

**Rainbow Lake Estates Homeowners Association
Rules and Regulations**

Landscape Committee

These rules and regulations are established pursuant the Article 8 of the Declaration of Covenants, Conditions and Restrictions for Rainbow Lake Estates Conservation Development and §38-33.3-302, Colorado Revised Statues

The Purpose of this document is to provide clarification to the Rainbow Lake Estates Declaration of Covenants with regard to landscape plan approval, define the roles and responsibility of the Landscape Committee, and establishing the rules by which the Landscape Committee shall be governed.

1. The Landscape Committee (LC) shall consist of at least one member and no more than three members and shall contain at least one Board Member. All members must be Members of the HOA. Three members of the LC are preferred.
2. The Board Member on the LC shall be responsible for communication of the LC decisions to the Board and shall be responsible for delivery of one set of approved plans to the approved record archive.
3. Two sets of plans shall be submitted to the LC. Each set shall be signed and dated by the LC. All LC approved plans shall reside as permanent record in the approved record archive. The LC can, if needed or desired, retain a copy of approved plans for its records.
4. Prior to submittal of plans to the LC, the requestor is required to communicate the intent of the improvement to adjacent neighbors if that adjacent dwelling is occupied.
5. No landscaping improvement to Lots 1 -71 shall be initiated without approval of the LC.
6. All landscaping improvements must be submitted in writing and approved prior to initiating such improvement.
7. A formal written response for landscape approval request shall be delivered to the requestor by the LC via mail or by hand in no more than 30 days from date of submission of plans. The copy of the formal written response shall be retained in the approved record archive. The LC can, if needed or desired, retain a copy of formal response for its records.
8. Landscape plans shall be completed within twelve months of Certificate of Occupancy (CO) of the primary dwelling. If the submitted plans are not intended to be completed within that twelve month period, a schedule for completion shall be submitted with the landscape plan and shall be approved by the LC. No landscape schedule approval shall exceed 24 months. The LC shall have full authority for determining if the schedule is reasonable and shall have full authority to approve such schedule. The approved schedule shall reside as permanent record in the approved record archive.

9. The LC shall be responsible for approval of landscaping plans for Lots 1 – 71 including trees, bushes, grasses, ornamental vegetation, mulch, rock, and other improvements regarded as landscaping materials. Fence, flag pole, antenna, windmill, street lamp, lighting, swimming pool, hot tub, retaining wall, driveway, porch, patio, deck, solar collector, improvements or any other permanent structure or structure intended to have a lifetime of more than one year, shall be the responsibility of the Architectural Review Committee; however, the LC is responsible for the fit of such structure with regard to the general landscaping appeal as defined in the Covenants, Architectural Standards, Section 10.
10. LC shall review plants on the landscaping plan to ensure that nuisance or noxious plants, as defined by Larimer County and the State of Colorado, are not included in the landscaping.
11. Grass: Declaration of Covenants, Architectural Standards, Section 10, states: "Visible front landscaping must be primarily grass and be completed within one (1) year from the building permit on front yards and on any back yard adjacent to or visible from open space." The condition of front landscaping must be primarily grass is negated by Colorado statute, "Any section of a restrictive covenant that requires cultivated vegetation to consist exclusively or primarily of turf grass is hereby declared contrary to public policy and, on that basis, that section of the covenant shall be unenforceable." CRS §37-60-126(11).
12. The LC shall be responsible for obtaining competitive bids for all maintenance of the common grounds and to submit the recommended vendor for approval by the Board.
13. The LC shall be responsible for submitting landscaping improvements to common community grounds.
14. The LC shall be responsible for maintenance needs of common community property landscaping including mowing, weed control, trees, bushes, ornamental plants, etc. on undeveloped common grounds (Outlot B 17.6 acres, Outlot C 20.0 acres, Outlot D 27.6 acres), fence lines, roads, entrances, etc.

Approved by the Executive Board on 9-9-08, 2008.



Secretary