

ATTACHMENT 2

WATERSMARK LANDSCAPE MAINTENANCE AND RENOVATION RULES AND GUIDELINES

PREAMBLE

As has been the case since the creation of the Declaration of Condominium Regime for WatersMark (the "Declaration"), these rules and guidelines must be read in conjunction with the provisions of the Declaration. To the extent there is a conflict, if any, between these rules and guidelines, and the Declaration, the provisions of the Declaration shall control.

1) INTRODUCTION

During the early planning and design stages of WatersMark the developer's goal was to ensure that the home sites, streets and common parking areas harmonize and blend with, rather than dominate the natural environment or significantly change its color, texture or shape.

Everyone loves the look of the Austin Hill Country, but when most subdivisions are finished, and houses are built the result is usually an expanse of St. Augustine grass with a few remaining oaks. The mix of under-story growth, cedars, oaks, and native grasses that give the Hill Country its color and texture are destroyed.

The developers endeavored, first, to limit the amount of natural vegetation that was destroyed, and second to restore the disturbed areas in a manner that is compatible with the natural vegetation. Landscaping in WatersMark has been established as a transition between the manmade and the natural.

When each home site in WatersMark was initially developed, the owner was required to submit a landscape plan for approval by the WatersMark Design Review Committee (WDRC). These plans, typically designed by a landscape architect included details of planting beds, irrigation, hardscape elements, and colored layouts of the actual plant species.

WatersMark requires the use of plants indigenous to Central Texas and the Hill Country. Native plants use less water and are more deer resistant. Plants recommended in the booklet "Native and Adapted Landscape Plants; an Earthwise Guide for Central Texas," are allowed by the WDRC. Owners are also encouraged to visit the Ladybird Johnson Wildflower Center in Southwest Austin for additional ideas and planting schemes for native plants.

2) LANDSCAPE MAINTENANCE RESPONSIBILITIES

2.1 Common Area Landscape Maintenance

At our front entry, at places along the main boulevard, and in the various street islands in WatersMark, the landscaping is planted and maintained by service crews contracted by WatersMark. Quarterly association dues, in part, fund the annual landscape maintenance budget for those common areas.

2.2 Homesite Landscape Maintenance

All owners in WatersMark, are responsible for maintaining the landscape beds, plants, trees, hardscape features, and irrigation systems, installed on their home site

WatersMark is a condominium association with no defined lot lines between each home. New owners are encouraged to meet with their adjacent neighbors to determine which landscape areas are to be maintained by which household.

2.3 WatersMark Standards of Landscape Care

In addition to enhancing property values, well-maintained landscapes promote courtesy and respect among neighbors. Our community takes great pride in its landscaping and it is our collective responsibility to make sure that each homesite is well-presented. The WDRC has adapted the following landscape care standards for WatersMark.

- Trees shall be shaped and trimmed so that they do not encroach upon or damage rooflines, promote a fire hazard, or overhang streets to a point that traffic sight lines are diminished. The lifting of canopies is discouraged, except where noted in Article 5.1 of these guidelines. We strongly encourage owners to hire a certified arborist for your tree maintenance needs.
- It is required that all residents follow the current City of Austin guidelines for prevention of oak wilt. Information about oak wilt can be found at www.austintexas.gov/page/oak-wilt-suppression as well as www.texasoakwilt.org. Currently it is advised by these guidelines that pruning and tree removal should be avoided between February 1 and June 30. Also, all fresh cuts of branches and stumps should be sealed with pruning paint. Any violation of these guidelines, such as non-emergency pruning at an inappropriate time and/or failure to seal the cuts will be subjected to a fine.
- Except where noted in Article 5.1 of these guidelines, no cedar trees, living oaks or

elms shall be removed from either the owner's landscaped sprinkler area OR non-landscaped sprinkler areas surrounding the home without WDRC approval.

