

**PHEASANT TRAIL ESTATES**  
**Design Guidelines Rules and Regulations**

For Filing No. 1, recorded May 17, 2005, under Instrument No. 717573, records of Nez Perce County, Idaho.

**I. Introduction**

**1.1 General.** These Design Guidelines, Rules and Regulations for Pheasant Trail Estates, Filing No. 1, recorded May 17, 2005, under Instrument No. 717573, records of Nez Perce County, Idaho (Design Guidelines) give direction to Builders and Owners in preparing plans that will implement sensitive and conservative land use practices, promote design excellence, and make improvements that enhance the appearance of this community. It is possible that different portions of Pheasant Trail Estates will be governed by different architectural and design guidelines administered by different Design Review Boards. In order to maximize aesthetic benefits and to bolster property values, all proposed exterior home site improvements will be evaluated by the Design Review Board (DRB) using these Design Guidelines.

**1.2 Administration of the Design Guidelines.**

**1.2.1 General.** It is the responsibility of the DRB to insure that all proposed Improvements meet or exceed the requirements of these Design Guidelines and to promote the highest quality Design. The DRB will aid the Builder and Owner in meeting these standards. Specific duties and powers of the DRB are defined in the Master Declaration of Covenants, Conditions, and Restrictions (Declaration) for Pheasant Trail Estates.

**1.2.2 Variances.** Approval of any proposed plans is within the sole discretion of the DRB and Board of Directors, and the DRB and the Board of Directors shall each have the authority to grant variances from compliance with any of the provisions of these Design Guidelines when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require. Such variances must be evidenced in writing and signed by a majority of the members of the DRB or the Board of Directors, as the case may be.

**1.2.3 Revisions to Design Guidelines.** The DRB reserves the right to revise these Design Guidelines from time to time as changing conditions and priorities dictate.

**1.2.4 Fees.** The Design Review Board may establish processing and review fees for considering any requests for approvals submitted to it, which fees shall be paid at the time the request for approval is submitted.

## **II. Design Review Procedures**

**2.1 General.** All Builders, Owners, contractors, subcontractors and/or their designated representatives shall comply with the following Design Review Procedures in order to gain approval for any Improvement to property within Pheasant Trail Estates. All construction that is to be undertaken in Pheasant Trail Estates, with the exception of improvements made by the Declarant, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements and other improvements as described in Section 9.02 of the Declaration, including but not limited to, walks, driveways, drainage, fencing, lighting, statuary, landscape planting or other exterior improvements is subject to review under these Design Guidelines. Unless otherwise specifically stated herein, drawings or plans for a proposed Improvement must be submitted to the DRB and the written approval of the DRB obtained before the Improvements are made:

### **2.2 Submission of Drawings and Plans.**

**2.2.1 Architectural Plan Review.** For new building construction or major improvements, such as room additions, remodels, structural changes or accessory building construction, the Builder or Owner shall submit to the DRB two sets of construction documents to include the following:

1. Two sets of Architectural Plans for each Model Plan, at a scale of 1/4" = 1'-0", including:
  - A. Architectural elevations (front, sides and rear), indicating typical proposed grade lines, finish floor elevations, top of slab elevations and building height calculations.
  - B. Floor plans, including square footage for each floor.
  - C. Roofplans indicating pitches, ridges, valleys and location of mounted equipment.

- D. Indication of all proposed exterior materials.
- E. Exterior details, including items such as chimneys, exterior stairs and decks, railings, and deck supports.
- F. Any other proposed improvements (i.e. decks, awnings, hot tubs, etc.).

2. Site Plan for each Lot, at a scale of 1"=10'-0" (or 1"=20'-0", at the discretion of the DRB) including:

- A. Lot lines and dimensions, building setbacks, street right-of-way, curblines and easements.
- B. Building footprint, main finish floor and garage slab elevations.
- C. Walks, driveways, decks, accessory structures, fencing. Retaining walls with top and bottom of wall elevations.

3. Exterior colors, materials and finishing. including:

A. Samples of all finished exterior materials and colors, including window trim specifications. In addition, a typed schedule of samples, or specifications of exterior materials and colors must be included.

B. A 4' x 4' lay-up of masonry or stone material at the home site may be required at the discretion of the DRB.

4. Revised Architectural elevations, as necessary, showing changes to proposed grade lines, walls, windows, chimneys, decks, etc. due to site specific grading conditions.

