

DESIGN GUIDELINES

FOR

LONG CREEK SUBDIVISION

TABLE OF CONTENTS

Section	Page
I. INTRODUCTION -----	1
A. Purpose of the Design Guidelines -----	1
B. Governmental Permits -----	1
C. Preparer -----	2
D. Applicability of Design Review -----	2
E. Review Structure -----	2
F. Review Fees -----	3
II. DESIGN REVIEW PROCEDURES -----	4
A. Review of New Construction -----	4
B. Review of Modifications -----	4
C. Plans to be Reviewed -----	4
D. Review Criteria, Recommendations, Variances -----	5
E. Review Period -----	6
F. Appeal -----	6
G. Jurisdictional Approval -----	7
H. Implementation of Approved Plans -----	7
I. Time to Commence -----	7
J. Time to Complete -----	7
K. Changes After Approval -----	8
L. Enforcement -----	8
III. DESIGN STANDARDS -----	8
A. Accessory Buildings -----	8
B. Additions and Expansions -----	9
C. Air Conditioning Equipment -----	9
D. Antennae and Communication Dishes -----	9
E. Architectural Standards -----	9
F. Awnings and Overhangs -----	9
G. Birdbaths, Birdhouses and Bird Feeders -----	9
H. Building Height -----	10
I. Building Materials -----	10
J. Decks and Balconies -----	10
K. Exterior Lighting -----	10
L. Flagpoles -----	10
M. Garages -----	11
N. Gazebos and Greenhouses -----	11
O. Homes—Minimum and Maximum Dwelling Size -----	11
P. Hot Tubs and Saunas -----	11

Q. Maintenance Equipment, Woodpiles, etc. -----	11	11
R. Paint -----	11	
S. Patios -----	12	
T. Pet Runs and House -----	12	
U. Pools -----	12	
V. Recreational Equipment -----	12	
W. Roofing -----	13	
X. Roof Accessories and Equipment -----	13	13
Y. Setbacks and Yards -----	13	
Z. Siding -----	13	
AA. Signs -----	13	
BB. Temporary Structures -----	13	
CC. Trash Containers -----	13	
DD. Utilities -----	13	
 IV. LANDSCAPING AND SITE STANDARDS FOR RESIDENTIAL PROPERTIES -----	 14	
A. Initial Landscaping -----	14	
B. Minimum Landscaping -----	14	
C. Drainage -----	14	
D. Fences -----	15	
E. Grading -----	15	
F. Paving: Driveways -----	16	16
G. Retaining Walls -----	16	
 V. CONSTRUCTION GUIDELINES -----	 16	
A. Inspections -----	16	16
B. Conduct -----	17	
C. Site Cleanliness -----	17	17
 VI. CHANGES AND AMENDMENTS TO THE DESIGN GUIDELINES -----	 17	
 VII. DEFENITIONS -----	 18	

DESIGN GUIDELINES

FOR

LONG CREEK SUBDIVISION

Effective: 1997

I. INTRODUCTION

A. Purpose of the Design Guidelines

It is the intent of the Declarant to establish and maintain an environment of high quality upscale value. This will be achieved by dictating a strict code of design requirements and qualitative construction expectations while providing for enforcement of these guidelines. It is not the intent of the Declarant to proscribe a narrow band of architecture but rather to encourage a broad interpretation of living environments within a range of very high quality materials and construction. Value at Long Creek will be maintained and enhanced not by limiting choices but rather by protecting and encouraging good design responses.

These standards have been developed to assist in the planning, constructing, landscaping and modifying of Units within Long Creek Subdivision. The standards set forth criteria for design, style, materials, colors and locations of site improvements, landscaping, and lighting. In addition, the Design Guidelines establish a process for review of proposed construction and/or modifications to existing structures to ensure that all sites within the Long Creek Subdivision are developed with the consistency and quality that makes this development attractive.

B. Governmental Permits

To the extent that all government ordinances, building codes or regulations requires a more restrictive standard than the standards set forth in these Design Guidelines, the Declaration of Covenants, Conditions, and Restrictions for Long Creek Subdivision (the "Declaration"), such government standards shall prevail. To the extent that any government standard is less restrictive, the Declaration and the Design Guidelines (in that order) shall prevail.

-1-

C. Preparer

These initial Design Guidelines have been adopted by the Declarant pursuant to the Declaration. The Design Guidelines may be changed and amended to serve the needs of an evolving Community pursuant to the procedures set forth in the Declaration and in Article VI of these Design Guidelines.