- Turf areas shall be properly irrigated and regularly mowed/edged.
- Planting areas and flowerbeds shall be regularly weeded and mulched, properly irrigated, and all plants shall be properly maintained.
- Dead landscape plants shall be replaced within the next seasonal planting cycle with the same species, or species of similar size and recommended in the booklet "Native and Adapted Landscape Plants; an Earthwise Guide for Central Texas." No previously landscaped beds or planting areas shall be left empty or allowed to "go natural" after plants have died in those areas without WDRC approval.
- No natural or common areas shall be irrigated or landscaped without WDRC approval.
- Hardscape borders and/or walls (stone, metal, concrete, etc.) as well as owner parking pads shall be maintained as they were originally designed.
- All trimmings, leaf piles, grass cuttings and related landscape debris shall be removed from the home site and properly disposed. Dumping of landscape waste and debris in WatersMark common areas and our creek side greenbelt is prohibited.
- No fountains, statues, outdoor art, furniture, or other substantial objects shall be placed in owner landscaping without WDRC approval.
- Exterior landscape lighting shall be indirect such as in trees or flooded against the house. All lighting shall be shielded so that no lighting source will be visible from the street or neighboring residences.

2.4 Irrigation

Each owner in WatersMark is required to establish and maintain an irrigation system suitable to the design and plant mix of their landscape. While spray heads are necessary to properly water turf grass areas, we encourage all owners to help conserve water by using drip irrigation where applicable.

- Irrigation heads shall be designed to prevent water from being sprayed onto pavement.

- WatersMark COA will not be liable for damage to any owner's irrigation components.
- It is each owner's responsibility to monitor and comply with any governmental watering restrictions.
- The owner shall coordinate with the golf course if any irrigation overlaps onto golf course land.

2.5 Landscape Inspections

The WDRC may conduct landscape inspections to determine whether individual home sites are in compliance with these provisions.

2.6 Noncompliance and Remedies

If the WDRC determines that any home site is non-compliant, a written notice may be provided requesting that the owner bring the landscape into compliance with the standards.

After 30 calendar days following mailing of the notice, if the resident has failed to commence bringing their landscape into compliance, the WatersMark COA may hire a landscape crew to perform maintenance duties to bring the yard into compliance with the above standards.

The owner of the non-compliant landscape will be billed at the COA's cost of completing the maintenance.

If the owner fails to pay the bill sent by the COA to cover the cost of arranged maintenance, then at 90 days following the mailing of the bill the COA may, at its option, place a lien on the property seeking redress for the bill's amount.

3) LANDSCAPE RENOVATIONS

3.1 Routine Landscape Refresh

Replacement of individual plants or trees within an owner's landscape does not require WDRC approval as long as the replacements are selected from the "Native and Adapted Landscape Plants" guide booklet and are similar in size to the replaced plants or trees.

3.2 Structural Landscape Renovations

Except as provided in Section 3.1, above, prior WDRC approval shall be required for any other landscape renovations, including any that significantly alter the size or shape of a landscape bed, or for any addition, deletion, or modification of hardscape or erosion control elements or for extensive plant replacement that is beyond routine. Hiring a landscape architect or designer with design experience in our Hill Country ecosystem is strongly encouraged.

At the discretion of the WDRC, any waiver to the below mentioned procedures may be granted when the landscape renovation is simple in nature.

Through the WatersMark Property Manager, owners shall schedule a pre-design meeting with the WDRC for the next scheduled monthly meeting. At this time, the owner shall present the overall concept and vision they have for the changes to the existing landscape. Owner's landscape architects and designers are encouraged to attend. A written letter shall be sent outlining the discussion and recommendations of the WDRC.

Owners shall then schedule a WDRC review meeting for the next scheduled monthly meeting. A detailed landscape renovation plan shall be submitted to the Property Manager one week prior to the meeting. The WDRC Chair shall review a submitted plan to determine if all information to assess a review by the WDRC has been received. If additional information is required, that will be communicated to the owner by the Property Manager. No submitted plan shall be reviewed by the WDRC until all information has been received. Attendance of the owner's landscaper designer/architect may be requested at the review meeting.