#### **2.2.2 Landscape Plan and Other Site Improvements Review.**

Approval shall be obtained prior to installation of any landscaping or any other site improvements including, but not limited to, dog runs, play equipment, fencing, site lighting, patios, etc. (See Section 3.4 Other Site Improvements). In most cases, the materials to be submitted will not have to be professionally prepared by an architect, landscape architect, or draftsman, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the DRB. The following guidelines should be utilized in preparing drawings or plans:

1. The drawing or plan should be done at a scale of 1"=10' (or 1"=20'-0", at the discretion of the DRB) and should depict the property lines of your lot and the "footprint" of the home as located on the lot. Existing improvements, in

addition to your home, should be shown on the drawing and identified such existing improvements include driveways, walkways, decks, trees, shrubs, etc.

2. Plans for any other site improvements, such as play/sports equipment, dog runs, hot tubs, trellises, retaining walls, fencing, lighting, gazebos, etc. should be shown on the plan with a description of the proposed improvement, including the materials and colors to be used. In the case of structural improvements (trellises, gazebos, fencing, etc.), an elevation drawn to scale of the proposed improvement is required.

**2.2.3 Revisions and Additions to Approved Plans.** Any revisions and/or additions to the approved Architectural or Landscape Plans made by either the Builder, Owner, or as required by any governmental agency, must be re-submitted for approval by the DRB. The revised plans must follow the requirements outlined in Sections 2.2.1 or 2.2.2 above.

**2.3 Action by DRB.** The DRB will meet regularly to review all plans submitted for approval. The DRB may require submission of additional material and may postpone action until all required materials have been submitted. The DRB will contact you, in writing or by phone, if the DRB feels additional materials are necessary or if it needs additional information or has any suggestions for change. The DRB will act on the plans within 30 days after receipt of all materials required by the DRB (unless the time is extended by mutual agreement). A written response of the decision of the DRB will be sent by mail within five (5) days of the DRB decision. The DRB may extend the time frame up to an additional 20 days upon notification of the applicant. The DRB shall communicate with the applicant within 30 days or the submittal shall be deemed to be approved. The DRB will not return submittal plans but may return material samples at its sole discretion.

**2.4 Review of Work in Progress and/or Completion of Work.** The DRB may review all work in progress and/or at the completion of work to the extent required to ensure that the construction or work complies with any and all approved plans and construction procedures. Absence of such reviews or notification during the construction period does not constitute either approval by the DRB of work in progress or compliance with these Design Guidelines or the Declaration of Covenants, Conditions and Restrictions. The DRB may withdraw approval of any project and

require all activity at such project to be stopped, if deviations from the approved plan or approved construction practices are not corrected or reconciled within ten (10) days after written notification to the Builder or Owner specifying such deviations or such longer period as the DRB may specify. Any DRB visits are in addition to standard inspections required by other jurisdictions throughout the construction process.

**2.5 Enforcement.** As provided in the Declaration, the DRB shall have primary authority to enforce the provisions of these Design Guidelines. If an Owner fails to perform or observe any covenant, condition, or requirement imposed by the DRB or these Design Guidelines, the Association may, after Notice and Opportunity For Hearing, sanction the Owner pursuant to the Enforcement and Remedies provisions set forth in the Declaration.

**2.6 Certification of Accuracy.** The DRB, at its sole discretion, may require the Builder to provide a Certificate of Accuracy from a registered licensed Surveyor (hired by the Builder) attesting to the accuracy of the following:

1. The building foundation is located as approved (+2' tolerance) by the DRB in the final approved plans.
2. The building foundation elevation is as approved (+9" tolerance) by the DRB in the final approved plans.

The certificate must be in the form of an improvement survey showing dimensions of foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of top of foundation walls. Points at which elevations are taken must be clearly identified and correlate with location of top of foundation as shown on the final approved plans.

**2.7 Rights of Appeal.** Any Builder or Owner aggrieved by a decision of the DRB may appeal the decision to the Board of Directors in accordance with procedures to be established by the Board of Directors. Such appeal shall be in writing and shall be filed within thirty days after the decision of the DRB. In the event the decision of the DRB is overruled by the Board of Directors on any issue or question, the prior decision of the DRB shall be deemed modified to the extent specified by the Board of Directors and such decision, as so modified, shall thereafter be deemed the decision of the DRB. If not appealed, or as so modified or affirmed, the decision of the DRB shall be conclusive and binding on all interested parties.

**2.8 Effect of Governmental and Other Regulations.** Approval of plans by the DRB shall not be deemed to constitute compliance with the requirements of any local, zoning, safety, health or fire codes; and shall be the responsibility of the Builder or Owner or duly authorized representative submitting plans to assure such compliance. Nor shall approval waive any requirements on the part of the Builder or Owner or his representative to comply with setbacks, height restrictions, or other requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the DRB and local jurisdictions, where applicable.

