

TRES VALLES WEST OWNERS ASSOCIATION RULES AND REGULATIONS

ADOPTED ON 8/03/2024

Amendments

These Rules and Regulations, which may be amended from time to time, shall be treated and considered as a comprehensive regulation governing the operations and functions of the Tres Valles West Owners Association. The Board reserves the right to adopt additional Operating Procedures and Rules and Regulations concerning matters not covered herein as and when appropriate, as determined by the Board.

Pursuant to the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions of Tres Valles West (“Declaration”) and the Amended and Restated Bylaws of Tres Valles West Owners Association (“Bylaws”), the Board of Directors, with the affirmative vote of the Members as required in the Bylaws, has adopted the following Rules and Regulations to govern the use and enjoyment of the Tres Valles West Community.

This revision supersedes and replaces all previous versions of the “Tres Valles West Owners Association Rules and Regulations.

Except as set forth in ARTICLE 1, SECTION 1, Item 1.4 below, any term specifically defined in the Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Tres Valles West shall have the same meaning herein.

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ARTICLE 1.0 TRES VALLES WEST WATER SYSTEM RULES &
REGULATIONS

SECTION I. GENERAL - EXPLANATORY MATERIAL

1.1 Scope. These Rules and Regulations, as the same may be amended from time to time, shall be treated and considered as a comprehensive regulation, governing the operations and functions of the Tres Valles West Owners Association. The Association reserves the right to adopt additional rules and regulations concerning matters not covered herein as and when appropriate, in the opinion of the Association.

1.2 Authority. These Rules and Regulations are adopted in accordance with Section 7.1(b) of the Amended and Restated Bylaws of Tres Valles West Owners Association.

1.3 Policy and Purpose. The purpose of these Rules and Regulations is to document the rules and regulations that all property owners within the Tres Valles West community must abide by. This includes control, management and operation of the water supply and distribution system of the Tres Valles West Water System, including additions, extensions and Connections.

1.4 Definitions. In supplement of the definitions provided for in the (i) Second Amended and Restated Declaration of Covenants of Tres Valles West, and (ii) Amended and Restated Bylaws of Tres Valles West Owners Association, the following terms shall have the meaning set forth below, unless the context requires otherwise:

- a. **Collections Policy** shall mean the Tres Valles West Owners Association's Policy and Procedures for Collection of Unpaid Assessment. For purposes of the Tres Valles West Water System Rules and Regulations only, all amounts due thereunder shall be considered to be an unpaid assessment for the purposes of the Collections Policy.
- b. **Constructor** shall mean any person, corporation, partnership, association, public entity or firm desiring to have constructed and extension of or to the Tres Valles West Water System.
- c. **Contractor** shall mean any person, firm or corporation performing work and/or furnishing materials with respect to any part of the Tres Valles West Water System.
- d. **Customer** shall mean any person, company, corporation or governmental authority or agency authorized to use the Tres Valles West Water System under a Permit issued by the Board.
- e. **Delivery Point** shall mean the downstream outlet of the check valve in the metering facilities providing service to a Lot.
- f. **Single Family Unit** shall mean a free-standing living unit located on a separate and distinct parcel or ground containing only that unit.
- g. **Tres Valles** shall mean the Tres Valles West subdivision as approved by the Huerfano County, Colorado Board of County Commissioners.
- h. **Tres Valles West Water System** shall mean that water system serving Tres Valles.

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- i. **Unit** shall mean a building or portion thereof used for a single family residence or which is provided with separate service.
- j. **Water Main** shall mean a water pipeline owned by the Association capable of carrying potable water to a Water Service Line.
- k. **Water Service Line** shall mean the piping, water meter, valves, check valve, meter box and associated facilities extending from a Water Main to the Delivery Point of a Customer.

1.5 Powers and Authority of Tres Valles West Water System. Representatives of the Board or the Association shall be allowed access at all reasonable hours to any Lot or any building or premises for the purpose of inspection, observation, measurement, sampling, reading meters and testing, in accordance with the provisions of these Rules and Regulations.

1.6 Regulations By Other Governmental Entities. Any limitation, restriction or prohibition validly placed upon the Tres Valles West Water System or Association by any governmental entity or by an agreement between the Board and any governmental entity is hereby incorporated into these Rules and Regulations by this reference and shall constitute a limitation, restriction, and/or prohibition on each Customer of the Tres Valles West Water System.

1.7 Severability. The invalidity of any section, clause, sentence, or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part or parts, and to this end the provisions of these Rules and Regulations are hereby declared to be severable.

1.8 Board Action. Any action required or permitted to be taken by the Board may be taken by any representative so authorized by the Board.

SECTION 2. CONDITIONS FOR USE OF WATER SYSTEMS

2.1 Who May Use. Water service can be furnished only to Lots, except pursuant to Section 2.2 hereunder.

2.2 Service Other Than Lots. The Association shall not provide service to parties outside Tres Valles, except as required by prior agreements with Travis Crawford and Bud Kreutzer and in accordance with the decree dated April 2, 2001, Case No. 97CW108(B), Water Division 2

2.3 Water System. The Tres Valles West Water System is intended to provide potable water for conventional domestic uses and limited irrigation, all in accordance with the decree dated in April 2, 2001 in Case No. 97CW108(B), Water Division 2. Irrigation is limited to 1,000 square feet per Lot.

2.4 Water Service. No water service shall be provided to a Customer until the Association has been reimbursed for all costs associated with the construction of the Customer's Water Service Line.

2.5 Water Restrictions. While it is the purpose of the Board to provide an adequate water supply to meet the requirements of its Customers within the restrictions of the decree dated April 2, 2001 in Case No. 97CW108(B), Water Division 2, there are many factors which make it

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uncertain that the supply can always be adequate for all purposes. Therefore in times of extreme shortages or operational difficulties, water service for irrigation shall be curtailed by such restrictions and/or methods as are deemed necessary by the Board. In the event such curtailment is not sufficient to resolve the difficulty, the Board may further restrict water usage as it deems reasonably necessary.

SECTION 3. SERVICE LINES AND CONNECTIONS

3.1 Construction and Cost Responsibility. The Association shall be responsible for the construction of the Water Service Line and Customer shall reimburse Association for all such costs. Customer shall be responsible for the construction of all water lines and plumbing downstream of the Water Service Line and all associated costs. Customer's reimbursement for Water Service Line costs is due and payable to the Association no later than thirty (30) days after the Association bills Customer for such costs.

3.2 Maintenance. The Association shall be responsible for maintaining the Water Service Line. Each Customer shall be responsible for maintaining all water lines and plumbing downstream of the Water Service Line. Should a leak or break occur in such downstream portion, the Board may notify the Customer and shut off the water supply at the water meter. After satisfactory repair has been completed, and accepted by the Board, the Board will turn on the water supply.

