

ESTATES AT WEST HIGHLANDS COMMUNITY

ARCHITECTURAL DESIGN STANDARDS & CONSTRUCTION GUIDELINES

FOR

ESTATES AT WEST HIGHLANDS COMMUNITY

NOVEMBER 2021

Article I - Introduction

The Design Guidelines have been created to protect the unique and special qualities and the community-wide standard of the Estates at West Highlands Community and to encourage creative design by providing general architectural design and construction guidelines, landscape guidelines, submittal and review procedures and fees and charges for review.

The design guidelines are drafted and utilized by the Design Committee to ensure that all improvements conform and are harmonious with regard to external design, quality and type of construction, architectural character, materials, color, location on the homesite, height, grade and finish ground elevation, natural conditions, landscaping and all aesthetic considerations. The home designer should view the Design Guidelines as aides that will protect the unique qualities of the Estates at West Highlands Community, versus a hindrance to creative design. These Design Guidelines are not meant to limit the imagination or personal needs of the homeowner, as individual design is encouraged.

1. **Formation of Design Committee.** In order to protect the quality and the value of homes within the community, to assure an attractive, compatible and aesthetically pleasing community and for the continued protection of the Owners thereof, a Design Committee is hereby established consisting of three (3) members to be appointed by the board of the Association at each annual meeting of the Board. Initially this task will be administered by the Declarant and or its agents.
2. **Purpose.** The purpose of the Design Committee is to implement policies and guidelines for the design and construction of improvements on the Property with a view to maximize compatibility and quality of improvements in the community. The Design Committee is vested with the power and authority set forth herein to further that purpose.
3. **Development Subject to Applicable Local Government Requirements.** These Design Guidelines are to be applied by the Design Committee. All development with the Estates at West Highlands Community remains subject to applicable local government regulation,

including Canyon County and the City of Middleton and the attached dimensional standards for development. Applicants are to ensure that all appropriate and necessary applications are submitted in connection with any improvements within the Estates at West Highlands Community

4. **Design Approvals Required.** No improvement shall be commenced, built, constructed, placed, or maintained upon any building lot, nor shall any exterior addition, change or alteration of existing or previously approved improvements be made to any building lot, until the plans and specifications showing the nature, kind, shape, configuration, height, materials, location and such other detail regarding the Improvements have been submitted to and approved in writing by the Design Committee as conforming with the requirements of the Declaration.

In the event the Design Committee fails to approve, disapprove, or specify the deficiency in such plans, specifications and location within thirty (30) days after the submission to the Design Committee in such form as they may require, it shall be deemed denied. The Design Committee shall have the right to refuse to approve any design, plan or color for such improvements, construction or alterations which, it determines are not consistent with the standards set forth in this or any other Declaration applicable to the Property

The Design Committee is hereby authorized to exercise its discretion as to all considerations herewith. The Design Committee shall have the privilege in the exercise of its discretion to take into consideration the suitability of the proposed structure or alteration, the materials of which it is to be built and the exterior color scheme in relation to the site upon which it is proposed to be erected.

The Design Committee may also consider whether the design of the proposed improvement or alteration is in harmony with the surroundings, the effect on the structure or alteration when viewed from adjacent or neighboring property and any and all other facts which, in the Design Committees opinion, shall affect the desirability of any proposed improvement. Actual construction shall comply substantially with the plans and specifications approved.

5. **Denial of Plan.** In the event the plan is denied, the Owner and the Design Committee shall work together to correct the deficiencies in the original plan(s) submitted by the Owner. The Owner shall re-submit such revised plan(s) to the Design Committee after each denial, if the Owner so desires. The Design Committee shall have thirty (30) days after a plan is re-submitted within which to notify the Owner whether the revised plan(s) has (have) been approved. Failure to notify the Owner within the time frame set forth above shall constitute the Design Committee's denial of the revised plan(s).
6. **Submissions.** Requests for approval of the Design Committee shall consist of such documents and other materials as may be reasonably requested by the Design Committee including, without limitation, the following: (see the Design Review Submittal Form and Checklist)

- 6.1 **Site Plan.** A 11"x17" site plan that shall show all Improvements on the Building Lot, all applicable setbacks and any other pertinent information related to the Improvements and the building footprint.
- 6.2 **Building Plan.** A 11"x17" building plan that shall consist of the preliminary or final blueprints, elevation drawings of the north, south, east and west sides of the improvements, detailed exterior specifications for each Improvement that shall indicate, by sample, all exterior colors, material and finishes, including roof to be used.
- 6.3 **Grading Plan.** A 11"x17" grading plan for the Building Lot shall show grading, drainage, berms and mounding proposed for the Building Lot, together with the location of fences, free-standing exterior lights, driveways, parking areas and walkways. The grading plan shall be provided at a scale of not less than 1" = 20'-0", shall show spot elevations depicting drainage for the Building Lot and shall be prepared by a professional engineer or professional landscape architect.
- 6.4 **Landscape Plan.** A landscape plan for the Building Lot shall show grading, drainage, berms and mounding proposed for the Building Lot, together with the location, type and size of trees, plants, groundcover, shrubs, sprinkler system, fences, free-standing exterior lights, driveways, parking areas and walkways. The landscape plan shall have a plant list or other indication of species, variety, size, quantity, spacing and location on all plant material proposed for the Homesite. The grading and landscape plan shall be provided at a scale of not less than 1" = 20'-0", shall show spot elevations depicting drainage for the Building Lot and shall be prepared by a professional engineer or professional landscape architect.