**2.9 Period of Plan Validation.** Final approval of plans is valid for twelve (12) months unless otherwise agreed to by the DRB and the Builder or Owner in writing. Construction must begin within this period. If not, plans must be re-submitted for review by the DRB. A submittal proposing a different dwelling for the same home site requires resubmittal of plans following the requirements as outlined in Section 2.2.1. above.

### **III. Design Guidelines**

#### **3.1 General.**

**3.1.1 Introduction.** Compliance with these guidelines will help preserve the inherent architectural and aesthetic quality of Pheasant Trail Estates. It is important that the improvements to property be made in harmony with and not detrimental to the rest of the community. A spirit of cooperation with the DRB and neighbors will go far in creating an optimum environment which will benefit all homeowners. By following these Design Guidelines and obtaining approvals for improvements to property from the DRB, Builders and Owners will be protecting their financial investment and will help insure that their improvements to property are compatible with the standards established for Pheasant Trail Estates.

**3.1.2 Utility Easements.** Easements are located throughout the subdivision for installation and maintenance of utilities and drainage facilities. No grading, structures, plantings or other materials that may damage or interfere with utilities or drainage shall be permitted within easements. Easements must be re-vegetated as necessary.

#### **3.2 Site Development Standards**

**3.2.1 Building and Setbacks.** No building shall be constructed on a Lot other than one (1) detached single dwelling with an attached two (2) or three (3) stall garage and one detached building not used for residential purposes and not to exceed 1,200 square feet with exterior walls not to exceed fourteen feet (14') in height above ground level, including stem walls, and not to exceed a roof height of twenty-two feet (22') above existing ground level. Exterior siding and roofing of detached building shall match the dwelling on the Lot and be located in the rear yard of the dwelling. No detached building shall be constructed on a Lot unless and until a dwelling has first been constructed thereon or the Lot Owner has entered into a written contract with an Approved Builder for immediate commencement of construction of the dwelling on the Lot. Building setbacks shall comply with applicable Nez Perce County requirements as well as any other site specific restrictions, such as drainage and utility easements. Any variances to the setbacks can be granted only by the governing review authority.

**3.2.2 Minimum Floor Area.** No dwelling shall be constructed on a Lot unless (i) the enclosed ground-floor area thereof is at least 1,600 square feet for a single story dwelling and (ii) the combined, enclosed areas of the top two (2) levels is at least 2,300 square feet for a two-story dwelling and a split level dwelling. DRB, at its discretion, may reduce minimum floor area requirements if other Improvements on a Lot add substantial value to the Lot.

**3.2.3 Maximum Building Coverage.** Maximum coverage by structure(s) is 50% for Lots less than one acre in size and 30% for Lots one acre or greater in size, as measured according to Nez Perce County standards.

**3.2.4 Permanent Buildings.** All buildings on a Lot shall be of permanent, non-mobile construction, and no building on a Lot shall consist in whole or in part of a house-trailer or mobile home of any type whether or not converted to a permanent structure.

**3.2.5 Grading, Drainage, and Erosion Control.** All buildings must be designed to fit the finish contours of the Lot without excessive grading. No grading shall extend beyond existing property lines of the Lot without expressed written permission of the DRB and adjacent Owner. Upon completion of any residence or associated structure(s), the site shall be final graded in a

manner so as to insure positive drainage away from the structure's foundation. Any improvement which creates an obstruction to surface flows resulting in a back-up of water onto a neighboring lot or tract is strictly prohibited. It is the responsibility of the Builder and Owner to insure that proper drainage around the home is provided and maintained. When installing landscaping, it is very important to insure that water drains away from the foundation of the structure and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks, and driveways. Water should fully flow over walkways and driveways into a stormwater recharge drainage facility. During all site construction, techniques for controlling erosion within the Lot and onto other Lots shall be mandatory and strictly enforced by the DRB.

**3.2.6 Driveways and Parking.** Construction, extension, expansion, or resurfacing of driveways requires DRB approval. A driveway on a Lot constructed of concrete or asphalt must be completed within six (6) months of first occupancy of the dwelling on the Lot unless an extension is approved by DRB for good cause. On corner Lots, the driveway shall be set back from the corner a minimum of 25 feet from the intersection of the corner street property lines.

One culvert will be allowed to service a residence with a minimum width of 20' and maximum width of 30'. A second culvert will be allowed for a circular drive or access to a shop from a side yard providing it is fronted by a side street, meeting the same requirements as above. This is a standard set by the Nez Perce County Road Department. Culvert diameter will be specified by the DRB.

