



**THE VALLEY CLUB OWNERS ASSOCIATION, INC.**  
**ARCHITECTURAL DESIGN REVIEW GUIDELINES**  
**Approved April 2, 2025**

## Table of Contents

<b>I. INTRODUCTION .....</b>	<b>3</b>
<b>II. SITE PLANNING .....</b>	<b>3</b>
A. BUILDING ENVELOPE AND SETBACKS .....	3
B. SITE PREPARATION, GRADING AND DRAINAGE .....	4
C. ACCESS DRIVES .....	4
D. ONSITE PARKING .....	5
E. PAVING AND OTHER IMPERVIOUS COVER .....	5
F. FENCES AND WALLS .....	5
G. TERRACES AND DECKS .....	5
H. ADDITIONAL STRUCTURES AND OUTDOOR RECREATION ELEMENTS .....	6
I. EXTERIOR LIGHTING AND OUTDOOR SOUND SYSTEMS .....	6
J. OUTDOOR STORAGE .....	7
K. ANTENNAE AND SATELLITE DISHES .....	7
L. HEATING, COOLING, AND ELECTRICAL EQUIPMENT .....	7
M. UTILITIES .....	7
N. HOMESITE IDENTIFICATION AND STORAGE .....	8
O. MAILBOXES AND NEWSPAPER HOLDERS .....	8
<b>III. ARCHITECTURAL DESIGN .....</b>	<b>8</b>
A. STYLE .....	8
B. DESIGN REPETITIONS .....	8
C. SIZE .....	8
D. HEIGHT OF STRUCTURES .....	9
E. ROOF .....	9
F. FOUNDATIONS .....	9
G. GARAGES .....	9
H. EXTERIOR MATERIALS .....	10
I. EXTERIOR COLORS .....	10
J. FRONT DOORS AND ENTRY STEPS .....	10
K. WINDOWS AND SKYLIGHTS .....	11
L. BUILDING PROJECTIONS .....	11
M. CHIMNEYS AND OUTDOOR FIRES .....	11
N. SOLAR APPLICATIONS .....	11
O. PREFABRICATED BUILDINGS .....	11
P. CHANGES OR ADDITIONAL CONSTRUCTION .....	11
Q. UTILITY SCREENING .....	11
<b>IV. LANDSCAPING .....</b>	<b>12</b>
A. CULTIVATED AREAS .....	12

B.	BACK FLOW PREVENTION DEVICE, DRY HYDRANTS AND WATER METERS.....	12
C.	NATURAL AREAS .....	12
D.	PRIVATE AREAS .....	12
E.	IRRIGATION.....	13
F.	LANDSCAPE DESIGN .....	13
G.	COMPLETION OF LANDSCAPING.....	13
H.	OUTDOOR FURNITURE AND PLAY EQUIPMENT .....	13
I.	OUTDOOR ORNAMENTATION OR STATUARY.....	13
J.	ADJACENT RIGHT-OF-WAYS .....	14
<b>V.</b>	<b>CONSTRUCTION REGULATIONS .....</b>	<b>14</b>
A.	BUILDING SITE.....	15
B.	COMPLIANCE WITH THE LAW .....	15
C.	CONSTRUCTION TRAILERS.....	15
D.	TRASH RECEPTACLES AND DEBRIS REMOVAL.....	15
E.	SANITARY FACILITIES.....	16
F.	CONSTRUCTION ACCESS.....	16
G.	VEHICLES AND PARKING AREAS.....	16
H.	EXCAVATION MATERIALS AND BLASTING .....	16
I.	DUST AND NOISE CONTROL.....	16
J.	MATERIAL DELIVERIES & EQUIPMENT .....	17
K.	ALCOHOL AND CONTROLLED SUBSTANCES.....	17
L.	FIRES AND FLAMMABLE MATERIALS.....	17
M.	PETS.....	17
N.	PRESERVATION OF PROPERTY .....	17
O.	RESTORATION OF PROPERTY .....	17
P.	CONSTRUCTION SIGNAGE .....	18
Q.	DAILY OPERATION .....	18
R.	SITE VISITATIONS .....	18
S.	CONSTRUCTION INSURANCE REQUIREMENTS .....	18
<b>VI.</b>	<b>DESIGN REVIEW PROCEDURES.....</b>	<b>19</b>
A.	PREDESIGN CONFERENCE AND DETERMINATION OF TYPE OF PROJECT .....	19
B.	PRELIMINARY PLANS FOR MAJOR PROJECT .....	20
C.	COMMENTS.....	20
D.	RE-SUBMITTAL OF PLANS .....	20
E.	CONSTRUCTION IMPACT FEE.....	21
F.	REQUIREMENTS PRIOR TO COMMENCEMENT.....	21
G.	COMMENCEMENT OF CONSTRUCTION .....	21
H.	CERTIFICATION OF GRADE AND INSPECTIONS OF WORK IN PROGRESS .....	22
I.	SUBSEQUENT CHANGES .....	22
J.	FINAL RELEASE .....	22
K.	NONWAIVER.....	22
L.	RIGHT OF WAIVER .....	23
M.	RELATIONSHIP WITH ASSOCIATION .....	23
<b>VII.</b>	<b>DESIGN REVIEW COMMITTEE .....</b>	<b>23</b>
A.	MEMBERS.....	23
B.	SELECTION OF MEMBERS .....	23
C.	RESIGNATION OF MEMBERS .....	23
D.	DUTIES.....	23
E.	MEETINGS.....	24
F.	AMENDMENT OF THE GUIDELINES .....	24
G.	NONLIABILITY .....	24
H.	ENFORCEMENT .....	24

## I. INTRODUCTION

The following Design Review Guidelines (“Guidelines”) describe the considerations the Architectural Design Review Committee (“ADRC”) will apply in reviewing the site planning, architectural design, and landscaping design for your new home at the Valley Club. They also detail the Construction Regulations that your builder must observe while your home is underconstruction. Then, they set out the exact procedure that should be followed during the design review process. Finally, they explain the composition and operation of the Design Review Committee itself.

There are a few general points you should keep in mind when reading these Guidelines. First, remember that the ADRC’s responsibility is to accommodate creativity, while ensuring that the architectural design is harmonious with existing homes at the Valley Club with comparable standards of home quality and integrity. To do this best, these Guidelines set out generally broad indications of goals and objectives, combined with some clear prohibitions and requirements. The terms Association and the Valley Club are used interchangeably below; however, in general, Association refers to the legal entity, the Valley Club Owners Association, Inc. (“Association”) and the Valley Club refers to the general area of the Association. Section 9.3.b of the Declaration (as defined below) states that “Decisions of the ADRC may be based on purely aesthetic considerations. Each owner acknowledges that opinions on aesthetic matters are subjective and may vary as ADRC members change over time.”

Second, you will notice many capitalized terms in these Guidelines. Any of those terms which are not at the beginning of a sentence, or a proper name represent terms, which are defined in the Declaration of Covenants, Conditions, and Restrictions for the Valley Club, recorded as Blaine County Instrument No. 500610, and any amendments thereto (“Declaration”). If you are in any doubt as to the exact meaning of any terms, check the Declaration or ask the Agent (which is normally the property manager) (“Agent”) of the ADRC for a formal explanation.

