

# **STREAMSIDE HOMEOWNERS ASSOCIATION DESIGN GUIDELINES**

## **Revised 12/14/2024**

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# **STREAMSIDE HOMEOWNERS ASSOCIATION DESIGN GUIDELINES**

## **1. INTRODUCTION: ARCHITECTURAL DESIGN GUIDELINES**

The following Architectural Design Guidelines (the “Guidelines”) describe the considerations the Architectural Design Review Committee (the “ADRC”) will apply in reviewing the site planning, architectural design, and landscaping design for your new home or renovated home (any improvements) at The Village Green at the Valley Club (“Streamside”). Then, they set out the exact procedure that should be followed during the design review process. They also detail the Construction Regulations that your builder must observe while your home is under construction. Finally, they explain the composition and operation of the ADRC.

There are a few general points you should keep in mind when reading these Guidelines. First, remember that the ADRC’s responsibility is to accommodate creativity of home design while maintaining standards of quality, integrity, and appropriateness within Streamside. To do this best, these Guidelines set out generally broad indications of goals and objectives, combined with some clear prohibitions and requirements. The Declaration of Covenants, Conditions, and Restrictions for Streamside, as amended, restated, modified, or supplemented from time to time (the “Declaration”) states in Section 9.3(b), “Decisions of the ADRC may be based on purely aesthetic considerations. Each Owner acknowledges that opinions on aesthetic matters are subjective and may vary as ADRC members change over time.” All existing completed residences and structures at Streamside that have been permitted by Blaine County are deemed in compliance with these Guidelines and approved by the ADRC.

Second, you will notice many capitalized terms in these Guidelines. Any of those terms which are not at the beginning of a sentence, a proper name, or otherwise defined in these Guidelines shall have the definitions assigned to them in the Declaration. If you are in any doubt as to the exact meaning of those terms, check the Declaration or ask the ADRC for a formal explanation.

Third, the focus of these Guidelines is the outward perception of Streamside, and of the homes and land within that community. Therefore, the scope of design review is limited exclusively to what can be seen, heard, or otherwise sensed from outside each property. In using terms like “visible” or “screened,” these Guidelines refer only to visibility from the common areas of Streamside, from the golf course, or from neighboring properties. What cannot be seen or heard from these areas is not controlled by these Guidelines and may be handled without the need for any review.

## **2. SITE PLANNING**

Climate, vistas, and surrounding landscapes at Streamside have all contributed to shaping these Guidelines for the design of improvements to home sites within the community. The following Guidelines are intended to ensure environmentally sound and aesthetically pleasing development at Streamside, in harmony with the natural environment.

## A. VIEWS

Streamside is set in a beautiful environment with vistas of the surrounding hills from all parts of the site. When planning your home, care should be taken to situate the windows to take advantage of these high views, as well as the ground level views of the golf course and the many ponds and streams. At the same time, care should be taken to provide screening to filter views from the public areas back to the house and its service areas. ADRC decisions will be made to try to reflect a uniform, cohesive or harmonious esthetic planting them across Streamside. Specifically, trees and shrubs should be used in a manner that takes into account the overall esthetic of Streamside, consideration of views, height of trees, spacing and spatial rendering of plantings (e.g., not in a line). Plantings should be on the approved list of plants provided by the Association. Trees that block views may be removed trimmed at the request of the ADRC at the Owners expense.

## B. BUILDING ENVELOPE/PUD LOT

Each of the lots within the planned unit development plat for Streamside (each a "PUD lot") is identified on The Village Green at the Valley Club: Phase One Amended plat dated July 2007, The Village Green at the Valley Club: Phase Two plat also dated July 2007, and The Village Green at the Valley Club: Phase Two: Lot 29A plat dated October 2013. Each PUD lot within Phase One is a 70' x 70' square lot, which also constitutes the building envelope for such lot. Each PUD lot (with the exception of lot 13) within Phase Two of Streamside is a circle whose diameter is 99'. Each circular lot contains a 70'x70' building envelope as shown on the plat.

If improvements are planned that extend outside of the building envelope, approval of the ADRC is required. Additionally, approval of a plat amendment must be obtained from Blaine County.

The PUD lots have been sited in order to maximize views for neighboring properties as much as possible, and to protect the open spaces planned for the site. The building envelope is the part of each PUD lot within which all structures of every kind must be located, other than driveways and entry paths. With the sole exception of trees and/or shrubs that would become the property of the Association in accord with section 4.B, any encroachment outside the owned PUD lot, for any purpose, will require approval by the ADRC, approval by a majority of lot owners, and a properly recorded Limited Common Area Easement. Such encroachments and Limited Common Area Easements are discouraged and will only be considered in rare circumstances since they involve the restriction of land owned in common by all lot owners.

All properly recorded Limited Common Area Easements (as defined in the Declaration) existing as of the date of the approval of these Guidelines for PUD lots with completed homes are deemed to have been approved by the ADRC. Construction on any common area that requires a building permit currently requires a plat amendment rather than a Limited Common Area Easement.

#### C. SITE PREPARATION, GRADING AND DRAINAGE

Excessive grading of your site should not be necessary and is not desirable for sensitive siting of improvements. The finish first floor height should be consistent with neighborhood and or adjacent Streamside homes. Any minor grading that is required should be done to maintain the natural existing softness of the terrain using natural rounded and varied contours, not sharply defined and regular slopes. Drainage swales or washes interrupted by site improvements or additional drainage structures created by such improvements shall be constructed or reconstructed of natural materials properly placed for positive operation of the drainage system. Structures, which are artificial in appearance, such as exposed drainage pipe, are not allowed. Erosion is to be controlled in all circumstances. Special care must be taken during construction to protect and retain exposed earth. All Design Review applications must include a Grading Plan prepared by an Idaho licensed landscape architect and/or an Idaho licensed civil engineer. Exceptions will be reviewed on a case-by-case basis.

#### D. ACCESS DRIVES

Each PUD lot may be accessed only by a single driveway with a single cut into the roadway, which should provide the most direct route from the street to the home. The surface of an access drive may not exceed twenty feet (20') in width where it crosses the common area between the edge of road pavement and the PUD lot. Narrower access drive cuts are encouraged when permitted under local fire code. Driveways and/or parking surfaces may not encroach into any side setback without specific approval of the ADRC. The proposed driving surface is subject to approval by the ADRC.

Driveway and parking area materials close to the home may vary as they relate to individual architecture but should always maintain a finished quality. Drainage across or under driveways, where required, should be integrated into the design of the drive or apron. All of the access drives and parking areas must be asphalt, concrete or pavers. Gravel is not permitted.

#### E. PAVING

Excessive areas of pavement will be discouraged. Paving materials for driveways, paths, steps, patios and other areas should have matte, non-reflective surface and earth colors that blend well with the natural surroundings. Use of natural stone or concrete pavers is encouraged.

#### F. FENCES AND WALLS

The greatest preservation of the views and the natural environment at Streamside would be achieved if no fences were to be built. It is understood, however, that there is a functional need to enclose areas for privacy and for protection of children, containment of pets and to hide utilities and mechanical equipment. Fencing, where required, must be designed to appear as an extension of the architecture and architectural materials and used only where necessary.

Natural plantings should be used to further mask the fence, and its location on the site should be selected so as to be as unnoticeable as possible from the road and surrounding properties. Fences or walls utilized as sight screens must be conceived as an integral part of the overall design of the building and not simply a tacked-on element dictated solely by function. In no case will walls or fences be permitted to delineate the building envelope, although it is understood that such walls or fences may define pet runs or small yards, courtyards or terraces attached to the residence for privacy. Privacy or screen walls must not exceed six feet in height and may not encroach beyond the PUD lot boundary and must be in pleasing proportion to the size of the home. Ornamental iron or other metal fencing is discouraged and may not be used without specific approval of the ADRC. Chain link or wire fencing is prohibited.

