

Instrument # 618939

HAILEY, BLAINE, IDAHO

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Index to: COVENANTS & RESTRICTIONS

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Design Review Committee Rules of Croy Creek Preserve Subdivision

MAY 22, 2014

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THESE DESIGN COMMITTEE RULES ("Rules") are effective the ____ day of May, 2014, and promulgated in accordance with the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Croy Creek Preserve Subdivision.

1. RECITALS

1.1. Objectives.

These Rules are promulgated by the Design Review Committee of Croy Creek Preserve Subdivision (the "DRC") to control Improvements on the Property and to assist Owners through the design review process described in the Declaration.

These rules provide that alteration, landscaping or construction of any kind shall require DRC approval. No construction shall commence on any new or existing building, structure, fence, sign, Improvement, addition, alteration or change to the exterior of any existing Improvement until the DRC has reviewed and approved the proposed construction, plans and specifications in writing. Removal or planting of vegetation requires DRC approval as does any modification, excavation or filling of any improved or unimproved Lot.

1.2. Definitions

All capitalized terms used in these Rules shall have the same meaning as set forth in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Croy Creek Preserve Subdivision, recorded as Instrument No. 618938 in Blaine County, Idaho, and amendments and supplements thereto. To the extent these Rules are inconsistent with said Declaration, the Declaration shall govern. These Rules are supplemental to the Declaration and each Owner is hereby advised to read the Declaration in full before proceeding with any application hereunder.

1.3. Powers and Duties.

The DRC shall have the power and the duty to review all plans, specifications, landscape proposals, new construction or alteration of Improvements on the Property in accordance with the Declaration.

1.4. Disclaimer.

The DRC does not consider, and assumes no responsibility for, the following:

- 1.4.1 The structural capacity or building codes compliance of the proposed Improvement.
- 1.4.2 Whether or not the location of the proposed Improvement on the building site is free from possible man-made or natural hazards occurring either on or off the Property.
- 1.4.3 The internal operation or functional integrity of the Improvement.

1.5. Other Restrictions.

The covenants, conditions and restrictions contained in these Rules are IN ADDITION TO any other land use restrictions, zoning ordinances, laws, rules and decisions of other governmental authorities and governmental and judicial authorities, including Blaine County, Idaho. These Rules do not supplant any such land use restrictions which are enforced, and must be satisfied, independent of these Rules.

1.6. Fees.

A fee will be charged for all DRC plan review based on the fee schedule attached hereto as Schedule 2 as it may be amended from time to time.

2. PRELIMINARY SUBMITTALS AND APPROVALS

2.1. Preliminary Submittals.

The purpose of preliminary submittals shall be to afford the DRC an opportunity to review proposals, and preliminary plans and specifications at any early stage, regarding such things as the concept, compatibility and layout of the proposal. Preliminary submittals shall be made pursuant to the "Design Review Committee Submittal Form and Application", attached as Schedule 1, which shall be completed in full.

A. The preliminary submittal may consist of an informal presentation of materials since this stage of the review process is only advisory in nature.

B. The preliminary submittal shall indicate the location of the proposed Improvement on the Lot, the access locations, elevations adequate to demonstrate the exterior character of the Improvement and any other information requested by the DRC.

2.2. Preliminary Approvals.

The Owner shall be notified of the action of the DRC within twenty (20) days from the date of submittal. The preliminary approval shall not be deemed to be approval for the construction for the Improvement(s). The preliminary approval shall be valid for a period of six (6) months, at which time it shall expire and be of no force and effect.

3. FINAL SUBMITTALS AND APPROVALS

3.1. Final Submittals.

After preliminary approval of a DRC application, the Owner shall submit for final design review and approval the following:

3.1.1. Neighborhood Map

At a scale of not less than 1"=100' showing the location of the proposed Improvement within Croy Creek Preserve Subdivision.

3.1.2. Site Plan.

At a scale of not less than 1"=20' showing the Lot and including the following information:

- (1) Lot lines and dimensions as shown on the Plat.
- (2) Building centroid, if any, as shown on the Plat and dimensioned to Lot corners.
- (3) Building Envelope delineated as shown on the Plat.
- (4) Septic system drainfield area.
- (5) Limits of disturbance lines.
- (6) Proposed location and footprint of the Improvement for which approval is sought and its relationship to the building centroid and Building Envelope and Lot lines.
- (7) Grading or topography plan using current site information provided or prepared by a licensed surveyor showing existing and proposed grade of the earth as it relates to any new and/or existing structures. The plan's proposed grade may be provided or prepared by a licensed surveyor or land planner. Such plan shall be at a contour interval not greater than one (1) foot, show all existing and proposed drainage channels and patterns, swales, culverts, catch basins and subsurface drainage

systems and clearly indicate any drainage that may be directed onto neighboring property by the proposed project and how such water will be handled to prevent encroachment on said property.