A minimum of four off-street parking spaces per Lot shall be provided including a minimum of two spaces within a fully enclosed garage. On street parking is restricted to approved delivery and pickup, short-term guests and invitees and shall be subject to DRB regulation.

### **3.3 Landscaping Standards.**

**3.3.1 General.** It is the intent of these landscape guidelines to promote a refined, quality landscape treatment for Lots which will enhance their appearance and harmonize with the surrounding neighborhood. The landscape concept for each Lot should include development of substantial foundation plantings at the front of homes, outdoor use areas, street trees, lawn and shrub bed

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plantings that blend with neighboring properties, landscape screens and buffers where necessary or desired. Plant growth habits and mature sizes should be taken into consideration when considering spacing and location of trees, shrubs and groundcovers. Large deciduous shade trees and evergreen trees should generally be spaced 25'- 35' apart and at least 10'-15' away from structures. Generally, small to medium sized shrubs should be spaced 3'-5' apart and large shrubs spaced 5'-6' apart. No artificial vegetation is permitted outside a building on a Lot.

**3.3.2 Water Conservation.** In the landscaping of residential lots, it is urged that plant materials, irrigation systems, and maintenance practices be utilized which conserve water. It should be noted that using xeriscape landscaping practices, a more traditional "green" appearance can still be achieved while using much less water than typical suburban residential landscapes.

**3.3.3 Landscape Irrigation.** An automatic irrigation system is recommended. Because water conservation is a desired community goal, system designs should utilize the most current state-of-the-art water conservation technologies. Digital controllers, drip irrigation, low water consumption irrigation heads and micro-jet spray heads are just a few examples of the technology currently available. Watering is recommended to be done in the early morning or evening.

**3.3.4 Landscape Safety.** Landscaping shall not be placed or permitted on any Lot that creates a traffic or sight problem for vehicle operators and/or pedestrians.

**3.3.5 Patios, Decks and Paving Materials.** Patios, decks and other paving materials should be compatible and harmonious with the structure and surrounding neighborhood and must be an integral part of the landscape architectural design. Material and colors must be compatible with those of the main structure. Natural wood decks shall be permitted with any type of building material. It is recommended that paving materials be earth tone colors.

**3.3.6 Retaining Walls.** Retaining walls may be used to accommodate or create changes in grade. Walls must be properly anchored to withstand overturning forces and should incorporate weep holes into the wall design to permit water to be released

behind them. Walls may not exceed four feet in height and should be located so as to not alter existing drainage patterns.

**3.3.7 Vegetable Gardens.** Vegetable gardens must be located in the rear or side areas of the Lot so that both the garden and its accessory operating areas are substantially screened from view of adjacent homes and public areas.

**3.3.8 Landscape Maintenance.** All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plant material, elimination of weeds and undesirable grasses, and removal of trash.

#### **3.4 Other Site Improvements.**

**3.4.1 Accessory Structures.** Accessory structures, such as storage sheds, gazebos and greenhouses shall be located in the rear yard. Requests for approval will be reviewed on a case-by-case basis, taking into consideration the lot size, square footage of the home and proposed location of the accessory structure. Generally, the accessory structure should not exceed 80 sq. ft. in size and 8 ft. in height. Storage sheds should typically be located close to the main structure. It is important that the massing and scale, as well as forms, materials and other detailing be coordinated with the main structure(s) on the home site. Gazebos must be an integral part of the landscape plan. Greenhouse structure approval will be based on, but not limited to, the general aesthetics, quality, and permanence of materials used. No prefabricated metal sheds will be allowed

**3.4.2 Awnings/Patio Covers/Shutters.** Awning, patio covers, and shutter colors must be complementary to the exterior color of the home. Patio covers must be constructed of wood or material generally complementary to the home and be similar or complementary in color. Support posts for patio covers must be a minimum 6"x 6" in size.

**3.4.3 Basketball Hoops (Portable and Permanent).** Requests for free standing, pole mounted basketball hoops will be considered by the DRB in the front yard along the side of the driveway only or in side and rear yard areas subject to the following considerations: proximity to the property lines, proximity to the neighbor's living areas, landscaping and vehicles.

**3.4.4 Dog Runs/Dog Houses.** The DRB may allow dog houses and/or dog runs on a case by case basis. The location and size of the dog house or dog run will be determined with consideration given impact on adjacent properties and streets. Generally, dog houses should not exceed 4' in height and should be compatible with the home in material and color. Dog run areas should not exceed 300 square feet in size and fence height should not exceed 5 feet. The dog run fencing should be located immediately adjacent to the home and be compatible with the home in material and color. Chain-link fencing shall not be permitted.