#### G. TERRACES AND DECKS

Outdoor living will certainly be one of the great pleasures of having a home at Streamside. The nature of the landforms and the views will influence the choice among on-grade yards, terraces and raised decks to provide the best spaces for that purpose. Terraces should be designed to be an extension of the architecture. The landscape should provide a key element in a comprehensive design that integrates the man-made features with the natural terrain and vegetation.

Decks should be very carefully designed to preserve the beauty of the home as seen from the golf course and neighboring properties. Great care must be taken to aesthetically consider the finish of decks and terraces, especially as to railings. All structural supporting elements of lower floor decks must be hidden from view with adequate screening from surrounding properties. Great care must be taken to support upper-level decks with elements of sufficient visual substance that they appear to be architecturally integrated with the residence itself. Simple posts or similar support systems for such decks will not be acceptable. Quality screening materials must be used to restrict any views under any decks. Wood lattice is prohibited.

#### H. OUTDOOR RECREATION ELEMENTS

The size, shape, siting, and noise impact to neighboring Owners of spas must be carefully considered to achieve a feeling of compatibility with the surrounding natural and man-made elements. All structures must be appropriately screened and architecturally related to the house so that they appear to be a visual extension of the house.

#### I. EXTERIOR LIGHTING

Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from the view of bright light sources. No overhead floodlighting will be permitted, and illumination necessary for evening activities must meet the most stringent "Dark Skies" regulations, be fully enclosed, directed downward and be only bright enough to provide for the safe traverse of steps and paths. When appropriate, lights on motion detection are encouraged to further support the dark sky initiative. Subtle lighting of architectural elements is acceptable,

while more ornate lighting types such as colored lights or extensive yard lighting will be prohibited. Along the same lines, exposed light sources are prohibited. No lighting fixtures will be permitted other than the PUD lot identification sign, within twenty feet (20') of roadways.

Public outdoor lighting, including holiday lighting, shall follow the City of Hailey Municipal Code as the same may be amended from time to time: Residential holiday lighting is permissible from November 1 to February 1. Flashing holiday lights on residential properties are discouraged. Holiday lights should be turned off by eleven o'clock (11:00) P.M. LED lighting is encouraged.

#### J. OUTDOOR STORAGE

Outdoor storage will be permitted only for firewood. Items such as bicycles, trash cans, maintenance or service equipment such as lawnmowers and snow-blowers must be kept inside the garage.

#### K. ANTENNAE AND SATELLITE DISHES

Any antennae or satellite dish installation must be approved by the ADRC prior to installation and shall be as unobtrusive as possible when viewed from Common Areas, the golf course, and neighboring properties. Satellite dish color must be consistent with the exterior of the residence.

#### L. HEATING AND COOLING EQUIPMENT

No roof, wall, or window heating or cooling equipment will be permitted. Any exterior heating and/or cooling system components must be ground-mounted adjacent to the residence and hidden or screened from view. Such equipment must also be insulated for noise so as not to be heard from the golf course or neighboring properties. Landscaping alone is not sufficient for screening utilities.

#### M. UTILITIES

Utility services are all stubbed to the property line of each site. The extension of services from these stub locations to the residence shall be the responsibility of each Owner. All utility extensions must be underground. All disturbed areas of the site must be treated as described in Section 5. S of these Guidelines. All meter panels and air conditioning units must be screened so that they are not visible. Utility cabinets and screen walls must be integrated into the overall architectural design of the proposed home. Electrical meters shall be enclosed and shall match the exterior finish of the home where such meter or meters are located. Landscaping alone is not sufficient for screening utilities.

#### N. HOMESITE IDENTIFICATION AND SIGNAGE

Each home shall display a house number with a uniform font style called Roffe manufactured by Gemini Letters. The location of the house numbers must meet the requirements of Blaine County safety and emergency services providers. The ADRC shall purchase and direct the size and



placement of the address numbers on each property, at the expense of the Owner. No additional signage is permitted.

O. SOLAR PANELS

Installation of solar panels must be done to visually integrate into the roof area as much as possible.

P. MAILBOXES & NEWSPAPER HOLDERS

Mailboxes and newspaper holders are not permitted.

### 3. ARCHITECTURAL DESIGN

The following architectural standards have been developed in response to aesthetic goals and environmental considerations at Streamside. The purpose of these standards is to create a harmonious architectural approach compatible with the land and the landscape. The Architectural design and planning shall be completed by an Idaho Licensed Architect who understands the climate, and other regional issues specific to Streamside.

A. STYLE

The goal of architectural harmony is to be achieved through the use of a controlled range of complementary materials and colors, natural wood siding and structural elements, architecturally controlled and specified stucco, natural stone, and roofs in mid-to-dark ranges of earth tones. Using these materials, a wide range of architectural designs can be a comfortable part of an enhancement of the natural environment at Streamside. However, certain architectural styles, while having a beauty of their own, are so closely associated with other times and other places that their use would distract from the harmony of The Valley Club and Streamside communities. Examples of such inappropriate styles are Southern Plantation, Tuscan, Mediterranean, Adobe, Victorian, Tudor, and Bauhaus styles. While yet-to-be constructed homes in Streamside may vary in size and scale from existing Streamside homes, such yet-to-be built homes should respect the architectural character of the existing homes. In addition, repetition in the exterior designs is not permitted, except as otherwise specifically approved by the ADRC.

B. SIZE

The ADRC shall have the right and discretion to withhold approval for any home that is excessively large or small for its PUD Lot and where the context of the proposed design is deemed to distract from the overall Streamside environment and setting. All homes within perimeter PUD lots 7 through 13, 17B and 18B, as set forth on the Phase 2 of the Village Green at the Valley Club Subdivision plat map dated July 24, 2007, shall contain at least three thousand two hundred (3,200) square feet of livable enclosed and roofed space, excluding the garage.

All remaining PUD lots (with the exception of lots 23, 24 and 25, which are owned by the Valley Club) must contain at least two thousand two hundred (2,200) square feet of livable enclosed and roofed space, excluding the garage. Second story homes will generally not be approved on lots 27 through 43 unless special permission is granted by the ADRC after a majority vote by Owners with improved lots. Should such permission be granted, at least one thousand four hundred (1,400) square feet (livable, excluding the garage) shall be located on the ground floor level, provided, however, that in no event shall any second floor or mezzanine level exceed fifty percent (50%) of the gross square footage of the main floor of the residence, including the garage. No residence may contain more than six thousand (6,000) square feet of enclosed and roofed space on all levels, including the area within garages.

#### C. HEIGHT OF STRUCTURES

No portion of the roof or ridge line may exceed a height of thirty feet (30'), except that in order to provide the design opportunity for vertical undulation of the ridge line, there may be a portion(s), not to exceed thirty-three percent (33%) of the total roof area, in excess of thirty feet (30'), not to exceed thirty-five feet (35'). All heights shall be measured from existing grade.

#### D. ROOFS

Pitched and flat roofs are allowed. Pitched roofs shall have a maximum pitch of twelve (12) in twelve (12). Flat roofs shall be used in combination with pitched roofs and shall only be used on the first floor. Care should be taken when designing with flat roofs to avoid a "commercial" feel.

All visible roofing should present the appearance of high-quality roofing, achieved through slate, shingles, high-definition asphalt, standing seam metal or similar materials. Colors will be limited to dark earth tones of grays, browns, rusts or blacks. Barrel or "S" tiles and asphalt roll roofing are prohibited. Asphalt shingle roofing requires approval from the ADRC and must be of high quality with substantial thickness so as to create shadow lines. Concrete tiles and ceramic tiles are excluded since it is widely recognized that they do not hold up in freeze/thaw conditions in our area.

