

DESIGN REQUIREMENTS FOR THE MOXIE RIDGE COMMUNITY

These Design Requirements for the Moxie Ridge Community (these “**Design Requirements**”) are promulgated on this 18 day of April, 2019 (“**Effective Date**”), by the Architectural Review Committee (the “**Committee**”) of the Moxie Ridge Community Association, Inc., an Idaho nonprofit corporation (the “**Association**”), pursuant to that certain Declaration of Covenants, Conditions, Restrictions and Easements for the Moxie Ridge Community recorded in the real property records of Ada County, Idaho as Instrument No. 2019-027215, as amended and supplemented from time to time according to its terms (collectively, the “**Declaration**”). All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Declaration.

ARTICLE 1 – PURPOSE

These Design Requirements are intended to provide each Owner within the Community guidance as to constructing, reconstructing, altering, installing, and/or removing any Improvement on the Owner’s Lot (each an “**Alteration**” and collectively, the “**Alterations**”), and as to the procedures related thereto. The authority and discretion to approve or disapprove all Alterations, and the plans and specifications related thereto, shall rest exclusively with the Committee. The Committee shall consider all requests for approval of Alterations and the plans and specifications thereto in light these Design Requirements, and may, in addition, consider such additional circumstances and facts, as it deems appropriate in arriving at its final decision to approve or disapprove of the same.

ARTICLE 2 – APPLICATION PROCEDURES

Section 2.1 Jurisdiction of the Committee. The entire Community shall be subject to these Design Requirements.

Section 2.2 Application for Approval. Subject to any applicable exemption under Section 2.12 hereof and to any other exemptions under the Declaration, any Owner proposing an Alteration is subject to the review and approval of the Committee shall submit the following items, to the extent applicable given the nature of the Alterations proposed, together with such other and additional information as the Committee may request:

- (A) Site Plan. A site plan at a scale of not less than 1”=20’ showing the Lot and including, at a minimum:
1. Property lines and dimensions, as shown on the Plat.
 2. The Building Envelope, if any, as shown on the Plat.
 3. The location of the proposed Alterations for which approval is sought and their relationship to property lines.
 4. The driveway, parking and walkway locations, and the width, grades, and proposed surface material of each.

(B) Architectural Drawings.

1. Floor plans at a scale of not less than 1/8"=1' showing all floors, garages, basements, lofts and spaces intended to be used or occupied. Indicate room dimensions and square footage of each floor.

2. Exterior elevations at a scale of not less than 1/8"=1' showing all exterior elevations and surfaces of the proposed Alterations.

3. Exterior wall elevations clearly showing the texture, type of material, the pattern or direction of exterior wall surfaces, and the color conforming to earth tone colors.

4. Exterior lighting should be indicated where it occurs, together with type of fixtures, direction of light to be emitted, and information on whether such lighting is recessed or surface mounted.

(C) Landscape Drawings. If required by the Committee (in the Committee's discretion), landscape plans shall be prepared by a landscape architect or professional landscaping company and shall include:

1. A planting plan at a scale of not less than 1"=20' showing the arrangement of all trees, shrubs, groundcovers, sodded lawn areas, and natural grass areas. A plant list or other indication of species, variety, size, quantity, spacing and location of all plant materials proposed for use on the project shall be included.

2. 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 their finished location and appearance.

3. A site drainage plan shall be provided to demonstrate the ability to retain all site drainage to the subject site.

4. Landscaping lighting fixtures, if any, shall be clearly delineated on the plan indicating location, type of fixtures, height and material.

Section 2.3 Paint Colors. All paint and siding colors shall be submitted on the Committee's paint and siding color approval request form and subject to the Committee's approval, in its sole discretion. All paint and siding colors shall be earth tones. In general, no more than three colors per Lot will be permitted. No neon, loud, bright or obnoxious colors are allowed.

The items to be submitted under these Design Requirements shall be submitted to the Committee at: Architectural Review Committee, 4824 W. Fairview Avenue, Boise, Idaho 83706.