Third, the focus of these Guidelines is the outward perception of the Valley Club, and of the homes and land within that community. Therefore, the scope of design review is limited exclusively to what can be seen, heard, or otherwise sensed from outside each property. In using terms like "visible" or "screened," these Guidelines refer only to visibility from the common areas of the Valley Club, from the roadway, the golf course, or from neighboring properties. What cannot be seen or heard from these areas is not controlled by these Guidelines and may be handled without the need for any review.

## II. SITE PLANNING

Climate, vistas, and native landscapes at The Valley Club have all contributed to shaping these Guidelines for design of improvements to home sites within the community. The following Guidelines are intended to ensure environmentally sound and aesthetically pleasing development at The Valley Club, in harmony with the natural environment and with itself.

### A. BUILDING ENVELOPE AND SETBACKS

The building envelope for each Lot is delineated on the plat entitled The Valley Club A

Planned Unit Development, recorded on May 5, 1994, as Instrument No. 365515. The areas on a Lot outside of the building envelope are referred to herein as the setback(s). The specific building envelope for each Lot has been determined to maximize views for neighboring Lots as much as possible, and to protect the open spaces planned for the Lot. The building envelope is the part of each Lot within which all structures of every kind including, without limitation, fire pits, walls enclosing small yards, sculptures, flagpoles, etc. must be located, unless otherwise approved by the ADRC. Any changes related to shifting or amending the building envelope must be approved by the ADRC and the Board. No building envelope amendment or shift may be approved by the Board unless all Owners of those Lots within 300 (three hundred) feet are noticed, thirty days in advance of the meeting at which the Board of Directors contemplates the amendment/shift, with a site plan showing the proposed amendment/shift and all such Members shall have the right to opine on the amendment/shift at that meeting.

## B. SITE PREPARATION, GRADING AND DRAINAGE

The goal of the ADRC is to preserve the natural existing topography and vegetation as much as possible. Improvements have been carefully planned to minimize alteration of the existing topography. These goals should be carried out to all levels of development, including individual home sites. Excessive grading of your site should not be necessary and is not desirable for sensitive siting of improvements. Any minor grading that is required should be done to maintain the natural existing softness of the terrain using natural rounded and varied contours, not sharply defined and regular slopes. Drainage swales or washes interrupted by site improvements or additional drainage structures created by such improvements shall be constructed or reconstructed of natural materials properly placed for positive operation of the drainage system. Structures, which are artificial in appearance, such as exposed drainage pipes, must be avoided. Erosion is to be controlled in all circumstances. Special care must be taken during construction to protect and retain the exposed earth.

## C. ACCESS DRIVES

Access drives in many cases will have a significant impact on the site, as seen from the road. Consequently, great care should be given to the planning and design of access to your home. Wherever possible, buildings should be oriented so that access is indirect, and garage openings do not directly face the road. From the garage, drives should move toward the roadway meandering along natural contours of the site and major landscape elements. Long straight runs should be avoided to maintain a natural appearance. Roadways should drain to grass-lined swales and drywells.

Each Lot may be accessed only by a single driveway with a single cut into the roadway. Such cut shall be located within the area determined by drawing a line five feet inside each corner on the front of the home site to the paved roadway, with such line being perpendicular to the right-of-way (or to the tangent of the right-of-way for curved roadway segments). The surface of an access drive may not exceed 20 feet in width where it crosses the road right-of-way and the front setback of the Lot. Driveways and/or parking surfaces may not encroach into any side setback without specific approval of the Design Review Committee. The proposed driving surface is subject to approval by the Design Review Committee.

Driveway and parking area materials close to the home may vary as they relate to

individual architecture but should always maintain a finished quality. Drainage across or under driveways, where required, should be integrated into the design of the drive or apron. All the access drives and parking areas must be black asphalt, chip sealed asphalt, permeable pavers, concrete, or pavers. Gravel is not permitted.

#### D. ONSITE PARKING

Each site must have an enclosed garage for at least two cars and an additional area for at least two additional parking spaces totally within the building envelope. Garages and parking spaces shall be built in consideration of the Association rules which may restrict parking of vehicles (including motorcycles) outside of garages or the parking of motorhomes, trailers, campers, or recreational vehicles, other than on a limited and temporary basis. No Lot shall accommodate any parking space or pad for any airborne vehicle including, without limitation, helicopters or drones.

#### E. PAVING AND OTHER IMPERVIOUS COVER

It is the goal at The Valley Club to limit the impervious cover of the ground to the optimum area commensurate with the needs of access and gracious living. Excessive areas of pavement or other impervious cover will be discouraged. Paving materials for driveways, paths, steps, patios, and other areas should have dull, non-reflective surface and earth colors that blend well with the natural surroundings. The treatment of common areas at The Valley Club will emphasize natural rock, and stained rock form, concrete. Paving materials, which repeat, reflect, or refer to this theme will be strongly encouraged.

#### F. FENCES AND WALLS

In order to preserve the views and the natural environment at the Valley Club, there shall be no permanent fences unless specifically approved by the Board, pursuant to this section. It is understood, however, that there is a functional need for walls to enclose areas for privacy or the containment of pets as well as for screening utilities etc. Enclosures, where required, must be designed to appear as an integral part of the overall design of the home; an extension of the architecture and architectural materials -not simply a tacked-on element dictated solely by function. It must be attached to the home. Natural plantings should be used to further mask the enclosure. Its location on the site should be selected to be as unnoticeable as possible from the road, surrounding properties, and the golf course.

Enclosures for pets must not enclose areas exceeding 500 square feet. Walls enclosing small yards, courtyards or terraces attached to the residence for the purpose of privacy must not exceed six feet in height, measured from existing natural grade, may not encroach into any required setback and must be in pleasing proportion to the size of the home. Ornamental iron (or other metal), chain link, and wire fences are prohibited. In addition, construction fencing is required during construction so that certain areas of the Lot are not disturbed. The location, style, type, and duration of all construction fencing shall be determined by the ADRC.

#### G. TERRACES AND DECKS

Outdoor living will certainly be one of the great pleasures of having a home at The Valley Club. The nature of the landforms and the views will influence the choice of yards,

terraces, and raised decks to provide the best spaces for that purpose. Yards and terraces should be designed to be an extension of the architecture, while also responding to the land's natural contours. The landscape should provide a key element in a comprehensive design that integrates the manmade features with the natural terrain and vegetation. Natural materials such as stonewalls should be used as a transition to more contained manmade landscapes set among The Valley Club's natural open spaces.

Decks should be very carefully designed to preserve the beauty of the home as seen from the golf course and neighboring properties. Great care must be taken to aesthetically consider the finish of decks and terraces, especially as to railings. Where the vertical distance from the underside of a ground floor deck structure (along its perimeter edge) exceeds 30 inches above finish grade below, the deck edge must be skirted with wood siding, masonry, or other finish to screen any cavity beneath the deck. In all cases, great care must be taken to support the deck with elements of sufficient visual substance that they appear to be architecturally integrated with the residence itself. Simple posts or similar support systems for such decks are not acceptable.