All submittals and inquiries will be made to:

Estates at West Highlands HOA
c/o Development Services, Inc. – Jean Cariaga
9601 W. State Street, #203
Boise, ID 83714
Email: jean@dev-services.com
Phone: (208) 939-6000

7. **Rules and Regulations.** The Design Committee is hereby authorized to adopt rules and regulations to govern its procedures and the requirements for making submissions and obtaining approval as the Design Committee deems appropriate in keeping with the spirit of due process of law. The Design Committee is further hereby empowered to adopt such rules and regulations as it shall deem appropriate, consistent with the provisions of the Declaration, pertaining to matters of design, materials, colors and aesthetic interests as necessary to implement and enforce the provisions of the Declaration. Any such rules and regulations may be amended from time to time, in the sole discretion of the Design Committee. The failure of the Design Committee to adopt any such rules and regulations shall not form the basis for an attack upon the exercise of Design Committee discretion, it

being the intent of the Declaration to provide the Design Committee with as broad discretion as is permissible under the law.

8. **Fees.** The Design Committee may establish, by its adopted rules, a fee schedule for an architectural review fee to be paid by each Owner submitting plans and specifications for approval. No submission for approval will be considered complete until such fee has been paid. Such fee shall not exceed such reasonable amount as may be required to reimburse the Design Committee for the costs of professional review of submittals and the services of a consultant to administer the matter to its completion, including inspections which may be required. The Design Committee may elect to refund a portion of such fee upon full compliance and satisfaction of the completion of all improvements consistent with the approval granted by the Design Committee.
 - 8.1 Upon the initial sale of each Building Lot from the Grantor to an Owner, Grantor will require the Owner to pay a construction deposit fee assessment of One Thousand Dollars (**\$1,000**). Such construction deposit fee assessment shall be paid at the escrow closing of the Building Lot sale on or before the date of recordation of the deed from the Grantor to the Owner. Grantor, as agent for the Association, shall be entitled to collect the construction deposit fee assessment at the escrow closing of the Building Lot sale for payment by the escrow agent to the Association. The construction deposit fee assessment may be used by the Association for clean up on the Building Lot during the construction period on the Building Lot if, in the sole discretion of the Association, the Building Lot is not adequately maintained and construction debris and waste is not timely removed from the Building Lot during the construction period on the Building Lot or the construction and landscaping is not complete. Subject to Section 8.1 below governing the non-refundable portion of the construction deposit fee assessment, the Association shall refund any unused portion the construction deposit fee assessment to the Owner following issuance of the Certificate of Occupancy for the home on the Building Lot and the completion of all construction cleanup on the Building Lot and once the construction and landscaping are complete. The construction deposit will expire after 24 months from the date of the Building Lot sale and will be forfeited to the HOA general fund if work has not been completed and signed off by the HOA.
 - 8.2 This construction deposit fee shall be One Thousand Dollars (**\$1,000**) for each Building lot and shall be subject to retention for noncompliance with landscape criteria as well as noncompliance with the Design Standards. Four Hundred Dollars (**\$400**) of the construction deposit fee shall constitute a non-refundable concrete washout/street sweeping fee.
 - 8.3 The Architectural Review Fee shall be Five Hundred Dollars (**\$500**). Of the fee, Three Hundred Fifty Dollars (**\$350**) shall constitute a non-refundable fee for architectural and exterior paint color review; One Hundred Fifty Dollars (**\$150**) of the fee shall constitute a non-refundable fee for landscaping review. The fees are due at the time of plan and spec submittal.

The Design Committee will review and provide comments to the Building Lot Owner and conduct a re-review of the submission as no additional cost to the owner. However, any additional review required beyond the initial review and first re-review shall be paid for by the Owner at the then existing hourly rate charged by the professional consultants engaged by the Design Committee to undertake such matter. Upon completion of all work, the Owner may request a refund of the refundable portion of the fee from the Design Committee. The Design Committee shall evaluate completion of the work and upon determination that all work has been completed consistent with the prior approval by the Design Committee under Section 4 and consistent with the Design Standards set forth herein. The Design Committee, in addition to enforcing the provisions of the Declaration for noncompliance by the Owner, shall have the power to retain the fee upon determination that the Owner has not completed the work consistent with the prior approval of the Design Committee under Section 4 and consistent with the Design Standards set form herein.

