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## Construction Rules

### 1. Site Committee

The nature and purpose of the Teton Pines Site Committee and the requirements for its performance are defined by the *CC&Rs*. The requirements are to generally ensure the quality and compatible nature and appearance of all construction at Teton Pines, to ensure that incompatible development does not occur, and to thereby protect the property values of Owners.

Following are restated versions of some Site Committee methods, objectives, and requirements. Also presented are additional requirements which have been proposed, ratified, and adopted by the Board of Directors.

### 2. Appointment and Configuration

The Site Committee shall consist of up to five persons appointed by the Board of Directors for two year terms. Ownership of a residence site shall be preferred, but not necessarily required, for membership on the Site Committee. For example, a non-Owner architect or a building contractor may be a worthwhile member of the Committee. At their discretion, the TPOA Directors may serve as the Site Committee.

The Site Committee shall adopt such rules and standards as it deems appropriate for the conduct of its business of ensuring construction quality and compatibility.

### 3. Meetings and Records

The Site Committee shall meet on a regular schedule set in its discretion. The Management Company shall maintain a comprehensive file record of all Site Committee meeting documents.

### 4. Requirement for Development Permits

The Site Committee discharges its responsibilities by requiring that all construction or development of any kind, including remodeling, exterior facility additions, and landscape development or change, be formally reviewed and approved.

Minor landscaping changes such as the addition of flowers, shrubs, and trees shall not require Site Committee approval if such changes are conventional and normal and generally consistent and compatible with the Teton Pines environment. Additions to residences such as exterior lights, exterior hot

tubs, and children's playground equipment or similar facilities shall be considered remodeling which requires approval. The Owner of a residence site for which construction or development approval is being sought shall apply for approval by submitting an *Application for Residential Development* to the Site Committee. See the Forms Section of the TPOA Website; TPOA Form C-001, Application for Residential Development. The Owner's representative, such as an architect or construction company may also apply on behalf of an Owner, but the Owner shall be responsible for ensuring compliance with the requirements herein.

Owners are encouraged to meet informally with the Site Committee to discuss their development plans before submitting their *Application*.

The *Application* form shall be filled out, signed by the applicant Owner, and any parties representing the Owner, and shall be delivered to the Chairman of the Site Committee with appropriate plans and specifications as described below. No construction shall occur on a residence site until the *Application* has been formally approved by the Site Committee. It is recommended that Owners submit preliminary information and meet with the Site Committee for informal discussions and feedback well in advance of the formal application.

On receipt of the Application, the Site Committee shall review the development plan against its approval criteria. Approval shall be subject to any conditions or modifications which the Committee deems appropriate. Approval for residential development by the Site Committee is independent of approval and the issuance of a building permit by Teton County.

Applications shall be reviewed as expeditiously as possible.

Upon completion of the *Application* review, the Committee will respond to the applicant Owner, indicating either approval or disapproval. Approval will be indicated on the returned copy of the *Application*. Disapproval will also be indicated on a returned copy of the *Application* and will be accompanied by a list of the reasons approval was not granted. If the application is denied, the construction site maintenance deposit will also be returned. If the application is

approved, the deposit will be retained until construction is completed. See paragraph, *Forfeiture of Construction Site Deposit*, at the end of this section.

Owner applicants who are denied development approval may make changes to their development plan and reapply without limitation.

Once a development plan has been approved and notice of approval has been given, all changes, additions, or deletions from the approved plan must also be submitted for review and approval, including any design changes that occur during the construction process. All approved projects must commence within 12 months of the date of approval of the ARD; any project commencing after this date requires submission of a new ARD. TPOA will return the full amount of the applicant's Site Deposit at the end of the 12 month period less any expenses incurred by the Committee in reviewing the ARD.

Neither the Association nor the Site Committee accepts any responsibility or liability for the design or construction associated with its approval of residential development.