Section 2.4 Design Review Process. Owners shall obtain a preliminary review of any proposed Alterations from the Committee prior to the final review process. The purpose of the preliminary review is to give the Owner and its representatives an opportunity to discuss specific design concerns with the Committee, obtain interpretations and answers to questions concerning these Design Requirements, or other relevant information, and to allow the Committee the opportunity to provide feedback and direction toward compliance with these Design Requirements. This preliminary approval by the Committee shall not obligate the Committee to approve final plans and specifications for the project after a formal submittal as provided for in Section 2.2. The information, plans and specifications provided to the Committee at the preliminary review stage shall be at the discretion of the applicant, which should include sufficient

information and graphic representations to allow the Committee to be helpful in the development of an acceptable construction plan.

Section 2.5 Fees. The application for preliminary design review, which shall then include final approval of any landscaping or construction plan shall be accompanied by a fee in an amount of \$250.00, and from time-to-time amended as deemed necessary by the Committee. The Committee may reduce or waive this fee in its sole discretion.

Section 2.6 Inspection. Submittal of an application authorizes the Committee to make an onsite inspection of the Lot on which the Alterations are proposed. Further, the Owner shall notify the Committee when the Alterations have been completed, allowing the Committee to inspect and confirm that the Alterations were completed in compliance with approved plans and specifications.

Section 2.7 Notification of Action. Upon receipt of a completed application for approval, the Committee shall have thirty (30) days in which to complete its review, and to notify the applicant, in writing, of its decision to approve or disapprove. If the application is not approved, the reasons will be stated. In the event that the Committee fails to approve or disapprove any plans or specifications requested within thirty (30) days after receiving an application therefore, together with all additional information, plans or specifications requested by the Committee, approval of the Committee shall conclusively be deemed to have been given.

Section 2.8 Expiration of Approval. The applicant shall commence the Alterations within six (6) months after the date the Committee gives its approval therefor, and shall thereafter diligently prosecute the same to completion, and in all events the same shall be completed within one (1) year from the date of Committee approval. Failure to do so will cause the approval to expire unless, prior to expiration, the applicant petitions for, and receives, an extension from the Committee, which may be granted, in the sole discretion of the Committee, only if exceptional circumstances should warrant it.

Section 2.9 Application Form. Application for approval by the Committee shall be completed on forms provided by the Committee, and shall be signed by all record owners of title to the Lot subject to the proposed Alterations.

Section 2.10 Limitations on Committee Approval. In considering and approving any application for review under these Design Requirements, the Committee does not consider, assumes no responsibility for, and no approval shall be deemed to be an approval of, the following:

- (A) The structural capacity of any proposed Improvements, nor the suitability of any proposed materials, building techniques or other aspects of the Improvements relating to habitability or suitability for the intended purpose of the Owner;
- (B) Compliance with any applicable federal, state, or local law, rule, regulation, or ordinance, including, without limitation, building codes; or
- (C) Suitability of the proposed site of any Alterations in relation to manmade or natural hazards, including, without limitation, geological instability, ground compaction, drainage or flood hazards.

Section 2.11 No Waiver of Future Approvals. The Committee's approval of any Alterations, the plans and specifications therefor, or for any work done or proposed, or in connection with any other matter requiring the approval of the Committee, shall not be deemed to constitute a waiver of the

Committee's right to withhold its approval as to any similar Alterations, plans and specifications, work, or any other matter requiring the approval of the Committee in the future.

Section 2.12 Exemptions. The Committee, in its sole and absolute discretion, shall be entitled to grant any third party an exemption from having to obtain Committee approval for the initial construction of the Improvements on any one or more Lots.

ARTICLE 3 – DESIGN CRITERIA

Section 3.1 Scale and Orientation of Buildings. Minimum square footage of the enclosed living space of the ground floor of the primary residential structure (excluding decks, patios, covered walkways, and garages) shall not be less than 600 square feet. If home is of a two-story design, the total square footage of living space shall not be less than 1,300 square feet. The scale, including height and mass of a building, should be appropriate to the size of the Lot.