9. **Variances.** The Design Committee may authorize variances from compliance with any of the development provisions of the Declaration, including restrictions on height, size material type and selection, floor area or placement of structures or other similar restrictions, when circumstances such as topography, natural obstruction, hardship, aesthetic or environmental considerations may require. Such variances will be granted as further described in the Declaration. Notwithstanding the foregoing, however, no variances will be granted for a) improvements, including without limitation, manicured lawns or other Building Lot landscaping and any other encroachment upon the Common Area or (b) any improvement that requires relief from or modification to any provision of any development agreement with Canyon County or the City of Middleton, Idaho, associated with the Estates at West Highlands Community.
10. **Liability.** Neither the Design Committee nor any member thereof shall be liable to the Association, any Owner, or any other party for damage suffered or claimed on account of any act, action or lack thereof, or conduct of the Design Committee or any members thereof, so long as the Design Committee or the respective members thereof, acted in good faith on the basis of the information they then possessed. Each Owner of any Building Lot, by Design Committee acceptance of a deed therefor (whether or not it shall be so expressed in such deed), is deemed to acknowledge that it has waived and released any and all claims that arise from the decisions and actions of the Design Committee and the members thereof in carrying out the responsibilities delegated to them hereunder. The sole remedy and relief available to any party seeking relief for such decisions or actions shall be declaratory or injunctive relief to the extent expressly authorized hereunder.
11. **Construction Period Exception.** During the course of construction of any Improvement approved by the Design Committee, the restrictions contained in the Declaration or in any Supplemental Declaration shall be deemed waived to the extent necessary to permit such construction of all homes within a commercially reasonable period of time; provided that, during the course of construction, nothing shall be done which will result in a violation of these restrictions upon completion of construction and sale. Further, Declarant shall have the right to select and use any Individual homes as models for sales purposes and, for so long as the Declarant shall own any Building Lot, parcel or portion of the Property,

Declarant shall have the right to use any clubhouse or similar facility owned or to be owned by the Association as a sales and marketing office or for other such similar uses.

12. **Waivers.** The approval of any plans, drawings or specifications for any Improvement or for any matter requiring the approval of the Design Committee, shall not be deemed a waiver of any right to withhold approval of any similar plan, drawing, specifications or matters subsequently submitted for approval.
13. **Signage Requirements.** Only authorized and approved Estates at West Highlands Building Lot and open house signage will be allowed. Builders and MLS Realtors shall be allowed periodic weekend open houses and shall not be allowed to establish any form of on-site marketing offices or sales centers except for model homes. The only non-model homes on-site sales center allowed shall be that designated by Developer.

Article II - Design Standards

1. **Design Standards.** The Design Committee shall apply and enforce the architectural and design standards set forth in the is Article II. It is expected that the design of all Improvements will be tailored to the unique features of each individual Building Lot. The Design Standards set forth herein are intended to protect, preserve and enhance the Property, the Common Area and all Building Lots and Units within the Property. The purpose of the Design Standards is not to create identical improvements, but rather to ensure that there is a harmonious design within the Property that is complementary to the surrounding homes. The Design Committee shall have the power pursuant to permit such modification to and deviations from these Design Standards for a proposed building form or design style that reasonably justifies or requires such modification or deviation in furtherance of the goals set forth herein. The Design Standards are further intended to ensure the quality and harmony of design envisioned by Estates at West Highlands.

As such, each Improvement and each Building Lot shall incorporate into their design the following Design Standards.

2. **Architectural Style and Form Building Forms and Arrangement.** No specific design style shall be required so long as the development of each Building Lot conforms to the Design Standards set forth herein.
 - 2.1 **Roof Style, Pitch and Overhangs.** All roofs shall include hips, dormers and/or gutters in order to present heightened architectural features. Roofs shall be a minimum 2/12 pitch but shall not exceed a pitch of 12/12 so as to minimize the mass of the roof and to not make the roof the dominant feature of the unit. Roofs shall be of 30 year or better architectural asphalt shingles. Metal, slate, masonry or tile may be approved as roofing materials by the Design Committee. Color must be of grays, greens and browns to complement the Estates at West Highlands landscape. Other roofing materials and colors are subject to Design Committee approval. Roof overhangs are required to be a minimum of 16" deep.
 - 2.2 **Doors and Garage Doors.** Entry doorways shall be in scale and harmony with all other elements of the home. Entry doorways shall be of a material consistent with

the exterior finish for the home and shall be painted or finished in a color approved hereunder.