(8) Location of the Base Elevation benchmark used to set all finish elevations, if applicable, and building heights. This benchmark shall be established by a licensed surveyor or land planner and tied to the topography plan.

(9) Prominent site features such as existing natural and planted vegetation.

(10) Driveway location, width, grades and proposed surface material, proposed turn-arounds and parking areas and all areas intended for removal or storage of snow.

(11) All existing maintenance and utility easements on or adjacent to the subject Lot.

3.1.3. Architectural Drawings.

Architectural Drawings shall be prepared and stamped by a registered architect and shall include:

(1) Floor plans at a scale of not less than 1/8"=1' and showing all floors, basements, lofts and spaces intended to be used or occupied. Square footage of each floor shall be indicated.

(2) Exterior materials called out on the plans specifying color, type of materials and finish or siding, trim, doors, windows, facia, roof, exposed foundation, skylights, decking, handrails and all attached or recessed lighting. Color chips may be required.

(3) Exterior elevations at a scale of not less than 1/8"=1' showing all elevations of the proposed Improvement (including without limitation, decks, balconies, trash enclosures and the like) with texture and direction of surface materials clearly delineated. All proposed finish grades relative to each elevation as indicated on the grading plan shall be shown.

(4) Cross-sections taken through the proposed Improvement at its highest point indicating the height of the structure above both existing and proposed grade. Where pertinent, a section should be taken through the structure adjacent to streets indicating grade differential that may exist and how that differential will be handled in gaining access to the proposed Improvement.

(5) Roof plan showing roof pitch, valleys, hips, gables, drip lines, snow drop areas and proposed location of all snow retention devices.

3.1.4. Landscape Drawings.

The landscape drawings shall include, but not be limited to, the following:

(1) Planting Plan.

Landscape plans shall clearly show the arrangement of all trees, shrubs, ground covers, seeded lawn areas, sodded lawn area, natural grass areas, vegetable gardens and areas to be re-vegetated after final grading and construction cleanup. Included on the plan shall be a plant list or other document clearly indicating species, variety, size, quantity, spacing and location of all plant materials proposed for use on the project.

(2) Irrigation Plan.

The irrigation plan shall clearly show the method and limits of irrigation for all landscaped areas. Important: An adequate irrigation system is required for all planted areas within the lot and all such irrigation systems shall be provided with an automatic controller. **No more than one-half (1/2) acre shall be permitted for irrigated landscaping on each Lot.**

(3) Landscape Features.

Landscape features such as decks, retaining walls, privacy screens, awnings, canopies, gazebos, benches, steps, etc., shall be clearly delineated on the plans in sufficient detail to adequately demonstrate finished appearance.

(4) Exterior Lighting.

See section 5.2.

3.2. Other Submittals.

The Owner shall also submit any other information reasonably requested by the DRC.

3.3. Final Plan Approvals.

The Owner shall be notified of the action of DRC within twenty (20) days from the date of submittal of the neighborhood map, site plan, architectural drawings, landscape drawings and any other required submittals. Approval shall expire three hundred sixty-five (365) days from the date thereof for new construction and one hundred eighty (180) days from the date of approval for alterations of existing structures. Construction must begin within said 365 day or 180 day period, as appropriate. If construction is not begun in that time, plans must be resubmitted to the DRC for approval and an additional fee may be required.

4. INSPECTION: CONSTRUCTION SUBMITTALS

4.1. Inspections.

The DRC or its agent, shall conduct a minimum of three (3) on-site inspections during the course of construction as follows:

- A. Initial Inspection. Generally conducted on the day the proposed Improvement is brought before the DRC for final approval. All members of the DRC in attendance that day may participate in the inspection. The Owner may be asked, prior to the inspection, to stake Lot corners, building centroid, Building Envelope and/or proposed driveways to facilitate the DRC in visualizing the proposed Improvement on the site.
- B. Landscape Inspection. Performed to determine a reasonable start date for implementation of the landscape program, including, but not limited to, the driveway paving and/or other hard-surfaced areas. This inspection is generally performed once the Improvement is substantially complete.
- C. Final Inspection. Performed after final installation of all items on the approved architectural, site and landscape plans to determine whether such work is in compliance with the approved plans.