## **5. Application for Approval of New Residence Construction or Remodeling**

Owners planning construction or remodeling of Clusters or Estate residences at Teton Pines shall submit to the TPOA Site Committee a TPOA Application for Residential Development form (ARD) accompanied by a set of architectural drawings and a Site Deposit. See the Forms Section of the TPOA Website; TPOA Form C-001, Application for Residential Development. The amount of the Site Deposit shall be \$20,000 for new residence construction, and a lesser amount for remodeling, depending on the scope of construction as determined by the Site Committee on a case-by-case basis. In the case of new construction or major remodeling, \$15,000 of the deposit shall be refunded on completion of the project. The balance shall be retained by TPOA as compensation for infrastructure maintenance, ARD processing, and regular monitoring and inspection of the project by the TPOA Service Company and Community Patrol.

In preparing the ARD the Owner shall enter a "Begin Date" and an "End Date" for the project to ensure completion of construction within a reasonable period of time, thereby minimizing the neighborhood disruption that construction always imposes. The Committee shall approve these dates and shall have the option of levying fines against the refundable portion of the Site Deposit if construction extends beyond the "End Date." All construction projects shall be completed within one year, but the Committee shall have the option of extending this period to 22 months because of weather delays, the unusual scope or complexity of a given project or other factors the Committee may take into account in its discretion.

Owners shall obtain a copy of the two-sided ARD form from the TPOA Website. See the Forms Section; TPOA Form C-001, Application for Residential Development. The gray-filled areas of the form are for Site Committee completion and shall therefore be left blank.

The architectural drawings required by the Site Committee are listed on the ARD form. The nature and content of the site plan, floor plans, and elevations shall be the standard used by the project architect. The content of the Site Staging Plan is described in the Conditions of Approval on the back of the ARD form. The landscape and irrigation plans may vary in accordance with the architect's or landscaper's preferences. The Teton County Building Permit number should be indicated, if known, but it is not essential for Site Committee review and approval. Samples of construction materials are not required, provided the type, color, and number or description are presented on the form, such as "cedar shake shingles," "Oakley Stone," "red cedar siding," etc.

Submission of the landscape and irrigation plan can be deferred until construction of the residence building is nearing completion, but Committee approval must be granted before landscaping commences.

The back of the ARD form must be signed by the Teton Pines Lot owner, the builder, and the landscaper to acknowledge that they have read and understood the Conditions of Construction Project Approval listed on the form. If the builder or landscaper repeatedly fails to comply with these

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Conditions during the project, TPOA may levy fines against the refundable portion of the Site Deposit.

On completion of construction, landscaping and irrigation, the Owner should submit to TPOA a completed TPOA Application for Site Deposit Refund form (ADR). See the Forms Section of the TPOA Website; TPOA Form C-002. This will initiate a final inspection of the residence and its landscaping and irrigation by the TPOA Service Company to ensure conformity with the approved plans and applicable TPOA requirements. On completion of a satisfactory final inspection, the refundable portion of the Site Deposit indicated on the ARD form will be sent to the Owner by the Service Company.

**6. Application for Approval of Maintenance and/or Repair Work**

Owners planning maintenance and/or repair work shall submit an ARD along with a Site Staging Plan to the Site Committee if a dumpster and/or portable toilet is going to be on site.

**7. Construction Site Deposit**

The *Application* shall be accompanied by a construction site maintenance deposit payable to the Association. The amount of the deposit varies according to the scope of work being done. All new construction has a deposit of \$20,000 with \$5,000 plus any fines being non-refundable. The required deposit may be reduced or eliminated at the discretion of the Site Committee or the Board of Directors in cases of minor development projects where a deposit would be unreasonable, and in other similar situations. The Site Deposit is subject to change if the scope of the project changes. The deposit is held by the Association as a monetary incentive to the Owner and/or his representatives to conduct their residential development in conformity with the Community Rules. See the paragraph, *Forfeiture of Construction Site Deposit*, at the end of this section.

