erection of the fence.

Unless an exception is granted by the DRC in its sole discretion, the only acceptable fencing types are:

1.) subject to the limited exception in item 2 of this Section 2.3, all fences shall be constructed of vertical, wooden slats affixed to horizontal, wooden crossbars, and mounted on galvanized steel posts provided that the galvanized steel posts shall not be visible from the street(s) adjacent to the lot.

2.) notwithstanding the requirements of item 1 of this Section 2.3, fences that run along the boundary between a lot and any common property or a lot and the national forest property, may be constructed of either (i) cedar post & rail with posts and 3' high, dowel-type rails or (ii) wrought iron with a black or dark antique finish.

No fence shall exceed six feet in height as measured from the in-situ grade. Concrete block walls are not allowed in any case. No fencing is permitted within the front setback unless an unsafe condition exists which in the opinion of the DRC can only be remedied with a fencing solution.

If a fence enclosing a lot allows items in the rear private yard of the lot to be visible from neighboring property, the yard of the lot enclosed by the fence must be kept in a clean, neat, and attractive manner.

Painting of wooden fences will not be allowed. However, certain pigmented protective coatings are acceptable if the DRC determines the coating is designed to enhance the natural color and appearance of the wood species. Transparent protective coatings are recommended for all wooden fence types. Galvanized steel posts must not be painted. Wrought iron fences must be painted/powder-coated black or dark antique and maintained in a rust free condition.

Structural retaining walls must not exceed six feet in height, measured from in situ grade. Any walls with more than four feet of unbalanced fill (a four foot differential of fill between one side of the wall and the other) require an engineer's stamp on the plans, and a building permit from the City of Flagstaff.

Walls (other than boundary walls) located on a lot shall be maintained, repaired and replaced by the owner of the lot. Any wall which is placed on the boundary line between a lot and a common area must be maintained, repaired and replaced by the owner of the lot. In the event any such wall encroaches upon the common area or a lot, an easement for such encroachment shall exist in favor of NSHOA or the owner of the lot, as the case may be. Any wall which is placed on the boundary line between a lot and public right-of-way shall be maintained, repaired and replaced by the owner of the lot.

## 2.4 Service Yards

Fencing will be required for service yards used to enclose trash containers, firewood, outdoor maintenance or service equipment, or any other goods to be stored outside. All service yard fencing must be the vertical, wooden slat type described in 2.3.

## 2.5 Mechanical Equipment

No roof mounted or exterior wall mounted mechanical equipment will be permitted. Such mechanical equipment must be ground mounted, adjacent to the residence, and shielded from view by approved fencing of sufficient height to dampen sound.

## 2.6 Antennae and Satellite Dishes

No antenna, satellite or microwave dish or other device for transmission or reception of television or radio signals shall be constructed, installed, erected, used or maintained on any lot without the prior written approval of the DRC unless applicable law prohibits the DRC from requiring such approval.

## 2.7 Lighting

The Developer has designed a uniform street lighting scheme. No additional lighting by a lot owner may occur adjacent to the right-of-way. Additional site lighting is permitted, provided such lighting does not result in excessive glare toward the street or neighboring properties as determined by the DRC. All exterior lighting must be of a low level-subdued intensity, meeting the “fully shielded” requirements of the City of Flagstaff’s Dark Skies Ordinance, number 440 and is subject to the approval of the DRC.

## 2.8 Swimming Pools and Spas

Swimming pools and spas must be located in rear yards and must be shielded from view from the street and neighboring residences.

## 2.9 Landscaping Requirements

- Per section 8.7 of the CC&R’s all lots must be landscaped within ninety days (weather permitting) of occupancy of the residence thereon. All landscaping plans must be submitted to the DRC for approval prior to the start of installation of the landscaping. All new landscaping construction is required to comply with the City of Flagstaff Rainwater Harvesting Ordinance (available as Chapter 6 in the City of Flagstaff Low Impact Development Guidance Manual). All new landscaping construction is required to have the following:
  - Plant Materials: A minimum of one (1) 15 gallon or greater tree, and three (3) 5 gallon shrubs. (One gallon shrubs may

be substituted for the 5 gallon shrubs at a ratio of 3:1). Plant materials shall be from the current City of Flagstaff Approved Plant Materials list.

