



## Design Guidelines

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## INTRODUCTION:

These Design Guidelines are supplementary to the Declaration of Covenants, Conditions and Restrictions for Marks Ranch (the "Declaration"). Capitalized terms not otherwise defined herein shall have the meanings given in the Declaration. It is essential that property owners review current versions of both documents concurrently. In the case of conflict or inconsistency between these Design Guidelines and the Declaration, the terms of the Declaration shall control.

The North Idaho landscape is beautiful with varied terrain and mountain ranges that divide the state into rich culturally and architecturally diverse regions. The architectural style of North Idaho is a study of western vernacular with touches of the Lake Cottage style and hints of contemporary homes reminiscent of the Pacific Northwest. Most of this style is inherently utilitarian, built for sustainability and survival, but certainly not lacking in beauty. This is perhaps because, historically, structures were built to work with nature, not fight against it.

Marks Ranch architectural style draws from the Northwest vernacular and can generally be described as lodge style or mountain modern. The style will include traditional exterior materials such as wood and stone but will allow for the incorporation of other materials such as structural steel, glass, metal and cementitious siding accents for a more modern aesthetic. The views and weather of North Idaho lend themselves to the concept of blending the interior and outdoor spaces.

These guidelines are written with the goal of protecting and enhancing adjacent landowners' experiences. Building footprints are carefully established so each lot may be appropriately improved while minimizing the impact on the neighboring lots as much as possible. Building forms are kept from becoming monumental and visually dominating, and materials of a high quality are specified throughout. Homes are to use colors and materials that blend into the natural landscape.

# SECTION ONE - SITE AND LANDSCAPING GUIDELINES

## 1.1 General Site and Landscaping Principals

The general goals of these Site and Landscaping Guidelines are:

- To limit the visual intrusion of site improvements upon neighboring lots.
- To preserve the native flora and topography of the community.
- To fit site and landscaping improvements into the existing land.
- To minimize tree removal and site grading where consistent with wildfire protection measures.
- To utilize new plantings that are native or co-habitable with the existing natives.
- To eliminate the spread of noxious weeds on the property.

## 1.2 Building Envelope and Home Placement

Specific building envelopes may be established in areas where homes are likely to impact adjacent landowners. Where building envelopes have not been established City of Hayden building setbacks shall apply. Owners are responsible for ensuring that they and their designers and contractors are aware of the actual location of all site boundaries, building envelopes and other applicable setbacks and building restrictions.

No site improvement other than access drives, underground utilities, address signs and landscaping may be constructed outside of the building envelope. No portion of any home including roof overhangs (with the exception of 2' allowed by City of Hayden building standards), porches, cantilevered portions of the house, chimneys, etc. may sit outside of the building envelope.

The Design Review Committee (DC) may choose to grant a relocation or reconfiguration of the building envelope if it is agreed by the DC that the new envelope is advantageous to the development.

## 1.3 Grading and Drainage

Building and site improvements should be designed to fit into existing topography wherever possible. Alterations to the topography or surface shall avoid additional run-off to adjacent properties as much as possible.

## 1.4 Driveways and Parking

Driveways are to be no wider than 32' 0" (finished surface). Finish materials will be one of the following: 1) asphalt, (2) pavers, 3) poured concrete, or 4) concrete with exposed aggregate. If an owner has a need for a large courtyard or parking lot, a permeable paver block might be approved by the DC as long as the design as a whole fits within the guidelines.

## 1.5 Pathways, Courtyards and Terraces

Within the building envelope natural stone, cobblestones, rock pavers, brick or concrete pavers, poured concrete with natural, exposed aggregate, stained, or pressed concrete may all be utilized for pathways as well. The construction of courtyards, terraces, gazebos and other site elements will be evaluated on a case-by-case basis as long as they fit within these guidelines. Any roofed and conditioned elements, such as casitas or guest quarters must be within the building envelope or city required setback areas.

## **1.6 Fencing, Walls and Gates**

Fencing is allowed within the building envelope and shall extend from built structures to the rear of the property for either privacy or domestic pet containment. Front yard fencing is not allowed. Fencing/gates shall be black wrought iron or black chain link. Fence/wall height shall not exceed 5'. No vinyl fencing will be allowed. In the case of domestic pet containment, the preference is invisible fences or e-fences to limit the visual impact.