D. Applicability of Design Review

As stated in these Design Guidelines, all plans and materials for new construction or exterior modifications or improvements on a Lot must be approved before any construction activity begins. No structure may be erected on any Lot, and no improvements shall take place without receiving the prior written approval of the appropriate Reviewer as described below (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials). Where these Design Guidelines specifically allow an Owner (capitalized terms in these Design Guidelines are defined in the Declaration or these Design Guidelines) to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guideline.

Owners and Builders are responsible for ensuring compliance with all standard procedures within these Design Guidelines. Owners and Builders are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplemental Declaration. In particular, Lot Owners should review and become familiar with the Use Restrictions applicable to Long Creek Subdivision set forth in Article V of the Declaration, which addresses restricted and prohibited activity and conditions with the Community.

E. Review Structure

Architectural control and design review for Long Creek Subdivision is handled by either (i) the Declarant or its designee or (ii) the Architectural Review Committee. The term "Reviewer," as used in these Design Guidelines, shall refer to the appropriate reviewing entity.

1. Declarant

The Declarant has exclusive jurisdiction over all matters relating to Architecture, and landscaping, as set forth in Article IV of the Declaration so long as Declarant owns any portion of the Community and so long as Declarant has not terminated such rights by written instrument executed by Declarant and recorded in the Public Records (the period during which the Declarant exercises Architectural control will hereinafter be referred as the "Declarant Review Period"). During the Declarant Review Period, the Declarant shall review plans and specifications for, shall have jurisdiction over all construction and landscaping on any Lot, shall be the conclusive interpreter of these Design Guidelines, shall monitor the effectiveness of these Design Guidelines, and may, but shall not be obligated to, promulgate additional design standards and review procedures as it deems appropriate.

2. Architectural Review Committee

The Architectural Review Committee ("ARC") has jurisdiction over those responsibilities delegated to it by the Declarant, if any, during the Declarant Review Period. Following the Declarant Review Period, the ARC has jurisdiction over all Architectural and landscaping matters as set forth in Article IV of the Declaration. Following the Declarant Review Period, the ARC shall review plans and specifications for all construction, modifications, and landscaping on any Lot, shall be the conclusive interpreter of these Design Guidelines, shall monitor the effectiveness of these Design Guidelines, and may promulgate additional design standards and review procedures consistent with these Design Guidelines. Members of the ARC will be appointed by the Board.

F. Review Fees

When an Owner (hereafter collectively referred to as "Applicant") submits plans to the reviewer for approval, the submission shall include a "Review Fee." The Review Fee shall be made payable to the Long Creek Homeowners Association ("Association") as follows:

1. New Home—The original improvement of a Lot from a site into a residential dwelling.

Review fee \$250

2. Major alteration or addition—a structural or site modification significant enough to change the physical shape, use, architecture or outward appearance (such as, but not limited to, new building(s), fences, major landscape feature, etc.)

Review fee \$175

3. Minor architectural modification or addition—any architectural changes which require architectural review and approval as set forth in the Declaration or these Design Guidelines. For example, changing the exterior color scheme of the residence or installing landscaping which deviated from the typical landscaping plan.

Review fee \$75

4. Changes to or resubmission of approved or unapproved plans.

Review fee \$75

II. DESIGN REVIEW PROCEDURES

A. Review of New Construction

Plans for new construction upon any Lot must be reviewed and approved by the Reviewer, requiring the submission of an Application for Review and payment of the Review Fee. Each Applicant shall submit a preliminary site layout and all of the plans listed in Section II, C. Also exterior finishes and color schemes and information concerning irrigation systems, drainage, lighting, landscaping, and other features shall be provided. Applicants may request an initial meeting with a representative of the Reviewer to address any questions about Long Creek Subdivision and the Design Guidelines.

B. Review of Modifications

The review of modifications to existing structures or improvements shall require the submission of an Application for Review to the Reviewer along with the required Review Fee. Depending on the scope of the modification, the Reviewer may require the submission of all or some of the plans and specifications listed below in Section II, C. In the alternative, the Reviewer may require a less detailed description of the proposed modification. The review and approval of modifications shall take place within the same time periods as required for new construction.

C. Plans to be Reviewed

A Reviewer will require at least two sets of any of the following plans for new construction or modification, in addition to the submission of an Application for Review and payment of a Review Fee:

1. Site Plan - 1/8":1' Scale

Showing the orientation of the building/buildings on the lot within the building setback lines.

2. Grading and Drainage Plan - 1/8":1" Scale

Showing the drainage easements as reflected on the plat or proposed alternative solutions. Showing Finished Floor elevations and any special grading situations (i.e., retaining walls).