**8. Development Plans and Specifications**

A suitable set of plans and specifications for any proposed residence site improvement or alteration shall be submitted to the Site Committee with the *Application*. Such plans and specifications shall have been prepared by an experienced and currently licensed architect. Sufficient information shall be included to demonstrate compliance with all of the *CC&Rs*.

Drawings submitted to the Site Committee with an Application for Residential Development (ARD) shall meet

currently accepted architectural drafting standards and shall include a minimum of the following plan depictions and information:

- a. Site Plan showing site borders, adjacent site borders, construction setbacks, open space setbacks, waterway setbacks, roads, waterways, bridges, and TPOA lot building envelope, if any.
- b. Site Staging Plan showing site locations for worker vehicles, construction equipment, trailers, materials storage, trash containers, portable toilets, soil piles, and winter snow storage.
- c. Upper and Lower Level Floor Plans showing all major features including rooms, garages, stairways, elevators, fireplaces, doors, and windows. All dimensions shall be shown on floor plans.
- d. Building Elevations from all exterior sides with schedules of all exterior materials and specifications, colors and locations. All exterior lighting is to be shown on plans and must be accompanied by a light cut sheet. All dimensions shall be shown on elevations
- e. Roof Plan with a schedule of all roof materials and colors.
- f. Landscaping Plan showing all trees, shrubs, rocks, ponds and yard decor with a schedule of types or models and sizes; with an irrigation system plan showing all lines, valves, sprinkler heads, control timers and related. The landscape plan shall list the size, quantity and species of all proposed plants, ground cover for planting beds and all materials for patios, walkways, terraces, decks, retaining walls and any other proposed landscaping features.

The Site Committee shall retain one set of plans and specifications along with the original of the *Application*.

## 9. Clusters Residence Design Requirements

All residences shall conform to the architectural styles embodied in the 11 original Clusters models A through K established by the original Teton Pines Developer. Copies of the architectural drawings depicting the original Clusters models are available on request from the TPOA Service

Company. Conformity to the original Clusters designs shall include features such as exterior roof pitches and overhangs, exterior column, beam, and deck configurations, window configurations, exterior colors, and all other features that constitute the family-type exterior Clusters appearance.

The 80' x 80' Clusters lot lines shall constitute the building envelope, and the main structure (foundation, main walls, etc.) may extend to the limits of the envelope.

The main structures of Clusters residences on adjacent Clusters lots shall be separated by 20'-0" minimum.

In cases where it is desirable to locate a standard Clusters residence with the main structure on one or more of the Clusters lot lines, upper level Clusters features such as roof eaves and upper deck floor extensions may overhang the building envelope onto TPOA Common Ground a modest amount with TPOA Site Committee approval on a case-by-case basis. Such overhang approvals constitute implied easements.

All driveways for access to Clusters garages must cross TPOA Common Ground to intersect Teton Pines main roads. Approval of such driveways is automatic and it constitutes implied easements on the Common Ground.

Interior floor plans and interior features of Clusters residences may be modified at will, but exterior feature deviations from the original Clusters designs shall require approval in advance by the TPOA Site Committee on a case-by-case basis. The Committee shall ensure that the Clusters family appearance is reasonably preserved.

Unless approved otherwise by the TPOA Site Committee, Clusters exteriors shall include the following exterior features in conformity with those shown on the original Clusters designs:

- Siding type, size, material and style.
- Roof material.
- Roof pitches, thicknesses, projections and overhangs.
- Roof gables, dormers and monitors.
- Outrigger roof-bearing columns

- Exposed columns and beams.
- Upper and lower building projections.
- Chimney columns and caps.
- Window shapes and styles.
- Deck and stairway configurations.
- Deck and stairway railings.
- Garage doors.
- Light fixtures.

**10. Clusters Residence  
Approved Exterior  
Paint Colors**

Teton Pines Gray New Formula as of October 2012:

Sherwin Williams Paint Company semi-solid stain:

1. CTL No. 50382
2. REX A15W00051
3. SZ 16

**11. Clusters Residence  
Driveways**

All 80' x 80' Teton Pines Clusters lots are surrounded by Common Ground. Therefore, garage driveways must cross Common Ground to connect to the Teton Pines roads that provide access to the lots.