3.3 Water Service Line Ownership; Easement. The Association shall own the Water Service Line. Customer shall own the water lines and plumbing downstream of the Water Service Line. By the acceptance of water service, the Owner grants the Association an easement on Owner's Lot to provide the water service described in these Rules and Regulations to the Owner's Lot. The Customer shall be responsible for any damage to, or loss of, the Water Service Line or any portion thereof due to the actions or activities of Customer or Customer's contractor, agent, representative, invitee, guest or family member.

3.4 Contamination Prohibited. The Customer is responsible for preventing pollutants and contaminants from entering the Tres Valles West Water System through the water service connection due to the back-flow of contaminated or polluted water. The Customer's responsibility starts at the Delivery Point and includes all of such Customer's water systems. The Customer shall indemnify the Association against, and hold the Association harmless from and against, any and all claims arising from such contaminated or polluted water, in addition to the liability provisions of Sec. 5.2.

3.5 Installation of Check Valve. All Water Service Lines constructed by the Association on or after January 1, 2017 shall include a check valve to prevent the back-flow of water from Customer's lines. On all existing Water Service Lines which do not already have a check valve installed, the Association shall install a check valve, at the expense of Customer, which shall become part of the Water Service Line. Such construction and cost responsibility shall be handled as a Water Service Line under Section 3.1. The Association recommends that whenever a check valve has been installed, that the Customer install an expansion tank at each hot water heater to manage thermal expansion.

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The cost of inspecting and/or testing check valves shall be billed to the Customer and be subject to Section 4.5 and Section 4.6 as a Water Service Charge.

SECTION 4. RATES AND CHARGES

4.1 Water Service Charges. Water service charges shall be in the amounts set forth in Exhibit A, as the same shall be amended from time to time by the Association.

4.2 Unauthorized Turn On. It shall be a violation of these Rules and Regulations for any person other than officials of the Association to turn on water service. The Board may institute appropriate civil proceedings in court should such violation occur. In addition, and whether or not it has instituted any such proceedings, the Association shall have the right to recover all expenses incurred by the Association in connection with such illegal turn on as well as any other remedies available under these Rules and Regulations or at law.

4.3 Construction Water. A Customer may be provided with water service to draw water for construction purposes from the system. All water taken for construction purposes must be used only for work in the construction of a Single Family Unit and associated outbuildings on the Customer's Lot.

4.4 Protection From Damage. No unauthorized person shall intentionally or negligently break, damage, destroy, open, uncover, deface, operate, tamper, with or remove any structure, appurtenance, or equipment which is part of the Tres Valles West Water System, including removal of manhole covers or putting any material into a manhole. The Association shall have the right to recover all expenses incurred in connection with any violation of the immediately preceding sentence.

4.5 Late Pay; Failure to Pay. For the purposes of these Rules and Regulations, the reimbursement cost for the Water Service Line, water service charges, and all other costs and fees shall be considered to be an assessment subject to the Collections Policy, except to the extent that a due date is provided herein for Water Service Line reimbursements.

SECTION 5. PROVISIONS

5.1 Delinquent Payment, Lien on Property Served. No water service will be available until all fees, rates, tolls, penalties and charges have been paid. Until paid, all fees, rates, tolls, penalties, and charges made or imposed by the Board, whether with respect to water facilities or services, shall constitute a perpetual lien on and against the property served and such lien may be foreclosed in the manner provided by law.

5.2 Liability. Any person violating any of the provisions of these Rules and Regulations shall be liable to the Association for any expense, loss, or damage to the Association or its property occasioned by reason of such violation, and shall indemnify the Association against, and hold it harmless from and against any expense, loss or damage occasioned by any other person by reason of such violation. The Association shall not be liable for, and no claim shall be made against the Association by reason of damage to water heaters, boilers, appliances or any other personal or real property of whatever nature or description resulting from any water; or from turning such on or

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off; from excessive, inadequate or sporadic pressures; or caused by water escaping from open or defective faucets; or caused by burst or leaking service pipes; disruption of service stemming from breaking of any supply line, pipe, valve, cock, or meter; or other facilities not owned by the Association. The Owner and the occupant of the premises being served shall be liable for all expense, loss, or damage resulting from failure to repair any leaks or breaks in the water lines and plumbing downstream of the Water Service Line to the premises and owned by Customer. Any Board member or representative, charged with enforcement of these Rules and Regulations, acting in good faith on behalf of the Association, shall not thereby render himself personally liable for any damages which may accrue to persons or property resulting from any act committed in the discharge of such duties.

5.3 Binding Effects of Operating Procedures, Rules and Regulations: Violations. By having accepted water service from Tres Valles West Water System, every Owner and occupant is deemed to have consented to and accepted these Rules and Regulations. Each violation of these Rules and Regulations is a separate offense, and each day that any Rule or Regulation is violated is a separate. In addition to any criminal penalty which may be applicable, and in addition to any other specific remedy elsewhere provided in these Rules and Regulations, the Board may institute appropriate civil proceedings in court to recover all damages suffered and expenses incurred by the Association in connection with enforcement of these Rules and Regulations or by reason of such violation. Furthermore, the Board may assess a monetary penalty, in an amount not to exceed \$250.00 for any violation of these Rules and Regulations, after providing the alleged violator with notice of its intent to assess a penalty and an opportunity for a hearing with the Board.

5.4 Revisions. These Rules and Regulations, including all schedules of service charges, and other rates, fees, tolls, penalties and charges may be altered, amended, repealed, or re-enacted at any meeting of the Association, as provided herein. Such alterations, amendments, and re-enactments shall apply to all Owners, Customers and occupants then or thereafter using the facilities or services of the Tres Valles Water System.

5.5 Adoption. These Rules and Regulations are hereby adopted by the Tres Valles West Owners Association to be effective August 5, 2017.

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EXHIBIT “A” WATER SERVICE CHARGES (Effective August 5, 2017)

1. This schedule of charges may be changed by the Association at any time, pursuant to the Rules and Regulations.
2. Water Service Availability Fee
 - a. The Water Service Availability Fee shall be paid by all lot owners on a monthly basis whether or not the lot has a water tap.
 - b. The fee shall be as specified in the Annual TVW Operating Budget as approved by the POA.
3. Water Usage Fees
 - a. Water Usage Fees are applied on a tiered usage basis (metered usage in gallons per month).
 - b. The Water Service Availability Fee covers water use for the first tier.
 - c. Overage charges apply for usage in excess of the first tier.
 - d. The definition of the usage tiers and overage charges shall be as specified in the Annual TVW Operating Budget as approved by the POA.
 - e. Overage charges are incurred for leaks that occur on the Owner’s side of the Delivery Point.
 - f. Once a leak is identified TVW may elect to turn off the water until the leak is repaired.
 - g. Water meters are read every month March through October. Meters may be read during the months of November through February depending on weather.
 - h. Overage charges for months when a meter is not read are calculated by averaging the metered usage over the number of months between readings.