**3.4.5 Exterior Lighting.** DRB approval may be required for exterior lighting. In reviewing lighting requests the DRB will consider the visibility, style, location and quantity of the light fixtures. Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties.

**3.4.6 Exterior Mechanical Equipment.** No exterior mechanical equipment shall be erected on any Lot without the specific approval of the Design Review Board. Ground level and window air conditioning units, including swamp coolers, must be installed at street level only, must be located in a side or rear yard only, and must be screened from adjacent properties.

**3.4.7 Fencing.**

1. Yard Fencing: An open rail-type, wood or vinyl fence, 3'-6' in height shall be allowed along property lines in the rear and side yard areas only (not extending beyond the front of the home). Welded wire mesh may be installed on the inside of the fence. Finished fence sections should face outward from the property. Chain-link fencing shall not be permitted. Staining, painting or treating wood is allowed, as approved by the DRB.

2. Privacy Fencing: The DRB may allow solid privacy fencing surrounding or shielding patios and decks on a case-by-case basis. The location and size of the privacy fence will be determined with consideration given its impact on adjacent properties and streets. The privacy fence should not exceed 5' to 6' in height and should be compatible with the home materials and color. Privacy fence may be stained, painted or treated to be compatible with the color of the home.

**3.4.8 Holiday Decorations.** Holiday decorations and/or lighting attached to the home or located on the property may be installed up to 30 days prior to the holiday and shall be removed no later than 30 days following the holiday.

**3.4.9 Hot Tub/Jacuzzi.** Hot tubs and jacuzzis should be designed as an integral part of the deck or patio area and must be located in the side or rear yard area, must be installed in such a way that is not immediately visible to adjacent property owners and does not create an unreasonable level of noise for adjacent property owners.

**3.4.10 Painting/Repainting.** DRB approval is required for all exterior painting or repainting of the dwelling, detached building and accessory structure(s). The submittal must contain the manufacturer's paint chips with name and code number. Approval will take in consideration, but not be limited to, the color tone and brightness, the home's architecture, stone or brick accents, roofing color, compatibility with other body/trim color, and color of neighboring properties. All exterior finishes should be subdued in earth tones such as grey, green, brown, muted blues or reds, or other similar colors. White, primary colors, and other bright colors shall be permitted as accent colors only.

**3.4.11 Play and Sports Equipment.** Play equipment should typically be located in rear yard areas and set back a minimum of five (5) feet from property lines. Consideration shall be given in the location of play equipment so as not to create an undue disturbance on neighboring properties. Play equipment shall be of predominantly muted, earthtone colors and shall not exceed eight (8) feet in height unless otherwise approved by the DRB. Play equipment or items used for front yard play should be stored out of view when not in use.

**3.4.12 Recreational, Commercial Vehicles and Inoperable.** Other than lawful operation on public streets and rights-of-way or private driveways, no motor bike, motorcycle, snowmobile, golf cart, moped, three-wheeler or other motorized vehicle may be operated on a Lot. No commercial vehicle, house trailer, camper, camping trailer, motor home, horse trailer, boat, hauling trailer of any nature, truck larger than one (1) ton, self-contained recreational vehicle (commonly referred to as an "RV"), snowmobile, jet-ski, motocross motorcycle, three-wheeler

or other recreational equipment or vehicle or associated accessory shall be parked on any portion of Filing 1 of Pheasant Trail Estates, including Lots, parks and trails, for longer than 96 hours in any four-week period, other than in a covered, enclosed structure approved by the DRB or for purposes of loading and cleaning (but not repair). No vehicle maintenance or repair (including without limitation, changing of oil) shall be conducted within Lot (other than in cases of emergency, such as changing of a flat tire occurring), unless conducted in compliance with all applicable laws within an enclosed garage or other structure. No inoperable or dismantled vehicles shall be parked on the street or parked or stored on a Lot except in an enclosed, garaged or detached building.

**3.4.13 Roof/Rooftop Equipment.** Roofing color should be complementary to other colors on the home. Rooftop equipment, such as flues and vents, must be approved and be painted a color similar or complementary to the exterior of the home and installed to minimize the visibility of the equipment from the street. Air conditioning units must be ground mounted.