Section 3.2 Roof Design.

(A) **Surfacing Materials.** Roofs shall be architectural grade composition shingles (which are classified, at a minimum, at 30 years). The color of the architectural shingles shall be black or weathered wood, or as otherwise approved by the Committee. Other roof materials may be considered by the Committee on a case-by-case basis, taking into account such things as reflectivity, color, texture and compatibility with other roofs in the immediate area.

(B) **Roof Pitch.** The minimum roof pitch requirement is a 3:12 pitch, or that which may be approved by the Committee which is representative of the architectural style and theme of the design of the house.

Section 3.3 Retaining Walls. All proposed retaining walls are subject to Committee approval. All foundation walls or retaining walls with more than twenty-four (24) inches of vertical surface visible above grade shall have a surface treatment on the exposed portion as approved by the Committee.

Section 3.4 Drainage. Existing grades on the Lot, as well as proposed finished grades of any ground, shall not be altered. Any existing drainage channels and patterns, swales, culverts, catch basins or subsurface drainage systems shall not be altered. All drainage shall be contained on each Lot.

Section 3.5 Driveways. Driveways shall be constructed of standard gray, non-colored concrete.

Section 3.6 Utility Appurtenances. All utility meter panels, furnaces, heating units, air conditioning units, heat pumps, energy production devices or generators, exterior radio antenna, television antenna, satellite dishes, or other such devices and similar utility appurtenances shall be located so as not to be visible from any street whenever possible.

Section 3.7 Pet Enclosures. All dog runs, pens, and other pet enclosures shall: (i) not exceed five (5) feet in height; (ii) be located immediately adjacent to, and at the rear of, the residential dwelling; (iii) be landscaped or otherwise screened or fenced to obscure them from view from neighboring Lots or adjacent streets; and (iv) receive approval by the Committee prior to construction.

Section 3.8 Exterior Lighting. Light sources shall be shielded and directional, and the light source shall not be visible from neighboring properties or adjoining streets. Lighting of large areas should only occur where it is absolutely required for safety considerations, and should be of limited duration, i.e.,

the area should not be illuminated all night. All exterior lighting shall require the approval of the Committee prior to installation, and all plans submitted for approval shall show clearly the location, and type of light fixtures proposed, together with any other information which may be helpful to the Committee in reviewing the application. All front garage lights shall be connected to a photocell and shall not have an override switch.

Section 3.9 Landscaping and Irrigation. The Irrigation System and all landscaping within the Community shall be maintained by the Association and shall not be modified by any Owner. All landscaping shall conform to the approved landscape plan and shall, at a minimum, include the following :

Trees:	Front yard:	One (1) deciduous or evergreen tree
	Back yard:	One (1) deciduous or evergreen tree
		All such trees shall be at least eight (8) feet tall and two (2) inch caliper
Bush/Shrubs:	Front yard:	Six (6) one-gallon (minimum) bushes/shrubs
	Back yard:	Three (3) one-gallon (minimum) bushes/shrubs
Lawn:		Full sod; no hydro-seed permitted
Ground Cover:		Chip rock, brown/tan in color only, and less than 3/4 inches in size

As used herein, “front yard” means the area between the front property line and the plane of the surface of the residential building facing the front property line, and “back yard” means the area between the back property line and the plane of the surface of the residential building facing the back property line.

Section 3.10 Fencing. All fencing shall be subject to the Committee’s approval, in its sole discretion. If approved, fencing shall be shall be almond/tan color vinyl six (6) feet in height, or shall be wrought iron four (4) or (5) feet in height. Fencing in front yard beyond front plane of house is not permitted except on Lots adjoining Common Areas. Privacy screens may be allowed at the Committee’s discretion.