#### H. ADDITIONAL STRUCTURES AND OUTDOOR RECREATION ELEMENTS

The size, shape, and location of additional structures such as swimming pools, spas and guest houses must be carefully considered to achieve a feeling of compatibility with the surrounding natural and manmade elements. Only one additional enclosed structure is allowed. All structures must be designed to be an extension of the architecture of the home and appear to be a visual extension of the home. Guest houses, offices, exercise rooms, hobby rooms, and other separate structures separate from the home must not exceed the lesser of 30% of the square footage of the home or have a footprint greater than 1,500 square feet and must not exceed the height of the home at its highest point. If any portion of the structure will be used for a garage, the garage door cannot face the golf course or directly toward the road used to access the home. Views should be preserved as described in 2-A above. Pool cabanas will be carefully examined by the ADRC. All additional structures must be within the building envelope.

No tennis, pickleball or other racquet courts are allowed.

Pools are discouraged as they present a danger to children in the community, wild animals, and the herds of elk, deer and moose that visit us frequently. Use of water is also a concern, and the owner must demonstrate that they have sufficient irrigation water to provide for the pool. The use of pools presents "sound pollution" challenges and must be designed and constructed to be as unobtrusive as possible and unable to be heard from adjoining properties. The owner who receives approval to install a pool must provide an indemnity to the Association and its Board protecting it from all liability resulting from any pool accident. The indemnity contract must be approved by the Board. Pools must be equipped with a powered covering to protect children and animals, including Moose.

#### I. EXTERIOR LIGHTING AND OUTDOOR SOUND SYSTEMS

Outdoor lighting will be carefully reviewed to ensure that neighboring properties are protected from the view of bright light sources. No floodlighting will be permitted, and the illumination necessary for evening activities must be directed downward and be only bright enough to provide for the safe traverse of steps and paths. Subtle lighting of architectural

elements is encouraged, while more ornate lighting types such as colored lights or extensive yard lighting is prohibited. Along the same lines, exposed light sources are prohibited. No lighting fixtures are permitted, other than the Lot identification sign. Low wattage driveway/pathway illumination lights are permitted within 50 feet of roadways. Outdoor televisions are acceptable if properly screened. Outdoor theatres are prohibited.

Outdoor speakers are allowed but should be carefully located to be as unobtrusive as possible and unable to be heard from adjoining properties.

## **J. OUTDOOR STORAGE**

Miscellaneous items, trash containers, maintenance, or service equipment such as lawnmowers and snow blowers, and overflow storage, etc. shall be screened from all adjacent properties by a wall or fence, pursuant to these Guidelines. If firewood is contemplated to be stored on the Lot, it shall be neatly stacked, and the location of such storage shall contemplate how firewood may be stored pursuant to the Association rules.

## **K. ANTENNAE AND SATELLITE DISHES**

Antennae or satellite dishes which are visible from any part of the golf course, the Common Areas of the Association, or neighboring properties are only permitted upon approval of the ADRC. The exterior of the satellite dish color must be consistent with the exterior of the residence.

## **L. HEATING, COOLING, AND ELECTRICAL EQUIPMENT**

No roof mounted or wall mounted heating or cooling equipment will be permitted. Any exterior heating and/or cooling system components, including generators and air conditioners, must be ground mounted adjacent to the residence, and hidden or screened from view of the golf course, roadway, or neighboring properties. Such equipment must also be insulated for noise so as not to be heard from the golf course or neighboring properties. Electrical car charging stations must be located inside garages. Landscaping alone is not sufficient for screening equipment.

## **M. UTILITIES**

Utility services other than sewer lines are all stubbed to a property line of each site. The extension of services from these stub locations to the residence shall be the responsibility of each Owner. All utility extensions must be underground. As a general rule, utility trenches may not encroach into any required setback except where they cross the front setback between the service tap and the building envelope. All disturbed areas of the site must be treated as described in Section 3 of these Guidelines. All meter panels and air conditioning units must be screened so that they are not visible. Utility cabinets and screen walls must be integrated into the overall architectural design of the home. Electrical meters shall be enclosed and shall match the exterior finish of the home where such meter or meters are located. Landscaping alone is not sufficient for screening utilities.

## N. HOMESITE IDENTIFICATION AND STORAGE

To create continuity within the Community, all forms of address and resident identification signs and their location for placement must be approved by the Architectural Design Review Committee and conform to specifications and requirements of the Local Rural Fire District.

No additional signage of any kind will be permitted. If required by law, temporary construction signs shall be permitted during construction provided that such signs are approved by the ADRC.

## O. MAILBOXES AND NEWSPAPER HOLDERS

Mailboxes and newspaper holders are not permitted.

# III. ARCHITECTURAL DESIGN

The Architectural Design Review Committee shall review and approve or disapprove all plans submitted to it for any proposed improvement, alteration, or addition, on the basis of aesthetic considerations and the overall benefit or detriment which would result to the immediate vicinity and to the Valley Club Property as a whole. The Committee shall approve proposals only if it deems that the construction, alterations, and additions contemplated will be, in the unfettered discretion of the Committee in harmony with the surrounding structures, aesthetically attractive and architecturally acceptable

## A. STYLE

There is not one specific architectural style that is required or desired at The Valley Club. Rather, the goal of architectural harmony is to be achieved using a controlled range of complimentary materials and colors, natural wood siding and structural elements, native stone, and roofs in mid to dark ranges of earth tones. Using these materials, a very wide range of architectural designs can be a comfortable part of and enhance the natural environment at The Valley Club. However, certain architectural styles, while having a beauty of their own, are so closely associated with other times and other places that their use would distract from the harmony of The Valley Club community. Examples of such inappropriate styles are southern plantation, subterranean, Victorian, Tudor, Bauhaus, Southwest

## B. DESIGN REPETITIONS

No repetition or near repetition of any approved residence in the Valley Club will be permitted.

## C. SIZE

Homes, which are excessively large or small for their sites and their contexts, can distract from the setting and will not be approved. All homes should contain at least 3,200 square feet of enclosed and roofed space on the ground level, excusing the garage. No home may contain more than 10,000 square feet of enclosed and roofed space on the ground level



(including additional structures) or more than 14,000 square feet of enclosed and roofed floor area on all levels, including the area within garages. Large capacity garages over three openings should consider “tandem” parking.

#### D. HEIGHT OF STRUCTURES

No portion of the roof or ridgeline may exceed a height of 35 feet. However, to provide the design opportunity for vertical undulation of the ridgeline, there may be a portion(s), not to exceed 33% of the total ridgeline more than 35 feet. No other portion or appendage of the structure including chimneys and weathervanes shall exceed 40 feet in height. All heights shall be measured from existing grade. In addition, the ADRC will consider the suitability of building height to the site and its surroundings. Roof ridgelines of additional structures cannot exceed the height of the home

#### E. ROOF

All visible roofing should present the appearance of high-quality roofing, achieved through metal, slate, shake, shingle, flat concrete tiles, ceramic tiles, high-definition asphalt, or similar materials. All roofing material must comply with current Blaine County fire codes. Colors will be limited to dark earth tones of grays or browns only. Metal roofing material must be non reflective and will be carefully scrutinized and considered on a case-by-case basis. Barrel or “S” tiles, or asphalt roll roofing are all prohibited. The use of major rooftop elements such as dormers, chimneys, or skylights, if any, should enhance the form of the roof and appear to be an integral part of the roof, not an appendage. Eaves must exceed 12 inches and, unless the rafters are decorative, must be enclosed.