**3.4.14 Satellite Dishes/Antennae.** Two satellite dish/antennae may be installed on a residential lot subject to the following conditions:

1. The satellite dish/antennae is two-feet or less in diameter.
2. To the extent feasible, the satellite dish/antennae should be placed in the rear or side yard in such a manner that it is screened from adjacent street(s) and neighboring properties.
3. The satellite dish/antennae should be installed at the lowest possible placement, utilizing ground level siting (unless a signal is unattainable).
4. The dish/antennae may be required to be painted to match the surrounding environment or screened with a reasonable amount of plantings to minimize its visual impact to surrounding areas.

**3.4.15 Screen/Security Doors and Windows.** DRB approval is not required for the addition of screen doors or storm windows added to a home if the material and color matches or is similar to existing doors and windows on the home. Security treatments for doors and windows must be approved by the DRB.

**3.4.16 Signs/Address Numbers.** Temporary signs advertising property for sale or lease which are no more than four feet in height and no more than two feet by three feet in dimension, and which are conservative in color and style may be installed on the lot without DRB approval provided there is no more than one sign per lot. All trade signs, which includes, but are not limited to, landscaping, painting and remodeling, may only be displayed while work is in progress and must be removed upon completion of the job. All other signs, including address numbers and name plate signs must be approved by the DRB. Lighted signs will be considered by the DRB on a case-by-case basis only.

**3.4.17 Solar Equipment/Skylights.** All solar equipment and skylights shall also be incorporated into the structure and building mass and be architecturally compatible with the residence.

**3.4.18 Swimming Pools.** No above ground swimming pools except for small, portable, inflated pools for children will be allowed. Request for below grade swimming pools will be reviewed on a case-by-case basis by the DRB with consideration given to, but not necessarily limited to, the size of the yard area, setback from impact on neighboring properties, and size of pool enclosure.

**3.4.19 Yard Ornaments.** Yard ornaments, including but not limited to, birdbaths, birdhouses, fountains, sculpture, statues, flags and banners, require DRB approval. Location of yard ornaments in the front yard is discouraged. Flags or banners shall not be larger than 3' x 4' in size and shall be house mounted only.

### **3.5 Architectural Standards.**

**3.5.1 General.** No mandatory architectural "style" is required for Filing No. 1 of Pheasant Trail Estates. However, it is the intent of these standards that residential design solutions develop proportions and details appropriate to the home site and neighboring properties. To this end, careful scrutiny will be given to the massing, proportions, overall scale and the homes' materials, color and textures. To accomplish this goal the following minimum architectural standards shall apply to both new home construction and home remodels or renovations.

**3.5.2 Massing.** In reviewing the forms of a proposed building, careful scrutiny will be given to the massing, proportions, and overall scale of the building in relation to the building site. The DRB will encourage designs that reduce building scale and increase individuality and diversity.

Large, unbroken planes are not considered in keeping with the desired scale of the development. Therefore, wings at building comers, courtyards, stepped walls, integrated decks with well designed and proportioned railings, and covered entries are encouraged to develop well balanced massing. This will avoid a "three-story look" that will be reviewed with disfavor by the DRB. Upper floor levels which are smaller than the building footprint are encouraged in order to reduce overall building scale. The DRB will also be reviewing the location, type, and size of door and window openings for their effect on proportions and continuity. Side elevations of the home which are prominently viewed from public streets, parks or other public areas will be given equal importance and must maintain the continuity of the building massing and detailing.

**3.5.3 Walls and Openings.** The walls of a building are an important part of its overall visual impact and should be carefully detailed. Siding and trim materials should be consistently used throughout the building. The connection from the walls to the foundation should be treated such that the foundation becomes a very minor element. Location, type and size of window openings should be carefully considered for effect on proportions, continuity, and illumination. Entries should be well articulated but at a human scale. Recessed openings at doors and windows are strongly encouraged to lend shadow and detail.

**3.5.4 Architectural Detailing.** In order to add definition and break up flat planes of walls the use of architectural elements to create shadow lines is encouraged to be incorporated in the design of the home. Architectural elements to accomplish this definition include recessed windows, deep eaves and offset wall planes, window shutters, well proportioned porches with brackets, trellises and arbors, decks, detailed fascias, belly bands, and the like.

**3.5.5 Maximum Building Height.** Building height and profile should be in scale with the surrounding structures and topography. The maximum height of dwellings, not including chimneys, flues, roof vents, skylights or other similar roof

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extensions, is 35 feet as measured according to Nez Perce County standards.