Section 3.11 Garages. All homes must have as a minimum an enclosed two-car garage constructed of the same materials and colors as the main structure, and include architectural detail such as vents, arches, and other accents.

Section 3.12 Patios and Patio Covers. Extensions or expansions of the patio originally installed on each Lot are expressly prohibited, including without limitation extensions or expansions by way of horizontal concrete, pavers, or wood. Patio covers and trellises (collectively, “**Patio Covers**”) are permitted upon the prior written approval of the Committee in accordance with this Section. Approved Patio Covers shall: (a) be white, tan, or brown and made of aluminum or vinyl; (b) not be made of wood; (c) not exceed ten (10) feet in height; (c) not extend more than three (3) feet beyond the edges of the patio; and (e) notwithstanding Section 2.8 hereof, shall be completed within fifteen (15) days after commencement of the construction thereof and any Owner that fails to complete the construction of its Patio Cover within such time shall be subject to a fine in the amount of \$100 per day for each day the Patio Cover remains incomplete after such fifteen (15) day period.

Section 3.13 Accessory Structures. Accessory buildings or structures such as separate garages, shops, storage sheds, and outbuildings are not *per se* permitted in the Community, and shall be submitted to the Committee approved by the Committee in its sole discretion. Architecture for any such approved

accessory building or structure must be consistent in aesthetic appearance with the primary dwelling and must be located in such a manner as to not adversely impact adjoining Lots. All such buildings or structures must be painted to match the style of the primary dwelling and shall have a roof of the same materials and style as the primary dwelling of the Lot on which it sits.

ARTICLE 4– CONTRACTOR REQUIREMENTS

Any contractor providing services in the Community shall comply with, and shall strictly enforce its subcontractors, suppliers and employees compliance with, the Community Documents and any rules or regulations promulgated by the Committee or the Board, including rules or regulations regarding (a) insurance and indemnification requirements, (b) daily cleanup of construction waste, trash and debris, (c) material storage, (d) worker parking, (e) repair of off-site damage, (f) disposal of construction waste and (f) standards of conduct.

ARTICLE 5 – DISPUTE RESOLUTION

All claims, grievances or disputes arising out of or relating to the interpretation, application or enforcement of these Design Requirements, or the rights, obligations and duties of any party hereunder, shall be subject to the applicable dispute resolution provisions of the Declaration.

ARTICLE 6 – INTERPRETATION

Section 6.1 Approvals only in Writing. Any reference herein to the consent, approval or agreement of the Committee, or words of similar import, shall mean the Committee’s consent, approval or agreement given in writing. Any verbal consent, approval or agreement by any member of the Committee shall be deemed consent for the Owner to promptly prepare and deliver an appropriate formal request for approval of such matter to the Committee for review and consideration.

Section 6.2 Conformity with Declaration, Articles and Bylaws. These Design Requirements shall be interpreted to conform with the Declaration, the Articles and the Bylaws. In the event of a conflict between these Design Requirements and the Declaration, the Articles or the Bylaws, the Declaration, Articles or Bylaws, as the case may be, shall govern.

Section 6.3 Ambiguities. These Design Requirements shall be liberally construed to effectuate its purpose of creating a uniform plan for the development of the Community. In the event that any provision of these Design Requirements is deemed ambiguous on any matter, the Committee’s interpretation of such provision shall be given deference so long as the interpretation is a permissible construction of such provision.

ARTICLE 7– AMENDMENT

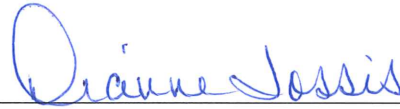
These Design Requirements may be modified and amended from time to time as provided herein by a majority vote of the Committee. No amendment shall reverse previously granted approvals.

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IN WITNESS WHEREOF, the Committee has unanimously promulgated and executed this Design Requirements effective as of the Effective Date.



[Jim Conger], Committee Member



[Dianne Jossis], Committee Member



[James Neylan], Committee Member