3. Floor Plan - Minimum scale of 1/4":1"

Showing decks, patios, stoops, retaining walls related to the residential dwelling, trash enclosures, HVAC equipment and utilities, and the screening for same, interior spacing of rooms, and connections to driveways and walkways.

4. Elevations

Front, rear and side exterior elevations showing building materials and finishes, and indicating the maximum height of the residential dwelling.

5. Roof Plan

Showing slopes, pitches and gables, unless reflected in the other plans.

6. Exterior Finishes

Showing the exterior color scheme (including schemes and color chips, if requested), lighting scheme and other details affecting the exterior appearance of the proposed improvements.

7. Landscaping Plan

Showing location of trees (including species and size), protection of existing vegetation, use of plants, and other landscaping details such as retaining walls, trellises, lattice work and irrigation system. The requirements for a landscape plan submittal are set forth in Section IV, A.

8. Other

Exterior Lighting Plan, Satellite Dish Placement, and such other information, data and drawings as may be reasonably requested.

D. Review Criteria, Recommendations, Variances

While the Design Guidelines are intended to provide a framework for construction and modifications, the Design Guidelines are not all inclusive. In its review process, the Reviewer may consider the design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. Reviewer decisions may be based on purely aesthetic considerations. However, no Reviewer shall grant approval for proposed construction that is inconsistent with the Design Guidelines, unless such Reviewer grants a variance.

The Declarant, prior to the expiration or termination of the Declarant Review Period, and the ARC, after the expiration or termination of the Declarant Review Period, shall have the authority from time to time to adopt and revise lists of recommended landscape materials. The Declarant or ARC, whichever is authorized, may, in its sole discretion, provide that the lists of recommended materials constitute "Approved materials" and that the installation of such materials requires no Reviewer approval.

Alternatively, the authorized entity which establishes the list(s) may provide that the purpose of the list(s) is merely to provide guidance and that installation of recommended materials does not relieve the Applicant from any obligations set forth in these Design Guidelines to acquire approval prior to installation.

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, or environmental considerations) when deviations may be required. The Reviewer shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration or an obstruction or burden on a neighboring lot owner. No variance shall be effective unless in writing, signed by the committee chairperson with the support of a majority of the committee members or in the case of the Declarant acting as the Committee, variance shall be signed by Declarant. Further, no variance shall be effective unless accompanied by written approval of such governmental authorities as necessary.

E. Review Period

Each Application for Review and plan submittal shall be approved or disapproved within 30 days of submission of all materials required by the Reviewer. One set of plans with comments, if any, shall be returned to the Applicant, accompanied by the Reviewer's decision. The other set of plans shall be retained for the Reviewer's records. The Reviewer's decision shall be rendered in one of the following forms:

1. "Approved" - The entire application as submitted is approved.

2. "Approved as Noted" - The application is not approved as submitted, but the Reviewer's suggestions for curing objectionable features or segments are noted. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration as noted.

3. "Disapproved" - The entire application as submitted is rejected in total. The Reviewer may provide comments but is not required to do so.

If the Reviewer fails to respond within thirty (30) days, the Applicant shall give the Reviewer written notice of its failure to respond. Unless the Reviewer responds within an additional ten (10) days of receipt of such notice, approval shall be deemed granted. However, no construction or modification that is inconsistent with the Declaration or the Design Guidelines shall be deemed approved, unless the Reviewer has granted a variance.

F. Appeal

Any Applicant shall have the right to appeal a decision of the Reviewer by resubmitting the information, documents and fees set forth above; however, such appeal shall be considered only if the Applicant has modified the proposed construction or modification or has new information which would, in the Reviewer's opinion, warrant a reconsideration. If Applicant fails to appeal a decision of the Reviewer, the Reviewer's decision is final. In the case of a disapproval and resubmittal, the Reviewer shall respond within fifteen (15) days with approval or disapproval of any resubmittal. The filing of an appeal does not extend any maximum time period for the completion of any new construction or modification.

G. Jurisdictional Approval

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of Guadalupe County or other governmental authorities (such as GBRA, the Corps of Engineers, FEMA, New Braunfels, or others). It is the responsibility of Applicant to obtain all necessary permits and approvals. It is expressly understood that the ARC is not responsible for notifying the applicant of additional approvals necessary, however, the ARC may require Applicant to provide any such approvals in writing or written evidence that any such approval is not required. This will be grounds for a disapproval. **Additionally, an approval granted without such JURISDICTIONAL approval does not create any liability on the part of the Reviewer, or any other parties to this Agreement.**

H. Implementation of Approved Plans

All work must conform to approved plans. If it is determined by the Reviewer that work completed or in progress on any Lot is not in compliance with these Design Guidelines or any approval issued by the Reviewer, the Reviewer shall, directly or through the Board, notify the Owner and/or Builder, in writing, of such noncompliance and shall require the Owner and/or Builder to remedy the same within the time frame outlined in the letter of noncompliance. If the Owner and/or Builder fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Design Guidelines. At this time the construction shall immediately cease.