All Clusters driveways shall be limited to two-lane width and shall be located and oriented to cross as little Common Ground as possible to connect to adjacent cul-de-sac roads only, and not to main roads, whenever possible.

Examples of main roads are Teton Pines Drive and Timbers Place. Examples of cul-de-sac roads are Fairways East, Fairways West, Alderwood Lane, and similar. See the Teton Pines map on the website.

All exterior parking or turn-around areas of Clusters driveways shall be located within the 80' x 80' lot borders or the driveway leading to the cul-de-sac access road.

Exceptions to the foregoing for good cause may be made on a case-by-case basis by the TPOA Site Committee.

**12. Construction  
Requirements  
and Features**

Owners shall give particular attention to the following specific construction requirements and features applicable to all construction at Teton Pines:

a. Authorized Structures

No structure or improvement shall be constructed, placed or maintained on or under any residence site, except one single family residence, garage facilities, and related underground utilities, all in compliance with the design guidelines of the Site Committee which are in effect at the time.

All garages shall be attached to the main residence unless the Site Committee specifically determines that a detached garage is acceptable.

No pre-cut, pre-fabricated, or modular structures of any kind shall be permitted for residence or other structures.

b. Building Envelopes, Height, Set-backs, and Areas

The main body of the buildings shall be constructed within a contiguous building envelope area on a residence site, as designated on the official plat drawings. No development shall be permitted, without approval of the Site Committee, on any site outside of the building envelope except for access driveways, utility installations, and landscaping.

Changes to building envelope size or location is specifically discouraged, but may be approved in special circumstances. For example, an Owner of two adjacent sites may be granted approval to construct a residence in a newly proposed building envelope which is located in the average position of the two envelopes originally designated for the sites.

No residences shall be greater than 30 feet in height. Height shall be measured from the lowest existing grade to the highest point of the roof structure, but shall not include chimneys, vents, or antennas.

All residences shall have a minimum floor area of 2,500 square feet and in conformity with Teton County regulations a maximum habitable floor area of 8,000 square feet, excluding non-habitable area such as the garage, and garage-equivalent areas such as equipment rooms and store rooms; such non-habitable areas may

have a total floor area maximum of 2,000 square feet. Maximum square footage of any home may total no more than 10,000 square feet. Regardless of County regulations, the Site Committee maintains full control over all aspects of home design within Teton Pines.

The building envelopes and similar requirements for residence sites (other than driveways, utility installations and similar improvements) are as follows:

**Estate Sites:**

- 20 foot setback from all site lines (minimum).
- 25 foot setback from Dedicated Open Space.
- Adherence to all standard Teton County setback regulations.
- 25 foot front yard setback.
- 25 foot back yard setback.
- 5 foot setback from edge of site for driveways.
- Designated building envelopes cannot be moved or shifted without the written consent of the Site Committee and contiguous property Owners, and change to the building envelopes shall be approved only in extraordinary situations.

**Cluster Sites:**

- 20 foot minimum separation of between buildings.
- 10 foot setbacks from abutting sites, standard.
- 25 foot setback from Dedicated Open Space.

c. Roof Construction

The roofs of all structures shall be constructed of wood shakes or materials equivalent in nature and appearance. All roof materials shall be specifically approved by the Site Committee.

d. Fences

Fences shall be discouraged on residence sites unless approved by the Site Committee for special circumstances.

e. Utilities

Connections from residence sites to the underground utility sources shall be underground.

f. Temporary Structures for Construction

All temporary structures, such as trailers, tents, shacks, or other similar buildings, proposed for interim construction use on any residence site must be specifically approved by the Site Committee.

g. Wood Burning Stoves

The size and nature of wood burning stoves and fireplaces to be installed in any structure shall meet Teton County codes and shall be specifically approved by the Site Committee.

h. Exterior Lights

Pursuant to Community Rules Section 31, Owners shall not install or operate any lights on their residence site or the appurtenant Common Areas which emit or reflect light which is unreasonably bright or causes unreasonable glare for any adjacent or nearby Owners. Whether lights are unreasonably bright or cause unreasonable glare is in the sole discretion of the TPOA Board, Site Committee, or Service Company.