No unfinished concrete retaining walls will be allowed. Such walls must be clad in natural stone of a type and color that blends into the surrounding landscape. Real, thin stone veneer as well as high quality faux stone veneer is acceptable. Faux stone must be individual stones and not panels or sheets of stone. Split face concrete block or concrete block is not acceptable unless samples are submitted and approved in advance by the DC. Board form concrete will be considered on a case-by-case basis by the DC.

## **1.7 Tree and Undergrowth Removal**

Prior to any removal of trees or undergrowth on a property, a landscape plan showing any tree with over a 8" caliper (trunk diameter 5'-0" off of the ground) to be removed shall be submitted and approved by the DC. Additionally, all trees over an 8" caliper proposed for removal must be flagged on site for the DC review. In general, owners are encouraged to retain as much of the existing trees and undergrowth as possible. However, selective thinning for fire safety, construction, view improvement, or forest health reasons is acceptable with approval by the DC

## **1.8 General Planting and Landscaping**

In general, these guidelines aim to keep the community appearing as a cohesive piece of land rather than a patchwork of individual landscaping projects. With this in mind, areas adjacent to the building are allowed to have highly manicured lawns and planting, including non-native plantings and flowers.

## **1.9 Pools and Water Features**

Swimming pools, spas and water features are permissible. Water features must be self-contained, lined, and kept completely apart from any site drainage or surface water. No water feature may be stocked with any species of fish or other animal without proper governmental agency approval. All water features must meet with all state, federal and county regulatory requirements.

## **1.10 Utilities**

All utilities shall be installed underground if possible. The use of solar panels shall be reviewed on a case-by-case basis by the DC. Either roof mounted in a manner that screens them entirely from adjacent properties or surface mounted in arrays that are screened from view from adjacent lots. TV/satellite/radio antennas shall be mounted in a way to be screened from adjacent properties, and the street.

## **1.11 Address Markers**

Address numbers may be placed either at the driveway entrance or on the side of the house so long as they are clearly readable from the roadway and otherwise in conformance with the requirements of City of Hayden and Code and emergency service providers. Driveway address markers must be compatible and compliment the architecture of the home and be submitted to the DC for approval.

## **SECTION TWO: ARCHITECTURAL DESIGN GUIDELINES**

### **2.1 Architectural Design Philosophy**

The purpose of these Architectural Design Guidelines is to ensure that all buildings constructed at Marks Ranch preserve the natural beauty of the community's natural settings and to provide harmonious design between projects to strengthen the overall character of the community. These Design Guidelines are not meant to be all-inclusive. They are meant to provide owners and/or owner's representatives with a broad understanding of the goals for the desired final effect of the entire community.

### **2.2 Minimum and Maximum Square Footage and Number of Buildings**

The minimum and maximum living area of each residence is measured by calculating the total conditioned square footage of the residence, exclusive of garages, porches, patios, and terraces. The minimum main-level size for a one-level single family residence is 2,400 square feet. The main level minimum area for a two-story single-family residence shall be 2,200 square feet. Each residence shall contain at minimum 1 bedroom, bathroom, kitchen, great room, and garage. The DC will consider single family residences smaller than the minimum size limits, if the product style and quality is determined to be consistent with the development theme.

### **2.3 Building Height**

Building height is to be measured from the elevation of the average existing grade around the building's perimeter to the highest point of the roof not including chimneys, cupolas, or other small building appurtenances. Finished grade shall not be built up in an unnatural appearing manner to affect a building's perceived height. These guidelines are intended to discourage and/or prevent any residence and/or other structure which would appear excessive in height when viewed from a street, public space, or other lot, and/or which appears out of character with other residences because of height. No Residence will be more than 2 stories above grade, not including a walkout basement. The maximum building height should not exceed 40' measured in vertical plane from the highest point of any roof ridge to the natural grade directly below.

### **2.4 Building Mass and Form**

Homes need to be residential in scale and preferably asymmetrical in plan and elevation. Building forms should tend towards compositions of various masses rather than large singular forms. These masses should express interior spaces or groups of related spaces.

It is preferred that a building's second story portion does not exceed 60% of the main floor square footage. The designation of roof attic space as usable living space is encouraged.