As set forth in the Construction Agreement, it is the sole responsibility of the Owner to notify the DRC, by writing at least five (5) days ahead of the required inspection, when the Lot or Improvement is ready to be inspected.

4.2. Construction Submittals.

The Owner shall be responsible for submitting to the DRC a rough opening and roof height certification within one (1) week after the roof structure is in place and all openings have been framed, a statement signed by a registered architect that the exterior of the structure is in compliance with the approved plans and that the exterior of the structure does not exceed the height shown on the approved plans.

ANY CHANGE OR DEVIATION IN CONSTRUCTION OF ANY IMPROVEMENT, OR ANY PORTION THEREOF, OR DEVIATION FROM ANY APPROVED LANDSCAPE PLAN WITHOUT PRIOR WRITTEN APPROVAL OF THE DRC WILL RESULT IN THE OWNER BEARING THE COST OF CORRECTIONS REQUIRED TO BRING THE WORK INTO COMPLIANCE WITH THE APPROVED PLANS.

4.3. Compliance Verification.

The DRC, at the expense of the DRC, may hire a licensed surveyor to verify the location and height of any Improvement.

5. DESIGN AND CONSTRUCTION GUIDELINES

The following rules shall apply to all construction of Improvements on a Lot within the Subdivision, subject to such further restrictions contained in the Declaration and/or any Supplemental Declarations. These rules are established for the purpose of defining certain aesthetic guidelines of architectural designs, placement of buildings, landscaping, color schemes, exterior finishes and materials and similar features designed to maintain harmony with surrounding structures and prevent the construction of Improvements which may be detrimental to the Subdivision and the surrounding area. These rules may only be amended by the Board.

5.1. Antennas and Utilities.

All exterior antenna, satellite dish or similar electronic reception transmission devices shall be screened and maintained in a manner that they are not visible from other Building Envelopes, roads or highways. All power, gas, electric, service access lines, telephone and cable TV and similar lines shall be located underground and, together with all meters, located as determined by the DRC.

5.2. Exterior Lighting.

Exterior lighting is essential for safe movement, but good lighting is often equated with large amounts of lighting, which can detract from site quality by obliterating night views and interfering with people's rest. The objective is to provide lighting discretely, illuminating only what needs to be lit. In general, light sources must be shielded and placed down in direction (source of light should not be visible from any other Croy Creek Preserve Lot). Sources, shielding and colors of exterior light will be subject to DRC approval.

Exterior lighting shall be clearly delineated on the landscape and building drawings indicating location, type, height, material and type of light source. All exterior lighting must be approved by the DRC. Every submittal for review by the DRC should include an indication of how night lighting is to be provided. This should be shown in plans, with accompanying specification and any other material necessary to aid an evaluation by the DRC. No "mercury vapor lights," "spot lights," "halogen lights" or similar lighting shall be allowed. All exterior lights shall be extinguished by 10:00 p.m., except porch and access lighting.

5.3. Scale of Building.

It is important that the massing of buildings at the Subdivision be scaled in such a way that they relate to the people living there and harmonize with the area and its natural features. This requirement is to ensure that the buildings do not become overpowering. Changing the plane of walls, changing direction and providing some variety in the roof form gives diversity and visual interest. In general, second story masses should be located toward the center of the building mass and/or incorporated into the roof structure. Two-story site walls should be broken up by wall projections, additional roof overhangs or other architectural features to minimize the vertical mass.

5.4. Roofs.

All roof forms should convey a sheltering element over a minimal structure.

- Roof forms include gables, hip, shed and flat roofs.
- Materials: Wood and metal roofs are encouraged with a low light reflective finish.

5.4.1. Slopes.

Roof shape is a major element of building form. Roof slopes at the Subdivision should be between 5:12 and 8:12. Roofs with greater or lesser slope will generally be prohibited, unless there are compelling reasons for their consideration. Flat roofs are allowed

5.4.2. Shapes.

The following roof types are permitted at the Subdivision: partial hip roof, gable roof, full hip roof and joined shed roofs as well as flat roofs.

The following are not permitted: mansard roof, fake mansard roof, gambrel roof, curvilinear roof, domed roof, conical roof and A-frame.