ARTICLE 2.0 ARCHITECTURAL REVIEW STANDARDS AND PROCEDURES

SECTION I. INTRODUCTION

Tres Valles West is a covenant protected custom home community. The TVW Architectural Review Committee (TVW ARC) and Board Architectural Committee (BAC) are actively involved with property owners to promote and advance the common ownership interest in our community and to preserve the inherent architectural and aesthetic quality of Tres Valles West.

The mission of the TVW ARC is to: Protect the value and desirability of the Tres Valles West community and the Lots (as stated in the TVW Owners Association Bylaws and Declaration). This is accomplished by administering the TVW architectural guidelines and below Architectural Review Standards and Procedures as directed by the Board and the Board Architectural Committee (BAC).

In addition to following these Architectural Review Standards and Procedures, Owners are expected to understand and comply with the following:

- The Second Amended and Restated Declaration of Covenants, Conditions and Restrictions of Tres Valles West (“Declaration”) containing the Architectural Guidelines in Article 7.
- These Tres Valles West Architectural Review Standards and Procedures
- Huerfano County Land Use requirements that Owners must meet, in addition to those of Tres Valles West. These usually include land use compliance and building permits, both of which are on the Huerfano County website.

The TVW ARC will respond to any questions about the Tres Valles West architectural requirements to help Owners save time and money during a building process. The TVW ARC can review/discuss ideas and provide answers before the design phase begins.

Nothing in this Section shall authorize anyone to construct or maintain any structure or improvement that is otherwise in violation of TVW’s Governing Documents. All communications and submittals shall be addressed to the TVW Architectural Review Committee in care of the Association. The TVW ARC will assure that appropriate approval documentation is recorded.

SECTION 2. APPLICATION PROCESS

2.1 Application. The most updated application for a TVW Architectural Review is available on the TVW website. Once completed, Owners should send the application to TVWARC@gmail.com. The TVW ARC will then review the submitted application.

2.2 Review For Completion of Application. The TVW ARC shall review the submitted application.
a) If complete, the TVW ARC shall send notification of receipt to Owner.

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- b) If incomplete, the TVW ARC shall contact Owner and request the missing item(s).
- c) The 40-day clock (30 calendar days for the Architectural Review Committee and 10 calendar days for the Board Architectural Committee) begins once all requested items are received by the TVW ARC.

2.3 Voting. The vote of a majority of the members of both the TVW ARC and the Board Architectural Committee shall constitute action on any matter before the TVW ARC.

2.4 Decision and Notice. The decision of the Board Architectural Committee, and the reasons therefore if the application is not approved, shall be conveyed to the Owner by mail, email, facsimile, telephone or otherwise within 40 calendar days after receipt of the completed application by the TVW ARC. If such notice is by telephone, written notice shall be sent to the Owner as soon as practical.

2.5 Inspection Upon Completion. Upon notification of completion from Owner to the TVW ARC, the TVW ARC shall inspect the project to determine whether it has been completed in conformance with the plans. If not so completed, the TVW ARC shall provide the Owner with a written notice of incompleteness (specifying the items of incompleteness) and allow the Owner a reasonable period of time, which shall be approved by the Board Architectural Committee (remediation time period), within which to correct the items of incompleteness; the TVW ARC may allow one or more remediation time period extensions as may be reasonable under the circumstances. If the Owner does not correct the items of incompleteness within approved remediation time period(s), the TVW ARC will notify the Board for enforcement action.

2.6 Noncompliance. The Board may issue and record a Notice of Noncompliance if the Owner fails to obtain written consent or fails to comply with the terms of the approval. In the event a Notice of Noncompliance is issued, the Lot shall be restored to its condition prior to the noncompliance within 30 calendar days of issuance of the Notice of Noncompliance. The cost to restore the Lot to its condition prior to the noncompliance shall be the responsibility of the Owner who made the improvements. Such Owner shall also be liable for any damages or injuries resulting from such improvements.

2.7 Communications. All communications and submittals shall be addressed to the TVW ARC via the Chairperson.

2.8 Appeal. Refer to Article 7 in Second Amended and Restated Declaration of Covenants, Conditions and Restrictions of Tres Valles West.

2.9 Records. The Association shall maintain written or electronic (such as contents of emails) records of all architectural approval applications submitted and all actions taken and decisions made.

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SECTION 3. ARCHITECTURAL GUIDELINES

All Owners must submit copies of plans and specifications, showing exterior design, height, materials, location and colors of the structure or addition to the structure to obtain written approval prior to starting any improvement. The following guidelines have been set:

3.1 Approval Required. Except as provided herein or in the Declaration, all building plans, including custom homes kits, and any outbuildings or fencing, must be approved by the Board Architectural Committee.

3.2 Exterior Material. There is no restriction as to the type of material that may be used for the exterior of any structure so long as it meets the requirements contained in these Rules and Regulations, and blends in, conforms to, and is harmonious with the natural settings and surroundings.

3.3 Size. Residences must be a minimum of 1200 square feet of living area. Common elements to define living area or livable space include:

- Generally, above-grade (although in certain situations, finished walk-out basements may be considered livable space/living area.
- Finished and heated year-round. In general, sun rooms, porches, decks, verandas, garages, attics and basements are not considered livable space/living area.

The purpose of the space is important. Living area usually includes spaces for living, sleeping, eating, cooking, etc., but does not include storage/utility spaces. Contiguous access to all finished areas should be, in general, directly accessible from all finished living spaces (that is, no outside access only or ladders).

For your reference, The American National Standards Institute addresses “living area/square footage” in Standard Z765-1996. Some of the comments from the standard include:

- Finished area is an “enclosed area in a house that is suitable for year-round use, with walls, floors and ceiling that are similar to the rest of the house”. Suitable for year-round living requires permanently installed heat with a continuous power source (for example, a portable space heater is not considered a continuous power source).
- Walls and ceiling must be finished.
- Floors must be completely covered with an installed covering (for example, carpet, vinyl, wood, tile, laminate or stamped/stained concrete.) Exposed or painted concrete, or exposed or painted plywood is not considered “finished”.
- The finished space must be contiguous and directly accessible from the balance of the living area. Outside access only, or finished spaces only accessed by ladders (such as lofts or attics) are not considered living area.
- Stairs and landing are included on each level.

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3.4 Setbacks. All structures must be set back from Lot lines as follows:

- Front yard building setback: 60 feet (front yard is defined and measured from the access road (POA TVW road) to the first building, house, garage, tool shed, etc.)
- Side yard building setback: 25 feet
- Rear yard building setback: 30 feet
- All fences must be setback 10 feet from Lot lines
- Edge of driveway setback from closest property line: 10 feet

3.5 Color. Exterior colors on all structures or improvements, including roofing and fencing, must blend in and be harmonious with the natural setting and surroundings. Please refer to the color considerations document located in the architecture committee section of TVW website for guidance.