- Topdressing: All open space that is within view from a public right-of-way is required to receive topdressing. Aggregate, natural stone (approx. 1" size) is the preferred topdressing material. Cinders are not an approved material. Wood mulch will be approved for mass planting areas; however, no more than 15% of the lot area may consist of wood chips, wood mulch, or bark material. Any such material must be contained so as not to migrate to public ways or adjacent lots.
- Optional Materials: Drought tolerant or artificial turf and perennial or annual flowers from the City of Flagstaff approved plant list.

Lots that do not have approved landscape plans on file with NSHOA may be required to complete additional work to meet the minimum requirements for aesthetics that bring value to the entire community as determined by the DRC.

All installed landscaping improvements shall be properly maintained by the property owner (or residents if the property is rented) except that the Association shall maintain the landscaping in the front yard of the lot in accordance with Section 2.7 of the CC&Rs. If maintenance to be performed by the property owner is not performed by the owner (or resident), NSHOA may, but shall not be obligated to, perform such maintenance at the sole cost of the property owner. In addition, NSHOA may impose fines as a result of such violations by the owner.

#### 2.10 Accessory Structures (i.e. sheds)

At the discretion of the DRC, Accessory Structures, as defined in section 1.48 of the CC&Rs may be allowed on lots that can accommodate them within the setback criteria outlined in Amended CC&R Section 4.27. The following criteria apply:

- Architecture, construction materials, and exterior color(s) must closely match that of the associated residence.
- Accessory Structures may not exceed 10' in height.
- No portion of any Accessory Structure may be located within the following setback areas: rear yard – minimum of 5 feet, side yards – minimum of 5 feet each, except that an exterior (street side) side yard setback shall be a minimum of 15 feet and no portion of any Accessory
- Allowed Accessory Structures must be constructed and oriented, or screened, so that they are not visible from street view.

## 2.11 Signs & Banners

No emblem, poster, advertisement, logo, sign, banner or billboard of any kind, including, but not limited to, "For Sale" or "For Rent" signs, shall be displayed on any lot without the prior written approval of the DRC, except for the following signs: (i) one commercially produced security sign not to exceed 9" x 12" may be posted on the lot while the owner or lessor subscribes to the security service and shall be removed upon termination of service; (ii) one "for sale" sign and one "for lease" sign may be posted on the lot, which conforms with industry standards: not to exceed 18" x 24" plus a "rider" not to exceed 6" x 24". No flyer boxes, information tubes, or other types of attachments containing property information are permitted. All "for sale" signs and "for lease" signs must be commercially produced; (iii) temporary open house signs maybe a displayed on a lot as permitted by A.R.S. §33-1808, as amended, and by any successor statute thereto, provided, however, open houses shall not be held before 8:00 a.m. or after 6:00 p.m.; (iv) any signs as my be required by legal proceedings; (v) such signs as are approved the DRC; and (vi) political signs which support a candidate in any municipal, county, state, or federal election may be displayed on a lot subject to the following: political signs may only be displayed seventy-one (71) days prior to a primary election and fifteen (15) days after the general election (unless the candidate does not advance to the general election, in which case the sign must be removed within fifteen (15) days after the primary election). The total political sign area cannot exceed the maximum size limit established from time to time by applicable City of Flagstaff ordinance. All political signs must be commercially produced. A political sign on a lot must be free-standing, and cannot be attached to any structure on the lot, except that a political sign may be displayed in the window of the residence on the lot. No signs may be displayed on the common area; (vii) Celebration signs and banners (graduation, birthdays, anniversary, baby birth, etc.) may not be displayed for more than fourteen (14) consecutive days.

