

# **EXHIBIT A**

## **OLD CUTTERS SUBDIVISION DESIGN GUIDELINES**

## **1. INTRODUCTION**

The following Design Guidelines describe the considerations the Design Review Committee ("DRC") will apply in reviewing the site planning, architectural design, and landscaping plans for your new home in Old Cutters Subdivision (the "Subdivision"). They also detail the Construction Regulations that your builder must observe while your home is under construction. 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 DRC itself.

There are a few general points you should keep in mind when reading these Guidelines. First, remember that the DRC's responsibility is to accommodate creativity and appropriateness of home design while maintaining standards of 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. This approach has left a relatively large area open for the DRC's judgment. In exercising that judgment, the DRC will use its best efforts to make decisions in keeping with the design objectives of the Subdivision. However, there may be individual decisions affecting your home or others with which you do not agree. Hopefully, there will be very few of those and you will understand the difficult balances that must be made. But please let the DRC know your thoughts, because its goal is to build a community of which you are tremendously proud.

Second, the focus of these Guidelines is the outward perception of the Subdivision, 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 street, common areas of the Subdivision or from neighboring properties.

## **2. SITE PLANNING**

The following Guidelines are intended to ensure environmentally sound and aesthetically pleasing development at the Subdivision, in harmony with the natural environment and with itself.

### **A. FENCES AND WALLS**

Fencing (other than front and side perimeter fences) must be designed to appear as an extension of the architecture and architectural materials and used only where necessary. Fences utilized as sight screens must be conceived as an integral part of the overall design of the building and not simply a tacked-on element dictated solely by function. Fences along property boundaries that front streets shall be limited to 42 inches in height.

It is understood that walls or fences may define pet runs or small yards, courtyards or terraces attached to the residence for the purpose of privacy. Privacy or screen walls must not exceed five 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 is

discouraged and may not be used without specific approval of the DRC. Chain link or wire fencing is prohibited.

#### B. DECKS

Decks should be very carefully designed to preserve the beauty of the home as seen from the adjacent street. 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 will not be acceptable.

#### C. EXTERIOR LIGHTING

Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from the view of bright light sources. No floodlighting will be permitted, and 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 will be encouraged, while more ornate lighting types such as colored lights (except temporary holiday lights) or extensive yard lighting will be prohibited. Along the same lines, exposed light sources are not permitted in favor of a softer downlighting that reduces glare and better lights the surfaces of roads and walks. No driveway lighting fixtures will be permitted, other than the lot identification sign, within 50 feet of roadways. Finally, all outdoor lighting must comply with any applicable provisions of the City of Hailey Zoning Ordinance.

#### D. OUTDOOR STORAGE

Outdoor areas housing trash containers, firewood, or maintenance or service equipment such as lawnmowers and snow blowers or overflow storage shall be screened from all adjacent properties by a wall or fence conforming with Section A above.

#### E. HEATING AND COOLING EQUIPMENT

No roof mounted or wall mounted heating or cooling equipment visible to others will be permitted. Any exterior heating and/or cooling system components must be ground mounted adjacent to the residence and hidden from view of the roadway, or neighboring properties. Such equipment must also be insulated for noise so as not to be heard from neighboring properties.

#### F. UTILITIES

Utility services for electrical, telephone, cable and gas 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. All disturbed areas of the site must be treated as described in Section 3 of these Guidelines. All meter panels must be placed in an enclosure so that they are not visible. The gas meter shall be screened by landscaping.

### **3. ARCHITECTURAL DESIGN**

#### **A. GENERAL ARCHITECTURAL CHARACTER**

Residences in the Subdivision are intended to look like the older, traditional homes in Old Hailey

#### **B. ROOFS**

Roofs for all structures except entry porches shall be no flatter than 6:12 pitch and no steeper than a 12:12 pitch. Entry porch roofs may be flatter than a 6:12 pitch. Every roof must have a minimum of a one (1) foot overhang. Permissible roof materials are limited to non-reflective materials.

#### **C. FRONT PORCHES**

A front porch must be constructed facing the street and be a minimum of six (6) feet by twelve (12) feet in size for every single family home and duplex townhouse unit.

#### **D. GARAGES**

Garages must be located off and accessed from an adjoining alley. If there is no adjoining alley for access, then garage doors must not face the adjoining street. Garages which are accessed from an alley shall be setback to allow for snow storage. If the garage is oriented perpendicular to the alley it shall be setback at least twenty (20) feet. If it is oriented parallel to the alley it shall be set back at least ten (10) feet.

#### **E. CHIMNEYS**

Due to fire danger, all chimneys must be equipped with a U.L. or I.C.B.O. approved spark arrestor, including outdoor fireplaces.

#### **F. SOLAR APPLICATIONS**

Passive solar design is encouraged. Active solar applications can result in excessive glare and reflection, and will only be approved by the DRC if the hardware is integrated into the structure or landscaping of a lot.

G. EXTERIOR MATERIALS

Fascia, window and corner trim shall be a different color than the body of the house.

H. WINDOWS

All windows which face a street must be taller than they are wide.

I. CHANGES, ALTERATIONS, OR ADDITIONAL CONSTRUCTION

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

Required information for Design Review Application Submittal shall be as described in Paragraph 6B.

**4. LANDSCAPING**

Following are specific guidelines for landscaping of home sites.

A. IRRIGATION

Yardscape and private areas of each site shall be fully irrigated with an underground sprinkler system with automatic controls. Sprinkler systems will be zoned to minimize water use. When possible trees and shrubs will be dripped or bubbled.