All roof material must comply with current Blaine County fire and building codes. The use of major rooftop elements such as dormers, chimneys, or skylights, if any, should enhance the form of the roof and appear to be an integral part of the roof, not an appendage. All roof penetrations and mechanical vents, pipes, or flues should be grouped together and properly screened by material in keeping with the overall design of the roof and the home.

#### E. FOUNDATIONS

The foundation walls or wood stem walls that connect the house to the ground, particularly on sloped sites, can be just as important as the roof in their impact on the overall design and on the relationship of the home to the surroundings. Therefore, design and material selection should be adequately planned and budgeted for. The use of "heavy" natural materials to form a base provides a natural transition to the ground. Whatever the material, it should be an

extension of other elements such as walls or terraces and not accentuate a break between them.

Visible surfaces of concrete masonry or concrete foundation walls and piers may not exceed twelve inches (12") above finished grade unless they are faced with approved masonry or unless such walls are constructed as architecturally-designed, poured-in-place and exposed concrete walls that complement the overall exterior finished surfaces of the residence. Surfaces not faced with approved masonry or that are not architecturally-designed, poured-in-place concrete walls must receive a stucco or mortar-wash finish and be painted to blend unobtrusively with adjacent materials. Wood siding that extends from walls down over foundation walls to cover foundation surfaces should smoothly follow grade lines, not the steps in the concrete foundations. Retaining walls should be used where the concrete foundations step to minimize the visibility of concrete foundation walls.

#### F. GARAGES

Each residence must have an enclosed and attached garage for at least two (2) cars. Carports are prohibited. All garage doors must be equipped with automatic door openers. Garage doors shall be compatible with the design of the residence and aesthetically pleasing as determined by the ADRC. All glazing on glass garage doors must be opaque such that the inside of the garage cannot be seen.

#### G. EXTERIOR MATERIALS

Exterior materials should generally be natural materials that blend and are compatible with the native landscape. Exterior materials may consist of indigenous wood species, including beveled or tongue-in-groove board siding, board-on-board, board and batt, and other similar siding treatments. The siding must run in a consistent direction on all exterior walls, unless it is architecturally appropriate to vary the direction of the exterior siding and be of one (1) wood species only, unless otherwise approved by the ADRC. Semi-transparent or solid body stains in colors that harmonize with the surrounding landscape must be used. Stucco is permitted if a sample is approved by the ADRC. All reflective metal must be painted to match or blend with surrounding materials using colors approved by the ADRC. The use of blackened natural steel or Corten steel may be permitted as an architectural accent to a residence's exterior design and for trellis material (where applicable) if approved in advance by the ADRC. Plywood siding and pressed board siding are prohibited. The use of fiberglass siding or composition asbestos siding is prohibited. Concrete may be utilized provided it is specifically considered and approved by the ADRC. Any stone used on the outside of the house must be natural stone that is quarried and of a type generally used for building or decorative purposes. Any type of pre-cast concrete or other material designed to simulate different types of natural stone is prohibited unless first approved by the ADRC. The aesthetic merits of any combination of exterior materials are subject to review and approval by the ADRC in order to maintain the architectural integrity and consistency of the visual experience at Streamside.

Interior draperies and window coverings that can be seen from the exterior of the home shall be a solid neutral color that blends with the house and the surroundings.

## H. EXTERIOR COLORS

All exterior colors are subject to prior approval by the ADRC. The color of all exterior materials should be subdued to blend with the natural landscape. Earth tones are strongly recommended, although muted accent colors, which are used judiciously and with restraint, may be permitted with the approval by the ADRC.

In no case will colors approaching the primary range (red, blue and yellow) be permitted, nor will drastic contrasts in value (light to dark) be allowed. "Light gray" siding stains that approach white or off-white in appearance will not be allowed. It is the intent at Streamside to preserve the appearance of the natural landscape and preclude the use of colors that would appear to be out of place.

## I. FRONT DOORS AND ENTRY STEPS

Front doors and entries are an important focal point for most home designs. Doors and surrounding architectural details should be substantial relative to the home and of a design, which is in keeping with the architecture of the home itself. Where entries are located above the lowest grade of the home, particular care must be taken to ensure that the entry appears to be solidly connected to the ground, that the grade will not be altered so substantially to accommodate such entry that it appears unnatural, and that the front elevation of the home remains in balance and proportion.

## J. WINDOWS AND SKYLIGHTS

The glass of windows and skylights must not be highly colored or highly reflective, nor may their frames consist of light colored or reflective material. White translucent lenses on skylights should be avoided in favor of gray or clear finishes except where such translucent materials provide a higher level of energy efficiency and add architectural distinction to the residence design.

## K. BUILDING PROJECTIONS

All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, porches, railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials. All building projections must be contained within the building envelope. All gas appliance vents or metal flues shall be housed in an exterior chase or within permitted mechanical roof well areas. Architecturally designed metal chimney caps are allowed, subject to ADRC approval of the color.

## L. CHIMNEYS AND OUTDOOR FIRES

Due to fire danger, all chimneys must be equipped with a U.L. or I.C.B.O. approved spark arrestor, including outdoor fireplaces. Outdoor fireplaces and/or firepits must be covered and Owners

should be mindful at all times of the fire dangers associated with our area. All fires must be fully extinguished before they may be unattended. Barbecues are permitted, provided they are lidded cookers.

#### M. SOLAR APPLICATIONS

Passive solar design is encouraged. Active solar applications can result in excessive glare and reflection, and will only be approved by the ADRC if the hardware is integrated into the structure or landscaping of a PUD lot and is not visible from any other PUD lot or common area. Non-reflective solar panels may be permitted subject to the ADRC's approval of the proposed solar panel and location of such panel on the proposed residence.

#### N. PREFABRICATED BUILDINGS

No building that is constructed off-site and requires transportation to any PUD lot, whole or in partial assembly, will be permitted. This prohibition includes mobile homes, stock modular buildings, or any other structures requiring transportation and set up in a partially completed state.

#### O. CHANGES OR ADDITIONAL CONSTRUCTION

All changes or additions to the approved plans before, during, or after the construction must first be approved by the ADRC.

### 4. LANDSCAPING

The goal for landscaping in Streamside is to reflect the natural palette of Sun Valley's varied environments, to enhance view corridors, and to allow for screening of homes, while paying attention to the environment and, in particular, water conservation. The ADRC has adopted an approved plant list (Exhibit I) for landscaping within Streamside. This plant list is focused on having a cohesive and complementary plant and tree palette and is designed to maintain planting levels consistent with our water rights.

All Design Review applications must include landscape drawings prepared by an Idaho licensed landscape architect. Exceptions will be reviewed on a case-by-case basis. Yew plants are prohibited anywhere in Streamside. For new plantings proposed between the circles/building envelopes, the Owner needs to submit the following: (1) Plan showing proposed plantings, circles/building envelopes, existing homes, and existing landscaping; (2) Submissions need to be jointly done or approved by the two adjacent Owners; (3) Plantings need to conform to Streamside aesthetics (e.g., not symmetrical, not in a line); (3) Plantings need to be on the list of those allowed within Streamside, or similar species that the ADRC can consider for approval on a case by case basis; and (4) ADRC will also evaluate applications that request plantings within the circles as part of the plantings between buildings (rules for responsibility for Owners vs.

Streamside apply as noted in a prior section). The ADRC can approve or recommend changes for such plantings between lots. Submission of photographs of the area where planned plantings would be helpful for the ADRC.

As part of the final or follow-up inspection, the ADRC reserves the right to require additional plantings: (1) If the approved plan is not followed properly; (2) The plantings are not of good quality or are of insufficient size; and/or (3) The ADRC finds that the approved plan did not adequately address necessary screening per actual on-site conditions.