Features such as side entry garages or smaller parking bays that minimize mass of garages are encouraged. Garage doors may be constructed of aluminum, wood or other metal, provided that all garage doors shall be paneled and have an attractive, decorative design. The use of individual garage doors shall be required for any bay exceeding twenty (20) feet in width. Detached garages shall be of the same style, exterior materials and detailing as the Unit and must be proportional to the unit. Plans submitted with RV garages will be subject to a more detailed review process. The Design Committee will consider:

- Percentage of front elevation that is garage doors;
- Setbacks from the street and rest of the house;
- How well the roof structure blends with the rest of the house;
- Flush or flat panel garage doors are not allowed, and garage doors are to have detailing that is consistent with the architectural style and design of the home; and
- Interiors of garages shall be sheetrocked, taped, sanded and painted or sheetrocked, taped, sanded and textured.

- 2.3 **Windows.** Windows may be constructed out of metal clad wood, wood, fiberglass or vinyl provided that they are of architectural grade and comply with all other design and color requirements set forth herein.

Window consistency in type, style, trims and proportion will be required for each Unit. All windows shall be placed in such a manner as to harmonize with the size and mass of any openings in the wall. Large blank wall are prohibited. Large gable ends of a two-story house shall include projections or recesses rather than windows alone.

Interior areas visible to the exterior shall be treated as such. All draperies and window coverings visible to the exterior shall be of materials and colors consistent with the design of the Improvement and surrounding environment. The interior finish of all garages shall follow guidelines under section 2.2

3. **Dimensional Standards.**

- 3.1 **Setbacks.** No Improvements may be constructed or placed on a Building Lot within the minimum building set back lines set forth in the City of Middleton Building Code for the Estates at West Highlands Community. No approval of the setbacks applicable to the Property shall excuse or allow any variance or deviation from the building setback lines specified by Code.
- 3.2 **Height.** No home shall exceed an amount as specified by the City of Middleton Building Code.

- 3.3 **Unit area.** All Units shall satisfy the minimum area requirements set forth herein. All Units shall have a minimum square footage of finished space exclusive of garages, storage rooms, covered patios or porches or other covered exterior space.

Building Lot Size	Minimum Square Footage
0 to 7,000 square feet	1,600 square foot minimum
7,001 square feet and larger	2,000 square foot minimum

- 3.4 **Colors.** The Design Committee shall approve all exterior colors for exterior walls and roofing finishes.

3.4.1 **Permitted Colors.** Exterior walls shall be painted in earth tones. All exterior material colors shall be harmonious with the permitted roofing colors. White, green, beige, black, brown, grey and other earth tones shall be permitted as exterior colors.

3.4.2 **Prohibited Colors.** Any exterior color that is not permitted and approved by the Design Committee shall be prohibited.

3.4.3 **Exterior Color Treatments and Maintenance.** Exterior finishes may be stained, treated or painted such colors, provided that the Improvement shall be maintained regularly to ensure the integrity of the exterior finish and color.

3.5 **Materials.**

3.5.1 **Exterior Wall Finishes.** There shall be a minimum amount of brick or stone on each façade of each Unit. A minimum of twenty percent (20%) of the front façade, excluding windows and doors, shall be brick or stone. All siding material can be composed of shake, board and bat or lap siding. T-111/Cottage lap is not permitted. Specific architectural designs shall be considered for variances.

3.5.2 **Exterior Features.** Exterior Features on all homes shall harmonize with the natural landscape of Estates at West Highlands and the rest of the structure shall enhance the appearance of such. The following specific Design Standards apply to the specific element.

3.5.2.1 **Chimneys, Vents and Caps.** All chimneys and other roof projections such as vents and flues must be in scale and materials compatible with the Unit from which it projects and shall be located on the rear elevation of the Unit. All exterior chimneys must be of a material architecturally compatible with the Unit. Any metal utilized in chimney stacks, flashing, vents or exhaust pipes must be painted to match or blend with roofing materials. Chimney caps of a purely utilitarian design are prohibited. A

false cap, appropriate to the design of the house must screen chimney caps and shall be indicated on the submitted design.

- 3.5.2.2 **Gutter and Downspouts.** All gutters and downspouts shall be designed as a continuous architectural feature. Exposed gutters and downspouts shall be colored to blend in with the surface to which they are attached. Chains may be permitted as part of a downspout system, provided that they terminate in a drain or solid material that prevents erosion and drains away from the Unit consistent with the drainage and grading requirements set forth herein. The location and placement of gutters and downspouts shall comply with the drainage and grading requirements herein.
- 3.5.2.3 **Roof and Attic Vents.** Roof vents and other ventilation pipes shall be located in the rear elevation except where impractical or otherwise required to be placed on the front elevation by code. Such protrusions shall be made as inconspicuous as possible and shall be painted to match or blend with the roof color and shall otherwise be installed in an inconspicuous location and manner. Roof and attic vent types and locations shall be shown on the Building elevations.
- 3.5.2.4 **Fascia, Soffits and Rafter Tails.** Fascia shall have a finished depth of 8" wide with a 4" stack/shadowboard unless otherwise approved in writing by the Design Committee in advance of the construction. An 8" fascia without a shadow board needs a variance. Soffits shall be a minimum of 16", provided that 12" shall be permitted on Design Committee approved roofs and dormers. All fascia and soffit materials shall be consistent with the exterior finish of the Unit.
- 3.5.2.5 **Privacy Screens.** When not provided by other structures, each home shall have a screened exterior area for enclosing garbage and trash containers, firewood, bicycles, other items of personal property, or any other structure or improvement that the Design Committee determines is visually distracting and must be placed where they will not be seen from the streets or neighboring Building Lots and or properties. Exterior HVAC equipment shall be screened so that they will not be seen from the streets. Screening shall be required of any exterior area designated for garbage. All required screens shall be an architectural extension of the Unit both in its design and its material.
- 3.5.2.6 **Fencing.** Prior to the construction of any fence, plans shall be submitted as part of the landscape plans and approved in writing by the Design Committee. The submittal shall include a site plan

