

**DESIGN GUIDELINES FOR THE
BITTERBRUSH POINT SUBDIVISION
(AKA MAJESTIC POINTE)**

I.
INTRODUCTION

The Architectural Review Committee (“ARC”) has been formed pursuant to the Declaration of Covenants, Conditions and Restrictions for Bitterbrush Pointe Subdivision (Also Known As Majestic Pointe) (“CC&Rs”). Pursuant to the CC&Rs, the ARC has the authority to create and enforce design standards that it deems appropriate to carry out the purposes of the CC&Rs. Until Majestic Pointe is substantially complete, Majestic, Inc. (“Developer”) shall appoint the members of the ARC. The initial ARC shall be as follows:

Encompass
Attn: Brian
100 W. Overland Road
Suite 204
Meridian, Idaho 83642
Telephone: (208) 288-0637
Facsimile: (208) 288-0635
Initial Review Fee - \$300
Duplicate Floor Plan Review Fee - \$100

The ARC has established the following procedures for builders/lot owners to submit and obtain approval of their building plans. In addition to the design standards contained in the CC&Rs, the ARC has also established the following design standards that will apply to the construction and landscaping of homes and other improvements in Majestic Pointe. These design standards will be utilized by the ARC. These design standards will assist builders/lot owners in preparing plans and specifications for the construction of homes in Majestic Pointe. The ARC has the authority to, and reserves the right to, grant variances or to add to, delete from, or modify these design standards and procedures as it deems appropriate. Variances granted by the ARC must be in writing.

II.
SUBMITTALS REQUIRED FOR ARC APPROVAL

1. Submittal Required. No home, building or other structure or improvement in Majestic Pointe shall be undertaken, erected or maintained upon any lot, nor shall any exterior addition to or change or alteration therein be made until plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by the ARC.

2. Submittal Form. All submittals required for ARC review and approval shall be accompanied by the submittal form adopted by the ARC. The required submittals and form shall be mailed or delivered to the ARC at the above address.

3. Security Deposit. All plan submittals shall be accompanied by a \$2,000 security deposit. The security deposit is to secure the builder’s/lot owner’s construction obligations, including without limitation:

- (i) The builder/lot owner shall not commence construction of any of the improvements prior to obtaining approval by the ARC and closing on his/her/its lot (which for these purposes shall mean the recording of the deed conveying the

lot to the builder/lot owner). The builder/lot owner shall commence construction of a home on each lot within 365 days from the date of the original lot closing. Once construction has so commenced, the builder/lot owner shall proceed diligently to complete such construction, which construction shall be completed within 365 days from the commencement thereof. No construction machinery, building equipment, or material shall be stored upon any lot until the builder/lot owner is ready and able to immediately commence construction. Such building materials must be kept within the boundaries of the lot.

- (ii) The builder/lot owner shall not damage any improvement located within Majestic Pointe including, without limitation, streets, curbs, gutters, drainage facilities, sidewalks, utility structures, fences or landscaping. The builder/lot owner shall, at its sole cost and expense and within fifteen (15) days of notice thereof from the Developer, repair any such damage caused by the builder/lot owner or resulting from the construction activities of the builder/lot owner, its agents, subcontractors, employees or other persons acting on its behalf. In the event the builder/lot owner does not make the necessary repairs within this fifteen (15) day period, Developer shall have the right, but not the obligation, to make such repairs. Any such repairs by Developer shall be at the builder's/lot owner's expense. Builder/lot owner shall pay these expenses within thirty (30) days of receiving an invoice therefore.
- (iii) During construction of improvements, the builder/lot owner agrees to perform all work in a neat and workman-like manner and shall not allow dirt, debris or other waste material to remain on the lot or to be scattered on adjacent properties. The builder/lot owner agrees to remove from the lots all excess excavation materials, trash, excess construction material and any other material or debris resulting from the builder's/lot owner's construction activities. Builder/lot owner shall be responsible for disposing of all materials, trash and debris.
- (iv) In grading and site improvement work, the builder/lot owner will make adequate provisions to handle the run off of surface waters in a manner that will not damage, deface or drain onto adjacent lots or adjacent properties and the builder/lot owner will at all times conduct its construction activities in a manner to preserve lateral support for the adjoining properties. Prior to starting construction, builder/lot owner agrees to file for a National Pollutant Discharge Elimination System Permit, file a Notice of Intent ("NOI") and prepare a Storm Water Pollution Prevention Plan ("SWPPP"). In addition, all builder's/lot owner's construction activities shall be in conformance with all federal, state and local laws, rules, regulations and ordinances.