## 2.12 Flags

1. For purposes of this Rule 2.12, (i) the term "Flag" shall refer to a piece of fabric, soft plastic, or similar material, with images or a distinctive design and colors used as a symbol, a signaling device, for messaging, or for decoration; and (ii) the term "Political Flag" shall refer to a Flag that supports a specific candidate seeking election to a public office. Capitalized terms not otherwise defined herein shall have the meaning set forth in the Declaration.
2. Pursuant to Article 3, Section 3.1 of the Declaration, no addition, change or alteration to any Residence, building, fence, hedge, wall, or other Improvements on a Lot is permitted without approval of the Design Review Committee. As a result, the installation of a flag on any Residence, building, fence, hedge, wall, or other Improvement on a Lot,

which constitutes an addition, change or alteration of such Residence, building, fence, hedge, wall, or other structure on a Lot, requires approval of the Design Review Committee. Flags installed on a Lot in compliance with this Rule 2.12 shall be deemed to be approved by the Design Review Committee without formal application for such approval.

3. The following flags may be displayed on a Lot:
  - a. The American flag or an official or replica of a flag of the United States army, navy, air force, marine corps or coast guard by an association member on that member's property if the American flag or military flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).
  - b. The POW/MIA flag.
  - c. The Arizona state flag.
  - d. An Arizona Indian nations flag.
  - e. The Gadsden flag.
  - f. Any other Flag that is required to be permitted pursuant to Chapter 16 of Title 33, Arizona Revised Statutes.
4. No more than two (2) Flags may be flown at once.
5. Only one free standing flagpole per Lot is permitted. A Lot Owner may install the flagpole in the front yard or backyard of his or her Lot.
6. Prior to the installation of any flagpole, the Lot Owner must submit a written request to the Board, including specific plans detailing the height of the flagpole, the type, color, location, and method of installation of the flagpole. Plans for lighting the flag and flag pole must be included with the submittal for approval. When lighting is installed, all due care must be taken to use a fixture and bulb wattage that will not cause a nuisance to residents of neighboring lots.
7. The maximum height of a permanent, removable or freestanding flagpole shall be no higher than the height of the rooftop of the Lot Owner's Residence.
8. A flagpole must be set back no less than ten feet (10') from the boundary of the Owner's lot.
9. Wall mounted flagpoles shall be a maximum of 5 feet, with attaching brackets painted to match the mounted surface.

10. Flags and flagpoles must be maintained in excellent condition and in accordance with community standards and with the Federal Flag Code when applicable.
11. All Flags must be flown on a flagpole. Display of a Flag attached flat to a wall or window or hanging from eaves, garage door, fence, wall or gate is not permitted.
12. Any Flag, flagpole, chain, cable, rope or any other Flag or flagpole component that causes repeated, unnecessary noise so that it disturbs the peace and quiet of the neighborhood may be declared a nuisance by the Board. If declared a nuisance, the Lot Owner may be required to take corrective action to alleviate the nuisance.
13. The following additional restrictions shall apply to the display of Political Flags on a Lot:
  - a. Display of a Political Flag on a Lot shall be by a flagpole only, in accordance with the approval, installation and display requirements set forth above. No other methods of display for Political Flags shall be permitted.
  - b. No more than one Political Flag may be displayed on a Lot.
  - c. The size of a Political Flag may not exceed three (3) feet by five (5) feet.
  - d. Flags with political messages, meanings, and/or symbols other than those specifically and expressly supporting a candidate seeking election to public office are prohibited.
  - e. Political Flags may only be displayed seventy-one (71) days prior to a primary election and fifteen (15) days after the general election (unless the candidate does not advance to the general election, in which case the sign must be removed within fifteen (15) days after the primary election).

#### 2.13 Playground Equipment and Play and Tree Houses

No jungle gyms, swing sets, trampolines, tree houses, play houses or similar playground equipment or structures which would be visible from a neighboring property shall be erected or installed on any lot without the prior approval of the DRC. Any tree house or other playhouse structure (i) may not be larger than 8x8 feet of floor area; (ii) the architecture, construction materials, and exterior color(s) thereof must closely match that of the associated residence, (iii) must be constructed and oriented, or screened, so that it is not visible from street view and so as not to encroach upon the privacy of the residents of any adjacent lot; and (iv) may not be located closer than 5 feet from any side property line or closer than 5 feet from any rear property line unless appropriate screening is provided.