I. Time to Commence

If construction does not commence on a project for which plans have been approved within twelve (12) months of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Applicant to resubmit the plans to the appropriate committee for reconsideration.

J. Time to Complete

The Reviewer shall include in any approval a maximum time period for the completion of any new construction or modification. If no maximum time period is specified in the approval, construction shall be completed within nine (9) months of its commencement. The Applicant may request an extension of such maximum time period not less than thirty (30) days prior to the expiration of the maximum time period, which the Reviewer may approve or disapprove, in its sole discretion.

If construction is not completed on a project within the period set forth in the approval, with the nine (9) month default period, if applicable, or within any extension approved by the Reviewer, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed to be in violation of the Declaration and these Design Guidelines.

K. Changes After Approval

All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping made after the approval of plans must be submitted to and approved in writing by the Reviewer prior to implementation. Close cooperation and coordination between the Applicant and the Reviewer will ensure that changes are approved in a timely manner.

If Guadalupe County or another authority having jurisdiction requires that changes be made to final construction plans previously approved by the Reviewer, the Applicant must notify the Reviewer of such changes and receive approval from the Reviewer prior to implementing such changes.

L. Enforcement

In the event of any violation of these Design Guidelines, the Declarant or the Board may take any action set forth in the By-Laws or the Declaration, including the levy of a Specific Assessment pursuant to the Declaration. The Declarant or the Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Declarant or the Board shall be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Lot upon which such violation exists.

III. DESIGN STANDARDS

The following specific site criteria shall apply to all proposed or existing construction within Long Creek Subdivision unless a variance is granted by a Reviewer.

A. Accessory Buildings

Owners shall secure Reviewer's approval prior to construction of any accessory building, including sheds or permanently installed playhouses. A detached garage is not considered an accessory building, and its construction shall require Reviewer's approval on a case-by-case basis. Accessory buildings shall meet the following criteria:

1. An accessory building must be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence. An accessory building's roofing materials shall match that of the main residence.
2. Any utilities servicing accessory buildings shall be installed underground.
3. Accessory buildings generally shall be located in the rear yard but may not be located within an easement area.
4. No contractor or builder shall erect on any Lot any temporary building for use in connection with construction on such Lot. Provided however, the ARC may in its sole discretion waive this requirement for a temporary construction trailer.

B. Additions and Expansions

Reviewer approval is required for any addition to or expansion of a residence. Materials shall match the existing residence.

C. Air Conditioning Equipment

Unless otherwise permitted by the ARC, no window air-conditioning unit shall be installed which is visible from the street.

D. Antennae and Communication Dishes

See Article V, Paragraph Q of the Declaration.

E. Architectural Standards

The exteriors of all buildings must be designed to be compatible with the natural site features of the Lot and to be in harmony with their surroundings. The land forms, the natural contours, local climate, vegetation, and the views should dictate the building location, the building form, and the architectural style. The Reviewer may disapprove plans if in its judgment the massing, architectural style, roof line, exterior materials, colors or other features of the building do not meet those standards.

F. Awnings and Overhangs

The installation of awnings or overhangs requires Reviewer approval. The awning or overhang color must be the same as or generally recognized as complementary to the exterior of the residence.

G. Birdbaths, Birdhouses and Bird Feeders

Reviewer approval is not required for the rear yard installation of any birdbath that has a maximum height of three feet or less, including any pedestal. Placement of such items in any front or side yard requires Reviewer's approval. Any bird feeder or birdhouse intended to be mounted on a pole must be approved prior to installation.

H. Building Height

See Article V, Paragraph E of the Declaration.

I. Building Materials

1. Exterior—See Article V, Paragraph D of the Declaration.

2. Roofing—Roofing shall be flat or barrel concrete tile, clay tile, slate, standing seam metal, architectural grade dimensional composite (25 year), or other materials as approved by the ARC. Any roofing material with a high reflectivity will be subject to the Reviewer's approval. Colors of all roofing materials shall be subject to the approval of the ARC and reflectivity variances may be granted based on elevation of the lot.