showing the location of fencing proposed, including setback dimensions and shall designate the type and height of fence proposed. No fences, other than those specified below, shall be permitted.

Six foot (6') tall vinyl privacy fencing, tan in color are required. Refer to fencing detail attachment for style and color approved fencing. Reimbursement among property owners for installation of privacy fencing will occur within thirty (30) days and in accordance with the requirements of Title 35, Chapter 1 of Idaho Code.

3.5.2.7 **Solar Panels.** Solar panels and locations must be approved by the Design Committee prior to installation. Panels shall be commercially manufactured and well maintained. Solar panels shall not be visible from the front elevation of the home. Solar panels and associated hardware shall be an integral part of the design of the home. The color of solar panels shall be matching to shingles and shall be recess mounted (flush) into the roof structure with no visible piping.

3.5.2.8 **Mailboxes.** Mailboxes are not permitted on residential Building Lots. Community mailboxes will be provided by the Developer.

3.6 **Grading and Landscaping**

3.6.1 **Drainage and Grading.** All Building Lots shall be graded so that water will be retained within the property boundary of that Building Lot or a common area drain or drainage easement approved by the Design Committee. No Building Lot shall drain on to any other Building Lot or Common Area or a common area drain without a drainage easement and Design Committee approval. All drainage and detention facilities are required to comply with this obligation and shall be submitted for review.

3.6.2 **Compliance with Design Guidelines.** All landscaping shall comply with the landscaping requirements imposed under these Design Guidelines.

3.6.3 **Completion of Landscaping.** Within thirty (30) days after substantial completion or occupancy of the Unit located thereon, whichever is earlier, each Building Lot shall be fully landscaped in with a grading and landscape plan submitted to and approved by the Design Committee. The Design Committee shall have the discretion to extend the timing of completion of the landscaping of the Building Lot (to a date specified in writing to the Owner) if weather conditions preclude landscaping from being completed or if weather conditions may jeopardize the long term viability of the landscaping. If completion of the landscaping is so extended to a specific

date, then the Owner shall diligently proceed to complete such landscaping of the Building Lot.

3.6.4 **Irrigation.** An automatic underground sprinkler system shall be installed throughout each Building Lot and shall be connected to the Irrigation System if constructed in the applicable Phase. Each Owner shall install its own irrigation timing system to ensure automatic operation and shutoff and compliance with any required watering schedule.

3.6.5 **Required Landscaping Elements**

3.6.5.1 **Front and Side Yards.** Subject to the Architectural Committee’s prior approval of landscape plan submitted by Owner consistent with the Architectural Committee’s landscape guidelines, the front yard of each Building Lot, the rear year of each Building Lot and the side yard of each Building Lot must be landscaped and planted with sod within thirty (30) days of issuance of a Certificate of Occupancy for a residential home on any Building Lot, except between December 1st and March 1st, and then as soon thereafter as weather permits. Rear Building Lots on large Building Lots (over 16,000 square feet) can apply for a variance to use seed with Design Committee approval.

Landscaping in front, rear and side yards is required to follow the minimum standards, unless otherwise approved by the Architectural Committee:

- An automatic underground sprinkler system shall be installed throughout;
- Sod shall be laid throughout except for possible variance for back yards on large Building lots (over 16,000 square feet); and
- Trees shall be planted in front yards, corner yards and rear yards according to the following minimum Building Lot standards.

Tree Requirements

Deciduous trees shall be 3” caliper or larger and evergreen trees shall be 8’ high or higher and comply with the following minimum standards:

Trees	Building Lot Size 7,000 square feet and smaller	Building Lot Size 7,001 square feet and larger
Front Yard	2 trees, deciduous tree and evergreen tree	3 trees, at least 1 deciduous tree and 1 evergreen tree
Rear Yard	1 tree per 1,500 square feet of rear yard	1 tree per 1,500 square feet of rear yard

Shrub Requirements

Shrubs shall be planted in the front yards, corner yards and rear yards according to the following minimum standards:

Shrubs	Building Lot Size 7,000 square feet and smaller	Building Lot Size 7,001 square feet and larger
Front Yard	Minimum of 8, 2 gallon or larger shrubs	Minimum of 10-15, 2 gallon or larger shrubs
Corner Building Lot Side Yard	Minimum of 10, 2 gallon or larger shrubs	Minimum of 15, 2 gallon or larger shrubs
Rear Yard	Minimum of 8, 2 gallon or larger shrubs	Minimum of 10-15, 2 gallon or larger shrubs

Planter beds planted with shrubs and flowers shall cover a minimum of 25% of the front yard, 20% of the side yard on corner Building Lots and 15% of the rear yard.