If the builder/lot owner fails to timely complete its construction in accordance with the plans approved by the ARC, the builder/lot owner will be subject to a forfeiture of the \$2,000 security deposit. If the builder/lot owner breaches any of its construction obligations contained herein or in the CC&Rs, the builder/lot owner will be subject to a forfeiture of the \$2,000 security deposit. Such penalties will not relieve the builder/lot owner from complying with all requirements of the CC&Rs or the design standards and requirements contained herein.

Upon the builder's/lot owner's completion of its construction, builder/lot owner shall request that an ARC representative conduct a final inspection. In the event the ARC representative determines that the builder/lot owner has timely completed its construction and that

the construction conforms with the CC&Rs and these design standards, and the builder/lot owner has not breached any of its construction obligations, the ARC representative shall certify compliance and authorize the release to the builder/lot owner of its security deposit or appropriate portion thereof.

4. Submittal List. All applications must contain, or have submitted with the application, the following material (collectively called “Plans and Specifications”) prepared in accordance with acceptable architectural standards:

4.1 Site Plan. A site plan showing the lot boundary and the proposed location of the home and all other structures and improvements including fences and walls; and all set backs, curb cuts, driveways, parking areas and other pertinent information relating to the improvements. The site plan shall indicate the proposed grading and drainage away from the proposed residence and adjacent lots. The builder/lot owner shall be responsible for all drainage and shall construct the improvements in a manner that insures that no standing water shall be captured in the crawlspace of the residence. If French drains or other drainage devices are necessary, the site plan shall indicate the proposed location of such drainage devices.

4.2 Building Plan and Landscape Plan. A building plan which shall consist of the proposed blueprints, elevation drawings of the north, south, east and west sides, and detailed exterior specifications which shall include, by sample if required by the ARC, all exterior colors, materials and finishes, including the roof, to be used. The builder/lot owner shall also submit a landscape plan for the entire lot, excluding the residence, including proposed fencing.

4.3 Notice of Intent and Storm Water Pollution Prevention Plan. A copy of the filed NOI and SWPPP for the lot.

5. Decision. In reviewing the application and the Plans and Specifications submitted therewith and in reaching a decision thereon, the ARC will use its best efforts and judgment to assure that all improvements shall produce and contribute to an orderly and aesthetically complementary design and appearance and be of the quality required to maintain a quality residential development. The ARC may, in its discretion, require the builder/lot owner to furnish additional materials beyond those required herein.

Unless extended by mutual consent of the builder/lot owner and the ARC, the ARC shall render its decision with respect to an application within thirty (30) days after the receipt of a properly submitted application. The decision of the ARC can be in the form of an approval, a conditional approval or denial. The decision of the ARC shall be in writing, signed by a member of the ARC, dated, and a copy thereof mailed to the builder/lot owner at the address shown on the application.

A conditional approval shall set forth with particularity the conditions upon which the application is approved and the builder/lot owner shall be required to affix a copy of said conditions to the working drawings or blueprints which are to be kept on the job site during the entire course of the work to which said plans relate.

III.