J. Decks and Balconies

Owners shall secure Reviewer approval before installing decks or balconies. Decks and balconies must be constructed of wood or other material similar to that of the residence and, if painted, must be painted a color similar to or generally acceptable as complementary to the residence. Decks and balconies must be installed as an integral part of the residence or patio area. Any such decks or balconies must be located so as to not obstruct or diminish the view from or create an unreasonable level of noise for the adjacent property owners. Construction shall not occur over easements and must comply with the applicable Guadalupe County requirements.

K. Exterior Lighting

Except for seasonal Christmas decorative lighting, all exterior lights must be approved by the ARC. Christmas lights shall be permitted not earlier than Thanksgiving and must be removed no later than January 15th. Christmas displays which, in the opinion of the Reviewer, create traffic congestion or become an annoyance to adjacent property owners shall not be allowed. The Reviewer may take into consideration the visibility and style of the fixture and its location on the home. Exterior lights shall be conservative in design and as small in size as practical. Lights shall be directed toward the house or ground and limited in wattage to 2,000 lumens. Low voltage (12 volt) lighting is preferred.

L. Flagpoles

Flagpoles are not allowed. Decorative or seasonal flags must be mounted on the main residential dwelling and shall not exceed the roof line of the main residential dwelling.

M. Garages

Garages that are constructed independent from the home require Reviewer approval. Such garages shall be compatible with and complementary to the main residence in architectural style, material, color and location. Review shall be made on a case-by-case basis. Carports shall be prohibited. Garage doors shall not be removed and shall remain closed except in period of ingress or egress.

N. Gazebos and Greenhouses

Reviewer approval is required prior to the construction of any gazebo or greenhouse. Any gazebo or greenhouse must be an integral part of the landscape plan.

O. Homes - Minimum and Maximum Dwelling Sizes

The minimum square footage of air conditioned space within any dwelling unit as defined in Article V, Paragraph F of the Declaration, is as follows:

- Villa Units - 1300 square feet
- Garden Home Units- 1500 square feet
- Living Units - 1800 square feet

P. Hot Tubs and Saunas

Reviewer approval is required for the installation of any hot tub, sauna or spa. Any hot tub, or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. A hot tub or spa shall be located in the rear or side yard, be installed in such a way that it is not immediately visible to adjacent property owners, and shall not create an unreasonable level of noise for adjacent property owners. Owners may be required to install safety features such as locks or covers for these items when such are not in use.

Q. Maintenance Equipment, Woodpiles, Etc.

All equipment and woodpiles shall be kept and maintained in the rear yard only and screened by adequate planting and/or fencing so as to conceal them from view of neighboring residences, the streets and the Golf Course. No tanks for the storage of fuel, water or any other substance shall be located on any Lot.

R. Paint

Owners may repaint in accordance with the originally approved color scheme of any dwelling or improvement. Reviewer approval is required for all changes in exterior painting. Review criteria may include, but shall not be limited to, the sheen of paint, the home's architecture, and existing stone or brick accents, roof color, and the neighboring properties' colors. Primary colors for all exterior building surfaces must complement the architectural theme of the house.

S. Patios

Reviewer approval is required for the construction of patio covers, open patios, and enclosed patios. Patio covers shall be constructed of material generally recognized as complementary to the residence or generally recognized as complementary in color to the exterior color of the residence.

Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners.

T. Pet Runs and House

No structure for the care, housing or confinement of any animal shall be constructed, placed or altered on any Lot unless plans and specifications for said lot have been approved by the ARC. No stable, poultry house, rabbit hut or other similar yard structure, with the exception of a doghouse, shall be constructed or allowed to remain on any Lot. The installation, construction or maintenance of other pet houses or pet runs shall be made only with the approval of the ARC.

U. Pools

Reviewer approval is required for the construction or installation of pools. Pools shall be an integral part of the deck or patio area and/or the landscaping. A pool shall be located in the rear or side yard, and shall be installed in such a way that it is not immediately visible to adjacent property owners, and shall not create an unreasonable level of noise for adjacent property owners. Pools shall be fenced for safety purposes and Owners may be required to install safety features such as locks or covers for these items when they are not in use. No aboveground pools are permitted.

V. Recreational Equipment

Installation of all basketball goals requires Reviewer approval. Basketball goals may only be placed or installed in the rear of a Lot so that it is not visible from the street and shall not be placed on the front of the structure or garage at any time. Freestanding pole-mounted backboards are prohibited in the front yard, whether permanent or sleeveset. The review of rear yard pole-mounted backboards shall be based upon, but not limited to the following considerations: proximity of goal to property lines and proximity of goal to neighbors' living areas and landscaping. Ten-foot portable basketball goals may be permitted, provided such goals are stored out of view when not in use.