#### F. FOUNDATIONS

The foundation walls or wood stem walls that connect the house to the ground, particularly on sloped sites, can be just as important as the roof in their impact on the overall design and on the relationship of the home to the surroundings. Therefore, design and material selection for this important element should be adequately planned and budgeted. The use of “heavy” natural materials to form a base provides a natural transition to the ground. Whatever the material, it should be an extension of other elements such as walls or terraces and not accentuate a break between them.

Visible surfaces of concrete masonry or concrete foundation walls and piers may not exceed 12 inches above finished grade unless they are faced with approved masonry such as board formed concrete. Surfaces not faced with approved masonry must receive a stucco or mortar-wash finish and be painted to blend unobtrusively with adjacent materials. Wood siding that extends from walls down over foundation walls to cover foundation surfaces should smoothly follow grade lines, not the steps in the concrete foundations. Retaining walls should be used where the concrete foundations step to minimize the visibility of concrete walls.

#### G. GARAGES

Each residence must have an enclosed garage for at least two cars. Carports are prohibited. Garages should be designed to open to the side or rear of the house if possible and

shall only open on one side of the garage. The ADRC may approve a garage with an opening that is visible from the roadway if it is oriented away from the roadway and is screened from the road with landscaping. Garage door openings should be compatible with the design of the residence and aesthetically pleasing as determined by the ADRC. Any openings exceeding a height of 9 feet require approval by the ADRC and a variance from the Board of Directors of the Association. No variance will be granted for garage opening exceeding a height of 12 feet. Smaller openings for golf cart access are permitted and may be on a separate side of the garage provided the door must have design compatibility with the garage doors.

## H. EXTERIOR MATERIALS

Exterior materials should generally be natural materials that blend and are compatible with the native landscape. The predominant exterior material will consist of indigenous wood species, including beveled or tongue-in-groove board siding, board-on-board, board and batt, and similar siding treatments, stucco, or similar materials. Semitransparent or solid body stains in colors which harmonize with the surrounding landscape must be used. All reflective metal must be painted to match or blend with surrounding materials using colors approved by the ADRC. Plywood siding and pressed board siding are prohibited. The use of metal siding, fiberglass siding, or composition asbestos siding is prohibited.

The aesthetic merits of any combination of exterior materials are subject to review and approval by the ADRC in order to maintain the architectural integrity and visual experience at the Valley Club.

## I. EXTERIOR COLORS

All exterior colors are subject to prior approval by the ADRC. The color of all exterior materials must be very subdued to blend with the natural landscape. Earth tones are strongly recommended, although muted accent colors, which are used judiciously and with restraint, may be permitted.

In no case will colors approaching the primary range (red, blue, and yellow) be permitted, nor will drastic contrasts in value (light to dark) be allowed. "Light gray" siding stains, which approach white, or off white in appearance will not be allowed. It is the intent of the Association to preserve the appearance of the natural landscape and preclude the use of colors that would appear out of place.

## J. FRONT DOORS AND ENTRY STEPS

Front doors and entries are an important focal point for most home designs. Doors and the surrounding architectural detail should be substantial relative to the home and of a design commensurate with the architecture of the home. All front doors require a covered front porch. Where entries are located above the lowest grade of the home, particular care must be taken to ensure that the entry appears to be solidly connected to the ground, that the grade will not be altered so substantially to accommodate such entry that it appears unnatural, and that the front elevation of the home remains in balance and proportion.

## K. WINDOWS AND SKYLIGHTS

The glass of windows and skylights must not be highly colored or highly reflective, nor may their frames consist of light colored or reflective material. White translucent lenses on skylights should be avoided in favor of gray or clear finishes.

## L. BUILDING PROJECTIONS

Appliance venting/intake pertaining to, but not limited to, gas water heaters, gas heating units, gas boilers, kitchen exhaust venting, and all other mechanical venting shall be concealed in a chimney chase or chimney structure or shielded from view in an approved manner. Chimney chases shall also be constructed to conceal from view all piping/ducting terminations with an appropriate shroud on the top of the chase. All plumbing venting, whenever possible, shall be placed and organized on the roof structure to minimize visual impact and shall be painted to blend with the roof color.

## M. CHIMNEYS AND OUTDOOR FIRES

Due to fire danger, all chimneys must be equipped with a U.L. or I.C.B.O. approved spark arrests, including outdoor fireplaces. Barbecues are permitted, provided they are lidded cookers. Fire pits must be approved by the ADRC.

## N. SOLAR APPLICATIONS

Passive solar design is encouraged. Active solar applications can result in excessive glare and reflection and will only be approved by the ADRC. The hardware must be integrated into the structure or landscaping

## O. PREFABRICATED BUILDINGS

No building that is constructed offsite and requires transportation to any Lot, whole or in partial assembly will be permitted. This prohibition includes mobile homes, stock modular buildings, or any other structures requiring transportation and set up in a partially completed state.

## P. CHANGES OR ADDITIONAL CONSTRUCTION

All changes or additions to the approved plans before, during, or after the construction must first be approved by the ADRC.

## Q. UTILITY SCREENING

All meter panels and air conditioning units and other equipment must be screened so that they are not visible. Utility cabinets and screen walls must be integrated into the overall architectural design of the home. Electrical meters shall be enclosed and shall match the exterior finish of the home where such meter or meters are located. Landscaping alone is not

sufficient for screening utilities. All natural gas meters shall have a roof which complies with the standards of Intermountain Gas and such roof shall be of a color which blends with the exterior of the home and/or is the same roof material as the home.

## IV. LANDSCAPING

The goal for landscaping at The Valley Club is to reflect the natural palette of Sun Valley's varied environments. The cultivated landscape of the homesites, golf course, and waterways fall within the natural backdrop of sage and native dry land grasses. The following guidelines are intended to implement harmony and continuity within this context. Yew plants are specifically prohibited anywhere in the Valley Club.

### A. CULTIVATED AREAS

A contiguous area of at least one third of an acre and not more than one half of an acre surrounding each home must be irrigated and landscaped. Xeriscape design is encouraged. Larger areas of lawn and cultivated landscaping will be allowed, including lawn to the edge of the roadway, provided that the Owner has the necessary water rights to do so, and proof of such water rights must be provided to the ADRC prior to approval of cultivated acres larger than one-half acre.

Cultivated areas should be contained primarily within the building envelope and have flowing, non-linear characteristics and blend with the adjacent natural areas. Rigid formality and geometric arrangements of plant material should be limited to areas next to homes and within the private areas described below.