3.6 Survey. The Owner shall furnish documentation, satisfactory to the TVW ARC, that there is no violation of any setback requirements in the location of the driveway(s) and building site(s). The documentation shall be a survey performed by a licensed surveyor unless the TVW ARC determines otherwise. Owner shall cause the corner points of the boundary of the Lot to be flagged in some manner so as to enable the TVW ARC to locate the corner points during a site inspection. A plot plan generated by a licensed surveyor is required:

- When one or more boundary pins are missing
- When there is a concern by the TVW ARC or a property owner about setbacks

3.7 Damage to Association's Roads. All driveways and roads created by Owner on Owner's tracts must be constructed and maintained in such a manner to prevent damage and/or necessary repair to roads and drainage ditches maintained by the Association.

3.8 Location of Improvements and Use. Effect of location and use of improvements on nearby Lots, improvements, operations and uses will be considered in all applications, as well as conformity with the plan, specification and purposes generally established within the Community.

- If a rough driveway is installed without TVW ARC review and Board Architectural Committee approval, this does not automatically guarantee new home location, driveway, or other outbuilding approval when an Application for Architectural Review is received.
- For those lots for which electric, water and septic have been installed for camping purposes, the location of electric, septic and water does not automatically guarantee location of new home or other outbuilding approval if and/or when an Application for Architectural Review is received.

3.9 Outdoor Lighting. Outdoor lighting will be kept to a minimum. Outdoor lighting plans must be submitted for approval. Motion sensor lighting will be considered and approved based on

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direction of beams. Outdoor lighting will not be left on all night or constantly when an owner is not in residence.

- 3.10 Trash and Debris. The dumpsters paid for by the Association are only for disposal of household refuse by Owners. No type of construction debris is to be put in the TVW dumpsters or TVW slash pile. Lot Owners, through their Contractor or otherwise, shall arrange for trash disposal containers appropriately sized for the project no later than when construction commences. A roll-off dumpster is recommended for large projects. Refer to the current trash management's website, under TVW Info/Ranch Information for examples of materials that cannot be put in dumpsters – unacceptable materials include used (or unused) motor oil, antifreeze, used (or unused) paint, and other hazardous materials.
- 3.11 Trash and Debris Removal. Construction debris and trash shall be removed from the Lot no later than three (3) months after construction is completed. All (i) tree, brush and shrub cuttings, branches, stumps, etc., (ii) leftover road construction dirt and rock, and (iii) any other leftover material from any other work, shall be removed from the Lot with three (3) months after the construction is completed unless otherwise permitted by the TVW ARC.
- 3.12 Utility Corridor. Utility services (phone and electric cable, and water line) from the street to the construction site shall be routed along the driveway or grassy areas, to the extent practical, so as to avoid damage to trees and shrubs.
- 3.13 Clarification to Owners. In the Declaration under Section 7.2(a) and Section 7.2(g), clarification for the following areas:
- Clearing scrub oak for a potential driveway or homesite needs approval from the TVW ARC.
 - Anytime during or upon completion of an improvement or alteration, Owners authorize the TVW ARC or its representative(s) to enter onto the Lot for exterior inspection.
 - Owners shall, at their own expense and cost, use commercially reasonable efforts to bring the improvement or alteration into compliance with the submitted and approved plans and specifications. The Board Architectural Committee will work with Lot Owners to determine a reasonable timeframe for remediation.
- 3.14 Owner's Responsibility for Contractor and Employees. Lot Owners are responsible for the actions of all employees of Constructors and Contractors on the Owners' Lot and on the Common Area, and shall take actions necessary to see that the employees of Constructors and Contractors follow the rules of the Association, including but not limited to, observing the speed limit, using safe driving practices, not feeding or chasing wildlife, using bear-proof trash

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containers where appropriate, preventing trash from blowing off the site (and picking up any trash blown off the site), and staying off Lots owned by others and the Common Areas other than the road from the main gate to the construction site, unless for a business purpose approved by the TVW ARC.

- 3.15 Application Sequence. No application to construct a building or structure will be accepted unless it is submitted simultaneously with, or subsequent to, an application to construct a residence on the Lot, excepting small “tool shed” type structures with a footprint not exceeding 120 square feet and a roof peak not exceeding 12 feet.
- 3.16 Damage to Utility Lines or Easement. In making improvements to property, Owners are responsible for locating all water, sewer, gas, electrical, telephone, cable television, or other utility lines or easements and are responsible for any damages to these utilities due to construction of any improvements.
- 3.17 Commencement of Residential Construction. Owner shall comply with the interpretation contained in Section 4 “Commencement of Residential Construction” approved by the Board. Owner shall notify the TVW ARC when construction has commenced.
- 3.18 RV Pads. Only one RV pad, to accommodate one RV, is allowed on a Lot. Per Huerfano County Land Use/Building Department policy, electric access is only granted as part of a home construction project, with a valid building permit.
- 3.19 Fencing. An Owner may construct a two or three split rail natural finish wood fence which does not exceed four feet in height measured from ground level. Board Architectural Committee approval is required for all other fencing to assure that color and placement are acceptable. Any cedar privacy fence (not to exceed six feet in height) shall be limited to (i) enclosing no more than three (3) sides of the house, and (ii) be no more than thirty-two (32) feet perpendicular from the sides of the house enclosed; any variance from these limitations shall require the approval of the Board Architectural Committee.
- 3.20 Landscaping. All landscaping must blend in, conform to, and be harmonious with the natural settings and surroundings.

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- 3.21 Roof Replacement. A total roof replacement, including materials and color, requires the approval of the Board Architectural Committee.
- 3.22 Exterior Repaint/Re-stain. A total exterior repaint/re-stain requires the approval of the Board Architectural Committee.
- 3.23 Decking. Decking installed after initial home construction requires the approval of the Board Architectural Committee.
- 3.24 Atypical Design or Construction. The TVW ARC reviews each application on its own merit, based on the Lot, home design, surrounding lots, existing homes, and the natural landscape.
- Mobile homes are not allowed.
 - Modular or manufactured homes that are rectangular/box in shape are not allowed.
 - Modular or manufactured homes that are not rectangular/box in shape will be considered if they are multi-level and/or have architectural features such as (but not limited to) attached garage, higher-pitched roof, extended eaves, stone-surround chimney.

Other atypical construction, such as (but not limited to) earth-ship homes, storage container homes, dome homes, silo homes, tiny homes are not allowed on Tres Valles West. The home style must blend with existing homes and the natural landscape. It is important for the owner to communicate with the TVW ARC early in the design process.

SECTION 4. COMMENCEMENT OF RESIDENT CONSTRUCTION

This interpretation of “construction” under the Declaration of Covenants of the Association was approved by the Board of Directors by email vote on April 13, 2012 to be effective May 1, 2012.

The TVW Board recognizes that there is nothing in TVW’s current governing documents that defines what requirements must be met to determine that construction of a residence has “commenced”. Because an Owner has 18 months from commencement of construction to completion of construction, the following definition for “commencement of construction” will be used by the TVW ARC and Board.