Approval is required for the installation of play and sports equipment taller than seven feet. All play equipment must be wood construction, environmentally and aesthetically compatible and approved by the ARC. Owner shall exercise consideration toward neighbors; any such equipment shall be set back a reasonable distance from adjacent property lines so as to avoid disturbance of neighbors and shall not obstruct neighbors' views of open spaces. Treehouses are prohibited.

W. Roofing

Roof pitches and overhangs may vary as dictated by architectural design. Reviewer approval is required for a roof-material change.

X. Roof Accessories and Equipment

Reviewer approval is required for all rooftop equipment and accessories, unless specifically excepted in this Section. All rooftop equipment must match roofing colors or be of a color that complements the house and must be placed as inconspicuously as possible. Exposed flashing gutters and downspouts must be painted to match the fascia and siding of the structure. No exposed attachment straps will be allowed.

Y. Setbacks and Yards

Setback requirements from property lines are established by the Declarant and Guadalupe County ordinance and are subject to public utility easements, drainage, easements, right-of-ways, and landscape easements depicted on the recorded plats.

Z. Siding

Owners shall seek Reviewer's approval before installing or replacing siding, which differs from the original material.

AA. Signs

See Article V, Paragraph K of the Declaration.

BB. Temporary Structures

Reviewer approval is required for tents, which are left standing for 72 hours or longer, other than camping that are used for occasional overnight sleeping by children.

CC. Trash Containers

Trash or containers shall be enclosed or screened from view of adjacent property. Trash containers shall be kept in a manner, which is not visible from the street or adjacent residence at all times other than during trash collection.

DD. Utilities

Pipes, wires, poles, utility meters and other utility facilities shall be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure. Any utilities or utility equipment not installed below ground or within an enclosed structure requires Reviewer approval. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

IV. LANDSCAPING AND SITE STANDARDS FOR RESIDENTIAL PROPERTIES

Landscaping is an essential element of design at Long Creek Subdivision. Preservation of existing vegetation in addition to the introduction of plants native to the Guadalupe County area must be considered in establishing the landscape design.

A. Initial Landscaping

Unless landscaping is provided with the purchase of the Lot, within ninety (90) days of recordation of the deed of a Lot to an Applicant, or within any extended period as may be provided in writing by the Reviewer, the Applicant shall develop a landscaping plan and install and maintain landscaping on such Lot (subject to such extensions granted by the Reviewer due to weather conditions).

The plan should include the following:

1. Format to be 24" x 36" sheet size.
2. Site plan with property boundary, footprints of permanent structures, and locations and identifications of every hardwood tree with a diameter of eight inches or more at a height of three feet above grade.
3. Project location and owner's name.
4. North arrow, drawing scale, sheet number, and date.
5. Planting plan showing locations of proposed and existing plants. Plants should be drawn at mature size.
6. Irrigation plan if irrigation will be installed.
7. Construction details for all structural elements, i.e., retaining walls over 2'-6", pools, decks, etc.
8. Submit two copies of the package.

B. Minimum Landscaping

Landscaping required may vary depending upon lot configuration, house design, etc. Plans for landscaping should be submitted as stated above. Refer to Article V, Paragraph L in the Declaration. Landscaping must also include a minimum of at least two trees (minimum size 2" Caliper, 24" above finish grade), and 8 shrubs (minimum 5 gallon container). A recommended list of trees and other plants that thrive in the soil conditions present at Long Creek is attached as "Exhibit A."

C. Drainage

Drainage of the Lot must conform to all Guadalupe County requirements. All drainage and grading must be indicated on the plans approved by the Reviewer; there shall be no interference with the established drainage pattern over any property except as approved in writing by the Reviewer. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Declarant or approved builder prior to (or in some cases immediately following) conveyance of title from Builder to the individual homeowner. Owners may make minor drainage modifications to their Units provided that they do not alter the established drainage pattern.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or pending near or against the house foundation. Water should flow fully over walkways, sidewalks or driveways into the street. The Reviewer may require a report from a drainage engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

D. Fences

No fence or wall of any kind shall be erected maintained or altered on any Lot without prior written approval of the ARC of plans and specifications for such fences and walls. Absent a specific written waiver from the ARC, all wood fences must be installed so that the finish side of the fence faces outward from the Owner's Lot, so that the support structure side of the fence should face the Owner's Lot.

1. Materials: Types

See Article V, Paragraph H of the Declaration.