5.4.3. Overhangs.

Roof overhangs protect walls and wall openings from rain and snow and contribute to a building's character. Roofs should overhang walls a minimum of 36". Roof overhangs less than 36" need DRC approval.

5.4.4. Assembly.

Cold roofs are required unless the DRC determines otherwise.

5.4.5. Surfacing Materials.

Roof surfacing materials are important as a means of blending the new construction to the existing character of the area. Careful selection of these materials can help to relate the buildings to their surroundings. On the other hand, the wrong color and texture can make the building garish and distracting. From a functional standpoint, the choice of materials depends on the slope and assembly of the roof. The objective is to choose roof surfacing materials that help the building blend with its climatic conditions, and which are also functionally appropriate.

Only the following roof surfacing materials shall be allowed: slate, color coated materials, acid wash steel or copper, asphalt composition shingles, or sod. Roof murals are not permitted. All roof flashing must be of a color harmonious with roof and upper wall surfacing.

5.4.6. Appurtenances.

Skylights must be integrally designed into the roof structure and are not to be obtrusive. Skylight glazing shall not be back-lit or manufactured of reflective glazing. Skylight framing and glazing shall be colored or coated to match adjacent materials. Solar power generating equipment is encouraged but should integrate with the architectural design of the roof structure. All solar designs must be reviewed and approved by the DRC.

Roof appurtenances -- dormers, clerestories, skylights -- create interesting, pleasant interior spaces, however; their location-in the roof is critical to avoid an overdecorated, visually confusing appearance. Snow deviators and retainers may be necessary installations on roofs. They should be handled as an integral part of the roofscape. Skylights can be placed flush against the roof surface. Skylights higher than one (1) foot above the roof plane or placed at an angle to the roof plane, are not permitted. Skylights should not extend to the eave line. Wood, stucco, concrete and masonry-finished flues are permitted. Untreated exposed metal chimneys are not permitted. Solar collectors, satellite dishes and windmills shall be approved or disapproved on a case by case basis by the DRC and shall have minimal visible impact from adjacent lots, roads or highways.

5.5. Exterior Building Facades.

5.5.1. Number of Exterior Wall Materials.

Changes in exterior wall material can lend visual interest to a building; but too many changes can make the wall visually discordant. The objective should be to create walls that are interesting, but not in competition with their surroundings. Exterior walls can be surfaced with one or two different materials. Exterior walls should be simple, refined wall compositions. Buildings should have minimal vertical structural expression to give them a lightweight appearance. Vertical structure may be expressed at building corners by columns or supports for roofs.

Materials: Local stone, plaster, wood or metal. Materials are to have a low light reflective finish.

5.5.2. Color of Exterior Walls.

Exterior wall colors should harmonize with the -site and surrounding buildings. Accent colors on wall surfaces can enliven buildings. However, their location should be confined to entries and gathering points, which do not disrupt the overall harmony of the area. On exterior walls, the predominant tone should tend toward gray and taupe hues -- whether in the natural patina or weathered color of the walls surface itself or the color of the paint, stain or other coating.

5.5.3. Windows.

Windows may be constructed of wood or of wood covered with aluminum. Metal or metal covered windows must be coated with an approved finish. No reflective glazing materials will be allowed on windows.

5.5.4. Appurtenances.

Wall appurtenances can help enhance the functioning of windows and doors, and lend visual interest to the building facade. They can also strengthen the relationship between a building's interior and exterior surroundings. Like roof appurtenances, wall appurtenances should not be overstated or overly decorated. Above all, they should be functional and not simply replications of things seen elsewhere. No wall decoration -- painted, relief or trimmed design work -- is recommended. Where it occurs, it should be confined to wall surfaces that are not in public view. Window and door shutters are useful in protecting building entries and openings. They should be made of wood. Their design should be simple and straightforward, without undue decoration. Bay windows and flower boxes should be designed in a simple and direct manner. Balconies and decks must be designed to prevent snow accumulation, exterior or interior leaks, and icicle build-up. They should be located so neither snow nor ice falling from them can endanger areas capable of generating pedestrian or automobile traffic.

5.5.5. Siding Materials.

Materials permitted as siding shall be: redwood, cedar, log plank, stone, stucco, or other materials the DRC deems harmonious with the surrounding environment.

Materials not permitted: vinyl siding.

Retaining Walls.