All exterior lights, at a minimum, shall conform to the Teton County Land Development Regulation 49370 which states (1) that outdoor light fixtures shall have a total cut-off of light at an angle less than 90 degrees and shall be located so that the bare bulb, lamp, or light source is completely shielded from direct view from a vantage point 5 feet above the ground at the perimeter of the lighted area, and (2) that the maximum height of any exterior light above the ground shall be 15 feet and (3) maximum illumination as specified in the Regulation.

i. Exterior Colors

Exterior colors shall be earth tones appropriate for a rustic mountain environment and compatible with the established trends at Teton Pines. Clusters residences shall be finished in the approved Clusters color, Teton Pines Gray new formula (see Construction Rule #10 or

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Community Rule #17 for exact formula and manufacturer).

### 13. Residence Design Guidelines

In addition to the building limitations and restrictions presented in the *CC&Rs* and herein, the Site Committee has adopted the following general design guidelines pertaining to residences. Owners and their architects should give careful consideration to these guidelines and seek to incorporate them into their residence designs.

#### a. Construction Site Design

The first floor of all homes shall be constructed at a minimum of 18 inches above existing grade to allow for adequate site drainage around homes.

Site drainage shall be carefully managed on each site to avoid problems for other site Owners or adjacent uses. Special attention shall be given to drainage of impermeable surfaces to prevent accumulations of standing water which could be damaging, hazardous, or unsightly.

All driveway approaches from the roadway edge to the edge of the roadway easement shall be permanent paving materials such as concrete or asphalt. These materials should also be used for walks and drives.

Residential house numbers shall be displayed in a way that is approved by the Site Committee (see Community Rule #31).

#### b. Landscaping Design

The approved landscape theme for Teton Pines includes manicured areas (lawns, shrubs, trees, automatic irrigation, etc.) and areas with a more natural theme (preserved treed areas, wildflowers, etc.) All landscape areas shall be of the manicured type except for areas of existing trees and on islands or contained areas where the more natural theme may be preserved.

Waterways may be modified to a reasonable degree as a part of a landscaping design, provided the flow of water through the Property is in no way affected by the modification. For example, the path of a stream may be

changed slightly, or a stream may be widened to form a pond, provided the flow through the stream or pond is not changed.

#### 14. Clusters Residence Basic Landscaping Requirements for Construction of New Clusters Homes

The following are the minimum requirements for landscaping of Clusters residences at Teton Pines:

##### I. Driveways

- A. 12" of pit run base compacted to 95%.
- B. 3" of ¾" minus cushion gravel:
  1. Crown for drainage and/or
  2. Slope minimum of 1% drainage.
- C. 2" asphaltic concrete final surface with minimum drainage of 1%.
- D. 4" PVC schedule 40 sleeves to be placed 2' beyond concrete parking pad/sidewalk. Drives in excess of 40' long to include sleeve at mid-point of drive. All sleeves to be 18" deep.
- E. Layout to accommodate backing/turning movements minimum drive width of 12'-0".

##### II. Site Grading/Topsoiling

- A. Site grade local gravel and soil materials for uniformity and surface drainage.
  1. Within 10' of building provide a minimum of 3% drainage away from foundations.
  2. Beyond 10' of building provide a minimum of 1" drainage.
  3. Provide rock sump – French drains as necessary.  
Wet areas or surface ponding will not be accepted.
- B. Clean, clod free loam topsoil 6" minimum depth to be provided for all lawn areas, and 10" minimum depth for all shrub beds. Topsoil elevation to be 4" below siding and graded to above standards.
- C. Average area of 11,700 square feet to be graded and topsoiled per Clusters residence and proportionate share of common area.