**3.5.6 Exterior Materials.** Siding must be made of cedar, cedar wood, brick, stucco, vinyl, aluminum, masonite, insulated concrete forms, approved metal, split cedar shakes or other DRB approved material. To anchor the residence to the site and provide a continuity of materials, the exterior front elevation wall surface may incorporate a second material, such as stone, cultured stone or masonry. An exception to this requirement shall be made for homes clad entirely with stucco. Wrapping building masses, expressing chimneys and detached columns in stonework adds visual interest. Use of bright, unfinished, colored, reflective or mirrored surfaces or glass is not permitted. Not more than 8" of concrete foundation walls shall be exposed unless faced or finished to blend with the general architectural design of the building.

**3.5.7 Roofs.** The roof form is the most prominent visual element of a home and central to define its architectural character. Therefore, the form and materials used to create a building's roof will be carefully reviewed by the DRB. Styles such as; gable, hip, and shed roofs will generally be acceptable for residential construction, while mansard, gambrel, flat and A-frame roofs are strongly discouraged. Care must be given when combining roof forms to maintain the integrity of the architectural forms. Well detailed fascia and eaves treatment serve to frame the roof as a strong design element. Roofing materials must be considered with respect to harmony of color and texture with other materials on the home and adjacent properties. Roofing must be made of laminated asphalt, cedar shake, approved metal or other DRB approved material.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. must be carefully located and finished to complement other elements of the design. Except for copper roofing over bay windows, unfinished and exposed metal detailing will not be allowed. Flues and vents must ultimately be located out of view of the front of the home.

**3.5.8 Decks.** Decks must maintain the overall form and be a natural extension of the architecture. Decks and balconies must be integrated into the building through the use of similar materials and detailing. Deck supports must have a substantial scale that visually anchors them to the ground and should be a minimum 6"x 6" in size and placed at least 30" deep on caissons.

#### IV. Construction Regulations

**4.1 General.** In the interest of all Builders and Owners, the following regulations shall be enforced during the construction period. These regulations shall be a part of the construction documents contract for each residence, and all Builders and Owners shall abide by these regulations.

**4.2 OSHA.** All applicable OSHA regulations and guidelines must be strictly observed at all times.

**4.3 Construction Hours.** Construction hours shall be between the hours of 7:00 A.M. and 7:00 P.M., Monday through Saturday. No construction shall be permitted on Sundays. Variances will be allowed in summer months to permit earlier starts due to operations affected by weather.

**4.4 Construction Access.** Declarant may designate specific access points for exclusive and limited use by construction vehicles.

**4.5 Construction Trailers, Sheds or Temporary Structures.** All construction shelters shall be approved by the DRB as to their size, configuration, and location. All temporary structures shall be removed upon completion of construction.

**4.6 Excavation.** Excess excavation material shall be removed from the Lot and shall not be placed in common areas or on roads. Excavation, except for utility trenching, shall be on the Owner's Lot only. Contractors are prohibited from spreading excess debris or material over the remainder of the Lot, roadway, other property, or any other Lot without DRB approval.

**4.7 Debris and Trash Removal.** Regular cleanup of the construction home site is mandatory. All trash and debris shall be stored in a fenced trash disposal area and shall be removed from the trash disposal area on a weekly basis or when full. All soil and debris flowing into the street(s) or open spaces from the construction home site shall be cleaned as needed. All trash must be disposed of off site on at least a weekly basis.

**4.8 Vehicles and Parking.** All vehicles must be parked so as not to inhibit traffic or damage surrounding natural landscape. Vehicles shall not be left on community roads overnight. The DRB may designate, at time of plan review or during construction,

specific areas for parking of construction workers vehicles and/or equipment.

**4.9 Pets.** Contractors, subcontractors, and employees are prohibited from bringing dogs and other pets to the construction home site.

**4.10 Blasting.** If any blasting is to occur, the contractor shall be responsible for informing all residents in the proximity of the blasting site.

**4.11 Restoration and Repair.** Damage to any property other than the Lot Owner's shall be promptly repaired at the expense of the person or entity causing the damage.

**4.12 Dust, Noise and Odor.** Every effort shall be made to control dust, noise (including the personal use of radios, CD and tape players), and odor emitted from a construction area. The contractor will be responsible for watering, screening or oiling dust problem areas as well as controlling noise and offensive odors from the home site.

**4.13 Prohibited Uses and Activities.** The following items are prohibited in this community:

1. Changing oil of vehicles and equipment without proper receptacles and removal procedures.
2. Concrete equipment cleaning or concrete dumping shall be confined to the home site and shall be removed prior to completion of home or a designated wash-out area.
3. Removing any rocks, trees, plants, or topsoil from any portion of the property other than the Owner's Lot.
4. Careless treatment of trees or open space areas.
5. Use of spring, surface, or irrigation water for construction purposes.
6. Signs other than approved construction or real estate signs.
7. Careless use of cigarettes or flammable items.
8. Firearms.
9. Open fires.
10. On home site dumping of trash or EPA controlled substances.
11. Careless or reckless driving.
12. Driving across any open space or non-designated construction areas.
13. Illegal drugs.