DESIGN STANDARDS

1. **Minimum Square Feet.** The minimum square foot requirements are for those floor areas that are intended and suitable for use as living areas and do not include basements, garages, storage areas, covered patios and the like. Minimum square footage is 2200 square feet. The ARC reserves the right to increase these square footages. In exercising its discretion with respect to square footage, the ARC may take into consideration the compatibility of the proposed home with existing homes and the overall economic market conditions of the community.

2. **Exterior Elevations.** Exterior elevations shall be evaluated on the overall character, depth and balance of the design. The use of boxed out windows, dormer windows, covered entries, and other significant jobs in exterior walls are encouraged. Large expanses of flat, unbroken surfaces are discouraged. Brick, stone or stucco, where used, shall wrap the corners horizontally a minimum of two feet. Where siding is used, batten boards or trim shall be located as inconspicuously and as symmetrically as possible.

3. **Exterior Finishes and Colors.** All exterior materials and colors shall be approved by the ARC and shall be compatible with neighboring lots to present a unified and coordinated appearance.

3.1 Brick, Stone and Stucco. All homes shall be required to incorporate at least twenty-five percent (25%) of the front elevation in brick, stone or stucco. Architectural and aesthetic balance shall be a primary concern in determining how much brick, stone, or stucco will be required. Brick, stone or stucco colors shall be compatible with the exterior paint colors selected and approved by the ARC. Darker brick shades are encouraged.

3.2 Siding. Hardboard sidings by Hardie, Weyerhaeuser True Wood Siding, Georgia Pacific, or similar or better grades in the following types are permitted:

- 4" true lap
- 5" true lap
- 6" true lap
- 7" true lap
- 8" true lap
- Vertical siding as approved by the ARC

The siding type on the homes' gables should be a different type than the type of siding on the main body of the home. Other types of siding not contemplated herein are subject to written approval by the ARC. **Vinyl siding and cottage lap siding are prohibited.**

3.3 Approved Exterior Paint Colors.

3.3.1 Corner and Batten Trim. Painted trim on corners and batten trim shall be the same color as the main body color unless otherwise approved in writing by the ARC.

3.3.2 Window Door Trim. Trim color around windows and doors shall be from the same color card or color family as the color chosen for the main body color unless otherwise approved in writing by the ARC.

3.3.3 Fascia Trim/Gutters. Fascia boards on the entire home shall be 8” in width, and a 1x4” shadow board shall be used to complement the fascia on the rake or gable ends. No shadow boards are required in areas with gutters. Fascia trim color shall be from the same color card as the color chosen for the main body color. White fascia is preferred on homes with blue/gray tones for the main body color. Other tones not of the same color group are not allowed unless approved in writing by the ARC. All gutters and downspouts are to be continuous and shall be colored to blend with the surface to which they are attached.

4. Roofs. Unless otherwise approved by the ARC, roofs shall be a minimum of 6/12 pitch. The ARC may approve down to a 4/12 pitch for the Tuscan look. Mixing of different roof pitches on the same elevation is discouraged; however, broken roof lines are encouraged. All roof ridges, including hips, shall have Z-ridge shingles. Thirty-year architectural shingles or better are required. Roof vents and other ventilation pipes shall be located on the rear elevation except where impractical, and shall otherwise be installed in an inconspicuous location and manner. All ventilation pipes, roof vents and any other galvanized metal shall be painted the same color as the roof shingles.

5. Garages and Detached Storage Facilities. Detached garages are allowed if approved by the ARC. Garages must a minimum of three bays and a maximum of five bays. Garages and outbuildings shall be constructed of, and roofed with, the same materials, and with similar colors and design, as the residence located on the lot. No playhouses, playground equipment, pools, pool slides, diving boards, hot tubs, spas or similar items shall extend higher than five feet (5') above the finished graded surface of the lot, unless approved in advance by the ARC.

6. Fences. In addition to the fence requirements contained in the CC&Rs, fences shall conform to the following:

6.1 Fence Location Restrictions. The ARC’s approval of certain fence types does not constitute approval of a particular fence type at any location. Rather, the following location restrictions shall be adhered to.

