

ARCHITECTURAL DESIGN REQUIREMENTS FOR THE BELMAR ESTATES COMMUNITY

These Architectural Design Requirements (these “**Design Requirements**”) are promulgated on this 7th day of December, 2015 by the Architectural Review Committee (the “**Committee**”) appointed by the Belmar Estates Community Association, Inc., an Idaho nonprofit corporation (the “**Association**”) pursuant to Section 4.2 of the Declaration of Covenants, Conditions, Restrictions and Easements for the Belmar Estates Community recorded in the real property records of Ada County, Idaho as Instrument No. 2015-111879 (the “**Declaration**”). All capitalized terms not otherwise defined herein shall have the meaning set forth in the Declaration.

ARTICLE 1 – PURPOSE

These Design Requirements are intended to provide Owners within the Community with guidance as to the design of residential construction and related improvements. The authority and discretion to approve or disapprove any plans or specifications submitted to it shall rest exclusively with the Committee. The Committee shall consider all such plans and specifications in light of Article 3 of these Design Requirements, but may, in addition, consider such additional circumstances and facts, as it deems appropriate in arriving at its final decision to approve or disapprove.

ARTICLE 2 – APPLICATION PROCEDURES

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

Section 2.2 Application for Approval. Any Owner proposing the installation or construction of any Improvement on any Lot which is subject to the review and approval of the Committee shall submit the following items, to the extent applicable given the nature of the Improvements proposed, together with such other and additional information as the Committee may request:

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

(B) Architectural Drawings.

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

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

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

4. The Committee may require submission of such additional plans and other information (including models), as it may deem appropriate to the approval process.

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

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

2. Landscape features such as decks, retaining walls, privacy screens awnings, canopies, gazebos, benches, steps, etc., shall be clearly delineated on the plans in sufficient detail to adequately demonstrate their finished location and appearance.

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

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

The items to be submitted under this Section 2.2 shall be submitted to the Committee at:

Conger Management Group
4824 W. Fairview Avenue
Boise, Idaho 83706

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

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

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

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

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

Section 2.8 Expiration of Approval. Except as herein provided to the contrary for landscape completion, after approval the applicant shall commence the Improvements within six (6) months, and shall complete them within one (1) year from the approval date. Failure to do so will cause the approval to expire unless, prior to expiration, the applicant petitions for, and receives, an extension from the Committee, which may be granted, in the sole discretion of the Committee, only if exceptional circumstances should warrant it.

Section 2.9 Application Form. Application for approval by the Committee shall be completed on forms provided by the Committee, and shall be signed by all record owners of title to the Lot on which the proposed Improvements will be constructed or installed.

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

(A) The structural capacity of the proposed Improvements, nor the suitability of any proposed materials, building techniques or other aspects of the improvements relating to habitability or suitability for the intended purpose of the Owner;

(B) Compliance with any applicable law, including building codes; or

(C) Suitability of the proposed site of any improvements in relation to manmade or natural hazards, including, without limitation, geological instability, ground compaction, drainage or flood hazards.

ARTICLE 3 – DESIGN CRITERIA

Section 3.1 Scale and Orientation of Buildings. Minimum square footage of the enclosed living space of the ground floor of the primary residence structure (excluding decks, patios, covered walkways, and garages) shall not be less than 800 square feet. If home is of a two-story design, the total square footage of living space shall not be less than 1,300 square feet. The scale, including height and mass of a building, should be appropriate to the size of the Lot.

Section 3.2 Roof Design.

(A) **Surfacing Materials.** Roofs shall be architectural grade composition shingles (which are classified, at a minimum, at 30 years). The color of the architectural shingles shall be black or weathered wood, or as otherwise approved by the Committee. Other roof materials may be considered by the Committee on a case-by-case basis, taking into account such things as reflectivity, color, texture and compatibility with other roofs in the immediate area. No red, blue or green metal roofs will be allowed.

(B) **Roof Pitch.** The minimum roof pitch requirement is a 4:12 pitch, or that which may be approved by the Committee which is representative of the architectural style and them of the design of the house.

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

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

Section 3.5 Driveways. Driveways shall be constructed of concrete, masonry pavers or such other hard surface material as may be approved by the Committee. No driveways shall be constructed of gravel or concrete blocks. Driveways shall be designed in a manner providing off-street parking for at least two (2) vehicles.

Section 3.6 Utility Appurtenances. All utility meter panels, furnaces, heating units, air conditioning units, heat pumps and similar utility appurtenances shall be screened or fenced from view, and shall be located away from visibility from the street wherever possible.