##### III. Automatic Irrigation

- A. Automatic sprinkler system for shrub bed and lawn areas to consist of polyethylene pipe, stainless steel clamps, Hunter sprinkler heads, control valves, solid state controllers.
- B. Contractor to provide Owner's representative with schematic design and specifications for review prior to

installation. Installation to occur only after written approval from Owner's representative.

- C. Average area of 11,700 square feet to be provided with automatic irrigation per Clusters residence and proportionate share to common area.
- D. Locally placed 2" irrigation water supplies are provided. See Owner's representative for specific locations.
- E. Irrigations controller (clocks) to be located within exterior utility cupboards on Clusters residence. Location to be approved by Owner's representative.

#### IV. Landscape Requirements for New Clusters Home Construction:

- A. Shrub bed edging to be 1/8" x 4" steel with 12" stakes spaced at a minimum of 5' on center or as necessary to maintain smooth flowing curves and tangents. Top of edging to be 1" above finished sod and 3" above shrub bed soil or 1" above wood bark mulch. 310 LF of edging to be provided and installed per Clusters residence.
- B. Mulch for shrub bed areas to be premium-medium texture pine bark mulch, 2" deep, spread in a smooth surface 1" below edging and 2" below wood siding on homes, in a weed free condition. 4,200 square feet of mulched area to be provided and installed per Clusters residence.
- C. Sod to be blue grass mix to be laid on smoothly graded topsoil base with a minimum of 4" 6" tilled/loose soil underneath and adequate surface drainage to provide run off and no puddling or problem wet areas with normal irrigation. 7,500 square feet of sod to be provided and installed per Clusters residence and for proportionate share of common area.

#### V. Trees/Shrubs

- A. Trees and shrubs to meet all American Association of Nurserymen standards and planted in topsoil pockets a minimum of 1 1/2 times the size of the root ball or plant container. All transportation banding shall be removed from trees immediately following planting.
- B. Mag Amp fertilizer, or approved equal, to be used for all trees and shrubs according to manufacturer's specifications.
- C. Tree/Shrub Schedule for each new Clusters residence

must be approved by submitting an ARD with Landscaping Plans.

- D. All trees or shrubs shall be located a minimum of 5'-0" away from the edges of all roads and driveways subject to snow removal in winter.
- E. Owner's representative to locate tree and shrub planting locations.

#### VI. Inspections

- A. Landscaping placement, landscaping related site drainage, sprinkler systems, and sprinkler controllers to be inspected before and after landscaping by the Service Company currently retained by the Teton Pines Owners Association.

**15. Construction Process** The following construction process requirements shall be observed and enforced by Owners and their construction companies:

- a. Construction companies shall notify adjacent (contiguous) residence site Owners of proposed construction activities at least 30 days prior to commencement of construction.
- b. Written permission from the Site Committee shall be required for the placement and location of a construction office trailer or temporary office type building. The esthetic quality of such facilities shall be carefully considered by the Site Committee.
- c. Construction sites shall be kept clean and orderly at all times and in full conformity with applicable Community Rules. To the maximum extent possible, all worker's vehicles shall be parked off of roadways. Trash and debris shall be kept in suitable containers, and construction materials shall be neatly stacked on the site or adjacent Common Areas. Roadways used by construction company vehicles such as dump trucks and tractors shall be promptly cleared of any rocks, dirt, or debris produced or left by their use.

Snow removal of driveways and walkways shall be maintained by the contractor for the duration of the construction project. Upon completion of the project,

the Service Company will do a thorough inspection of the driveways and walkways to ensure they are clear of debris, tools, and/or any other materials that could cause damage to their snow removal equipment.

The construction company shall regularly inspect the site and access roadways, and shall perform whatever clean-up and maintenance is necessary to restore these areas to a clean, orderly, and sightly condition.