All landscaping is to be maintained to a consistent and high-quality standard and must consider water conservation, use of materials from the approved plant list, and use of natural buffers outside cultivated areas.

#### A. CULTIVATED AREAS

A limited contiguous area around each home within the PUD lot and driveway must be landscaped and maintained by the Owner in accordance with these Guidelines. Any irrigation of such landscaped areas shall be provided first by the Association to the extent available under the Big Wood River irrigation rights held by the Association, and secondarily by the domestic rights held by the Association and available to the Owner for irrigation of landscaping only within the PUD lot. Cultivated areas should have flowing, non-linear characteristics and blend with the adjacent natural areas. Rigid formality and geometric arrangements of plant materials should be limited to areas next to homes and within the private areas (as described below). An appropriate natural area buffer is required between cultivated areas and the golf course.

#### B. NATURAL/COMMON AREAS

All property outside the 43 PUD lots is common area, owned by the Association. All areas of the home site outside of the cultivated areas should be treated as natural areas. All areas disturbed during construction shall be landscaped or re-seeded with a natural grass mix consisting of Scottish Links Fine Fescue Mix (or similar) and irrigated until established. ANY plantings, including those that encroach/the common area must be approved by the ADRC.

ADRC Oversight: From time to time as plantings mature, more homes are completed, the ADRC reserves the right to have plantings in the common area changed or removed. For example, if ADRC approved homeowner plantings in the common area become an issue of public safety (or other valid reasons brought up by the ADRC that would need Board Approval), then the HOA will first ask the homeowner to address the situation.

The ADRC may put forward new plans for natural/common areas that would require a majority vote to pass.

Common Area Plantings by Lot Owner: The materials and installation are to be paid by the Owner requesting them; thereafter the plants become the property of the Association, which

then has the responsibility for ongoing maintenance. Any proposal for trees and/or shrubs in the natural areas should not overwhelm the natural landscape of Streamside will be evaluated by the ADRC. These trees and/or shrubs must be irrigated by sub-surface drip lines so as to avoid unnatural “green” areas amidst the natural grasses. Express approval by the ADRC must be obtained for any such landscaping outside the PUD lot.

Between Home/Property Plantings: At the conclusion of construction of a new house, in addition to any final consideration of the Landscaping Plan for that PUD lot, the ADRC (under the guidance of the Association’s landscape architect) will consider the issue of adding plantings within the Common Area for privacy and screening purposes. Such approved trees in the Common Area will be planted at the Owner’s expense but thereafter they will become the property of the Association and the Association will become responsible for all continuing maintenance. However, replacement if/when necessary will be the responsibility of the existing and or subsequent owner/s. If such plantings are to be on adjoining lots that are unimproved, the planting of such trees may be postponed, when feasible, until adjoining houses have completed construction in-order-to minimize damage to new plantings as a result of construction activities and to allow for input from adjoining homeowners.

Maintenance Costs of plantings in the Common Area\*\*: Plantings outside of the owner’s lot result in additional maintenance costs. An owner who has, requests or previously requested and planted or owns any trees outside their lot may opt for either:

- a. Contribute an additional fee towards maintenance costs provided for the common area in general. The amount to be determined by the board but not to exceed \$20 per tree in the common area. Trees between lots would be a shared amount to be decided by adjacent owners. Such amounts may be amended through a resolution by the Board from time to time after owner input and a vote.
- b. The homeowner maintains these plantings according to an appropriate neighborhood standard. If this is chosen, the ADRC has those rights noted above relating to standard tree maintenance.

\*\* Please note, that the maintenance issue noted above takes-into-account a CCR domain: The same rights need to be granted to all in order to avoid unequal treatment of homeowners which is prohibited in Streamside CCRs. The above makes the current ownership of trees or requested trees a distributed and fair contribution to maintenance costs of Streamside.

The ADRC from time to time may evaluate issues as drainage in a common area issue and report this to the Board to be corrected if necessary per County or PUD regulations.

## C. PRIVATE AREAS

Private areas are those areas located within walls, courtyards, or other approved structures, so that they are not visible. Within private areas, an Owner may create as varied or formal landscape as desired so long as the importance of water conservation is considered.

#### D. ADJACENT RIGHTS OF WAY

Each Owner is responsible to landscape their PUD lot and the common area between its lot and the adjacent rights of way to comply with the standards and design intentions as outlined herein. Specifically, the adjacent right of way is to be restored and re-vegetated, and drainage is to be maintained or improved as necessary. In order to create a consistent streetscape appearance throughout Streamside, the existing street trees and 12-foot lawn area along Streamside Drive shall be maintained. If any street trees need to be removed to provide driveway access, they must be transplanted to fill in any voids and maintain the existing spacing. Any replacement trees must match the existing species. A flowing, linear or non-linear sod lawn is required along the edge of the roadways within Streamside and shall be installed in concert with all landscaping that has been installed and maintained by all existing Owners within Streamside at the time of the adoption of these Guidelines. The minimum width of the foregoing lawn element shall be twelve (12) feet from the road edge.

#### E. IRRIGATION

Each owner engaging in construction or remodel is responsible for cost for landscaping or changing any irrigation infrastructure occurring in common area around their circle. Owner must first seek approval from the ADRC. Following approval and landscaping or change in infrastructure the HOA shall assume financial responsibility for maintaining landscaping and/or irrigation infrastructure.

Irrigation controllers by individual homeowners are prohibited and each Owner is required to hook into the Master Irrigation Controller of the Association and pay a one-time connection fee per Design Review Fee Schedule (Exhibit L) (or a fee as otherwise established by the ADRC), which shall be a separate fee due and owing prior to the commencement of construction. All landscaping and disturbed areas are required to be fully irrigated by an underground sprinkler system. Temporary sprinkler zones are mandatory for re-vegetation and proposed natural areas and are to be turned-off once the landscape is established. Sprinkler heads for turf areas should be of "pop-up" design or discreetly located and black risers should be used to minimize their visibility. Drip irrigation is to be used for all shrubbery and flower beds. Perennial beds may use pop-up spray heads only with ADRC approval. All irrigation inside and outside the PUD lot should comply with current state-of-the-art conservation measures and must be approved by the ADRC before installation. An as-built of the plan is also to be submitted following construction.

#### F. LANDSCAPE DESIGN

An approved landscape plan (as outlined in Section 6 - DESIGN REVIEW PROCEDURES) is required prior to the commencement of any site modifications or any landscape installation, whether at the time of construction or modified at any later time (except for replacement of existing plants



within the cultivated personal areas of a PUD lot so long as any new plant is from the approved plant list and of similar size and density). This landscape design plan should be completed by a licensed Idaho landscape architect who understands the topography, climate, irrigation needs, and issues involving ongoing maintenance in Streamside. In the event that an Owner of an existing house is making small changes/additions other than existing plant replacement, he/she may do so without using a landscape architect, but consideration by the ADRC is still necessary (see Exhibit K(3) Short Form Application for Existing Landscape Minor Revision Design Review).

#### G. COMPLETION OF LANDSCAPING

All landscaping work must be completed within sixty (60) days of receipt of a Certificate of Occupancy for the residence. Extensions will be granted for weather conditions that prevent installation of plant materials or other landscaping improvements.

#### H. OUTDOOR FURNITURE

Location of permanently placed outdoor furniture or accessories such as swings, tables, barbecues, arbors, children's play equipment, etc., must be approved by the ADRC. Outdoor furniture and accessories may not infringe on setbacks and must be properly maintained. All play equipment shall be screened from adjacent view and be painted or constructed to blend with natural surroundings, as approved by the ADRC.