Buildings and decks are to follow topographical changes through the use of stepped floor levels. The overall goal is to fit the building into the natural surroundings and into the topographical layout of the lot in question without significant alterations to the original grade. Foundation walls shall merge with grade and shall appear to be traditional masonry load bearing walls. All foundation walls above grade shall require a stone veneer. Foundation walls should be one story or less in height except where very steep grades require one-and-a-half stories in height. Habitable spaces requiring large openings may be included behind said foundation walls.

Porches, decks and patios may be supported by steel, timber, log or stone structures and the massing of such structures shall be in proportion with the base of the building. Large unbroken expanses of single pitched roofs will not be approved by the DC. Flat, gable, hip, clipped-gable, and shed roof forms are all encouraged. Salt box and mansard roof forms will not generally be approved. Dormers and clerestories used to break up primary roof forms are encouraged. Main roofs that are not hipped or flat or shed roofs (monoslope) shall have a pitch at or above a ratio of 6 to 12. Hipped and flat roofs or shed roofs (monoslope) may have lower pitches but are still required to provide enough slope to positively shed water. It is the design preference that the accent roof areas have either a lower or higher slope than the main roof to add visual interest.

## **2.5 Porches, Decks, Balconies and Patios**

The use of porches, verandas, courtyards, and patios for climate control and outdoor living is encouraged. Such projections must be designed as integral elements of the building using compatible forms and materials. Upper story decks, which create unusable or unsightly spaces below, will not be permitted unless the architectural style of the home dictates a lower slope roof.

Handrails and guardrails shall be detailed to fit with the overall nature of the project. Glass guardrails, wood, metal, and combinations of these materials are encouraged.

## **2.6 External Equipment and Pads**

Freestanding external pad mounts and equipment (such as required for air conditioning units, pools, and spa equipment) and garbage receptacle storage must be integrated into the building through the use of walled, landscaped or fenced enclosures.

## **2.7 Roof Projections**

All roof projections including flues, vents, and other equipment (excluding decorative fireplace chimneys) should penetrate the roof behind the ridge away from the primary approach to the building if possible. They must be compatible in height and material with the structure from which they project or must be painted to match the roof color.

## **2.8 Exterior Wall Finishes**

Exterior walls are to be primarily clad in either Hardi plank, wood or stone. The incorporation of other materials is strongly encouraged. These materials can include shingles, board and batten siding, rock, un-weathered or weathered metal siding. EIFS, vinyl, and other synthetic building materials will not be approved. No material, detailing or color change may occur at an outside corner and must wrap around the elevation until a logical intersection at another inside corner. For example, a stone foundation must wrap around the side elevations to a logical structural point where the foundation ends.

Exterior metals such as rooftop and side appurtenances, flashing sheet metal, etc., shall be factory painted or field painted to match the adjacent material(s). All exterior metals shall have non-glare finishes. Shall be weathering steel or factory steel.

No wall shall have an unbroken distance of vertical surfaces of more than 24 feet, or unbroken horizontal surfaces of more than 35 feet. A change of surface plane will be required, if vertical and horizontal surfaces meet or exceed the above dimensions.

## **2.9 Exterior Doors and Windows**

Fenestration of projects in the development shall generally be in proportion with the residence in detailing and build-up. Large expanses of glass are encouraged. Large openings should be divided through the use of mullions or the ganging of smaller window units.

Glass may be colored or tinted to control heat gain; however, a reflective mirrored appearance will not be approved. Glass should generally appear clear from the exterior. Window exterior frames must be factory finish in dark colors. White window exteriors will not be allowed. All metal clad windows must be color anodized or prefinished. DC on a case-by-case basis may allow for an exception. Windows must be set back into the wall and not flush with exterior materials. Doors and windows shall be proportional to the section of the building where installed.



## **2.10 Exterior Color**

Exterior colors must be chosen from a palette of earth-toned and driftwood colors. These colors must be compatible with the surrounding natural environment and the rest of the development. Samples of colors and materials must be submitted to the DC for their approval upon submittal of the material and color board. Some colors may require closer review by the DC. In which case, samples of the manufacturers color chip and/or samples of the field paint must be submitted to the DC for final approval. Grays, browns, blacks, beiges, and muted greens are all options. Bright colors such as whites, light creams, blues and yellow will not be approved. Before any color change is made that was previously approved, a change submittal must be made to the DC.