2. Reviewer's Authority

The Declarant, prior to the expiration or termination of the Declarant Review Period, and the ARC, after the expiration or termination of the Declarant Review Period, shall have the authority from time to time to create, revise or eliminate a list of preapproved fence types and/or fence material.

3. Maintenance

Any fences or walls, whether constructed by the Owner or builder, shall be well repaired and maintained consistent with the Development-wide standard. In the event a fence or wall is damaged or destroyed, the Owner shall repair or recondition the same at the Owner's expense.

E. Grading

Owners shall not grade their property so as to interfere with the established drainage pattern over any property except as approved in writing by the Reviewer. Owners should work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades. Owners may create berms, slopes and swales for the purpose of defining space and screening undesirable views, noise and high winds. Grassed slopes as berms are suggested not to exceed three feet of horizontal distance to one foot of rise or vertical height (3 to 1 slope) in order to permit greater ease of mowing and general maintenance.

F. Paving: Driveways

Owner shall secure Reviewer's approval prior to paving with any paving material, including concrete, brick, flagstone, stepping stones, and precast patterned or exposed aggregate concrete pavers, and for any purpose including walks, driveways, or patio areas. Owners shall secure Reviewer's approval before extending or expanding any driveway.

G. Retaining Walls

All retaining walls require approval by the Reviewer. Such walls shall be properly anchored to withstand overturning forces. Stone walls shall be made thicker at the bottom than at the top to achieve stability. All retaining walls shall incorporate weep holes into the wall design to permit water trapped behind them to be released. Timbers for walls or other landscape use should be treated to resist decay. Railroad ties are not acceptable. Walls shall not be located so as to alter the existing drainage patterns.

V. CONSTRUCTION GUIDELINES

A. Inspections

The Applicant shall schedule and coordinate a review of all construction activities with the Reviewer to verify compliance with the approved plans and specifications. The Reviewer may also perform additional periodic informal inspections to ensure that work is being performed in conformance with approved plans, these Design Guidelines and the Development-wide standard. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from Guadalupe County and other organizations having jurisdiction.

Job sites not in compliance with the Declaration, these Design Guidelines or approved plans will be issued a Notice of Violation and a punchlist of items needed to bring the construction and/or job site into compliance. Further construction is prohibited until such punchlist items have been corrected.

Any damage to vegetation or common area facilities caused by the Applicant, its contractors, sub-contractors, agents or employees must be corrected immediately to the satisfaction of the Reviewer, the Declarant and owner of the damaged property. If the damage is not corrected the Declarant or the Association may repair such damage and assess the costs of repair to the Applicant.

B. Conduct

The Applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in Long Creek Subdivision. Loud music, profanity, and other behavior which is unbecoming of a quality operation will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied access at the construction entrance. These rules (including but not limited to) will be posted in all houses under construction and shall be followed.

1. No smoking in any unit past sheetrock stage.
2. No alcoholic beverages allowed at any time—including after hours or weekends.
3. No eating in any house at any stage of construction.
4. Deposit all lunch remains, wrappers, etc., in dumpster.
5. Use the porta-pottys.
6. No loud music.
7. No profanity or obscene comments or gestures.
8. Shirts must be worn at all times.
9. No use of common areas, waterfront, lake, etc., by construction personnel at ANY time.

C. Site Cleanliness

All sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared at the end of each working day.

VI. CHANGES AND AMENDMENTS TO THE DESIGN GUIDELINES

These Design Guidelines may be amended as follows:

1. So long as Declarant owns any portion of the residential properties or has the authority to expand the residential properties pursuant to Article IV of the Declaration, Declarant may, in its sole discretion, amend these Design Guidelines as they apply to the residential properties, notwithstanding any delegation of reviewing authority to the ARC.
2. When Declarant no longer owns any portion of the residential properties or no longer has the authority to expand the residential properties pursuant to Article IV of the Declaration or has delegated its right to amend these Design Guidelines, these Design Guidelines may be amended only upon the affirmative vote of two-thirds of the members of the ARC and the consent of the Board.
3. Such amendment shall be published and/or promptly posted in a prominent place within the Community.
4. All amendments shall become effective upon adoption by the Declarant, so long as Declarant has the authority to amend these Design Guidelines, or, if the Declarant no longer has such authority, upon adoption by the ARC. Such amendments shall not be retroactive so as to apply to previous work or approved work in progress.

5. In no way shall any amendment to these Design Guidelines change, alter or modify any provision of the Declaration or any Supplemental Declaration.