#### I. OUTDOOR ORNAMENTATION OR STATUARY

Placing, erecting, constructing or allowing any permanent unnatural or man-made ornaments, signs, statuary, pink flamingos, relics, flagpoles, machinery, equipment, basketball backboards, game poles and nets, or other such items which are unattached to approved structures are prohibited unless the same are included and made a part of a landscape plan submitted to and approved by the ADRC. "Unnatural" shall mean any object that is not naturally growing upon, indigenous or accumulated upon a home site in its undeveloped state. Any ornamentation or statuary item described above which is to be attached to or intended to be a part of an approved structure or deck shall first be submitted to the ADRC. Flags that comply with Idaho State Law shall not be restricted.

### 5. CONSTRUCTION REGULATIONS

In order to ensure that the natural landscape of each PUD lot is preserved and the nuisances inherent to any construction process are kept to a minimum, the following regulations will be enforced during the construction period of all improvements within Streamside (the "Construction Regulations"). Any violation of these Construction Regulations by an Owner's agent, representative, builder, contractor or subcontractor will be treated as a violation by the Owner.

#### A. BUILDING SITE

The PUD lot and a portion of adjoining common area between the PUD lot and the adjacent right-of-way and halfway to the next lot is the limit of development on each PUD lot. All activities to the improvement must be confined to this area. To this end, this area's perimeters must be temporarily staked, roped, or flagged during the duration of construction. Construction fencing is required in all cases and its location must be shown in the submittal drawings.

#### B. GRADE AND LOCATION CERTIFICATE

The ADRC shall require, and will confirm receipt of, a grade and location certificate prior to the placement of concrete.

#### C. OSHA COMPLIANCE

All applicable Occupational Safety, and Health Act (OSHA) regulations and guidelines must be observed at all times.

#### D. CONSTRUCTION TRAILERS

Upon commencement of construction, a small construction trailer or portable field office may be located on the building site. The type, size, color and location of any portable office must be approved by a representative of the ADRC during the pre-construction conference. The field office may not be placed on-site earlier than two (2) weeks prior to the actual onset of continuous activity. A construction trailer may not remain on a site for a period of time exceeding ten (10) months without written approval of the ADRC.

#### E. TRASH RECEPTACLES AND DEBRIS REMOVAL

Owners and builders shall clean up all trash and debris at the end of each day. An approved trash receptacle must remain on the site at all times for this purpose to contain all lightweight materials or packaging. The receptacle must be positioned on the site alongside the access drive, clear of side and rear setbacks, adjacent road right(s)-of-way, and neighboring properties. Trash receptacles must be emptied on a timely basis to avoid overflow of refuse and particular care must be taken for consideration that winds often increase during the late afternoon and evening; measures must be taken to ensure that debris does not blow away. Disposal shall be at a suitable off-site facility. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the site or elsewhere in Streamside or The Valley Club. Heavy debris, such as broken stone, wood scrap, and the like, must be removed from the site immediately upon completion of the work of each trade that has generated the debris.

All concrete washouts from both trucks and mixers must occur within the building envelope of

the PUD lot in a location where it will be ultimately concealed by structure or covered by backfill. Washout in road rights-of-way, setbacks, or on adjacent properties is strictly prohibited.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or detriment to other PUD lots or open space. Any clean-up costs incurred by the ADRC or the Association in enforcing these requirements shall be payable by the Owner. The ADRC may use the Deposit described in Section 6 of these Guidelines to pay any costs it may incur in this connection.

#### F. HAZARDOUS AND DANGEROUS MATERIALS

Hazardous and dangerous materials must be handled and disposed of according to federal, state, and local law. Any environmental or health hazards, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (commonly referred to as CERCLA), or any other federal, state, or local law that regulates construction, must be appropriately handled by the Contractor. It is the sole responsibility of the Contractor to ensure that proper care is taken. The Contractor shall indemnify and hold the Association and any Owner harmless for any and all monies expended or damages incurred by the Association or any Owner as a result of such environmental or health hazard.

#### G. SANITARY FACILITIES

Each Owner or builder shall be responsible for providing adequate sanitary facilities for construction workers, located in the staging area. Sanitary facilities shall comply with city, county, and state codes.

#### H. CONSTRUCTION ACCESS

Prior to the start of any construction or excavation on any PUD lot, the approved driveway and all vehicle and equipment parking areas shall be excavated as necessary, and coarse fill installed. This is required to eliminate or reduce the amount of mud and dirt being tracked onto the main road from the project site during construction. The contractor shall be responsible for controlling dust from the construction site and for the removal of dirt, gravel, and mud from public or private roads that is the result of construction activity on the site. Failure to do so in a timely manner may cause the Board to take immediate action to mitigate and the Deposit will be charged accordingly.

#### I. VEHICLES AND PARKING AREAS

All construction equipment and materials and contractor or subcontractor employee cars and/or trucks other than for use and installation during the daily construction routine shall only park in the designated parking and staging areas that are available for rent from unimproved lot Owners within Streamside. Vehicles may not be parked on neighboring lots, nearby driveways or on open space. Changing oil or other vehicle maintenance on any site is prohibited. Vehicles that leak oil

are prohibited. All lot areas rented shall be kept in a clean and organized condition and no washout of concrete, paint, or other potentially toxic or damaging building materials is permitted. Failure to do so may result in a fine on a daily basis (see Exhibit M Streamside ADRC Schedule of Fines), and the construction deposit will be charged accordingly.

#### J. CONSTRUCTION FENCING

Construction fencing shall be installed by the contractor at the perimeter of each respective building site. All trash containers and temporary toilets must be located within the staging area.

#### K. CONSERVATION OF NATIVE LANDSCAPE

The ADRC shall have the right to flag major terrain features or plants, which are to be fenced for protection and preservation.

#### L. DUST AND NOISE CONTROL

The contractor shall be responsible for controlling noise from the construction site. The playing of radios or use of other audio equipment by construction crews during the improvement of any PUD lot at Streamside is prohibited. Owner/contractor is obligated to make a good faith effort to control blowing dust/dirt during the construction process. Excavation, grading and backfill work should not be started when wind speeds are more than 20 mph. During excavation, grading and backfill operation the Owner/Contractor should have water available to help mitigate blowing dust/dirt.

#### M. MATERIAL DELIVERIES

All building materials, equipment, and machinery required to construct a residence on any PUD lot at Streamside must be delivered to and remain within the building site. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes, and any other equipment or machinery that will remain at Streamside overnight. Material delivery vehicles may not drive across adjacent PUD lots or tracts to access a construction site.

#### N. FIREARMS

Discharging any type of firearm on the property, or anywhere in Streamside, is strictly prohibited.

#### O. ALCOHOL AND CONTROLLED SUBSTANCES

The consumption of alcohol or use of any controlled substance on any construction site or common area within Streamside is prohibited.

P. FIRES AND FLAMMABLE MATERIALS

Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard, is prohibited. At least two (2) twenty-pound (20 lb.) ABC-Rated Dry Chemical Fire Extinguishers shall be present and available in a conspicuous place on the construction site at all times. No on-site fires are allowed, except for small, confined, attended fires for the purposes of heating masonry water.

Q. PETS

Pets are prohibited from construction sites.

R. PRESERVATION OF PROPERTY

The use of or transit over the native area or setbacks outside the building site is prohibited. Construction personnel shall refrain from parking, eating, or depositing rubbish or scrap materials (including concrete washout) on any neighboring PUD lot, tract, or right-of-way.

S. RESTORATION OF PROPERTY

Upon completion of construction, each Owner and builder shall clean the construction site and repair all property that has been damaged, including but not limited to, restoring grades, planting shrubs and trees as approved or required by the ADRC, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing. In addition, the Owner and general contractor shall be held financially responsible for site restoration and/or re-vegetation and refuse removal necessitated on any and all adjacent properties as a result of trespass or negligence by their employees or subcontracted agents.