## **2.11 Roofs**

Roof materials shall be architectural grade composition shingles. Metal roof accents with matte finishes are acceptable. Roof colors must be submitted to the DC for approval and should be compatible with surrounding natural landscape. Colors to consider include blacks, dark browns, and dark grays.

## **2.12 Exterior & Landscape Lighting**

Any exterior lighting shall be generally directed downward and be low voltage. Large floodlights or building lights shall not be allowed. Generally, the goal should be to keep any light from shining directly onto or towards neighboring properties. Exterior lighting (lantern type/wall sconces) must be in the immediate vicinity of the main entrance or outdoor living spaces of the residence. Wall mounted lighting shall be low voltage directed away from adjacent lots, streets and open spaces. Colored lights will not be allowed for exterior lighting. Lights on motion detectors for the purpose of security illumination is subject to specific approval of the DC. The lights, when activated, must not illuminate adjacent properties. If allowed by the DC, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of five (5) continuous minutes. Christmas light displays and lighting for an American Flag display is allowed.

Landscape lighting must be low voltage and shall be kept to a minimum. Accent up lighting into canopies of trees or shrubs and low dim path lighting are generally the only types of landscape lighting that will be allowed.

## **2.13 Ancillary Structures**

Ancillary structures must be in accordance with applicable regulations and approved by the DC. They must be designed with the same exterior details as the main structure. Maximum square footage for any ancillary structure is 1500 square feet. Buildings or other improvements that starkly contrast with other existing improvements on a lot will not be approved. All home structures including ancillary structures must go through the DC process as defined by this document.

## **SECTION THREE: DESIGN REVIEW COMMITTEE ORGANIZATION**

### **3.1 Design Committee (DC) Membership**

The DC will consist of a minimum of (3) three members. The Declarant listed in the Declaration has sole discretion to appoint, remove, or replace members of the DC until control is passed to the Board of Directors of the Association. One member will be appointed Chairman of the DC. Any members of the DC can resign from the committee at any time upon written notice stating the effective date of the member's resignation to the Board of Directors of the Association. Any member may be removed at any time by the Declarant with or without cause.

### **3.2 Functions of the Committee**

The DC shall have all the powers, duties, and responsibilities set out in this document and the Declaration. The DC may hire any professional and/or administrative support to perform administrative, clerical, and other functions.

The principal functions of the DC are as follows:

- To consider and act upon such proposals or plans submitted in accordance with the design review procedures established in chapters two and three of this document and the Declaration.
- The powers of the DC relating to design review will be in addition to all developed construction, review, and code requirements imposed by local or State agencies.
- To perform any duties assigned by the Board of Directors of the Association as set forth in this document and the Declaration.
- The DC shall have the right to establish one or more sub-committees to perform one or more functions of the DC as it sees fit.

### **3.3 Administrator**

One person may be appointed as the Administrator of the committee. The Administrator may be a member of the DC or may be a paid staff member. This person shall be responsible for administrating meetings, distributing design review documentation, and communicating the DC's decisions and business with others.

### **3.4 Meetings**

The DC shall meet as needed to properly perform its duties. Any action required to be taken by the DC may be taken without a meeting if a document in writing is approved by a majority of the DC members. The DC will keep and maintain a record of all actions taken by it both during meetings and otherwise.

### **3.5 Compensation**

The Board of Directors of the Association has the right to set compensation for DC members. Compensation may be revoked or changed at any time by the Board of Directors with or without cause. Professional consultants retained by the DC to assist in carrying out the DC's responsibilities may be paid such compensation as the DC determines appropriate.

### **3.6 Regulation Changes**

From time to time and in its sole discretion, the DC may adopt, amend, and repeal, by majority vote, rules and regulations to be incorporated into or amendments to the Design Guidelines. These changes may interrupt, supplement, or implement the provisions of the Design Guidelines. All such changes to rules and regulations as they may be adopted will be appended to and made a part of these Design Guidelines. Each owner is responsible

for obtaining and reviewing the current Design Guidelines.