### B. BACK FLOW PREVENTION DEVICE, DRY HYDRANTS AND WATER METERS

The sprinkler supply line for all new construction shall have a back-flow prevention device (also known as a "double check" apparatus) which shall comply with the Idaho Department of Environmental Quality standards. Above-ground back flow devices must be screened using landscape materials. If dry hydrants are required, they should be integrated into the structure or site walls if possible, if not they must be screened using landscape materials. All Lots must have an Association-approved water meter installed, when those Lots are connected to the water system.

### C. NATURAL AREAS

All areas of the home site outside of the cultivated areas should be treated as natural areas. All disturbed areas shall be re-seeded with a natural grass mix of fescue grasses and irrigated until established and maintained to prevent noxious weeds.

### D. PRIVATE AREAS

Private areas are those areas located within walls, courtyards, or other approved

structures, so that they are not visible. Within private areas, an Owner may create as varied or formal landscape as desired.

#### E. IRRIGATION

All cultivated areas of each site must be fully irrigated with an underground sprinkler system with automatic controls. Temporary sprinkler systems will be allowed as necessary to establish vegetation cover in natural areas. Sprinkler heads should be of "popup" design or discretely located, and black risers should be used to minimize their visibility. Owners should be aware of possible water restrictions established by the Idaho Department of Water Resources ("IDWR"). It is understood that the use of any water provided by the Association's water system for the purposes of irrigation are subject to curtailment at any time based on Idaho Law and/or the orders of IDWR.

#### F. LANDSCAPE DESIGN

An approved landscape plan (as outlined in Section 6 – DESIGN REVIEW PROCEDURES) is required prior to the commencement of any site modifications.

#### G. COMPLETION OF LANDSCAPING

All landscaping work, including removal of sage, must be completed within 60 days of receipt of a Certificate of Occupancy for the residence. Extensions will be granted for weather conditions, which prevent installation of plant materials or other landscaping improvements.

#### H. OUTDOOR FURNITURE AND PLAY EQUIPMENT

Location of permanently placed outdoor furniture or accessories such as swings, tables, barbecues, arbors, children's play equipment, etc., must be approved by the ADRC. Outdoor furniture and accessories may not infringe on setbacks and must be properly maintained. Play equipment is discouraged and the ADRC shall scrutinize the location, color, design, and placement of any play equipment so, to the extent possible, it is not seen from other Lots, the golf course, or the streets.

#### I. OUTDOOR ORNAMENTATION OR STATUARY

Placing, erecting, constructing, or allowing any permanent unnatural or manmade ornaments, signs, statuary, pink flamingos, relics, flagpoles, machinery, equipment, basketball backboards, game poles and nets, sculptures, or other such items which are unattached to approved structures are prohibited, unless the same are included and made a part of a landscape plan with a scaled drawing of the object submitted to and approved by the ADRC. "Unnatural" shall mean any object, which is not naturally growing upon, indigenous to or accumulated upon a home site in its undeveloped state.

Any ornamentation or statuary item described above which is to be attached to or intended to be a part of an approved structure or deck shall first be submitted to the ADRC.

## J. ADJACENT RIGHT-OF-WAYS

Under the Declaration, the area for which the Owner is responsible for landscaping treatment as provided above includes the Owner's site and all land within rights-of-way adjacent to such site between a property line and the pavement of any roadway within such rights-of-way. All such areas, whether within the site or in rights-of-way adjacent to it, must be landscaped to comply with the design intentions as outlined herein.

Specifically, the adjacent rights-of-way are to be restored and re-vegetated, and drainage along the barrow ditch is to be maintained and/or improved as necessary. Two feet of  $\frac{3}{4}$ " road mix is required along the edge of pavement of the roadway except as outlined in Section IV.A. All other areas within the right-of-way's are to be reseeded with fescue grasses and irrigated until established. Cultivated landscaping is encouraged within the right-of-ways along the driveway entrance to each home site.

## K. TREE REMOVAL

Dead, dying, diseased, or hazardous trees, along with any tree less than 6" caliper/diameter at breast height may be removed at owners' discretion without ADRC approval. Removal of significant number of overcrowded or overgrown trees that do not provide essential screening may be removed with approval of the ADRC Agent. Substantial numbers and sizes of trees that are providing screening to adjacent homes, the golf course or road, and trees that were part of a previously approved Landscape Plan must be approved by the ADRC – based upon an updated Landscape Plan.

## L. SEASONAL ELK/DEER LANDSCAPE PROTECTION

Fencing used to mitigate elk/deer damage of fruit trees is allowed. Fencing for other trees that are susceptible to deer and elk damage is allowed for their first two seasons only. In order to minimize the visual impact of these fences, seasonal protection is limited to a single tree, or small groups of 2-3 trees if they are in a tight grouping. Welded Wire Mesh or Plastic Mesh can be used, provided that it is of sufficient gauge to remain ridged and straight. Natural Flat finish, Black, or Dark Green is allowed. Solid Black or Dark Green stakes, and Natural Wood Stakes are allowed. Stakes or mesh that are Two-toned or that have reflective finishes are NOT allowed. Fence height not to exceed 8' tall from adjacent finish grade (not including additional snow). Seasonal fencing is only allowed between September 15 – May 15.

A sketched plan for fencing must be submitted to the ADRC Agent for his/her approval prior to installation. The plan should identify fence location and materials to be used.

## V. CONSTRUCTION REGULATIONS

To ensure that the natural landscape of each Lot is preserved and the nuisances inherent to any construction process are kept to a minimum, the following regulations will be enforced during the construction period of all improvements at The Valley Club. Any violation of these regulations by an Owner's agent, representative, builder, contractor, or subcontractor will be treated as a violation by the

Owner.

Unless specifically provided for in these Guidelines, all government requirements, insurance requirements, and other such regulations/requirements will not be enforced by Association. The Association assumes no responsibility for the following of such requirements, nor shall the Association or ADRC be responsible for the negligence, omissions, accidents, etc. of the owner, contractor, etc. during the building and landscape process.

#### A. BUILDING SITE

The building envelope is the limit of development on each Lot. It is also the area within which most of the activities related to the improvements to be constructed are to be confined. All activities to the improvement must be confined to the Lot. The Lot perimeters, except for the 50' golf course easement, must be temporarily staked, roped, or flagged during the duration of construction. Temporary staking enclosing the Lot must terminate at the property line adjacent to the entrance drive. Construction fencing is required in all cases, and its location must be shown on a construction site plan to be included in the submittal drawings.

#### B. COMPLIANCE WITH THE LAW

All state, federal, and county laws, ordinances, and regulations must be adhered to at all times including, without limitation, the Occupational Safety, and Health Act (OSHA) regulations and guidelines.

#### C. CONSTRUCTION TRAILERS

Upon commencement of construction a small construction trailer or portable field office may be located on the building site. Unless required by law, signage on the trailer or portable office, including the name of the contractor, is prohibited. The type, size, color, and location of any portable office must be approved by a representative of the ADRC during the pre-construction conference. The field office may not be placed onsite earlier than two weeks prior to the actual onset of continuous activity. A construction trailer may not remain on a site for a period exceeding 12 (twelve) months without written approval of the ADRC.