T. CONSTRUCTION AND REAL ESTATE SIGNAGE

Only one, modest, sign may identify the general contractor or architect during construction. Individual signs identifying individual contractors or subcontractors, tradesmen, or suppliers are prohibited, except that identification of licensed tradesmen when required by state or county statutes shall be confined to the posting location of the building permit. Any such course of construction identification sign shall conform to the size, style, and information requirements established by the ADRC.

One "For sale" or other marketing-related sign, including lot number signs or street address signs, may be placed on each individual lot, provided that all such signs are part of a coordinated, graphically consistent, and professionally designed marketing program. Real estate contact information may be included in the course of construction identification sign subject to the standards established by the ADRC. Real estate signs may not be posted inside the windows of

completed or partially completed homes.

Any open house signs must conform to The Valley Club standard for open house signs and must be within the boundaries of Streamside. No signage will be permitted within The Valley Club unless agreed to by The Valley Club Owners' Association and then only on such terms as are consistent with signage requirements applicable to Owners within The Valley Club, except that such signage may be placed at the entrance(s) to Streamside.

#### U. DAILY OPERATION

Daily working hours for each construction site shall be from 7:30 a.m. to 6:30 p.m., Monday through Saturday. Construction activity that generates excessive noise, such as hammering, sawing, excavation work, concrete delivery, etc., must be confined to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday. Marshalling of heavy or noisy equipment (e.g., concrete and other large trucks, trucks with air brakes, excavation equipment, etc.) may not occur prior to 8:30 a.m. Construction is not allowed on Sunday.

#### V. SITE VISITATIONS

Due to the inherent danger associated with an active construction site, visitors to any site should be limited to those persons with official business relating to the construction activity, such as construction workers and tradesmen, building officials, security staff, design review observers, sales personnel, and the Owner. Construction personnel should not invite or bring family members or friends, especially children, to the job site.

#### W. CONSTRUCTION INSURANCE REQUIREMENTS

All contractors and subcontractors must post evidence of insurance with their PUD lot Owner, and Association prior to entering the construction premises. Confirmation shall be evidenced in the form of a valid Certificate of Insurance naming both the PUD lot Owner and the Association as additional insureds. The required insurance must provide coverage for comprehensive general liability, automobile liability, and worker's compensation. The minimum limits of liability shall not be less than \$1,000,000 per occurrence and \$2,000,000 aggregate. General liability coverage shall contain provisions for contractual liability and broad form property damage. The certificate shall provide for thirty (30)-day notice to the certificate holders in the event of cancellation or material change in the limits of coverage.

### 6. DESIGN REVIEW PROCEDURES

In order to establish a framework for periodic review and comment on each new residence as it proceeds through the design development and review process, the following procedures have been established by the Streamside community. Plans and specifications shall be submitted to

the ADRC in accordance with the following conference and submittal requirements and review procedures. All design review submittal drawings must be prepared as follows: building plans and specifications by an Idaho licensed architect; a landscape plan by an Idaho licensed landscape architect; a grading plan by an Idaho licensed landscape architect or an Idaho licensed civil engineer; and a survey from an Idaho Registered Land Surveyor with a contour interval of 1. For a summary of the steps in the review and approval process see Procedures for Architectural Design Review Committee (Exhibit A).

#### A. PRE-DESIGN CONFERENCE

Prior to preparing preliminary plans for any proposed improvement, the Owner and/or the Owner's designated representative(s) (builder/architect) should meet with the ADRC to discuss proposed plans and to resolve any questions regarding building requirements at Streamside. The purpose of this informal review is to obtain guidance from the ADRC concerning the possibilities and sensitivities of the site prior to submitting preliminary design plans. These meetings could occur on-site if appropriate. The Owner is encouraged to be an active participant in the design review meetings but may designate others to act on his/her behalf. The ADRC shall give the Owner or his/her designated representative a copy of the ADRC Guidelines, including all Exhibits A through M.

#### B. PRELIMINARY DESIGN SUBMITTAL

Design review submittal drawings must be prepared by an Idaho licensed architect, an Idaho licensed landscape architect, and an Idaho registered land surveyor Idaho licensed civil engineer as set forth above.-All plan submittals must be signed and stamped by the licensed architect and must include two sets of prints, one set in 24" x 36" or larger format, and one reduced set, 11" x 17" format. The ADRC will retain one set and one set of prints will be returned to the applicant. An electronic copy must also be provided. The Application for Design Review (Exhibit B), Summary of Proposed Construction (Exhibit E) and the Preliminary Design Submittal Checklist (Exhibit C) must be submitted both physically and electronically prior to a request for a Pre-Design Conference with the ADRC, which will be held no sooner than one week after submittal. Note that submittal to the Property Manager and Secretary of the ADRC does not constitute submittal to the full membership of the ADRC. When the Secretary submits to all members of the ADRC, the ADRC will schedule a review no sooner than one week after receiving the submittal. The Owner and/or the Owner's designated representative(s) (builder/architect) will be notified by the ADRC of the Pre-Design Conference date within two days, excluding weekends after the ADRC receives the submittal..

**Before the ADRC will review the submitted drawings, the preliminary design submittal must include all of the following:**

1. A completed Application for Design Review (Exhibit B) and Summary of Proposed Construction (Exhibit E).
2. A SITE PLAN showing the PUD lot and surrounding common area, building envelope, setbacks, the proposed residence and all structures, driveway, parking areas, patios/terraces, proposed construction fencing, and adjacent

- structures and walls.
3. A GRADING AND DRAINAGE PLAN showing the site plan information along with the existing topography, proposed topography, and finish floor elevations.
  4. A SURVEY from an Idaho Registered Land Surveyor.
  5. A LANDSCAPE AND IRRIGATION PLAN at ten (10)-scale or larger showing the site plan information and proposed landscaping as well as adjacent landscaping. The proposed Landscape Plan may be preliminary, with consideration of final landscaping plans deferred until the construction process is nearing completion.
  6. FLOOR PLANS.
  7. EXTERIOR ELEVATIONS showing existing and proposed grade, plate heights, ridge heights, roof pitch, and a preliminary indication of all exterior materials and colors.
  8. A DESIGN REVIEW FEE per the Design Review Fee Schedule (Exhibit L) will be charged for each full review of design plan and Application by the ADRC. Payment must accompany the completed Application. This fee covers: one (1) Pre-Design Conference, one
  9. (1) Preliminary Design Review, one (1) Final Design Review, and one (1) additional ADRC meeting, if required. It also allows for one (1) Pre-Construction Site Inspection and one (1) Final Release Site Inspection. Fees in addition to the design review fee and re-submittal fee may be charged at the discretion of the ADRC. Any additional or subsequent review of, or meetings in connection with, the specific plans for each lot or residence included in the initial Application and Preliminary Design Submittal will be charged a fee per the Design Review Fee Schedule (Exhibit L) each, so long as they do not materially deviate from the initial concept plan and Application approved by the ADRC.
  10. The ADRC will not commence review until the submittal is complete.

#### C. PRELIMINARY DESIGN REVIEW PERIOD

The ADRC will consider the Preliminary Design Submittal (Exhibit C) and determine if there are components of the submittal that lead the ADRC to the conclusion that the proposal would not be approved, in which case the ADRC will promptly advise the Owner of such deficiencies. If not, the ADRC would accept the preliminary design submittal as suitable for presentation to the neighborhood. One of the purposes of the Preliminary Design Review Period (PDRP) is to allow all Streamside lot Owners a seven (7) day period in which to review the proposed plans and to send written comments to the ADRC. All comments by other lot Owners will be considered by the ADRC and become a part of the permanent record of the design review process. Other lot Owners will be notified via email. Other lot Owners may then request a set of electronic plans for review.