### **3.7 Liability**

Neither the DC nor any members (including outside consultants) will be liable to the Association, any Owner, Owners' agents, or any other person for any damage, loss, or prejudice suffered or claimed on account of: 1) approving or disapproving any plans, specifications, or other materials, whether or not defective, 2) executing and recording a form of approval or disapproval, whether or not the facts stated therein are correct, 3) constructing or performing any work, whether or not pursuant to approved plans, specifications, or other materials, 4) the development or manner of development of any land within Marks Ranch, and 5) performing any other functions pursuant to the provisions of these Design Guidelines. The Owners shall indemnify the Design Review Committee Members, including the outside consultants, the Board of Directors of the Association and the members of the Association for any and all third-party claims made by contractors, subcontractors, or agents of the Owner, including attorney fees and expenses.

## **SECTION FOUR: DESIGN REVIEW PROCESS**

### **4.1 Design Review Process Overview**

Plans for any improvement will be carefully reviewed by the DC to ensure that the design is compatible with the development as a whole and the particular property in question. This process must be followed for any change, alteration, or modification to any lot within Marks Ranch property by any person, including the construction, installation, alteration, or removal of any structures and any appurtenances of every type including homes, buildings, barns, outbuildings, well enclosures, pipelines, fences, grading, ponds, excavations, parking area, walks, walls, garages, roads, driveways, light poles, signs, antenna, satellite dishes, flagpoles, or the like. This includes site and/or landscape improvements except for the replacement of plant species similar to those previously approved by the DC.

The DC will evaluate all development proposals on the basis of Marks Ranch Design Guidelines, the Declaration, and duly adopted Rules and Regulations, as the same may be amended from time to time. Most of the guidelines outlined in this document are written as relatively broad standards and the interpretation of these standards is left up to the discretion of the DC.

The DC's approval of a Final Design Review Submission is site specific and should never be construed to establish precedence for other sites or improvements at Marks Ranch.

### **4.2 Preliminary Design Review**

Owner or Owner's representative must submit a Preliminary Application Form and the appropriate fee (please see attached appendix items). Incomplete applications will not be accepted by the DC.

A checklist of required Preliminary Design Review Submittal Documents is in Appendix A. This step in the process is intended to avoid wasted time and professional fees, which would result from pursuing a design solution that conflicts with the standards contained in this document. After this step the owner should be able to rest assured that the time and money being spent on their design is going towards a project that is likely to be approved by the DC. At the time of the Preliminary Design Review Submission the owner will also be responsible for staking the corners of the proposed improvement on the property itself. Any large trees to be removed should also be properly tagged so that the DC may make a site visit and review the proposed improvement while standing on site.

Upon receipt of all required documents and the staking of the property the DC will review the submission at their next regularly scheduled meeting. The owner and/or representative and consultants are welcome to be present at the meeting, but this is not required. Additional review meetings may be necessary to review altered and or new materials.

### **4.3 Final Design Review**

Once the owner has received the Preliminary Design Review approval and has completed significant construction documents for the project, the owner or owner's representative shall initiate the Final Design Review process by submitting the Final Design Review Application Form together with the required documents and appropriate fees. A checklist of required final design review documents, along with a fee schedule for final design review application, is attached in Appendix B.

Upon receipt of the required documents the DC will review the submission at their next regularly scheduled meeting. The DC will review and comment on the documents at the meeting and will issue either an approval, disapproval, or request for further clarifications. Approval may be made contingent upon required conditions. If further clarifications are requested, requested additional information must be submitted to the DC a minimum of five working days before the next regularly scheduled DC meeting. After receipt of these clarification items, the DC will review the information and will issue either an approval or disapproval of the documents.

If the decision of the DC is to disapprove of any submission the DC shall provide the owner and/or owner's representatives with a written statement for the basis of the disapproval to assist the owner in modifying or redesigning the improvement so as to obtain the approval of the DC.

### **4.4 Construction Inspections**

During construction of any improvement, the DC or an authorized representative has the right to check said construction to ensure compliance with approved final construction documents.

If, as a result of a construction inspection, the DC finds changes and or alterations that have not been approved the DC will notify the owner within three days of the inspection. A description describing the specific instances of noncompliance and will require the owner to comply or mutually resolve the discrepancies.