The failure of any Owner to timely comply with these standards shall constitute a failure to perform exterior maintenance and the Association and or Grantor shall have all rights and remedies provided in Section 15.6 or any other provision of the Declaration, including, without limitation, the right to landscape the Building Lot as required hereunder. The HOA Board, upon ten (10) days prior written notice to the Owner of the Building Lot, shall have the right to correct such condition and to enter upon such Owner’s Building Lot for the purpose of doing so and such Owner shall promptly reimburse the Association for the cost thereof. Such cost shall be a Limited Assessment and shall create a lien enforceable in the same manner as other Assessments set forth in the Declaration.

The Owner of the offending Building Lot shall be personally liable and the Building Lot may be subject to a lien for all costs and expenses including attorney’s fees incurred by the Association in taking such corrective action, plus all costs incurred in collecting the amounts due, in accordance with the Declaration. Each Owner shall pay all amounts due for such work within ten (10) days after receipt of written demand therefor, or amounts may, at the option of the HOA Board, be added to the amounts payable by such Owners as Regular, Limited and Enforcement Assessments.

- 3.6.6 **Dog Runs.** Dog runs must be approved by the Design Committee prior to installation. Size and location may be restricted. If approved, they shall be commercially manufactured and well maintained. Coated chain link, galvanized and stainless steel are the only approved materials.
- 3.6.7 **Lighting.** Each Unit must have at least two (2) exterior lights illuminating the garage door openings, and one (1) exterior light for the front entryway. No lights shall shine upward. Lights must have covers so that the light is shining downward. Individual lights are limited to 100 watts.

- 3.6.8 **Basketball Equipment.** Basketball backboards shall not be permitted on the roof or walls of the Unit. Basketball standards with glass or plexiglass backboards may be installed on fixed poles and are encouraged to be installed in less prominent areas such as rear or side yards. Moveable basketball standards are not permitted in front yards, sidewalks or streets.
- 3.6.9 **Exterior Recreational Facilities, Structures and Outbuildings.** Any permitted sport/recreational use shall be during normal hours and shall conform to community standards. No pool, hot tub, deck, awning, trellis, retaining wall, privacy screen, outbuilding, treehouse, play house, playground structure or equipment, storage shed, arbor or any other structure shall be constructed without having been approved by the Design Committee and without conforming to this provision of the Declaration. All such structures shall be of a harmonious design as the Unit and are treated as an architectural extension of the Unit, both in its design and in its materials. Decks may be constructed of natural wood or engineered wood products, provided that the color is approved and is harmonious with the Unit and the material can and is maintained to ensure that its color and condition remain so.
- 3.6.10 **Driveways.** Driveways shall have a decorative application (for example, brick, stone pavers or stamped concrete) along the edges of each driveway and for all front entry sidewalks. Rock or gravel shall not be utilized to provide parking areas adjacent to driveways. All driveways proposed for access to a back yard for permitted vehicles or other storage shall be subject to review and approval by the Design Committee.
- 3.6.11 **Corner Building Lot Requirements.** All homes on corner Building Lots are subject to additional architectural requirements.

Article III - Construction Guidelines

1. **Condition of Building Lot.** The Building Lot owner or builder shall inspect the Building Lot prior to final purchase and construction for all utilities, location of property pins and general conditions and report any defects or damages to the developer. Unless otherwise notified, all improvements shall be considered in good repair and all damages or deficiencies there after shall be the responsibility of the Building Lot Owner or builder.

The developer or its engineer will relocate missing property pins or sewer markers that cannot be located by ordinary inspection (including light digging to uncover buried pins or markers) prior to closing or commencement of construction. Resetting property pins or sewer markers after possession or beginning of construction or locating existing property pins and sewer markers will carry a minimum charge of \$100 from the developer.

2. **Excavation.** Excavators are required to contact Dig Line at 208-342-1585 prior to commencing excavation on the Building Lot. Building Lots shall be excavated in a manner that will not adversely impact neighboring Building Lots. Excess dirt shall be removed

from the subdivision and may not be deposited or dumped on other Building Lots or vacant ground slated for future development.