#### D. TRASH RECEPTACLES AND DEBRIS REMOVAL

Owners and builders shall clean up all trash and debris at the end of eachday. An approved trash receptacle must always remain on the site for this purpose to contain all lightweight materials or packaging. The receptacle must be positioned on the site alongside the access drive, clear of side and rear setbacks, adjacent road right of way and neighboring properties. Trash receptacles must be emptied on a timely basis to avoid overflow of refuse. Disposal shall be at a suitable offsite facility. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the site or elsewhere in the Valley Club. Heavy debris, such as broken stone, wood scrap, and the like, must be removed from the site immediately upon completion of the work of each trade that has generated the debris.

All concrete washouts from both trucks and mixers must occur within thebuilding envelope of the Lot in a location where it will be ultimately concealed by structure or covered

by backfill. Washouts in road rights-of-way, setbacks or on adjacent properties is strictly prohibited.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or detriment to other lots or open space. Any cleanup costs incurred by the ADRC or the Association in enforcing these requirements shall be payable by the Owner.

#### E. SANITARY FACILITIES

Each Owner or builder shall be responsible for providing adequate sanitary facilities for construction workers. The ADRC or the Agent reserves the right to direct placement of such facilities.

#### F. CONSTRUCTION ACCESS

Prior to the start of any construction or excavation on any Lot, the approved driveway shall be excavated, and coarse fill installed. This is required to eliminate or reduce the amount of mud and dirt being tracked onto the main road from the project site during construction.

#### G. VEHICLES AND PARKING AREAS

Construction crews may not park on, or otherwise use, undeveloped portions of lots or open space. During very busy construction periods involving multiple trades such that all construction vehicles cannot be confined to the site itself, the overflow vehicles may be temporarily parked along the shoulder of the roadway. Parking should be restricted to one side of the road. At the end of construction, roadsides that have been used for parking shall be returned to their natural state. Vehicles may not be parked on neighboring lots, in nearby driveways, or on the golf course or other property within the Valley Club.

#### H. EXCAVATION MATERIALS AND BLASTING

If any blasting is to occur, the ADRC must be notified two weeks in advance, and appropriate approvals must be obtained from appropriate governmental authorities, and proper notification should be given to the Association and all Owners. Blasting may only be done by licensed demolition personnel, with all requisite insurance coverage as mandated by county and state statutes specific to blasting activity at the Valley Club. The ADRC shall have the authority to require written documentation of anticipated seismic effects, with confirmation such effects will not be injurious to other persons or property, public or private, and that all appropriate protection measures have been utilized.

All excess materials resulting from blasting, as well as all other excess excavation materials, must be promptly removed from the Valley Club.

#### I. DUST AND NOISE CONTROL

The contractor shall be responsible for controlling dust and noise from the construction



site, including the removal of dirt and mud from public or private roads that is the result of construction activity on the site. The playing of radios or use of other audio equipment by construction crews during the improvement of any Lot shall not disturb adjacent Lots.

#### J. MATERIAL DELIVERIES & EQUIPMENT

All building materials, equipment and machinery required to construct a residence on any Lot must be delivered to and remain within the Lot. This includes all building materials, earthmoving equipment, trailers, generators, mixers, cranes and any other equipment or machinery that will remain at the Lot overnight. Equipment storage for extended periods is strictly prohibited. Material delivery vehicles may not drive across adjacent lots or the golf course to access the Lot.

#### K. ALCOHOL AND CONTROLLED SUBSTANCES

The consumption of alcohol or use of any controlled substance on any construction site, Lot under construction, street, road, way, or common area within the Valley Club is strictly prohibited. Any violation of this section will result in the contractor, subcontractor, or individual being permanently barred from entering the Valley Club.

#### L. FIRES AND FLAMMABLE MATERIALS

Careless disposition of cigarettes and other flammable materials, as well as the buildup of potentially flammable materials constituting a fire hazard, is prohibited. At least two 20-pound ABC Rated Dry Chemical Fire Extinguishers shall be present and available in a conspicuous place on the construction site at all times. No onsite fires are allowed.

#### M. PETS

Pets belonging to contractors or sub-contractors shall not be allowed in the Valley Club, including in vehicles, during construction.

#### N. PRESERVATION OF PROPERTY

The use of or transit over the native area or setbacks outside the building envelope of any Lot is prohibited. Construction personnel shall refrain from parking, eating, or depositing rubbish or scrap materials (including concrete washout) on any neighboring Lot, tract, or rights-of-way.

#### O. RESTORATION OF PROPERTY

Upon completion of construction, each Owner and builder shall clean his construction site and repair all property which has been damaged, including but not limited to, restoring grades, planting shrubs and trees as approved or required by the ADRC, and repair of streets, driveways, pathways, roadsides, drains, culverts, ditches, signs, lighting, and fencing.

In addition, the Owner and general contractor shall be held financially responsible for site restoration/re-vegetation and refuse removal necessitated on any and all adjacent properties as a result of trespass or negligence by their employees or subcontracted agents.

#### P. CONSTRUCTION SIGNAGE

Individual signs identifying individual contractors or subcontractors, tradesmen, or suppliers are prohibited. Identification of licensed tradesmen, when required by state or county statutes, shall be confined to the posting location of the building permit

#### Q. DAILY OPERATION

Daily working hours for each construction site shall be from 7:00 AM to 6:00 PM Monday through Friday and 8:00 AM to 3:00 PM on Saturday. Construction activity is not permitted on Sundays, New Years Day, Memorial Day, July 4, Labor Day, Thanksgiving, and Christmas. Should construction operations or noise be unreasonable, the ADRC or its Agent reserves the right to implement stricter hours of operation.

#### R. SITE VISITATIONS

Due to the inherent danger associated with an active construction site, visitors to any site should be limited to those persons with official business relating to the construction activity, such as construction workers and tradesmen, building officials, security staff, design review observers, sales personnel, and the Owner. It is recommended that construction personnel should not invite or bring family members or friends, especially children, to the job site

#### S. CONSTRUCTION INSURANCE REQUIREMENTS

The general contractor shall, at all times during construction, carry a general liability policy which names the Association as an additional insured in an amount of at least \$2,000,000 per occurrence. Such insurance shall be provided to the Association prior to the commencement of construction. In addition, all subcontractors shall, at all times during construction, carry a general liability policy in an amount of at least \$1,000,000 per occurrence. All contractors and subcontractors who enter the Valley Club, whether in personal vehicles or not, shall maintain adequate automobile liability coverage. Any contractor or subcontract who receives a notification of expiration of such insurance must notify the ADRC agent immediately.