### **4.5 Appeals Procedure**

The owner has the right to appeal decisions made by the DC. The Owner can initiate such an appeals procedure by submitting a written document stating the reason for the appeal to the Board of Directors. The Board will set a meeting date to review the appeal and notify the owner of said date. The owner or owner's representative must be present at the meeting to review the appeal. The Board will render a decision at a scheduled meeting and provide their reasons for denying or approving the appeal to the owner in writing.

### **4.6 Commencement of Work**

The owner and/or the owner's representative shall not begin any work on any improvement until they have received approval to do so from the DC. After receiving final DC approval and all necessary governmental permits, the owner shall commence construction within 16 months from the date of the approval. If the owner fails to comply with this requirement, any approval given shall be deemed revoked unless the owner obtains written approval from the DC to extend the 16-month period. After review, the DC may extend the time for the commencement of construction in writing as long as there has been no change to the circumstances or relevant guidelines. Once construction has commenced, the owner shall substantially complete construction of all exterior surfaces (roof, exterior walls, windows, doors and landscaping) of any improvement within 16 months after commencing construction except when such completion is impossible or would result in great hardship to the owner due to strikes, fires, national emergencies, natural calamities and/or an act of God. If the owner fails to comply with this paragraph, the DC may notify the Association of such failure and the Association, at its option, may complete the exterior in accordance with the approved drawings and the owner shall reimburse the Association for all expenses incurred therewith.

#### **4.7 Alterations to an Approved Improvement**

If changes occur to a previously approved improvement during the course of construction these changes must be submitted in writing to the DC for review before any of the work containing these changes are started. The proposed changes should be submitted in writing. Given that the DC understands that changes during construction are often time-sensitive, the DC will attempt to review these submissions as quickly as possible but may wait until the next scheduled meeting to review them. The DC will appoint one member who will have the authority to make immediate decisions for minor changes in work. This will not include significant changes, including changes to form or material palette.

## **SECTION FIVE: CONSTRUCTION AND BUILDING REGULATIONS**

### **5.1 Construction Regulations**

To ensure the construction of any improvements that occur on a lot will occur in a safe and timely manner without damaging the natural landscape of Marks Ranch and without disrupting residences or guests, the following regulations will be enforced during construction periods. These conditions are in addition to any Builder's Rules and Regulations which may be adopted from time to time. In the event of a conflict, the more restrictive requirements shall prevail.

Construction will not begin until final Design Review approval has been received in writing from the DC, required building permits have been attained, and a damage and performance deposit in the amount of five thousand dollars (\$5,000 USD) has been placed by the owner with the DC.

These funds will be held in a segregated account to be returned to the owners upon completion of their project in compliance with the approved plans.

### **5.2 Pre-Construction Conference**

Prior to commencing any construction on any improvement, the builder or contractor must meet with an authorized representative of the DC to review the approved final plans, the construction area plans, and the construction regulations, and to coordinate scheduling construction activities with the DC. At this meeting, the building contractor or owner must bring a copy of all necessary building permits.

### **5.3 Owner's Deposit**

To assure compliance with the construction regulations, each builder, before beginning any construction, shall post a refundable cash deposit in the amount of \$2,500 with the Association. Should it become necessary for either the DC or the Association to remedy any non-compliance of these regulations, the cost of such remedy may be charged against the deposit. However, the obligation of the owner and/or builder to repair, correct, complete or otherwise comply with these construction regulations shall not be limited to the amount of such deposit. The owner's deposit, less any expenses to cure any non-compliance, will be returned to the builder or owner, whomever supplied the original check on receipt of the notice of completion and a final construction review.

### **5.4 Construction Times**

The time of construction will be limited to the period of 6:00 am to 9:00 pm, Monday through Friday, and 8 am to 5:00 pm on Saturday.

### **5.5 Debris and Trash Removal**

Builders and contractors must clean up all trash and debris from each construction site at the end of each day. Trash and debris must be removed from each construction site on a regular basis. Any damage to adjacent Lots or roads will be assessed by the DC to the property owner. Excess excavation materials must be hauled away

from Marks Ranch and disposed of properly. No dumping of materials on adjacent lots or open space is allowed. No burial of leftover concrete is allowed. No open burning is allowed however, warming fires may be acceptable.