After the conclusion of the 7-day comment period for other Owners, a meeting of the ADRC will be convened with the Owner and/or his designated representative(s). The ADRC shall consider all comments received from Streamside lot Owners. Additional meetings may be conducted as necessary. If the ADRC has concerns or objections at this stage, it will submit them in writing to the Owner and his/her designated representative(s); it will also indicate whether the project is ready for Final Design Submittal.



#### D. FINAL DESIGN SUBMITTAL

After the preliminary design review meeting, the following documents are to be submitted for final review (electronic copies and both size formats as outlined for the Preliminary Design Review process), including Final Design Submittal Checklist (Exhibit D) and Summary of Proposed Construction (Exhibit E) (collectively, the “Final Design Submittal”):

1. SITE PLAN showing the PUD lot and surrounding common area, setbacks, the proposed residence, and all structures, driveway, parking areas, patio/terraces, and proposed construction fencing.
2. SITE SURVEY showing PUD lot boundaries and dimensions, topography (two-foot contours or less), major terrain features, edge of pavement or curb, existing trees, and utility locations. This information can be included in the Site Plan provided that the original survey was completed by a registered land surveyor or licensed civil engineer as set forth above.
3. GRADING AND DRAINAGE PLAN showing the site plan and survey information along with the existing topography, proposed topography, finish floor elevations, driveway grades, direction of drainage, dry well locations, and construction fencing location.
4. LANDSCAPE PLAN showing the location, size, type, and quantities of proposed plants, delineation of lawn areas, planter beds, natural vegetation areas, courtyard walls, retaining walls, driveway materials, patio/terrace areas, steps, fences, borders, snow storage area, and all associated landscape improvements. Precise location and details of plants may be deferred until the construction process is nearing completion.
5. FLOOR PLANS including proposed finish floor elevations and overall dimensions.
6. ROOF PLANS showing all roof pitches, valleys, hips and gutters, as well as any chases required for venting and gas appliance venting.
7. BUILDING SECTIONS indicating existing and proposed grade and height limit.
8. EXTERIOR ELEVATIONS showing existing and proposed grade, plate heights, ridge heights, roof pitch, and all exterior materials and colors, including chimney caps.
9. COLOR BOARD showing and describing all exterior materials, finishes and colors, to include exterior lighting cut-sheets.
10. ADDITIONAL DRAWINGS, STUDY MODEL, OR ON-SITE STAKING may be required if deemed necessary by the ADRC due to the complexity of the proposed design.
11. The ADRC will not commence review until the submittal is complete.

#### E. FINAL DESIGN REVIEW

The owner/architect will present the Final Design Submittal at a meeting and answer questions from the ADRC. If necessary, additional meetings may be held. Thereafter the ADRC will meet by itself to review the full and complete Final Design Submittal. The ADRC will strive to reach its final decision no more than 14 days after the final meeting with the Owner and/or representative(s).

If the Final Design Submittal is approved by the ADRC, the ADRC will issue a Letter of Approval to the Owner, which shall be contingent on receipt of the Deposit and a copy of the Agreement for Construction, Landscaping, Additions, or Alteration of Improvements, signed between the Owner and its builder (Exhibit G) and a mandatory meeting with the Builder as set forth below in paragraph G. Any response an Owner may wish to make regarding the results of the Final Design Review must be addressed to the ADRC in writing. Results of reviews may only be discussed collectively by members of the ADRC with an Owner, his/her architect, or builder at a meeting of the ADRC.

#### F. RESUBMITTAL OF PLANS

In the event of any disapproval by the ADRC of either a preliminary or a final submittal, a resubmission of plans should follow the same procedures as an original submittal. A fee will be charged for each re-submittal as listed in the Design Review Fee Schedule (Exhibit L).

#### G. PRE-CONSTRUCTION CONFERENCE

Prior to commencing construction, the builder must schedule a meeting with the ADRC to review construction procedures and coordinate activities in Streamside. This meeting may be scheduled at the final presentation with the approval of the ADRC. The Owner may attend this meeting; the builder must attend. The ADRC may opt to have one representative (or more) attend rather than the entire ADRC.

#### H. DEPOSIT AND CONSTRUCTION AGREEMENT

**A Letter of Approval for the Final Design Submittal will only be issued upon receipt of a copy of the executed Construction Agreement (Exhibit G) and the Deposit.**

To assure the Owner's and builder's compliance with these Guidelines and their agreement to build all structures, landscaping, and other improvements in complete conformance with approved plans, the Owner shall execute the Construction Agreement and deliver a copy of it to the ADRC with a Deposit in the amount listed in the Design Review Fee Schedule (Exhibit L) for each residence. This Deposit must be delivered prior to commencement of construction and will be held by the ADRC until the final release described below has been issued by the ADRC. If the Owner or builder fails to comply in any way with these Guidelines, with approved plans, or with the Construction Regulations described in Section 5, then the funds held in the Deposit may be used to pay the costs of correcting such failure. In addition, the Board may pursue other financial recourse as provided for under the Declaration. Any funds remaining in the Deposit

after the final release has been issued will be promptly returned to the Owner, but it has been customary that this Deposit is exhausted completely by the end of the Construction process because of required expenditures, including landscaping.

#### I. COMMENCEMENT OF CONSTRUCTION

Construction may not commence until all the following have been received or accomplished:  
:

- Pre-Construction Checklist For Owners (Exhibit F)
- Receipt by Owner of written final approval from the ADRC;
- Payment of the Deposit to the Association;
- Receipt by the Association of a copy of the signed Agreement for Construction, Landscape, Additions, or Alteration of Improvements (Exhibit G) and Declaration of Owner and Contractor (Exhibit H) ;
- The pre-construction conference with the Builder; and
- Satisfaction of all governmental review processes.

The Owner shall satisfy all conditions and commence the construction of any work pursuant to the approved plans within one year from the date of such approval. If the Owner fails to begin construction within this time period, any approval given shall be deemed revoked.

The Owner shall, in any event, complete the construction of any improvement on its PUD lot within twenty-four (24) months after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities.

If the Owner fails to comply with this schedule, the ADRC has the right to have the exterior of the improvement completed in accordance with the approved plans or remove the improvement, with all expenses incurred to be reimbursed by the Owner.

#### J. SUBSEQUENT CHANGES

During Construction: Changes during new construction after final approval, including building or landscaping modifications, must be submitted to the ADRC for approval prior to making such changes or additions. An additional meeting fee per the Design Review Fee Schedule (Exhibit L). will be charged for changes to or modification of approved plans with new construction

Existing Construction: Subsequent changes to any existing home/remodel will require a new application and a Fee Deposit per Exhibit L. Subsequent landscape changes or modifications will require a new application and an initial Deposit per Exhibit L. At the discretion of the ADRC, depending on the size of the project and the extent of the services required by the outside consultants, the amount of the Deposit may be adjusted. Any modifications or rebuilds should conform to these guidelines.

The Applications for Existing Construction and Landscape Modifications are Exhibits J and K

respectively.

Application Not Required: Any construction, painting, and/or landscaping that is done that does not make any changes (for example, same paint color/replacement of similar size and kind of existing plants/etc.) does not require submission of an application.

Non-compliance: with respect to any requests submitted to the ADRC for those lots that are not in compliance as noted in letters from the ADRC or Board, no new applications will be considered, unless deemed an emergency by the ADRC. For requests that were recently approved and are not in compliance with the original documentation, and considered so by the ADRC review committee, the owner has the following options: (1) to correct the non-compliance and provide evidence for this to the ADRC for sign off; or (2) to file a request to reconsider the addition/original request. For those owners that do not respond to ADRC letters that address the process of documentation and/or the issue will be referred to the Streamside Board.