All retaining walls are subject to the DRC approval. All foundation walls or retaining walls with more than 12" visible above grade shall have a surface treatment on the surface above finish grade, as approved by the DRC.

5.6. Fencing.

The Subdivision shall not allow perimeter Lot fencing. However, only according to plans and specifications approved by the DRC, fencing may be allowed within the building envelope. All submittals to the DRC shall include the heights, location, color and design of the fence, a site plan, a sample of the proposed building materials, a paint or stain chip, if appropriate, and such other information as the DRC may request and a statement by the Owner setting forth the circumstances which necessitate the fencing. A desire to enclose animals and/or children may be considered a special circumstance. The protection of private property from trespass shall not be considered a special circumstance.

5.7. Landscaping.

Natural vegetation is the preferred landscaping; all requests to disturb vegetation will be reviewed on an individual basis. Sod shall be limited to areas within the Building Envelope. All landscaped areas shall be irrigated by an adequate automated underground irrigation system with a timer. Landscaping shall be designed and installed so as to reduce or eliminate the blocking or potential blocking of solar access and

scenic view of adjacent Lots. Landscaping shall be implemented as soon as physically practical and be completed within sixty (60) days. The DRC may establish a reasonable start date upon written notice submitted to the Owner. The DRC will require such financial assurances as it may deem necessary to insure that the landscaping is completed, including, but not limited to, bonds or letters of credit. **No more than ½ (one half) acre of irrigated landscaping shall be permitted on each Lot.**

5.8. Driveways.

The DRC must review and approve the locations, alignments and materials for all driveways in the Subdivision. Driveways are limited to one (1) per lot. All driveways shall be constructed of an approved hard surface material. Asphalt, concrete, gravel, bricks or masonry pavers are acceptable. All driveways are to be curvilinear and follow alignments that minimize grading or other disruption of the site. The driveway-parking-garage layouts should minimize the visibility of the garage doors, driveways and off-street parking from the street, common areas and adjoining Homesites. The objective is to minimize visibility of driveway areas from neighboring Lots through careful siting, design and use of plant materials. In general, one driveway entry will be permitted for each Lot. Any driveway entrance monuments must be approved by the DRC.

5.9. Dog Runs.

All dog runs must be attached to the dwelling, and landscaped or faced with the same material as the house so as to obscure the dog run from the view of neighborhood dwellings, roads and highways.

5.10. Signs.

No sign of any kind shall be displayed to the public view without the approval of the DRC except as may be used by Declarant for sale of the Lots. Any "For Sale" or "For Lease" signs not more than 18" by 24", shall not require DRC approval. Design standards of signs may be established by the DRC in Rules promulgated from time to time.

5.11. Exterior Energy Devices.

No energy production device, including but not limited to generators of any kind, and solar energy devices, shall be constructed or maintained on any Lot without the prior written approval of the DRC.

5.12. Dry Grass Land Areas.

No utilities, Improvements, hookups, wires, pipes, conduit, lines, cables and the like shall go through a "Dry Grass Land Area". Rather, they must follow the driveway to the building site, even if this distance is longer. All areas outside the Building Envelopes shall be considered "Dry Grass Land Areas".

6. MISCELLANEOUS

6.1. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of these Rules is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these Rules.

6.2. Nonwaiver.

Consent by the DRC to any matter to it or within its jurisdiction, or failure by the DRC or the Association to enforce any violation of these Rules, shall not be deemed to constitute a precedent or waiver impairing the DRC's right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent or to enforce any subsequent or similar violation of these Rules.

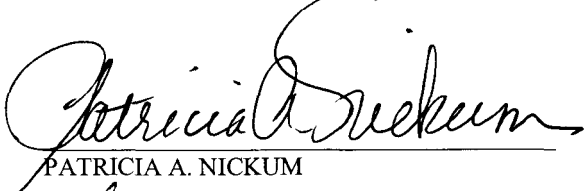
6.3. Non-Conforming Uses.

If any Owner shall have any Improvement located on a Lot which is not in compliance with these Rules as adopted or hereafter amended, even though said Improvement existed prior to the adoption of these Rules, the Owner shall have six (6) months from the date of notification by the DRC to comply with these Rules, provided, however, that each Owner shall not be required to expend more than two (2) times the then prevailing annual dues of the Croy Creek Preserve Homeowners Association, Inc., per violation if said non-complying Improvement existed prior to the adoption of these Rules or prior to the adoption of any applicable amendment to these Rules.