### 3. ARCHITECTURAL DESIGN STANDARDS

The following architectural standards have evolved in response to climatic and aesthetic considerations at North Slopes. It is the intent of these standards to evoke a synergistic response to the character of this high forest region, promoting environmentally sound designs, which are compatible with the natural landscape.

#### 3.1 Size

No single-family detached residence that contains less than 1,250 net livable square feet shall be constructed on any lot. No multi-family or attached residence shall be constructed on a lot. The term "net livable square feet" shall mean the area, measured in square feet, of the interior and enclosed living area of a single-family residence, excluding any garages and covered patios and balconies.

#### 3.2 Height

All residences at North Slopes shall have pitched roofs with a minimum pitch of four in twelve; except that up to 1/3 of the roof area of any residence may be flat. Ridgelines shall not exceed a height of 35 feet above the adjacent natural grade and flat roof parapets shall not exceed a height of 35 feet above the adjacent natural grade.

#### 3.3 Exterior Materials

Exterior materials must be natural materials that blend in with, and are compatible with, the native landscape as determined by the DRC.

Plywood siding is prohibited unless it can be demonstrated to the DRC that the specific proposed application will result in a finished appearance indistinguishable from an individual board, horizontal siding application.

Subject to DRC approval, stucco may be used only as an accent material; the use of stucco as the predominant exterior finish material of any structure is prohibited.

The use of metal siding, fiberglass siding, or composition asbestos siding is prohibited.

Concrete block stem walls shall be finished with a mortar wash and painted to match the structure.

The aesthetic merits of any combination of exterior materials are subject to review and approval by the DRC in order to maintain the architectural integrity and consistent visual experience of North Slopes.

#### 3.4 Roofs

All residences at North Slopes will have pitched roofs with the exception that up to 1/3 of the roof area may be flat.

The preferred roof material at North Slopes is thick butt 25 year architectural shingles. However, slate, flat concrete tiles, and non-reflective raised-seam metal roofs may be permitted subject to DRC approval. Final colors and materials are subject to the approval of the DRC. Wood shingles or shakes will NOT be permitted.

The use of asphalt roll roofing, any types of barrel or "S" tile, or reflective metal surfaces is prohibited.

Flat roofs must be finished with a colored aggregate ballast or cap sheet which matches the colors of the walls or other roof materials on the residence.

### 3.5 Exterior Colors

The color of exterior materials must blend with the natural colors of the forest as determined by the DRC. Earth tones are required for the exterior body of the residence, although harmonious accent colors, if used judiciously and with restraint, may be permitted by the DRC in its sole discretion. In no case will colors approaching the primary range (red, blue, and yellow) be permitted, nor will significant contrasts in value (light to dark) between the primary color and the accent color be allowed.

It is the intent of the DRC to preserve the appearance of the natural landscape and preclude the use of colors that would in its discretion appear out of place.

Any full repaint of the body, trim, or accent colors requires approval of the DRC prior to work commencing. Maintenance touch up using the identical color does not require approval. Any change or modification to the schemes or other requested colors must follow the guidelines below and be approved by the DRC:

- Colors should be subdued earth tones. The primary colors of red, blue and yellow are not allowed for body or trim selections.
- Colors must coordinate.
- Except as specifically otherwise approved by the DRC, it is preferred that the light reflectance value (LRV) for the main body color be between 20 LRV and 70 LRV with 40 points or less between the proposed body and trim colors.
- Except as specifically otherwise approved by the DRC, it is preferred that the trim colors have an LRV of 83 or less.
- Submittals must include a photo of the home's existing colors and must include a street view of the home to include the roof and landscape. Submittals must also include proposed paint sheen, LRVs, color, and a manufacturer's sample. Unless otherwise determined by the DRC the paint sheen for the body of the home must be satin. Requests to incorporate other sheens will be reviewed by the DRC on a case-by-case basis.

### 3.6 Windows and Skylights

The glass of windows and skylights must not be reflective, nor may their frames consist of reflective materials that are left unfinished. Aluminum window frames, which must be anodized or powder coated.