#### K. FINAL RELEASE

Upon completion of any residence or other improvement, the Owner shall give written notice of completion to the ADRC and provide a copy of the Occupancy permit issued by the appropriate governmental authority. When appropriate to do so, the ADRC shall inspect the residence or other improvements for compliance; the ADRC must also allow additional time as necessary for full inspection of all remedial efforts required and snow conditions may delay this time period. Thereafter, a final release will be issued. If it is found that the work was not done in strict compliance with the approved plans or any portion of these Guidelines, the ADRC shall issue a written notice of noncompliance to the Owner, specifying the particulars of noncompliance, said notice to be issued within thirty (30) days of the final inspection. The Owner shall have thirty (30) days from the date of notice of noncompliance within which to remedy the non-complying portions of his improvement. If, by the end of this time period, the Owner has failed to remedy the noncompliance, the ADRC may take action to remove the non-complying improvements as provided for in these Guidelines, including, without limitation injunctive relief or the imposition of a fine.

If all construction/improvements comply with these Guidelines, the ADRC shall issue a written approval to the Owner, constituting a final release.

The Association has the right to apply any remaining amounts left in the Construction Deposit to any delinquent dues owed to the Association. Otherwise, if any funds remain from the Construction Deposit, they will be returned to the Owner.

#### L. NONWAIVER OR VARIANCE

The ADRC reserves the right to waive or vary any of the procedures set forth subject to Board approval. The approval by the ADRC of any plans, drawings, or specifications for any work done

or proposed on one lot shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing, or specification subsequently or additionally submitted for approval. Failure to enforce any of the development standards shall in no case constitute a waiver.

#### M. EXEMPTIONS

Utility and maintenance buildings and other structures located on non-residential tracts are exempted from the “Architectural Design Standards” portion of this document. However, the ADRC will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

#### N. ADRC RELATIONSHIP WITH ASSOCIATION

The ADRC shall serve as an agent of the Association concerning the review, enforcement, and other matters described in these Guidelines. All funds held or disbursed as or from Design Review fees, Deposits, payments of fines, and/or payment or reimbursements of expenses of enforcing compliance with these Guidelines will be held and/or paid to the account of the Association and will in all instances be the property of the Association.

### 7. **ARCHITECTURAL DESIGN REVIEW COMMITTEE**

#### A. MEMBERS

The ADRC shall consist of five (5) to seven (7) total members. At least three (3) members and as many as five (5) members shall be Owners of a completed home in Streamside, at least one (1) member shall be an Idaho-licensed architect, with offices located in Blaine County, Idaho, and at least one (1) member shall be an Idaho-licensed local landscape professional who is familiar with high quality residential construction in Blaine County, Idaho. Each member of the ADRC shall hold his or her office until such time as he or she has resigned or been removed as set forth here in.

#### B. SELECTION AND RESIGNATION OF MEMBERS

Members of the ADRC shall be selected as provided in the Declaration and subject to Section 7.A. above. Any member of the ADRC may, at any time, resign from the ADRC upon written notice delivered to the Association.

#### C. DUTIES

It shall be the duty of the ADRC to consider and act upon such proposals or plans related to the development of homes within Streamside as are submitted pursuant to these Guidelines, to enforce these Guidelines, and to propose amendments to these Guidelines for the approval by the Board.

#### D. MEETINGS

The ADRC shall meet from time to time as necessary to properly and impartially perform and its duties to provide to the best of their abilities an efficient and fair process to homeowners. The vote of a majority of the members shall constitute an act of the ADRC. The ADRC shall keep on file all submittals and copies of all written responses to Owners to serve as record of all actions taken. Professional consultants and representatives of the ADRC retained for assistance in the review process shall be paid such compensation as the ADRC determines.

#### E. AMENDMENT OF GUIDELINES

Amendments and changes to these Guidelines may be recommended by the ADRC for consideration by the Board. The Board shall have the sole and full authority to amend the Guidelines, subject to any restrictions set forth in the Declaration. The Board shall give notice and encourage comment by other improved lot owners of all amendments and changes. Material modifications shall require a majority vote of all lot owners. Each Owner is responsible for obtaining from the ADRC a copy of the most recently revised Guidelines.

#### F. LIMITATION OF LIABILITY

None of the members of the ADRC shall be liable to the Association or to any Owner or to any other person for any loss or damage claimed on account of any of the following:

1. The approval or disapproval of any plans, drawings, and specifications, whether or not defective;
2. The construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications; and/or
3. The development, or manner of development, of any property within Streamside.

Every Owner or other person, by submission of plans and specifications to the ADRC for approval, agrees that he/she will not bring any action or suit against the ADRC or any of its members regarding any action taken by the ADRC.

Approval by the ADRC of any improvement at Streamside only refers to these Guidelines and in no way implies conformance with local government regulations. It shall be the sole responsibility of the Owner to comply with all applicable government ordinances or regulations, including but not limited to zoning ordinances and local building codes.

#### G. ENFORCEMENT

The ADRC may, at any time, inspect a PUD lot or improvement and, upon discovering a violation of these Guidelines, provide a written notice of noncompliance to the Owner, pursuant to Idaho Code §§ 55-3205 & 3206, to correct the violation. If an Owner fails to comply within this time period, the ADRC will refer the matter to the Board or its authorized agents may enter the PUD

lot and correct the violation at the expense of the Owner of such PUD lot. Said expense shall be the sole responsibility of the Owner and shall be secured by a lien upon such site enforceable in accordance with the Declaration. In addition, if the ADRC is holding a Deposit from the Owner, funds in the Deposit may be used to satisfy, in whole or in part, the obligation of the Owner to pay such expense.

In the event of any violation of these Guidelines, the ADRC may recommend to the board that in addition to restoration expenses, impose without limitation a reasonable punitive fine commensurate with the severity of the violation. Such fine shall be paid and secured as provided above for other expenses for which the Owner is liable.

#### H. SEVERABILITY

If any provision of these Guidelines, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of these Guidelines shall be construed as if such invalid part were never included therein.

### 8. EFFECTIVENESS OF THESE GUIDELINE

These Guidelines replace, incorporate, and supersede all previous Guidelines of the Village Green at the Valley Club ("Streamside"), including the provisions contained in the "Settlement Agreement" dated December 21, 2018 and entered into by some Streamside Owners and the then-current Board of Directors, including the Declarant (now resigned).

### 9. ADRC-BOARD DECISIONS AND INTERACTIONS

In accordance with the prevailing governance framework, it is imperative to delineate that individuals who comprise the ADRC are duly nominated by, and their tenure remains contingent upon, the discretion of the Streamside Board (hereinafter referred to as "the Board"). It is essential to underscore that these members of the ADRC perform their roles as representatives of our community.

Moreover, it is imperative to elucidate that all decisions rendered by the ADRC, duly arrived at by a majority consensus, may potentially be susceptible to supercession by the Board. In the event that the Board deems it necessary to invoke its authority to override a decision of the ADRC, it shall discharge its duty by promptly notifying the ADRC of its apprehensions or reservations concerning the decision in question. Subsequently, the ADRC shall be afforded an opportunity to engage in a reevaluation process and, if deemed appropriate, conduct a revote pertaining to the matter under contention.

However, should a schism persist between the pronouncements of the Board and the ADRC even subsequent to the reevaluation and revote, it is imperative to recognize that the issue shall be brought before the entire community for adjudication via a formal vote. This mechanism underscores the commitment to fostering a democratic decision-making process within our

community, ensuring that matters of paramount significance are resolved with due consideration for the collective will and interests of the community's members.

**Signatures of Board**

**(date)** \_\_\_\_\_

**(date)** \_\_\_\_\_

**(date)** \_\_\_\_\_