## V. Miscellaneous

**5.1 Nonliability.** DRB approval pursuant to these Design Guidelines does not approve or guarantee engineering design or compliance with law and applicable governmental ordinances or regulations (such as zoning and building ordinances), and does not reflect any representation by the DRB as to such matters. By approving plans and specifications, neither the DRB, its members, the Association nor the Declarant assumes any liability or responsibility for engineering design or compliance with law and applicable governmental ordinances or regulations or any other matter relating thereto, other than these Design Guidelines. Neither the DRB, its members, its agents, the Association, the directors of the Association, the Declarant, nor any successors, assigns, agents, employees or officers of them shall be liable to any Owner or other person for any damage, loss, or prejudice suffered or claimed on account of: (1) approval or disapproval of any plans, (2) performance of any work, whether or not pursuant to approved plans, drawings and specifications: or (3) development of any property within the subdivision.

**5.2 Legal Basis for the DRB.** The process for establishing the DRB and defining the specific duties and powers conferred on it is defined in the Master Declaration of Covenants, Conditions and Restrictions for Pheasant Trail Estates.

The Master Declaration of Covenants, Conditions and Restrictions are recorded in the office of the Clerk and Recorder of Nez Perce County, Idaho. All Owners and builders should refer to the recorded documents for the complete text of the Declaration. This Declaration is the basis of the authority for these procedures and is legally binding.

The Declaration of Covenants, Conditions and Restrictions will control if there are any discrepancies between the Guidelines and the Declaration.

**5.3 Aesthetic Considerations.** Aesthetic considerations relating to any improvement or other matter that is addressed in these Design Guidelines are within the scope of the design review process, and the DRB may deny or condition any application or request before it on the basis of aesthetic considerations, including the design theme for the development and specific areas within the development as well as the aesthetic

consistency of a proposed improvement or other matter with the surrounding landscape and structures.

## **VI. Definitions**

### **6.1 Basic Definitions**

**Association:** means Pheasant Trail Estates Homeowners' Association, Inc., an Idaho nonprofit corporation, and its successors and assigns.

**Board of Directors:** means the Board of Directors of the Association.

**Builder:** means any Person or Approved Builder as defined in the Master Declaration of Covenants, Conditions and Restrictions now or hereafter acquires a Lot for the purpose of constructing a dwelling thereon for resale to a third party.

**Declarant:** means Red Pheasant Holding, LLC, an Idaho limited liability company, together with its successors and assigns.

**Declaration:** means the Master Declaration of Covenants, Conditions and Restrictions for Pheasant Trail Estates, as it may be amended or supplemented from time to time, together with the subdivision plats, final development plans and other recorded instruments that create or modify the planned community known as Pheasant Trail Estates.

**Design Guidelines, Rules and Regulations:** means any instruments adopted by the Declarant for the purpose of establishing guidelines, rules, regulations, and procedures relating to the architectural design, exterior appearance of all dwellings, and any improvements or alterations made on any lot, as the same may be amended or supplemented from time to time.

**Design Review Board (DRB):** means the committee established by the Board of Directors to regulate the design and construction of improvements on Lots. The DRB shall consist of such odd number of regular members and alternate members as the Board of Directors may designate.

**Improvement:** means any landscaping, improvement, structure or appurtenance of every type and kind, including, without limitation, grading, excavation and filling or similar

disturbance to the surface of the land; landscaping features; clearing or removal of trees, shrubs, grass or plant; satellite dish; antenna; dwelling units; buildings; outbuildings; swimming pools; tennis courts; basketball hoops, skateboard ramps and other recreational improvements; patios and patio covers; decks; awnings; exterior paint, trim and other finish materials; solar collectors; dog runs; dog houses; walkways; trails; additions to existing structures; sprinkler systems; garages and carports; driveways; paving and gravel; fences; walls (whether for screening or retention); stairs; exterior lighting; signs; exterior tanks and utilities (whether for air conditioning, cooling, heating, water softening or any other purpose); or any change to any of the forgoing or any other exterior addition which may be visible from a public right-of-way or another Lot.

**Owner:** means the record holder of legal title to the fee simple interest in any Lot or portion thereof (including, without limitation, Declarant and any Builder).