The Board will consider that construction of a home has commenced when all of the following have occurred:

1. The TVW ARC and the Board Architectural Committee have approved the plans and specifications as detailed in Article 7, of the Declaration of Covenants of the Association.

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2. A building permit has been issued by Huerfano County
3. A construction contract has been executed with a firm start date and that date has occurred; or in the case of an Owner acting as his own Contractor, a signed statement specifying such with a firm start date and that date has occurred
4. The building site has been staked showing the footprint of the house
5. A driveway has been established
6. Land clearing has started as necessary based on the building site

Once construction has commenced as defined by the requirements specified above, any provisions of the TVW Governing Documents related thereto apply. This includes but is not limited to Section 6.14 and 7.8 of the Covenants.

Owners shall notify the TVW ARC in writing when construction has commenced.

ARTICLE 3.0 RENEWABLE ENERGY GENERATION DEVICES AND ENERGY EFFICIENCY MEASURES

SECTION 1. DEFINITIONS

- a. “Renewable Energy Generation Device” means:
 - (i) A solar collector or other device or a structural design feature of a structure which provides for the collection of sunlight and which comprises part of a system for the conversion of the sun’s radiant energy into thermal, chemical, mechanical, or electrical energy; or
 - (ii) A wind-electric generator that meets the interconnection standards established in rules promulgated by the Public Utilities Commission pursuant to C.R.S. 40- 2-124.
- b. “Energy Efficiency Measure” means a device or structure that reduces the amount of energy derived from fossil fuels that is consumed by a resident or business located on real property, and is further limited to include only the following types of devices or structures:
 - (i) An awning, shutter, trellis, ramada, or other shade structure that is marketed for the purpose of reducing energy consumption;
 - (ii) A garage or attic fan and any associated vents or louvers;
 - (iii) An evaporative cooler;
 - (iv) An energy-efficient outdoor lighting device, including without limitation a light fixture containing a coiled or straight fluorescent light bulb, and any solar recharging panel, motion detector, or other equipment connected to the lighting device; and
 - (v) A retractable clothesline.

SECTION 2. RENEWABLE ENERGY GENERATION DEVICES

Regardless of any provision in the Declaration, Bylaws, Articles of Incorporation, Rules and Regulations, or Design Guidelines, pursuant to Colorado law, Renewable Energy Generation Devices may be approved by the Board Architectural Committee subject to

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the following:

- a. Wind-electric generators may not be taller than the roof ridgeline height of the structures on the Lot on which they are, regardless of the elevation or grade of the ground on which the wind-electric generators are located.
- b. Wind-electric generators shall be in an inconspicuous location and no more than 30 feet from the residence.
- c. Wind-electric generators and any associated equipment or installation shall be painted a natural, subdued color compatible with the landscape setting and any existing structures on the lot.
- d. A wind-electric generator shall not be approved if the sound expected to be created by it will interfere with the use and enjoyment of residents of lots situated near the wind-electric generator. If a wind- electric generator is approved and installed, and it is subsequently determined by the Board of Directors that the sound created by it does interfere with the use and enjoyment of residents of lots situated near the wind-electric generator, then the wind-electric generator must (at the wind-electric generator owner's cost and expense) either (i) be operated so as to not cause such interference, or (ii) be dismantled and properly removed from TVW.
- e. Solar collectors shall be placed in a location on the lot so as to minimize their visibility from adjacent lots and, if installed on the roof of a structure, shall be integrated into the design of the roof. Solar collectors shall not be located more than 30 feet from the residence.
- f. Roof mounted solar collectors shall be mounted parallel to the roof deck and at the minimal reasonable height level above the roof. Solar collection devices shall be low profile and black or solar bronze in color. No portion of the device shall extend above the existing roof ridgeline.
- g. Roof mounted solar collectors shall in an inconspicuous location.
- h. Any solar tiles installed must closely match the color of the existing roof.
- i. Solar water heating devices and other affixed solar collection devices shall have all plumbing equipment, hoses, wires, cables, pipes and any other associated installations and equipment covered, painted, routed and installed so as to minimize their aesthetic impact. No portion of such equipment shall extend above the roof ridgeline, and all such equipment shall be in an inconspicuous location.

ARTICLE 4.0 COMMON AREA RULES AND REGULATIONS

The Common Area of Tres Valles West (TVW) is an asset to be valued and protected. Access to the Common Area is a privilege of ownership in TVW. The proper balance between protection of, and access to, the Common Area adds to the value of TVW and the Lots and homes located there.

These Rules and Regulations are designed to maintain that balance. They govern the use of the Common Area in general as well as the creation and maintenance of trails and their use. Various Owner activities within the Common Area are addressed and include fishing, hunting, target practice, horseback riding, mountain biking, hiking and the use of off-road vehicles (ORV) within the Common Area.

DISCLAIMER OF LIABILITY

Section 2.5 of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions of Tres Valles West sets forth the following:

‘The Association shall be and remain wholly free and clear of any and all liability to, or claims by, all Owners and all persons and entities, of whatever kind or character, whether sounding in contract or tort, deriving from the occurrence of any injury or damage to any person or property on, or in respect to the use and operation of, the Common Area or any of its improvements, fixtures, and facilities. It shall be the affirmative duty and responsibility of each Owner, and each user of the Common Area, to continuously inspect the same for any defects or perils or other unsafe conditions or circumstances, prior to and during such use or enjoyment thereof; and all users of, and visitors to, the Common Area and its improvements and facilities shall use, enjoy, and visit, the same at their own risk and peril.’

SECTION 1. COMMON AREA GENERAL RULES

1. Owners are responsible for their family members, tenants, invitees, licensees, agents and guests, (herein referred to collectively as “Owners”), as well as their animals.
2. The posted ranch speed limit is 20 MPH. Owners are responsible for ensuring their family members, tenants, invitees, licensees, agents and guests all obey this posted speed limit.
3. Pets must be under the direct control of Owners at all times.
4. No littering or destruction. Owners shall promptly remove all trash for which they are responsible.
5. Fishing is allowed in designated ponds. These ponds are Mallard Pond, Lehman’s Pond and Lost Lake. Owners should check the TVW website to locate the currently ‘Stocked Ponds’ as this information can change. The practice of ‘catch & release’ is encouraged although reasonable taking for consumption (1 fish per person per day) is allowed.
6. No hunting.
7. No target practice with any type of firearm is permitted in the Common Area. BLM land has been designated as a suitable area for target practice. Owners must always use extreme caution and be aware of current conditions (i.e. Fire Bans, Red Flag Warning) before

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discharging any firearm. Owners should consult the BLM website (<http://www.blm.gov>) for the latest updates and status of BLM recreational activities.