6.4. Amendment.

These Rules may be amended at anytime by a majority vote of the Board. A current copy of these Rules shall be maintained at the office of the Croy Creek Preserve Homeowners Association, Inc.

DATED this 28th day of May, 2014.


PATRICIA A. NICKUM

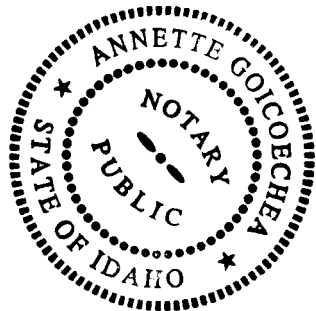

MEGAN A. STEVENSON



JAMES E. GRAY

STATE OF IDAHO)
) ss.
County of Blaine)

On this 28th day of May, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Patricia A. Nickum, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.

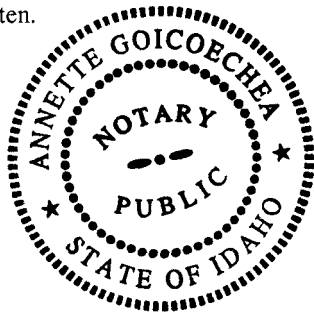


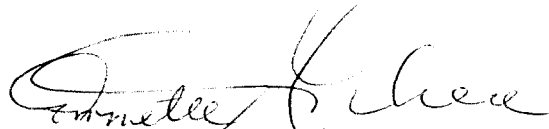

Notary Public for Idaho
Residing at Belle vue, Idaho
Commission Expires: 7-5-2017

STATE OF IDAHO)
) ss.
County of Blaine)

On this 26th day of May, 2014, before me, the undersigned Notary Public in and for said State, personally appeared Megan A. Stevenson, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.

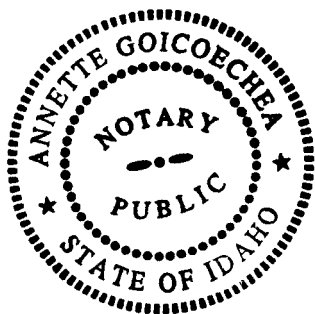


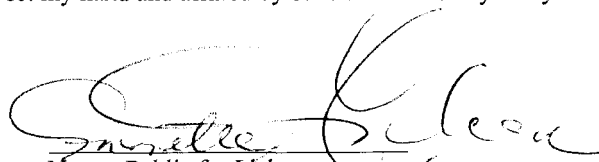

Notary Public for Idaho
Residing at Bellevue, Idaho
Commission Expires: 7-5-2017

STATE OF IDAHO)
) ss.
County of Blaine)

On this 28th day of May, 2014, before me, the undersigned Notary Public in and for said State, personally appeared James E. Gray, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.




Notary Public for Idaho
Residing at Bellevue, Idaho
Commission Expires: 7-5-2014

SCHEDULE 1

CROY CREEK PRESERVE DESIGN REVIEW COMMITTEE SUBMITTAL FORM AND APPLICATION

Date Received: _____ By: _____

Property Owner(s): _____

Address: _____

Telephone Number: _____

Architect/Designer: _____

Telephone Number: _____

Contractor: _____

Telephone Number: _____

Type of Submittal: New Construction () Alteration ()

Legal Description: _____

Square Footage of Home: _____

Reason for Proposed Improvement: _____

The undersigned certifies that he/she has read the current Declaration of Covenants, Conditions and Restrictions for Croy Creek Preserve Subdivision, and the Design Review Committee Rules pertaining to construction and alteration of Improvements at Croy Creek Preserve Subdivision, and understands and agrees to abide by the design review processes and restrictions set forth therein. (Both spouses must sign this application.)

HOMESITE IDENTIFICATION: LOT NO.: _____

STREET ADDRESS: _____

SIGNATURE _____

SIGNATURE _____

Schedule 2

Design Review Committee Fee Schedule

1. Single Family Residential Plans
 - Preliminary Plan Review\$350
 - Final Plan Review\$650
2. Single Family Residential remodel, additions or alterations, including fences, walls or screens.....\$350
3. Dog Runs and Landscaping Additions\$200
4. Repainting Exterior:
 - Same colorno fee
 - color modification.....\$100
5. Road repair and Landscape repair for new construction\$1,000
6. Special meeting by request
\$350 minimum, plus \$350 per hour (beyond first hour)

NOTE: Fees shown above include all required inspections