6.1.1 Any side or backyard boundary that borders another single family residential lot shall utilize the ARC approved white vinyl fence type, excepting that whichever builder/lot owner constructs their fence first shall have the option of which side of the fence is facing their yard; however, any fencing installed in a location that is visible from the street must be installed with the finished side facing the street.

6.1.2 Developer may construct boundary fencing that borders collector or arterial streets. In the event Developer has not done so, any such fencing installed by the builder/lot owner shall be of the approved vinyl fence type and be installed with the finished side facing out (away from the home).

6.2 Courtyard Walls. Courtyard walls constructed of brick, stone, stucco, or other materials matching the approved exterior finish of the home and not exceeding three feet in height may be allowed in front yards with written ARC approval of location, design and materials.

6.3 Common Corner Posts. Wherever possible, adjoining lots shall use common corner posts.

7. **Landscaping.** A landscape plan is required to be prepared and submitted to the ARC for approval. The use of berms and clustered planting groups such as garden beds with trees, shrubs and flowers are encouraged.

Exterior mounted utility meters, heat pumps, air conditioners, and other permissible equipment shall be properly screened from view of the street and surrounding homes by landscaping or fencing. No meters shall be affixed to the front of any home.

The following minimum landscaping must be installed within forty-five (45) days of substantial completion of the home:

7.1 An automatic underground sprinkler system shall be installed for the entire lot.

7.2 Except at garden bed locations, sod and/or hydro seed must be installed for the entire lot. Hydro seed may be used on the side and back yards. Sod must be used for all front yards.

7.3 Trees and shrubs shall be planted in the yard according to the following minimum standards.

Front Yard shall have:

- Two coniferous trees of 2 caliper inches
- Eight 5 gallon plants
- Twelve 2 gallon plants

8. **Exterior Lighting.** A monument yard light is required. Only can lights will be allowed on home exteriors and a minimum of two photosensitive, automatic activation lights (that do not contain override switches) shall be required for each home exterior. Surface mounted lights will be approved on a case-by-case basis.

Other approved lighting includes normal entrance lights on porches, garages, and other entries to the home providing they do not exceed 100 watts each. High watt fixtures intended for lighting back yard play areas may be permitted with the approval of the ARC; provided such lighting will not unreasonably interfere with the use and enjoyment of adjacent and/or neighboring properties. Such fixtures must be mounted in an unobtrusive manner and shall not illuminate neighboring properties and shall not be operated at late hours that cause a nuisance to neighboring property owners.

9. **Mailboxes.** Single or double mailbox posts will be provided by Developer. The builder/lot owner shall install a plain black mailbox on the mailbox post. No exceptions or substitutions are permitted unless otherwise approved in writing by the ARC. After installation, the builder/lot owner shall protect the mailbox posts during construction. Replacement necessitated by damage from whatever source shall be at the expense of the builder/lot owner. Any replacement mailbox post shall be of the same type as originally installed by Developer.

10. **Setbacks.** Setbacks shall be in conformance with all applicable laws, the CC&Rs and plat restrictions.

11. Basketball Equipment. Basketball backboards shall not be permitted on the roof or walls of any home. Basketball standards, backboards and rims may be installed adjacent to a driveway but are encouraged to be installed in less prominent areas such as rear or side yards.

12. Dog Runs. Dog runs may be permitted along a side fence, but must be no closer than 10 feet from any back lot line that is a boundary to any common area. Dog runs must be no more than 6 feet high and they must be screened from neighbors view.

13. Antennae. Only direct small size satellite dishes shall be permitted and only if they are attached to the rear or side walls of a home in an unobtrusive manner.

14. Driveways and Walkways. Driveways and front yard walkways must, at a minimum, be highlighted and/or bordered with colored, stamped concrete.