VII. DEFINITIONS

Capitalized terms that are not defined in these Design Guidelines shall have the same meaning as set forth in the Declaration.

These Design Guidelines have been prepared by the Declarant for Long Creek Subdivision and are hereby adopted on this ____ day of _____, 1997.

ARCHITECTURAL REVIEW COMMITTEE OF
LONG CREEK HOMEOWNERS ASSOCIATION, INC.

By: _____

Its: _____

LONG CREEK SUBDIVISION RECOMMENDED LANDSCAPE PLANTS

GROUND COVERS

Algerian Ivy*	Nandina domestica, var.**
Asiatic Jasmine**	Perennial Verbena, "Tex Tuf" (red, rose, purple)
Bearded Iris	Prostrate Rosemary (herb)
Ruellia "Blueshade"***	Santolina (gray and green)
Confederate Jasmine	Trailing Lantana
Day Lilies	"Harbor's Dwarf"
English Ivy**	"New Gold"
Vinca Major**	Liriope (standard, "Big blue", "Giganta")
Trailing Juniper	Monkey grass/mondo grass*
Plumbago (deciduous)	Oregano (herb)
Texas Gold Columbine*	
Japanese Purple Honeysuckle	

VINES

Cross Vine (8' apart)	Creeping Fig (4' apart)
Boston Ivy (4'; deciduous)	Hall's Honeysuckle (6' apart)
Carolina Jessamine (4' apart)	Improved Trumpet Vine (12' apart; deciduous)
Confederate Jasmine (4' apart)	Lady Banks Rose (12' apart)
Coral Honeysuckle (3' apart)	La Marque Rose (10' apart)
Coral Vine (12' apart)	Grapes, Var. Champanel or Black Spanish (decid)
English Ivy (3' apart)	Virginia Creeper (3' apart)
Cl. Cecile Brunner (10' apart)	
Passionflower (4' apart)	

DWARF SHRUBS

Crimson Pygmy Barberry (2' x 3')	Gray Cotoneaster (3' x 3')
Dwarf Abelia (3' x 2')	Mexican Oregano (3' x 4'; herb)
Dwarf Chinese Holly (3' x 2')	Nandina domestica, var. Dwarf "Compactica" (4' x 3')
Pomegranate (2' x 2')	Plumbago (3' x 3')
Dwarf Yaupon Holly (2' x 2')	Santolina (green and gray)
Rosemary (3' x 3'; herb)	Winter Savory
Nandina domestica, var. "Harbor Dwarf" (2' x 2')	

SMALL SHRUBS

Dwarf Burford Holly (5' x 4')**	Japanese Boxwood (4' x 4')
Flowering Quince (4' x 4'; decid)	Sago Palm (4' x 5')
Glossy Abelia (6' x 4')	Red Leaf Japanese Barberry (5' x 5'; semi-deciduous)
Salvia greggii	
Salvia farinacea Mealy Sage	

MEDIUM SHRUBS

Burford Holly (9' x 6')**
Chinese Holly (9' x 6')**
Coppertone Loquat (7' x 5')
Flowering Pomegranate (8' x 5')
Primrose Jasmine (5' x 7')

Nellie R. Stevens Holly
(8' x 6')
Tea Rose (Mrs. Dudley
Cross; 5' x 4')
Salvia leucantha

LARGE SHRUBS

Crape Myrtle (9' x 8')
Elaeagnus (10' x 8')
Glossy Privet (20' x 15')
Japanese Yew (12' x 5')
Yaupon Holly (10' x 8')**

Pineapple Guava/Feijoa
Sweet Viburnum (10' x 8')
Texas Mt. Laurel
Xylosma (12' x 8')

SMALL TREES

Japanese Persimmon (25' x 20')
Mexican Buckeye (20' x 15')
Windmill Palm (12' x 7')
Possumhaw/Deciduous Holly (12' x 8')
Mexican Plum (12' x 10')
Yaupon Holly (15' x 10')

Loquat (15' x 12')
Mediterranean Fan Palm
(10' x 15')
Texas Redbud (20' x 15')
Texas Mt. Laurel (15' x 10')

MEDIUM TREES

Cedar Elm (45' x 30')
Texas Red Oak (25' x 20')
Sierra Oak (40' x 30')

Lacey Oak (45' x 40')
Osage Orange

LARGE TREES

Bald Cypress (60' x 25')
Live Oak (50' x 50')
Montezuma Cypress (50' x 30')

Bur Oak (60' x 30')
Monterrey Oak (60' x 30')
Chinkapin Oak (50' x 30')

*Shade

**Sun and Shade