8. No open fires are allowed in the Common Area. The only exception may be burning of slash as a result of fire mitigation activities which requires approval from the Firewise Committee.
9. Owners may collect dead 'down and standing' firewood from the Common Area for personal use. Any collection not along existing roads or ORV trails requires prior approval from the Common Area Maintenance Committee (CAMC).

SECTION 2. COMMON AREA ACCESS

1. Horses may graze in the Common Area as long as Owner is on-sight.
2. Horseback riding is permitted anywhere in the Common Area, including trails.
3. Hiking is permitted anywhere in the Common Area, including trails.
4. Mountain bikes are permitted anywhere within the Common Area, including trails.
5. An ORV (to include dirt bikes, ATVs, UTVs) is restricted to trails specifically marked for ORV's; no other part of the Common Area may be used by an ORV except roads.
6. Street motorcycles (as opposed to dirt bikes) are limited to the Ranch roads.

SECTION 3. CREATION AND MAINTENANCE OF COMMON AREA TRAILS

General Regulations:

1. Trails shall be constructed so as to have minimal impact on wildlife and the Common Area and shall not be located on any Lot.
2. Opinions from experts may be solicited in the creation of trails.
3. Trails shall be constructed in a manner that will have minimal impact on Lots. That is, trails will be kept generally out of sight and hearing.
4. Trails shall be constructed in a manner that will minimize erosion and cutting/removal of any vegetation.
5. Any trail may be temporarily or permanently closed at the direction of the Board as required.
6. Trails shall be designed so that any maintenance required would be minimal.
7. Trails may be designed for multiple uses (ORV, hiking, horseback riding, etc.) to the extent practical.
8. Trails may also have multiple uses for management of the Tres Valles West Community (weed abatement, fire break, water system management, ranching, etc.)
9. Attention shall be given to minimize the potential for the spread of noxious weeds as a result of trails.
10. The construction and maintenance of the trails is expected to be performed by volunteers. Any use of TVW Association funds for trail maintenance/construction shall be a budgeted item that is approved by Owners during the Association's annual Owner meeting.

Specific Regulations:

1. Trails will be constructed so that the elk and sheep have uphill escape routes on the Tres Valles West Community.
2. Particular attention will be paid to bighorn sheep, elk and raptors and their habitats

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(nesting and calving areas).

3. Trails shall be constructed with curves. Trails shall not be allowed to follow a vertical path.
4. Trails shall be designed to follow along the edges of open areas rather than straight across.
5. Any old trails that still exist shall be used again if they conform to these specifications.

SECTION 4. RULES FOR OFFROAD VEHICLE USE OF TRAILS AND ROADS

1. Excessive speed on trails and roads is prohibited. Whether speed is excessive is dependent upon the condition of the trail or road, weather conditions and whether a prudent operator of an ORV would drive at that speed under those conditions. All ORV users must adhere to the 20 MPH road speed limit.
2. Excessive noise is prohibited. Noise is excessive if it exceeds the level for that standard model ORV when delivered by the manufacturer. No modified exhaust systems are allowed.
3. When wildlife is encountered on or near the trail, speed shall be reduced to a minimal level.
4. Every ORV shall have spark arrestors conforming to the requirements needed to operate the ORV on state or federal lands.
5. Use of an ORV on any trail or off-trail in the Common Area is allowed for maintenance, spraying of weeds, and general management of the Tres Valles West Community, but only with proper authorization from the Common Area Maintenance Committee.
6. The use of the trails is limited to Owners and their family members, tenants, invitees, licensees, guests and other authorized personnel as approved by the Common Area Maintenance Committee.
7. Use of the trails is at 'your own risk'.
8. The trails are 'rated' as to relative difficulty on a scale of 1-6: 1-Easy, 2-Moderate, 3-Challenging, 4-Difficult, 5-Very Difficult, 6-Extreme. More detailed information can be found in the ***"Guide to TVW Hiking and ORV Trails"*** located on the TVW website.
9. It is highly recommended that all trail users purchase a Colorado Outdoor Recreation Search and Rescue (CORSAR) card. NOTE: Anyone with a current hunting/fishing license, or boat, snowmobile or ATV registration is already covered by the CORSAR program.
 - a. Additional information can be found at:-
<https://www.coloradosarboard.org/csrb-documents/CORSARCardFactSheet.pdf>
 - b. Purchase information can be found at:
<https://dola.colorado.gov/sar/cardPurchase.jsf>

SECTION 5. COMMON AREA RULES ENFORCEMENT

1. All Owners, their family members, and their tenants, invitees, licensees, agents and guests shall strictly comply with the Common Area Rules and Regulations.
2. The Common Area Rules and Regulations and a map of the Common Area Trails are available on the TVW website as well as being posted at the kiosk at the main gate.

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3. In event of a violation of the Common Area Rules and Regulations by an Owner, Owner's family member, Owner's tenant, invitee, licensee, agent or guest, the violation will be reported to the Owner. It is the Owner's responsibility to remedy the violation within a reasonable time period.
4. Identified repeat violators of any Common Area rule or regulation will result in the referral of person(s) to the TVW Board to pursue compliance and enforcement.

ARTICLE 5.0 PROCEDURES REGARDING WILDFIRE HAZARDOUS ACTIVITIES

Declaration of Covenants. The following text is taken directly from the Second Amended and Restated Declaration of Covenants and Restrictions of Tres Valles West, 6/28/2011:

Section 6.1 1 No Hazardous Activities. No activities shall be conducted on the Property or within improvements constructed on or within the Property which are or might be unsafe or hazardous to any person or property. Owners shall hold the Association harmless from any claim resulting from any action of the Owner, and his or her tenants, guests, or other invitees which results from any such activities conducted in violation of this Section.

Background. The Spring Creek Fire in 2018 is a startling example of the magnitude of the devastation that can occur when fire risk is extreme and human negligence occurs. This policy is intended to reduce the risk of human-caused wildfires in the Tres Valles West Community by specifying restrictions on hazardous activities that could result in wildfire.

SECTION 1. FIRE RESTRICTIONS

1. Owners are responsible for knowing which fire restrictions are in place before any fire-related activity commences. Examples of available resources regarding fire conditions are:
 - Huerfano County website to determine if Fire Restrictions have been issued. (<https://www.huerfano.us/>).
 - National Weather Service for our area to determine if Red Flag Warnings have been issued. (<http://forecast.weather.gov>)
 - Notices of fire restriction that are e-mailed to owners and posted on the TVW website.
 - Notifications at the front gate that indicate which fire ban / conditions are in effect.
 - Enroll in the CodeRED program on the Huerfano County website to be informed of emergency situations and critical community alerts.
2. Year-round Fire Restrictions
 - a) Small recreational fires are allowed when contained in permanent fire pits or fire grates, or the residential use of charcoal grills, fires in chimineas or other portable fireplaces or patio fire pits. The fire must be within a 10-foot diameter circle that is barren or cleared of all flammable materials. A spark arresting screen is required over wood burning fires. Fire must be constantly supervised. Fire suppression equipment must be on hand (e.g. chemical fire extinguisher, shovels, spark arrester, water hose, etc.).
 - b) No open fires or small recreational fires within 15' of a building, structure, or flammable vegetation.
 - c) Never leave any fire unattended. Extinguish the fire and embers with