### 3.7 Building Projections

All projections from a residence or other structure, except fireplaces, eaves and roof overhangs, but including porches, railings and exterior stairways must be contained within the building envelope.

### 3.8 Extensions to Widths of Existing Driveways

Any width extensions to existing driveways require an application and written approval from the DRC. Applications must be accompanied by a site plan, drawn to scale, detailing the existing and new sitework and plantings (if applicable).

### 3.9 Garages

Garages accommodating at least two automobiles are required for each residence. Carports are prohibited. Outdoor storage of recreational vehicles, boats, trucks, motor homes or non-operable vehicles of any kind is prohibited.

### 3.10 Solar Applications

Passive solar design is encouraged; however, active type roof and/or grade mounted solar energy devices will be permitted if they are integrated into the structure or landscaping, and the installation is in accordance with the requirements of A.R.S. 33-1816 and any other applicable statutes:

An application and approval by the DRC is required prior to commencement of installation. It is the responsibility of the homeowner to verify permit requirements and obtain any required permits.

### 3.11 Changes to Existing Structures or Additional Construction

The DRC must review and approve all changes or additions to previously approved plans before any construction or installation work as to such changed elements is initiated.

## 4. DESIGN REVIEW PROCEDURE OF NEW CONSTRUCTION AND ADDITIONS

Plans and specifications shall be submitted to the DRC in accordance with the following schedule. The plans and specifications shall be submitted using an Application in the form as determined from time to time by the DRC and such other forms as determined appropriate by the DRC.

#### 4.1 Design Submittal

The following documents are to be submitted for review; no review will be commenced until the submittal is complete:

- A. A complete Site plan (scale 1" = 10') showing all improvements and with all front, rear and side setbacks noted.
- B. Floor plans (scale 1/4" or 1/8" = 1'), showing finished floor elevations.
- C. Roof plan (scale 1/4" or 1/8" = 1'), showing all roof pitches.
- D. Four elevations (scale 1/4" or 1/8" = 1'), showing the proposed structure from all four sides and a dimension for total height.
- E. Paint color and roof shingle samples, as well as any literature requested by the DRC depicting or describing exterior materials.
- F. On site staking of lot corners and building corners as well as any other improvements, if so requested by the DRC.

#### 4.2 Design Review

The DRC will meet to review the plans and render a written decision of record within 21 calendar days of receipt of the complete submittal. It is the owner's responsibility to contact NSHOA to verify the status of submittal prior to commencing work. The written approval of the final plan submittal will include notification to the owner that the approved plans, including approved amendments, are in compliance with Design Guidelines in effect at the time of the approval. The DRC may condition its approval on the owner furnishing a completion and repair bond or other security and/or a compliance deposit.

Any response an owner may wish to make regarding the results of a design review must be addressed to the DRC in writing.

#### 4.3 Re-Submittal of Plans

In the event of any disapproval by the DRC of final submittal, the re-submittal must follow the same procedures as the original submittal.

#### 4.4 Commencement and Completion of Construction

Upon completing the North Slopes design review process and receiving approval of the DRC, and having satisfied all of the requirements of the City of Flagstaff, the owner will have one year from the date of the DRC's approval in which to commence construction on the lot. If the owner fails to begin construction within one year of the original DRC approval date, all approvals previously received shall be deemed revoked.

The owner shall, in any event, complete the construction of any improvement on his lot within one year after commencing construction

thereof, except in cases where completion is rendered impossible, or would result in great hardship to the owner, due to labor union disputes, fires, national emergencies, or natural calamities as determined by the DRC.

The contractors retained by the owner to construct the improvement on the lot shall at all times comply with the Construction Regulations as adopted and amended from time to time by the DRC when working on the lot.

#### 4.5 Right to Complete

If the owner fails to comply with the completion deadline, the Association shall have the right, but not the obligation, to either have the exterior of the improvement completed in accordance with the approved plans or remove the improvement, with all expenses incurred in pursuing either such action to be reimbursed to the Association by the owner.