3. **Foundations.** Unless otherwise approved, foundations shall be set a minimum of 18" above the back of curb elevation. Buyer shall take all necessary steps in setting the foundation elevation to ensure that drainage onto neighboring properties will be eliminated. All drainage from buyer's building lot will be retained on site or drained into the adjoining street.
4. **Construction and Jobsite Maintenance.** Upon commencement of construction, the construction of the improvements shall be diligently pursued in accordance with the Design Committee approval plans, including all conditions of approval. Construction shall be completed within two hundred ten (210) days from the date construction commences.

If construction is not completed within 210 days from the date construction commences and builder is not diligently pursuing completion (with no activity on site for 30 days), the Design Committee or the Association shall have the option to require the Owner and/or the builder to return the Building Lot to its original condition within twenty (20) days. If Owner/builder has not returned the Building Lot to its original condition within the time frame required, the Design Committee or the Association has the right to immediately access the site and return the Building Lot to its original condition at the Owners/builder's expense, for which it may use the completion deposit. Any funds not reimbursed by the completion deposit shall earn interest at the rate of 18% per annum and may be assessed against Owner/builder as a Limited Assessment as further set forth in the Declaration.

Washout of concrete trucks and equipment will be performed outside of the subdivision or in a designated concrete washout area. Developer will determine a location and provide direction to the concrete washout area within the subdivision if such an area is provided. Contractors are required to utilize this area to clean concrete trucks, pumpers, or other concrete coated equipment if washed within the subdivision.

Construction shall not begin prior to 7:00 a.m. or continue after sunset, however, during the summer months (June - September), contractors may begin as early as 6:00 a.m. as long as they are sensitive to neighbors and comply with all rules and requirements of the local jurisdiction.

Jobsites shall be tidied up and free of debris each evening and prior to each weekend. Each builder shall provide a trash bin/dumpster at the jobsite. Jobsite trash or debris that may be scattered by wind shall be properly contained in trash bins/dumpsters or by other means.

Builders and Building Lot Owners who fail to maintain the Building Lot in an orderly manner or allow construction debris to clutter surrounding properties may be subject to appropriate action from the Declarant, Design Committee or Association.

Only authorized and approved Building Lot and Open House signage will be allowed. Builders and MLS Realtors shall be allowed weekend open houses.

Temporary toilets, construction equipment and construction material shall be contained within the Building Lot boundaries and not obstruct the public roadways.

All vehicles will be parked within the Building Lot boundaries or on public streets adjacent to the jobsite and shall not block traffic, mailboxes or otherwise interfere with existing homeowners.

Streets shall remain free from dirt, gravel or other excavation material and shall be maintained by the owner or builder in a clean and orderly manner.

At their own discretion, builders may seek a Temporary Right-of-Way Use Permit from Ada County Highway District (ACHD) to temporarily block the sidewalk in front of a home under construction. For more information and specific requirements, call (208) 387-6280.

All complaints will be conveyed to the Builder who is responsible for compliance with these guidelines. The Builder is responsible to the developer of the Estates at West Highlands Community for the compliance of their contractors and subcontractors with these jobsite guidelines.

DIMENSIONAL STANDARDS FOR DEVELOPMENT

Attached.