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- water until cold.
- d) No small recreational fires during windy periods
 - e) No fireworks of any kind at any time
 - f) Exercise extreme caution at all times when discharging any firearms. Discharging firearms is strongly discouraged when fire restrictions or Red Flag warnings are issued.
 - g) Never discharge a firearm using incendiary or tracer ammunition or using exploding targets.
 - h) No prescribed burning.
 - i) Pile burning only by qualified personnel with approved permit from La Veta Fire Protection District and approved by the TVW Board.
3. RED FLAG WARNINGS. A red flag warning is a forecast warning issued by the National Weather Service to inform the public, firefighters, and land management agencies that conditions are ideal for wildland fire combustion, and rapid spread. Once issued, these must be adhered to and Owners are responsible for compliance. These are current examples.
- a) No outdoor fires including BBQs and small recreational fires. Propane BBQs are allowed if there is an On /Off switch to turn the flame off instantly
 - b) No smoking except within an enclosed vehicle or building
 - c) No fireworks
 - d) No chainsaws or activities that generate flame or sparks (brush hogs and lawn mowers)
 - e) No open burning whatsoever
 - f) No off-road travel through dry grass
 - g) No dragging chains
4. Huerfano County Fire Restriction Stages. The following restrictions are currently in place as of the date of this Policy. It is the Owner's responsibility to know the currently updated restrictions
- a) STAGE I FIRE RESTRICTIONS: The Stage I Fire Restrictions are imposed by Huerfano County when there is an increasing fire danger and/or an increasing preparedness level. Stage I imposes relatively minor restrictions aimed at preventing the start of wildfires based on human activities that are known to be high risk.
 - Gas and charcoal BBQs are allowed if they are constantly supervised and shut down properly as soon as food is cooked. BBQ must have a cover and fire suppression equipment must be at hand. For example: chemical fire extinguisher, shovels, water hose, etc.
 - The following acts are prohibited:
 - No wood burning BBQ
 - No building, maintaining, attending, or using a fire or small recreational fires
 - No smoking, except within an enclosed vehicle or building

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- No fireworks
 - No operating a chainsaw, blasting, welding or other activities that generate flame or flammable material for any purpose other than mitigation or recovery work. Those engaged in permitted essential wildfire mitigation or flood recovery work must have fire suppression equipment on hand (e.g. chemical fire extinguisher, shovels, spark arrester, water source, etc.). Huerfano County Dispatch must be notified before and after the work.
- b) **STAGE II FIRE RESTRICTIONS:** As the wildfire risks increase, the County may choose to move to Stage II. This stage intensifies the restrictions from Stage I by focusing on activities that have a relatively high risk of causing a fire start.
- All restrictions of Stage I
 - No charcoal BBQs
 - No smoking except within an enclosed vehicle or building
 - No fireworks
 - No chainsaws or activities that generate flame or sparks (brush hogs and lawn mowers)
 - No open burning whatsoever
 - No off-road travel through dry grass
 - No dragging chains
- c) **STAGE III FIRE RESTRICTIONS.** Stage III is closure of public lands. This stage is selected when there are very high risks and the ability to manage those risks using Stage I or II restrictions is no longer viable. The social, economic, and political impacts of implementing a closure at this point are outweighed by the benefits associated with virtually eliminating the potential for human-caused fire.
5. Compliance and Enforcement.
- a) Compliance and enforcement of this Policy shall be in accordance with Section 9.1 Compliance and Enforcement, of the Second Amended and Restated Declaration of Covenants and Restrictions of Tres Valles West, 6/28/2011.
 - b) Call 911 to report any use of fire that is restricted by Huerfano County.
 - c) Call 911 to report all wildfires.
6. Tres Valles West Fire Restrictions & Guidelines
- a) **Year-Round Fire Safety**
 - Check for fire restrictions before any burning
 - Never use fireworks
 - Fires only in permanently constructed fire pit with protective screen to reduce embers and sparks, or a chimenea or outdoor fireplace with screen and spark arrester on chimney
 - Have a fire extinguisher on hand or a charged garden hose

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- Never leave a fire unattended
- Extinguish the fire with water until out cold
- Off-road vehicles must be equipped with properly installed spark arrester
- Check for dragging chains under vehicles that could cause sparks
- Never discharge a firearm using incendiary or tracer ammunition, nor using exploding targets

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SECTION 2. FIRE RESTRICTIONS SUMMARY CHART

Device Type or Activity	Stage I Fire Restrictions	Stage II Fire Restrictions	Red Flag Warning
Fireworks	PROHIBITED	PROHIBITED	PROHIBITED
Open Burning of Trash/Refuse/Vegetation	Permit Only	PROHIBITED	PROHIBITED
Chainsaw or flame generating equipment	NO ¹	NO ¹	PROHIBITED
Smoking	NO ²	NO ³	NO ²
Small Recreational Fire / Firepit	NO ⁴	NO ⁴	PROHIBITED
BBQ - Wood burning	PROHIBITED	PROHIBITED	PROHIBITED
BBQ - Charcoal	ALLOWED	PROHIBITED	PROHIBITED
BBQ - Propane	ALLOWED	ALLOWED ⁵	ALLOWED
Chimenea or Outdoor Fireplace	ALLOWED ⁶	PROHIBITED	PROHIBITED

¹ No operating a chainsaw, blasting, welding or other activities that generate flame or flammable material for any purpose other than mitigation or recovery work. Those engaged in essential wildfire mitigation or flood recovery work must have fire suppression equipment on hand. For example: chemical fire extinguisher, shovels, spark arrester, water source, etc. Stage II Huerfano County Dispatch must be notified before and after the work.

² Except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least 10 feet in diameter that is barren or cleared of all flammable materials.

³ Except within an enclosed vehicle or building, or within a large vegetation-free area at least 50 feet in diameter.

⁴ Except within a permanent constructed fire grate in an area at least 10 feet in diameter that is barren or cleared of all flammable materials.

⁵ Only gas BBQs are allowed as long as there is an On/Off switch to turn the flame off instantly and must have a cover to douse the flame. Fire suppression equipment must be at hand.

⁶ Must be 15 feet away from flammable material or structure and have spark screens on front and spark arrester on chimney.

ARTICLE 6.0 MISCELLANEOUS (VEHICULAR PARKING AND STORAGE, CAMPING, SIGNS AND ADVERTISING DEVICES, VARIANCES)

The Tres Valles West Community is a covenant protected custom home community. While camping, Owners are allowed to have a tent, recreation vehicle or house trailer on their Lot for a maximum period of ninety days in any one calendar year. Per our Declaration, one RV or house trailer is permitted per Lot for the annual ninety-day allowance for camping use only.