The construction company shall respond immediately to any notice received from the Service Company, the Board of Directors, or the Site Committee that the condition of a site is not in conformity with applicable Community Rules or the requirements herein.

Trash and construction materials shall not be stored on other residence sites without the consent of the other site Owner.

- d. All construction shall be completed within one year from the commencement date of construction, unless the Site Committee, in its sole discretion, approves an extension for good cause, not to exceed ten months in length.
- e. Access to construction sites, site and work conditions, temporary structures, hours of operation, and scheduling of construction work shall at all times be subject to the Community Rules and regulation by the Site Committee and the Board of Directors.
- f. When construction is completed, all Common Areas and adjacent sites affected by the construction shall be fully restored to their previous condition.

## 16. Maintenance of Construction Sites

Prior to commencement of the construction project, the Owner-Applicant shall meet with his Builder to make him thoroughly aware of the Conditions of Approval stated below and shall require that the Builder meet with all Sub-Contractors to make them aware of these Conditions.

- a. On a case-by-case basis at the sole discretion of the TPOA Directors, charges for construction site-related maintenance that TPOA is forced to perform, and/or fines for violations of these Condition of Approval or any of the

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TPOA Community Rules, shall be determined and periodically charged by TPOA against the balance of the Refundable Construction Site Deposit, with subsequent notice of such charges presented in writing to the Owner-Applicant.

- b. Any changes to the configuration of the structure(s) or landscaping shown on the construction and/or landscaping drawings submitted with the Application for Residential Development (ARD) which affect the exterior appearance of the structure(s) or landscaping in the project must be approved by the TPOA Site Committee.
- c. On completion of any foundation forms, and prior to completion of any foundation structures for the project, the Owner-Applicant shall submit to TPOA a written statement from a licensed independent engineer or surveyor certifying that the foundation structure(s) is in the location shown on the construction drawings that were submitted to, and approved by, the TPOA Site Committee.
- d. Samples or detailed descriptions of all visible exterior construction materials not already submitted with the Application of Residential Development (ARD) and approved by the TPOA Site Committee shall be submitted to the TPOA Site Committee for approval prior to use.
- e. If landscaping is a part of the project, a formal landscaping and irrigation plan shall be submitted to the TPOA Site Committee for approval prior to the commencement of any landscaping work.
- f. All landscaping shall be performed in accordance with ANLA landscaping standards. Landscaping placement and techniques, landscaping-related site drainage, sprinkling systems, and sprinkler controls must be inspected and approved by a designated representative of the Service Company currently retained by TPOA for landscape maintenance and snow removal services.
- g. Construction working hours shall be from 7:00 a.m. to 7:00 p.m. No construction activities shall be permitted on weekends, Thanksgiving, Christmas or New Year's Day. Exceptions may be made with prior approval from the Site Committee – see Community Rule #18.

- h. All construction activities for the project shall be conducted in a manner which is minimally disruptive and unsightly to the neighborhood environment. The construction site shall be kept in a clean and orderly condition and shall have a professional well-maintained appearance at all times. Vehicles shall be parked in the approved locations on the project's Site Staging Plan in a consistent, logical, and orderly manner. Construction materials shall be stored neatly and covered at all times. All trash and debris shall be kept in suitable wind-resistant covered containers, and shall be disposed of off-site regularly. The Builder shall ensure that roads next to the construction site are kept clean and free of mud and debris at all times, and shall implement an end-of-day clean up program to ensure that the foregoing is accomplished. The Builder shall be responsible for all snow removal required on site.
- i. The location of all vehicles, equipment, and materials associated with the project shall be in accordance with the Site Staging Plan submitted with the Application for Residential Development (ARD) and approved by the TPOA Site Committee. Attention shall be given at all times to ensuring that worker vehicles, trailers, trash containers, portable toilets, construction materials, soil piles, and snow storage during winter are always located in accordance with the approved Plan. There shall be no overnight worker vehicle parking.
- j. If the use of TPOA Common Ground or vacant Teton Pines residential sites is proposed by the Site Staging Plan submitted with the Application for Residential Development (ARD), and if such use has been approved by TPOA, and has been approved in writing by the Owners of the proposed vacant sites, such property shall be fully restored to its original clean natural condition on completion of construction.
- k. The Builder shall apply to the construction site in areas of ingress and egress adjacent to Teton Pines roads a layer of coarse gravel of adequate width and depth and with sufficient texture to minimize tracking of mud onto the roads by vehicles and equipment entering and leaving the site.