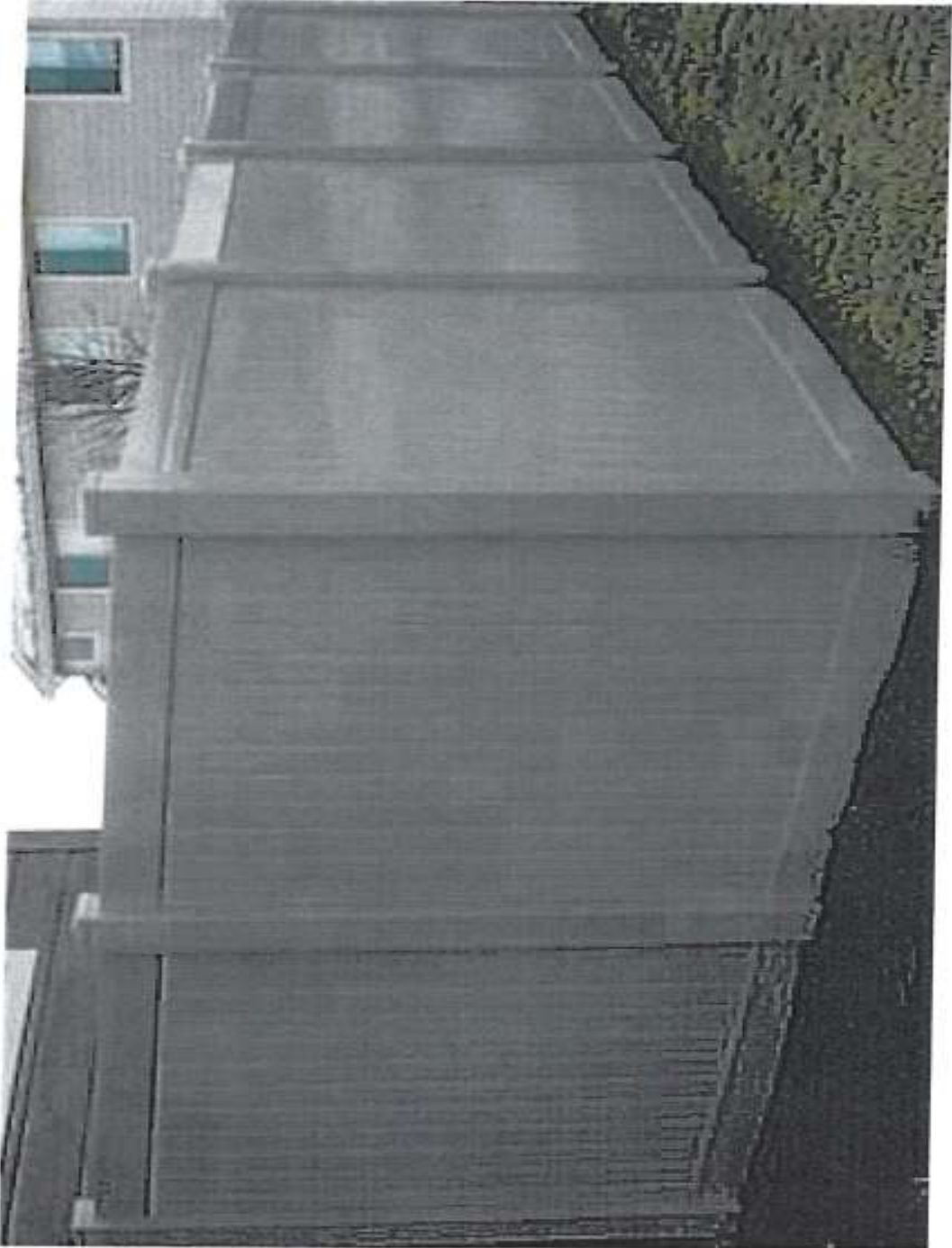
FENCING EXHIBIT

Attached.

Approved Fencing Types



Approved Fencing Types



FENCING MAP

Attached.

DESIGN REVIEW SUBMITTAL REQUIREMENT

The following must be submitted along with the application form:

1. **Site Plan.** (Minimum scale of 1/8" = 1'-0") A site plan that shall show all improvements on the Building Lot, all applicable setbacks and any other pertinent information related to the Improvements and the building foot print.
2. **Building Plan.** (Minimum scale of 1/8" = 1'-0") A building plan that shall consist of the preliminary or final blueprints, floor plans, elevation drawings of the north, south, east and west sides of the Unit, detailed exterior specifications for each Unit that shall indicate, by sample, all exterior colors, material and finishes, including roof, to be used.
3. **Grading Plan.** A grading plan for the Building Lot shall show grading, drainage, berms and mounding proposed for the Building Lot, together with the location of fences, free-standing exterior lights, driveways, parking areas and walkways. The grading plan shall be provided at a scale of not less than 1" = 20'-0", shall show spot elevations depicting drainage for the Building Lot and shall be prepared by a professional engineer or professional landscape architect. All grading and landscaping shall comply with the provisions of Article I.
4. **Landscape Plan.** (Minimum scale of 1/8" = 1'-0") A landscape plan for the Building Lot shall show grading, drainage, berms and mounding proposed for the Building Lot, together with the location, type and size of trees, plants, groundcover, shrubs, sprinkler system, fences, free-standing exterior lights, driveways, parking areas and walkways. The landscape plan shall have plant list or other indication of species, variety, size, quantity, spacing and location on all plant material proposed for the Building Lot. The grading and landscape plan shall be provided at a scale of not less than 1" = 20'-0", shall show spot elevations depicting drainage for the Building Lot and shall be prepared by a professional engineer, landscape architect or professional landscape company.

DESIGN REVIEW SUBMITTAL FORM AND CHECKLIST

Design Review Application

Estates at West Highlands Community

A. Applicant _____

Email _____ Phone _____

B. Applicant Address _____

C. Project Address _____

D. Building Lot/Block Number _____

E. Building Height _____

F. Number of Stories _____

G. Square Footage of Proposed Structures:

Floor Gross Square Feet

First _____

Second _____

Other _____

H. Exterior Building Material and Colors:

Main Body Color	Manufacturer and Color	Sample Attached	Approval or Denial	Alternate Selection Recommended
Fascia Trim				
Body Band				
Windows				
Window and Door Trim				
Corner Trim				
Shingles/Board & Bat				
Columns				
Railing				
Stain				
Stone				
Mortar				

Main Body Color	Manufacturer and Color	Sample Attached	Approval or Denial	Alternate Selection Recommended
Stucco Style				
Garage & Man Door				
Front Door, Int. & Ext.				
Roof				
Roof Hardware				
House Numbers				
Other				

Applicant: _____ Date _____

Applicant: _____ Date _____

Applicant: _____ Denied _____ Date _____

Comments: _____