#### 4.6 Inspection of Work in Progress

The DRC will conduct at least two on-site formal inspections during construction for the purpose of determining compliance with the approved final plans and these Design Guidelines. Within ten business days after each of these formal reviews, the DRC will provide the owner, or the owner's agent, with a written report specifying deficiencies, violations, or unapproved variations (if any) from the approved final plans as amended or these Design Guidelines that have come to the attention of the DRC. The absence of any such inspection or notification during the construction period, does not constitute any approval by the DRC of work in progress or compliance with these Design Guidelines.

#### 4.7 Subsequent Changes

Additional substantive construction or other improvements to a residence or lot, or changes during construction or after the completion of an approved structure, must be submitted to the DRC for review and approval prior to commencing work on such changes or additions.

#### 4.8 Final Release

Upon completion of any new residence, addition, or other improvement, the owner shall give written notice of completion to the DRC. Within ten calendar days of receiving such notification, a representative of the DRC shall inspect the residence and/or other improvements for compliance. Within ten business days after such review, the DRC will provide the owner with a written report specifying deficiencies, violations or unapproved variations (if any) from the approved plans as amended, that have come to the attention of the DRC. If all improvements comply with these Design Guidelines, the DRC will issue written approval to the owner, constituting a final release of the improvements by the DRC.

If it is found that the work was not done in strict compliance with the approved plans and specifications, or any of these Design Guidelines, the DRC may issue written notice of noncompliance to the owner, specifying the particulars of noncompliance; said notice to be issued within ten calendar days of the final inspection. The owner shall have 30 calendar days from the date of the notice of noncompliance within which to remedy the noncomplying portions of the improvement.

#### 4.9 Non-waiver

The approval of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any provision of these Design Guidelines shall not constitute a waiver of such provision.

#### 4.10 Right of Waiver

The DRC reserves the right to waive or vary any of the procedures set forth herein at its discretion, for good cause shown.

#### 4.11 Severability

If any provision of these Design Guidelines, or any section, clause, sentence, phrase or word, or the application thereof in any circumstances is held invalid, the validity of the remainder of these Design Guidelines, and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances, shall not be affected thereby, and the remainder of these Design Guidelines shall be construed as if such invalid part were never included therein.

EXHIBIT A  
TO  
DESIGN GUIDELINES

CONSTRUCTION REGULATIONS

In order to ensure that the natural landscape of each Lot is preserved and the nuisances inherent in any construction process are kept to a minimum, the following regulations shall be enforced during the construction period of all improvements within the North Slopes Homeowners Association.

1. Construction Trailers

A construction trailer may not remain on a site for more than six months without the written approval of the Design Review Committee.

2. Trash Receptacles and Debris Removal

Owners and builders shall clean up all trash and debris at the end of each day; a trash receptacle must remain on the site at all times for this purpose to contain all lightweight materials or packaging. Trash receptacles must be emptied as needed at an appropriate off-site facility. Owners and builders are prohibited from dumping, burying, or burning trash anywhere in North Slopes. Heavy debris, such as broken stone, wood scraps, or the like must be removed from the site immediately by members of the craft discipline responsible for generating the debris.

During the construction period, each construction site shall be kept neat and shall be properly cleaned to prevent it from becoming a public eyesore or affecting other Lots, Common Areas, or open space. Any clean-up costs incurred by the Design Review Committee, or the Association in enforcing these requirements, shall be payable by the Owner. Dirt, mud, or debris resulting from activity on each construction site shall be promptly removed from public or private roads, open spaces, and driveways for other portions of North Slopes.

3. Sanitary Facilities

Each Owner or builder shall be responsible for providing adequate sanitary facilities for his/her construction workers. Portable toilets must be located within the building envelope.

4. Construction Access

The approved access drive will be the only construction access to any Lot. Anyone observed driving heavy equipment over curbs or sidewalks at any point, other than the approved access point, will be held responsible for any concrete breakage.

5. Construction Impact on Adjacent Lots

Construction crews will not store construction materials on, or otherwise use, neighboring Lots.

6. Vehicles and Parking Areas

Construction crews will not park on, or otherwise use, undeveloped portions of Lots, Common Areas or open space. Parking will be allowed on the street so long as it is not in front of an occupied residence. Changing oil or other vehicle maintenance is prohibited.