The Owner shall cooperate with the ADRC in its management of the Owner's Project including but not limited to procuring insurance coverage and certificates of same and arranging for inspections and reports from time to time by the ADRC. Owner acknowledges and agrees that (i) all of such insurance requirements, inspections and reports shall be made for the sole benefit of the ADRC and not for the benefit of Owner or any third party and neither the ADRC and the Association or any its representatives, its agents or contractors assume any responsibility or liability except to the ADRC, by reason of such insurance requirements, inspections or reports, (ii) Owner will not rely upon any of such insurance requirements, inspections or reports for any purpose whatsoever relating to the ADRC or to the construction of

the Project, and (iii) such insurance requirements, inspections and reports will not constitute a waiver of any of the requirements of the ADRC or any of Owner's obligations. The owner further acknowledges and agrees that neither the ADRC nor any member or the Agent thereof shall be responsible or liable for any matters related to the design or construction of the improvements or any errors, inconsistencies or other defects in the plans and specifications. Owner agrees to indemnify, defend, and hold the ADRC and the Association and its agents harmless from and against any costs, fees, claims, damages, loss, liability, or expense (including attorneys' fees and costs) incurred by Owner and/or any third party arising from, or out of the performance of the work or the construction or design of the improvements.

## VI. DESIGN REVIEW PROCEDURES

To establish a framework for periodic review and comment on each residence as it proceeds through the design development and review process, the following procedures have been established by the ADRC. Plans and specifications shall be submitted to the ADRC in accordance with the following conference and submittal requirements and review procedures.

Any deviations from the standards contained within this Document shall be considered a variance and require the approval of the Board.

In addition to the ADRC, there are two main contacts which will represent the ADRC throughout the design and building process. The first is the Board Liaison ("Liaison"), who must be a member of the ADRC. The Liaison shall be appointed by the ADRC and be tasked with the decisions as outlined in the Pre-Design Conference. The Second is the Property Manager (also referred to as the Agent) who will be the primary point of contact for all ADRC matters. The Agent, on behalf of the ADRC and at the expense of the owner, may hire other professionals including, but not limited to, site-inspectors, contractors, surveyors, etc. to perform the duties contained herein.

The Property Manager will notify all Members of any submission of a project to the ADRC. Plans will be made available to any Owner electronically upon Owner request to the Property Manager and any Member may comment, per Section C, below.

### A. PREDESIGN CONFERENCE AND DETERMINATION OF TYPE OF PROJECT

Prior to preparing preliminary plans for any proposed improvement, the Owner and/or the Owner's architect should converse or meet with the Liaison or the Agent to discuss proposed plans and to resolve any questions regarding building requirements at the Valley Club. The purpose of this informal review is to obtain guidance concerning the possibilities and sensitivities of the site prior to initiating preliminary design. These meetings should occur onsite when appropriate and/or possible.

During the pre-design conference, the Liaison or the Agent shall determine the category of the project. The process and requirements for each type of project are attached here as appendices A - C. The category descriptions are for guidance only and there will be projects that are not easily defined within these three categories and the Liaison, or the Agent is tasked with erring on the side of "bumping" the project up to the next category. The intent of the categories is to make minor projects owner friendly, not to invite dispute about the level of category or

approve modifications without proper and consciousness review. To protect all Lot Owners, if the Liaison or the Agent has any doubt about the category of the project, he/she should automatically bump it to the next category. The categories are for guidance only and the Liaison and ADRC may require a Major Review for any project at his/her/its discretion (except for New Construction which is automatic).

**Minor:** A Minor Project is a small addition to a house (under 50 square feet, does not require any Board variances, and will generally be unnoticed from the roads, neighboring lots, or golf courses). A Minor Project can also be minor landscaping changes which will be generally unnoticed. A Minor Project can be approved by the Liaison provided that no objection is received within seven days after the Liaison informs the entire ADRC about the details of the Minor Project.

**Mid-Level:** A Mid-Level Project is still a small addition to a house generally larger than 50 square feet but smaller than 400 square feet, one that does not require a Board variance, and one that may be slightly noticed from the roads, neighboring lots, or golf course. Similar landscaping changes with the same level of noticeability are Mid-Level Projects. A change of exterior color or roofing color/material to a house may be considered a Mid-Level Project. Mid-Level Projects may be approved without a meeting(s) of the ADRC, but such approval must be unanimous. If approval is not unanimous, a meeting will be held.

**Major:** A Major Project is a substantial and very noticeable change to a house. Any addition over 400 square feet or one that requires a Board variance will automatically be considered a Major Project. Similar sized landscape projects that substantially alter the appearance of the existing house and landscaping are considered Major Projects. A substantial change to the exterior color scheme or paint will be considered a Major Project. All new construction on vacant lots is considered a Major Project. Major Projects require at least one meeting of the ADRC to be approved.

## **B. PRELIMINARY PLANS FOR MAJOR PROJECT**

Any Project which qualifies as a Major Project should then present "Preliminary Plans" to the Architectural Design Review Committee to determine architectural design harmony with existing homes at the ValleyClub with comparable standards of home quality and integrity.

## **C. COMMENTS**

If at any time there are owners' comments relating to any improvement or alterations, such comments must be received, in writing by the Agent, and will be distributed to the entire ADRC via e-mail at least 24 hours prior to any meeting at which the ADRC discusses the project.

## **D. RE-SUBMITTAL OF PLANS**

In the event of any disapproval by the ADRC of either a preliminary or a final submittal, a resubmission of plans shall follow the same procedures as an original submittal. All additional fees related to resubmission will be the responsibility of the owner.

## E. CONSTRUCTION IMPACT FEE

To offset “wear and tear” to the road system during construction each owner will be assessed an impact fee based upon the Schedule ADRC Fees which may change from time to time by resolution of the Board of Directors.

## F. REQUIREMENTS PRIOR TO COMMENCEMENT

Upon the ADRC’s approval of any proposed alteration, the ADRC shall provide the homeowner with a letter of approval which may include conditions and requirements related to the alteration or construction thereof. Construction may not commence until the letter of approval is received and the Owner has provided the ADRC with (i) an executed Construction Agreement, (ii) an executed Contractor Agreement, (iii) evidence of adequate contractor’s insurance, (iv) payment of all ADRC fees, including impact fees, and (v) a construction compliance deposit, in the appropriate amount as outlined in the Schedule of ADRC Fees.

If the Owner or contractor fails to comply in any way with these Guidelines, with approved plans, with the Construction Regulations described in Section 5, or the construction or Contractor Agreement, then the Owner and contractor shall be given written notification of noncompliance by email, pursuant to the Construction and Contractor Agreements. If the violation is not cured in the time stated in the written notice, then the Board may levy liquidated damages, as contained in the Owner and Contractor Agreements. The compliance deposit may be used to pay the liquidated damages and any costs of correcting such failure, including but not limited to fees related to the ADRC members and its agents, attorney fees, and any other cost related to the non-compliance. In the event that the construction compliance fee is depleted, the matter will be referred to the Board which may assess a specific assessment against the Lot for liquidated damages, ADRC fees, and all other costs and fees related to noncompliance or a violation of these Guidelines.

Funds remaining in the Compliance Deposit after the final release has been issued will be returned to the Owner within 30 days after a final inspection of the property.

## G. COMMENCEMENT OF CONSTRUCTION

The Owner shall satisfy all conditions and commence the construction of any work pursuant to the approved plans within one year from the date of such approval. If the Owner fails to begin construction within this time period, any approval given shall be deemed revoked.