SECTION 1. VEHICULAR PARKING AND STORAGE

Declaration of Covenants. The following text is taken directly from Section 6.8 of the Second Amended and Restated Declaration of Covenants and Restrictions of Tres Valles West, 6/28/2011:

Section 6.8 Vehicular Parking, Storage, and Repairs from our Declaration:

(a) Parking upon any Common Area shall be regulated by the Association.

(b) Any house trailer, camping trailer, boat trailer, hauling trailer, running gear, boat, or accessories thereto, motor-driven cycle, truck (larger than one ton), self-contained motorized recreational vehicle, or other type of recreational vehicle or equipment, may be parked or stored on or within the Property only if such parking or storage is done wholly within the enclosed garage located on a Lot or is otherwise screened so as to not be visible from any road, except that a tent, recreation vehicle or house trailer may be placed on a Lot for a maximum period of ninety (90) consecutive days in any one calendar year for camping. This restriction contained in this Section, however, shall not restrict trucks or other commercial vehicles within the Property which are necessary for construction or for the maintenance of the Common Area, Lots, or any improvements located thereon.

For clarification regarding vehicular parking and camping, the following rules apply:

- 1.1 Definition of Camping. The Colorado Definition of Camping (2022 Colorado Code, Title 33 – Parks and Wildlife, Article 10) states: “Camping” means the erecting of a tent or shelter of natural or manmade material, the placing of a sleeping bag or other bedding material on the ground, the parking of a motor vehicle, motor home, or traveler, or the mooring of a vessel for the apparent purpose of overnight occupancy. The purpose for parking a recreation vehicle or house trailer at TVW in a camping location must be for overnight occupancy.
- 1.2 A Hauling Trailer. A hauling trailer is a vehicle that is permitted on Owner Lots. In most cases hauling trailers are small enough to not have to be housed in a garage. Hauling trailers that are less than 10 feet in length and the front or side panels are less than three feet above the trailer bed, may be placed on an Owner’s property without being screened.
- 1.3 Parked or Stored Vehicle: Any house trailer, camping trailer, boat trailer, hauling trailer larger than 10 feet in length and higher than 3 feet above the trailer bed, running gear, boat, or accessories thereto, motor-driven cycle, truck (larger than one ton), self-contained motorized

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recreational vehicle, or other type of recreational vehicle or equipment, may be parked or stored on or within the Property only if such parking or storage is done wholly within the enclosed garage located on the residence Lot or is otherwise screened so as to not be visible from any TVW road.

- 1.4 House Residence with Guest Vehicle: If an Owner is hosting guests with a Vehicle defined in Section 6.8(b) of TVW's Covenants, the Vehicle may be located on the Owner's Lot with advanced notice to the TVW Board that the Vehicle will be used by guests for Camping purposes only. The days the Vehicle is located on the Owner's Lot will count towards the annual 90-day camping allotment for the Owner.
- 1.5 Screening a Vehicle: Applying a cover over the Vehicle described above in section 6.8(b) is not viewed as being screened from view from any TVW road. Owners could use TVW natural attributes like trees and scrub oak for screening Vehicles. In some cases, using your house or garage as a screen could apply. Please note that in all cases, Vehicles can't be visible from any TVW road.
- 1.6 Vehicle Parked or Stored During Construction: A construction trailer and RV or house trailer may be parked or stored on the Owners Lot for 365 days during Construction. Please refer to Article 2/Section 4: Commencement of Resident Construction to understand when the 365 days start.

SECTION 2. CAMPING

2.1 90 Days vs 90 Consecutive Days: The TVW Community's intention is to allow camping for a total of 90 days within a calendar year. The language in the Declaration quoted above in section 6.8(b) references allowing a tent, recreation vehicle or house trailer to be placed on a Lot for ninety (90) consecutive days in a calendar year for camping.

Here is the history of this particular language and the reasoning for the Board's current interpretation:

- The original developer document (dated 14 May 1999) contained language which allowed a trailer to be on an Owner's property for 90 consecutive days; the trailer could then be removed for a day or two, and moved right back onto the property.
- In 2007 at the Annual Meeting, a change was proposed and duly passed which omitted the word "consecutive". The newly adopted wording allowed for a temporary structure to be on the property for a TOTAL of 90 days within a calendar year (not necessarily consecutive).
- The new Governing Documents, as adopted in June 2011, again contain the word "consecutive". This was not intended, is not what the Owners voted on in 2007, and is an error.
- The TVW Board will apply Section 6.8 (b) without using the word 'consecutive' so that a tent, recreation vehicle or house trailer may be placed on a Lot for a TOTAL of 90 days during the calendar year.

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2.2 One RV or House Trailer While Camping: Per the Declaration, one RV or house trailer is permitted per Lot for the annual 90 day allowance.

SECTION 3. RESTRICTION ON SIGNS AND ADVERTISING DEVICES

The Association shall not prohibit the display of any sign or flag by an Owner within the boundaries of an Owner's Lot, or regulate the display of such signs or flags based on their subject matter, message or content, except that no signs or flags bearing commercial messages may be displayed in the Tres Valles West Community. Further, no signs or flags may be placed on, or attached to, TVW Common Areas. The following additional regulations shall apply:

Size, Location and Number.

- i. Signs shall be made of wood, affixed to a wood post, similar to other wood signs that are posted on TVW Common Areas.
- ii. The top of any sign shall be no more than 3 feet from ground level.
- iii. Signs shall be no larger than 12 X 20 inches.
- iv. Flags may not exceed 3 x 5 square feet.
- v. No more than 2 Signs and 2 Flags may be displayed on a Lot, including in windows.
- vi. All Signs and Flags shall be professionally manufactured and lettered. No handwritten signs or flags shall be allowed.
- vii. All Signs and Flags must be maintained in good condition, free from fading, fraying, and may not be torn or ripped.
- viii. Flags may be displayed on flagpoles if, the flagpole is properly affixed to an Owner's garage as discussed herein.
- ix. Flags may be displayed on flagpoles as follows:
 - a. Flagpoles may not be installed without the prior written approval from the Architectural Review Committee.
 - b. Freestanding flagpoles may not exceed 5' in height and may only be affixed to the side of the garage. The bracket must be painted to match the residence.

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In addition to the foregoing, Owners shall be allowed to display a nameplate of the occupant's name and a road number sign on their Lot.

SECTION 4. VARIANCES

The TVW Board may grant reasonable variances or adjustments from any conditions and restrictions imposed by the TVW Declaration and TVW Rules and Regulations in order to overcome practical difficulties and unnecessary hardships.

If an Owner would like to request a variance, please contact the TVW ARC @ tvwarc@gmail.com. The TVW ARC shall make recommendations to the Board as necessary in relation to any request for a variance from an Owner.

Such variances shall be granted only in case the granting shall not be materially detrimental or injurious to the other property or improvements in the TVW Community.