Section 3.7 Pet Enclosures. All dog runs, pens, and other pet enclosures shall be located immediately adjacent to, and at the rear of, the residential dwelling, and landscaped or otherwise screened or fenced to obscure them from view from neighboring lots or adjacent streets. All such pet enclosures shall receive approval by the Committee prior to construction.

Section 3.8 Exterior Lighting. Light sources shall be shielded and directional, and the light source shall not be visible from neighboring properties or adjoining streets. Lighting of large areas should only occur where it is absolutely required for safety considerations, and should be of limited duration, i.e., the area should not be illuminated all night. All exterior lighting shall require the approval of the Committee prior to installation, and all plans submitted for approval shall show clearly the location, and type of light fixtures proposed, together with any other information which may be helpful to the Committee in reviewing the application. All front garage lights shall be connected to a photocell and shall not have an override switch.

Section 3.9 Signs. No more than one (1) sign shall be permitted on any Lot at any one time, and no signs shall be placed by a Lot owner, or its agents, on any Common Area or on any Lot belonging to another Owner. Signs shall conform to the specifications set forth by the Committee and shall be properly maintained at all times and be kept in an upright position.

Section 3.10 Landscaping. All landscaping shall conform to the approved landscape plan and shall contain the minimum requirements for each Lot on which a residence has been proposed. (The front yard of a Lot is defined as that area between the front property line and the plane of the surface of the residential building facing the front property line.) All landscaping shall be completed prior to occupancy, weather permitting. Special consideration and extensions will be granted from December 1 to April 1 upon written approval of the Committee. All landscaping shall be irrigated by a timer-controlled, automated, underground irrigation system, with the control box located in a weather proof control box on the rear of the dwelling. Landscaping shall, at the minimum, include the following:

Trees	Front yard:	1 deciduous tree or 1 evergreen tree
	Back yard:	1 deciduous tree or 1 evergreen tree
		Deciduous trees shall be at least 2" caliper and evergreen trees shall be at least 8' high.
Shrubs	Front yard:	15 one-gallon (minimum) shrubs
		15 two-gallon (minimum) shrubs
		5 five-gallon (minimum) shrubs
	Corner Lot side yard:	12 one-gallon (minimum) shrubs

of construction waste, trash and debris, (c) material storage, (d) worker parking, (e) repair of off-site damage, (f) disposal of construction waste and (f) standards of conduct.

ARTICLE 5 – DISPUTE RESOLUTION

All claims, grievances or disputes arising out of or relating to the interpretation, application or enforcement of these Design Requirements, or the rights, obligations and duties of any party hereunder, shall be subject to the provisions of Article 8 of the Declaration.

ARTICLE 6 – INTERPRETATION

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

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

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

ARTICLE 7 – AMENDMENT

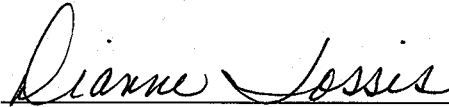
The content of the Architectural Design Requirements may be modified and amended from time to time as provided herein by a majority vote of the Committee. No amendment shall reverse previously granted approvals.

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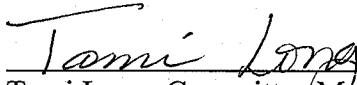
ADOPTED by the unanimous consent of the Committee pursuant to Section 4.2 of the Declaration on the year and day first set forth above.



James D. Conger, Committee Member



Dianne Jossis, Committee Member



Tami Long, Committee Member

**BELMAR ESTATES COMMUNITY
ACC Plan and Color Review Form**

Please submit one (1) complete set of building plans showing site plan, floor plans, and all elevations on 11" X 17" bond paper (1/8" scale).

Belmar Estates Community ACC
c/o Conger Management Group (CMG)
4824 W. Fairview Ave
Boise, ID 83706

Or:

djossis@congergroup.com

Submitted by: (Building Company) _____

Contact Person: _____ Ph: _____ Fax: _____

Lot _____ Blk _____ Phase _____ Community _____

Exterior Body color: Brand /# _____ Name _____

Accent color: Brand /# _____ Name _____

Trim/Fascia color: Brand /# _____ Name _____

Roof Color to be 30 year Architectural Asphalt Shingle Black in Color

Brick: Brand _____ Name _____

Stone: Brand _____ Name _____

Stucco: Brand _____ Name _____

Approved **Date:** _____

Denied

Approved/Denied with the following changes: _____