The Owner shall, in any event, complete the construction of any improvement on his Lot within 30 months after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities. Any extension must be approved by the ADRC.

If the Owner fails to comply with this schedule, the Board shall either have the exterior of the improvement completed in accordance with the approved plans or remove the improvement, with all expenses incurred to be reimbursed to the Association by the Owner. Failure to comply with the construction schedule shall result in liquidated damages and fines, pursuant to these Guidelines and the Construction and Contractor Agreements.

## H. CERTIFICATION OF GRADE AND INSPECTIONS OF WORK IN PROGRESS

Prior to the construction of the foundation the owner shall provide the ADRC with a grading certificate prepared by a licensed civil engineer. Failure to comply with the approved grade will result in the immediate cessation of construction. Approval by the ADRC of the recommencement of construction will be given after variance from original approval specification is rectified. The ADRC may inspect all work in progress and give notice of noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the ADRC of work in progress or compliance with these Guidelines.

## I. SUBSEQUENT CHANGES

Any additional construction or other improvements to a residence or Lot, or changes during construction or after completion of plans approved by the ADRC, including landscaping and color modification, must be submitted to the ADRC for approval prior to making such changes or additions. Any such changes made without approval of the ADRC will be considered a violation of these Guidelines and the Declaration.

## J. FINAL RELEASE

Upon completion of any residence or other improvement, the Owner shall give written notice of completion to the ADRC. Within 10 days of such notification, a member(s) of the ADRC shall inspect the Lot and all improvements thereon for compliance. If all improvements comply with these Guidelines and the ADRC-approved plans, the ADRC shall issue a written approval to the Owner, constituting a final release of the improvements by the ADRC, which shall be issued within 30 days of the final inspection. With the written approval, an accounting of all fees, deposits, and costs will be provided to the Owner, together with any applicable refunds, if any.

If it is found that the work was not done in strict compliance with the approved plans or any portion of these Guidelines, the ADRC shall issue a written notice of noncompliance to the Owner, specifying the particulars of noncompliance, said notice to be issued within 30 days of the final inspection. The Owner shall have 30 days from the date of notice of noncompliance within which to remedy the non-complying portions of his improvement. Prior to or at the termination of the 30 days, the Owner shall give written notice of completion to the ADRC at which point, the ADRC shall follow the process in the preceding paragraph. If, by the end of this time period, the Owner has failed to remedy the noncompliance, the ADRC may take action to remove or add the non-complying improvements as provided for in these Guidelines, including, without limitation injunctive relief or the imposition of liquidated damages as outlined in the Construction Agreement.

## K. NONWAIVER

The approval by the ADRC of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any of the development standards shall not constitute a waiver of same.

## L. RIGHT OF WAIVER

If the ADRC determines that any element of the submitted plans does not meet the Guidelines, the Lot owner may submit a one-time variance request to the Board which may, in its sole discretion, grant the variance at a duly called meeting. However, at any meeting at which the Board contemplates such variance, each Lot within 300 (three hundred) feet of the Lot under review shall be notified at least ten (10) days prior to the meeting and the owners of those Lots shall have the right to opine on the variance either in writing prior to the meeting or at the meeting.

## M. RELATIONSHIP WITH ASSOCIATION

The ADRC shall serve as a committee of the Association concerning the review of all submissions and as otherwise contained herein and has all the power granted to it by the Declaration and these Guidelines. In the event that these Guidelines need to be enforced, they will be enforced by the Board on behalf of the Association.

# VII. DESIGN REVIEW COMMITTEE

## A. MEMBERS

The ADRC shall consist of five members and two alternate members (one alternate member shall be a professional licensed landscape architect and one an Owner). At least two members of the committee shall be a licensed architect and one a licensed landscape architect (all of whom should be familiar with high quality residential construction in Blaine County, Idaho) and two Owners, at least one of whom shall be a member of the Board. In case of conflict-of-interest, an ADRC member must recuse himself/herself and the alternate member shall fill the vacant seat with full voting power. Each member shall hold his or her office until such time as he or she has resigned or been removed or his or her successor has been appointed as set forth herein.

## B. SELECTION OF MEMBERS

Members of the ADRC shall be selected as provided in the Declaration.

## C. RESIGNATION OF MEMBERS

Any member of the ADRC may, at any time, resign from the ADRC upon written notice delivered to the Association.

## D. DUTIES

It shall be the duty of the ADRC to consider and act upon such proposals or plans related to the development of homes within the Valley Club as they are submitted pursuant to the

Guidelines.

## E. MEETINGS

The ADRC shall meet from time to time as necessary to properly perform its duties. The vote of a majority of the members shall constitute an act of the ADRC. The ADRC, or its Agent, shall keep on file all submittals and copies of all written responses to Owners to serve as record of all actions taken.

All members, except members of the Board, or Owners, shall be entitled to reimbursement and/or compensation for reasonable expenses or time incurred by them in connection with the performance of their duties. ADRC agents, including professional consultants and representatives of the ADRC retained for assistance in the review process, shall be paid such compensation as the Board determines.

## F. AMENDMENT OF THE GUIDELINES

Amendments and changes may be recommended by the ADRC for consideration by the Board. Each Owner is responsible for obtaining from the Agent a copy of the most recently revised ADRC Guidelines.

## G. NONLIABILITY

No member of the ADRC nor its agents shall be liable to the Association or to any Owner or other person for any loss or damage claimed on account of any of the following:

1. The approval or disapproval of any plans, drawings, and specifications, whether or not defective.
2. The construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications.
3. The development, or manner of development, of any Lot within the Valley Club.

Every Owner or other person, by submission of plans and specifications to the ADRC for approval, agrees that he will not bring any action or suit against the ADRC, any of its members, the Board, or the Association, regarding any action taken by the ADRC.

Approval by the ADRC of any improvement at the Valley Club only refers to these Guidelines and in no way implies conformance with local government regulations. It shall be the sole responsibility of the Owner to comply with all applicable government ordinances or regulations, including but not limited to zoning ordinances and local building codes.

## H. ENFORCEMENT

The ADRC, the Agent, or other representatives, will make periodic inspections the Lot and improvement and, upon discovering a violation of these Guidelines, provide a written notice



of noncompliance to the Owner, including a reasonable time limit within which to correct the violation. If an Owner fails to cure the matter within this time period, the Board may assess a “non-compliance” fine in any amount up to \$10,000 and/or liquidated damages as outlined in the Construction Agreement. Nothing in this Section minimizes the Board’s ability to levy a specific assessment, as contained herein and all liquidated damages shall be a specific assessment. In addition, the Board or its authorized agents may enter the Lot and correct the violation at the expense of the Owner of such Lot. Lot

In the event of any violation of these Guidelines, the ADRC may, at its sole discretion and in addition to all other remedies it may have at law or in equity, including recovery of expenses incurred after entry upon a Lot, recover as liquidated damages an amount commensurate with the Construction Agreement. Such damages shall be paid and secured as provided above for other expenses for which the Owner is liable.

## I. SEVERABILITY

If any provision of these Guidelines, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of these Guidelines shall be construed as if such an invalid part were never included therein.