- l. There shall be no parking on the Teton Pines main roads of vehicles or equipment associated with the project. Vehicles and equipment parked in approved areas on construction sites adjacent to the main roads shall be located a minimum of 5 feet away from the edges of the roads.
- m. Temporary parking of vehicles for loading and unloading of equipment and materials required for the project shall be allowed on the main roads for periods up to two hours, provided such parking does not block traffic on the roads where such parking occurs. If essential for project efficiency, longer periods of temporary parking of such vehicles may be approved by the on-duty TPOA Community Patrol employee.
- n. No unusable construction materials, natural scrap material or related debris such as unusable rock and/or soil, dead trees and/or tree branches, field grasses, or sod shall be accumulated on the construction site.
- o. Radios and other similar devices at the construction site shall be discouraged and shall be prohibited if complaints occur.
- p. Dogs or other pets owned by construction personnel shall be allowed only if they are kept within a vehicle or truck bed and shall not be allowed on construction sites, roads, Common Areas, or residence sites, except when walking the pet on leash to relieve itself. See Community Rule #18.

(See the Forms Section; TPOA Form C-001, Application for Residential Development – Conditions of Construction Project Approval.)

#### **17. Forfeiture of Construction Site Deposit**

If Owners and their construction companies fail to comply with the applicable Community Rules or the requirements presented herein relative to construction sites, they shall be subject to charges against, or forfeiture of, the construction site maintenance deposit at the discretion of the Board of Directors and/or the Site Committee. For example, if a construction site is not kept clean and orderly, and the Service Company is required to perform cleaning or other

maintenance services to provide conformity with the applicable Community Rules and requirements herein, the cost of these services may be deducted from the construction site maintenance deposit.

The construction site maintenance deposit, less any charges or forfeiture applied by the Board of Directors and/or the Site Committee, shall be returned to the Owner or his representative on notification of completion of all construction.

## **18. Common Ground Landscaping**

Owners who desire to landscape Common Ground shall submit a landscaping plan and an Application for Residential Development (ARD) to the Site Committee. Under no circumstance shall an Owner disturb or alter Common Area (Common Ground) without prior written permission from the Service Company or the Board. Failure to follow this Rule shall subject such Owner to such fines and other penalties as determined appropriate by the Board, in its sole discretion. Please refer to Community Rule #37.

If the landscape plan includes any vegetation not listed in the Association's palette described in Clusters Residence Basic Landscaping Requirements (BLR), for example flowers and groundcover, the ARD shall include a written pledge of the Owner to maintain the landscaped Common Ground at Owner's expense, in accordance with Service Standards.

In conjunction with the Service Company, the Site Committee shall review the landscaping plan and ARD. Should the Site Committee approve the ARD, the approval will specify the amount of a deposit the Owner must post with the Association. The deposit will include a refundable portion held as an incentive for the Owner and his representatives to abide by the Community Rules when carrying out construction of the landscaping.

A second portion of the deposit is not refundable to the Owner. If the Owner fails to maintain the landscaping to Community Standards, in the discretion of the Site Committee the Service Company shall continue to maintain it or may remove it and restore the Common Ground to its original condition, at the expense of the Association.

Following change of ownership of the home, if a subsequent Owner fails to maintain the landscaping in accordance with Community Standards, the Site Committee may in its discretion direct the Service Company to remove it and restore the Common Ground to its original condition, making use of the funds deposited at the time of approval of this ARD to cover the Association's expenses for removal and restoration.