Landscape renovation plans shall be one full size + one mini size in color and include, as applicable:

- Locations and schematics of planting beds.
- Locations, names (both common and botanical), and quantities of plant species and trees.
- Hardscape and lighting design with dimensions and details of materials, and photos of lighting components.
- Irrigation plan with locations of drip lines and/or spray heads.
- Drainage and erosion control plan.

At its discretion, the WDRC may notify adjacent and nearby site-owners of a Landscape Renovation plan, and request comment. Any communications from neighbors may be shared with the applicant only with the approval of the commenter. In the interest of saving time and at

the discretion of the WDRC, any plan simple in nature, may be reviewed by the WDRC by email, provided a majority decision can be reached.

The submittal date for a landscape renovation plan shall be deemed to be the day the WDRC members review the plan in quorum. All landscape renovation approvals by the WDRC shall be provided in writing within 21 days of this submittal date. The 21-day period shall not begin to run until this review date. No verbal approvals/denials or representations by the WDRC shall be valid or enforceable. Approval by the WDRC of any landscape plans and any variances granted shall be valid for a period of 180 days.

4) LANDSCAPE HOURS AND POWER EQUIPMENT USAGE

4.1 Working Hours for Power Equipment Usage

Use of outdoor power equipment, mowers, blowers, and noise producing equipment by landscape crews is required to be scheduled on weekdays between the hours of 7:30 AM and 6:00 PM. Saturday power equipment usage is limited to emergencies and brief periods (10 to 15 minutes) by residents. No Sunday or holiday (New Year's Day, Easter, July 4th, Labor Day, Memorial Day, Thanksgiving or Christmas Day) power equipment usage is allowed.

4.2 Working Hours for Non-Power Equipment Usage

Landscaping that does not involve power equipment, such as mulching, weeding and planting, may be performed on weekdays between 7:30AM and 6PM and on Saturdays between 9:00 AM and 5:00 PM.

5) FIRE WISE PREVENTION PROTOCOL

5.1 Tree Removal and Clean up

Based on information provided by the Texas Forest Service and the Oak Hill/Westlake Hills District Fire Marshall, residents are strongly encouraged to create a "defensible zone" around their homes for protection against a home fire by doing the following:

- Keep gutters free of debris.
- Create a 10-foot clearance around the homesite, including exterior walls, roof lines, patios etc., by doing the following within that 10 feet:

Remove dead trees and dead underbrush

Remove all tree branches

Remove all cedar trees LESS than 10" in trunk diameter

For any cedar tree over 10" in trunk diameter whose canopy is located within this 10-foot area, removal must be approved by the WDRC. See Article 5.2 for the procedure to obtain approval.

- Clean up trees located outside the 10-foot clearance area and within the home's sprinkler zone by doing the following:

Remove dead trees and dead underbrush

Along the driveway, cut back vegetation and trim all trees, including cedars, up to 15-foot clearance from the ground to allow fire truck access.

Trim all other cedar trees up to 8-feet of clearance from the ground.

5.2 Approval Procedure

Removal of any cedar tree over 10 inches in diameter whose canopy is located within the 10-foot clearance area AND all other cedar trees, regardless of size, located outside the 10-foot clearance area requires approval from the WDRC. All tree removal requests shall be submitted to the Property Manager.

The WDRC will review all requests at the next scheduled monthly meeting. Submittal date shall be deemed to be the day the Committee reviews the request in quorum. Approval shall be in writing. No verbal approvals will be valid.

- For cedar trees with canopies within the 10-foot clearance area of the home, ribbon stake all trees and submit pictures of the trees showing the relationship to the home.
- For all cedar trees with canopies outside the 10-foot clearance area of the home, ribbon stake all trees and submit the following:

A sketch of all trees requesting to be removed, drawn on the home's site plan that includes the distance of each tree from the home.

Pictures of the tree(s) that include the home and the surrounding area.

The reason for removal of each tree.