7. Conservation of Native Landscape

Protected trees must be marked and protected by fencing or barriers. The Design Review Committee shall have the right to flag major terrain features or plants which are to be fenced for protection. Any trees or branches removed during construction must be promptly cleaned up and removed from the construction site.

8. Fires and Flammable Materials

Careless disposition of cigarettes and other flammable materials, as well as the buildup of potentially flammable materials constituting a fire hazard, is prohibited. At least one ten (10) pound ABC-Rated Dry Chemical Fire Extinguisher shall be present and available in a conspicuous place on the construction site at all times. No fire of any type for any reason will be permitted on a construction site within the Association.

9. Pets

No pets, particularly dogs, may be brought onto the property and construction site, by any member of a construction crew.

10. Preservation of Property

The use of or transit over any other Lot, Common Area or amenity is prohibited.



### 11. Restoration of Property

Upon completion of construction, each Owner and builder shall clean his/her construction site and repair all property which has been damaged, including but not limited to, restoring grades, planting shrubs and trees as approved or required by the Design Review Committee, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

### 12. Construction Signage

Temporary construction signs shall be limited to one sign per site not to exceed six square feet of total surface area. The sign shall be free standing, not to exceed four feet in height above natural grade. Attachment of signs or similar materials to trees is strictly prohibited.

### 13. Daily Operation

Daily working hours for each construction site shall be from thirty minutes before sunrise to thirty minutes after sunset. Construction activity that generates excessive noise should be curtailed on Sunday of each week.

EXHIBIT B  
TO  
DESIGN GUIDELINES

DESIGN REVIEW COMMITTEE ORGANIZATION

1. Members

The Design Review Committee shall consist of three members. Each member shall hold his/her office, until such time as he/she has resigned or has been removed, or his/her successor has been appointed as set forth herein.

The right, from time to time, to appoint and remove all members of the Design Review Committee shall be reserved to the Board of Directors.

2. Resignation of Members

Any member of the Design Review Committee may, at any time, resign from the Design Review Committee upon written notice delivered to the Association.

3. Meetings

The Design Review Committee shall meet from time to time, as necessary, to properly perform its duties. The vote of a majority of the members shall constitute an act by the Design Review Committee.

The Design Review Committee shall keep on file all submittals and copies of all written responses to Owners, to serve as a record of all actions taken.

4. Compensation

The members of the Design Review Committee shall not receive any compensation for any services rendered; however, all members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of their duties. Professional consultants and representatives of the Design Review Committee retained for assistance in the review process shall be paid such compensation as the Design Review Committee determines.

5. Non-liability

Neither the Design Review Committee, nor any member thereof, shall be liable to the Association or to any Owner or other person for any loss or damage claimed in account of any of the following:

- i. The approval or disapproval of any plans, drawings, and specifications, whether or not defective.

- ii. The construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications.
- iii. The development, or manner of development, of any property within North Slopes.

Every Owner or other person, by submission of plans and specifications to the Design Review Committee for approval, agrees that he will not bring any action or suit against the Design Review Committee, any of its members, or the Declarant, regarding any action taken by the Design Review Committee.

Approval by the Design Review Committee of any improvement at North Slopes only refers to the North Slopes Design Guidelines and CC&Rs and in no way implies conformance with local government regulations. It shall be the sole responsibility of the Owner to comply with all applicable government ordinances or regulations, including but not limited to zoning ordinances and local building codes.

#### 6. Enforcement

The Design Review Committee may, at any time, inspect a Lot or improvement and, upon discovering a violation of these Design Guidelines provide a written notice of noncompliance to the Owner, including a reasonable time limit within which to correct the violation. If an Owner fails to comply within this time period, the Design Review Committee or its authorized agents may, but is not obligated to, enter the Lot and correct the violation at the expense of the Owner of such Lot; said expenses to be secured by a lien upon such Lot enforceable in accordance with the Declaration.

EXHIBIT C  
TO  
DESIGN GUIDELINES

Applications:

Exterior Finish Application  
Plan Review Submittal Application  
Exterior Change Submittal Application