### **5.6 Washout and Cleaning**

Washout of concrete trucks or the washout and cleaning of any equipment by masons, plasterers, drywallers, etc. must be contained within the Building Envelope of each Lot. Washout or cleaning residue shall not be allowed to flow out of the Building Envelope. Fines will be imposed against a builder and/or the owner's deposit for any violations to this provision. The builder will also be responsible for restoring any damaged area to its natural state.

### **5.7 Alcohol/Drugs**

No construction worker shall be allowed on any property within Marks Ranch at any time while under the influence of any drugs or alcohol. No alcohol shall be consumed on any construction site by any construction worker or contractor.

### **5.8 Sanitary Facilities**

All projects must be provided with sufficient sanitary facilities, which shall be maintained in a regular manner to eliminate any foul smells or other nuisance. This includes portable bathrooms, dumpsters, trash barrels and recycling containers.

### **5.9 Pets/Radios/Smoking**

Pets belonging to construction personnel are not allowed on the development property. Radios may be allowed on construction sites with volume settings at respectable levels as to not disturb neighboring properties. Smoking is allowed in personal vehicles only.

### **5.10 Government Regulations, Codes and Approvals**

Each owner and contractor is responsible for attaining any and all permits associated with any work. Additionally, each owner and contractor are responsible for assuring that their project meets all governmental laws and regulations whether they be federal, state, local or otherwise. This document is not meant to replace any regulation or law and if this document is found to conflict with any government regulation or law the said regulation or law will supersede and replace this document.

### **5.11 Non-Liability**

Marks Ranch Board of Directors, DC, and outside consultants will not be held liable for any action, error, or omission of any owner or contractor. Furthermore, the DC shall be indemnified from any liability associated with this document or DC actions as they are related to this document and the project covenants.

### **5.12 Indemnification and Hold Harmless**

Prior to commencement of construction or alteration of any improvement on a lot, and as a condition of consent for the owner and any contractor operating on the owners behalf to enter the property and to use the private roads at Marks Ranch for access to the lot for the purposes of such construction, the owner and contractor, for itself and any subcontractor or supplier (the "Indemnifying Parties") shall to the fullest extent of the law be deemed to agree to indemnify, defend and hold harmless Marks Ranch Inc., Marks Ranch Homeowners Association, Inc., and each of their respective affiliates, subsidiaries, directors, members, shareholders, officers, agents, employees, successors or assigns (the "Indemnified Parties") from any claims, causes of action or damages arising out of or in any way relating to the performance of the work.

## APPENDIX A

### Marks Ranch Preliminary Design Review Application Form

Lot and Block Number:

Owner Contact Information:

Builder Contact Information:

Please attach any further documentation and design review fee of \$1,500.00 and return to:

Design Committee  
Marks Ranch  
10149 N. Taryne St.  
Hayden, ID 83835

#### CHECKLIST:

- Preliminary Design Review Application Form
- Preliminary Design Review Fee of \$1,500.00
- Drawings of proposed project
  - Site plan
  - Schematic floor and roof plans
  - Schematic elevations
  - Exterior material schedule and descriptions

I hereby certify that all information contained within this application is accurate.

Owner / Owner Agent

Date

## APPENDIX B

### Marks Ranch Final Design Review Application Form

Lot Number:

Description of Proposed

Improvement:Owner Contact Information:

Builder Contact Information:

Please attach any further documentation.

Design Committee  
Marks Ranch  
10149 N. Taryne St.  
Hayden, ID 83835

#### Checklist:

- Final Design Review Application Form
- Construction documents
- Construction Documents submitted at a maximum size of 24" x 36" that generally conform with the Preliminary Design Review documents reviewed by DRC. Including but not limited to:
  - Site Plan
  - Floor and Roof Plans
  - Elevations
  - Building Sections
  - Exterior Material schedules
  - Structural Plans
  - Color board (digital file preferred)
    - Roof material and color
    - Exterior wall materials and colors
    - Exterior trim materials and colors
    - Window material and color
    - Exterior door materials and colors
    - Stone/rock materials
    - Visible flashing materials

I hereby certify that all information contained within this application is accurate.

Owner / Owner Agent

Date