B. NOXIOUS WEEDS

C. Owners shall remove from their lot plants designated as noxious weeds in accordance with local, state and federal requirements.

D. LANDSCAPE PLANS

Before the installation of any landscaping or any underground sprinkler system begins, a landscape plan and sprinkler system must be submitted to and approved by the DRC. All landscape plans must include trees, the number and type of which must be approved by the DRC.

**5. CONSTRUCTION REGULATIONS**

In order to ensure 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 Subdivision. Any violation of these regulations by an Owner's agent, representative, builder, contractor or subcontractor will be treated as a violation by the Owner.

A. OSHA COMPLIANCE

All applicable Occupational Safety, and Health Act (OSHA) regulations and guidelines must be observed at all times.

B. CONSTRUCTION TRAILERS

Upon commencement of construction a small construction trailer or portable field office may be located on the building site at a location approved by the DRC, clear of all setbacks. The field office may not be placed on-site earlier than two weeks prior to the actual onset of continuous activity. A construction trailer may not remain on a site for a period of time exceeding twelve months without written approval of the DRC.

C. TRASH RECEPTACLES AND DEBRIS REMOVAL

Owners and builders shall clean up all trash and debris at the end of each day. An approved trash receptacle must remain on the site at all times 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(s)-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 off-site facility. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the site or elsewhere in the Subdivision. 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 washout from both trucks and mixers must occur within the building envelope of the lot in a location where it will be ultimately concealed by structure or covered by backfill. Washout 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 clean-up costs incurred by the DRC or the Association in enforcing these requirements shall be payable by the Owner. The DRC may use the Compliance Deposit described in Section 6 of these Guidelines to pay any costs it may incur in this connection.

D. SANITARY FACILITIES

Each Owner or builder shall be responsible for providing adequate sanitary facilities for construction workers. Portable toilets must be located within the building envelope, clear of all setbacks.

E. DUST AND NOISE CONTROL

The contractor shall be responsible for controlling dust and noise from the construction site, including the removal within 24 hours of dirt and mud from public or private roads that is the result of construction activity on the site.

F. 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 DRC, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

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

G. DAILY OPERATION

Daily working hours for each construction site shall be from 30 minutes before sunrise to 30 minutes after sunset. Construction activity which generates excessive noise, such as hammering, sawing, excavation work, concrete delivery, etc., must be confined to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 7:00 p.m. on Saturday. Noisy activity should be curtailed on Sunday of each week.

H. 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. Construction personnel should not invite or bring family members or friends, especially children, to the job site.

I. CONSTRUCTION INSURANCE REQUIREMENTS

All contractors (including Owners acting as their own contractor) and subcontractors must post evidence of insurance with their Lot Owner and the DRC, prior to entering the construction premises. Confirmation shall be evidenced in the form of a valid Certificate of Insurance naming both the lot owner and the Subdivision as the certificate holders. The required insurance must provide coverage not less than the applicable limits of coverage relating to comprehensive general liability, automobile liability and workmen's compensation. The minimum limits of liability shall not be less than \$1,000,000 each for general liability and automobile liability. General liability coverage shall contain provisions for contractual liability

and broad form property damage. The certificate shall provide for 30-day notice to the certificate holders in the event of cancellation or material change in the limits of coverage.

## **6. DESIGN REVIEW PROCEDURES**

In order 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 DRC. Plans and specifications shall be submitted to the DRC in accordance with the following conference and submittal requirements and review procedures.

### **A. PRE-DESIGN CONFERENCE**

Prior to preparing preliminary plans for any proposed improvement, the Owner and/or the Owner's architect should meet with a representative of the DRC to discuss proposed plans and to resolve any questions regarding building requirements at the Subdivision. The purpose of this informal review is to obtain guidance from the DRC concerning the possibilities and sensitivities of the site prior to initiating preliminary design. These meetings should occur on-site whenever possible.

### **B. PRELIMINARY DESIGN SUBMITTAL**

When the preliminary design is complete, plan submittals must include all of the following and must be presented in two formats. First, two (2) regular sets of blueprint size plans in 24" x 36" format or larger and at a scale appropriate to such size presentation. These sets will be returned to the applicant once the plans have received final design approval. Second, to facilitate handling and storage, a third set of the plans reduced to 11" x 17" paper should also be submitted. This set will be retained by the DRC. No review will commence until the submittal is complete.

1. Site plan, showing the entire property, and the location of the proposed building envelope; the residence and all buildings, driveways, and parking areas; existing and proposed topography, proposed finished floor elevations; and special terrain features to be preserved.
2. Survey of the site, prepared by a registered land surveyor or licensed civil engineer showing lot boundaries and dimensions, topography (2 foot contours or less), major terrain features, edge of pavement or curb, and utility locations.
3. Floor plans showing proposed finished floor elevations.
4. All exterior elevations showing both existing and proposed grade lines, plate heights, ridge heights, roof pitch, and a preliminary indication of all exterior materials and colors.

5. In addition to the exterior elevations in Item 4 above, a "conceptual drawing" showing the most prominent and descriptive view of the home in perspective and on the actual site. This drawing must show all major existing site features and topography in scale. It must also clearly show all architectural elements, with major building elements labeled for identification. (This requirement may be waived if applicant can persuade the DRC that it is not necessary.)
6. If the DRC deems it appropriate due to complexity of design, a study model may be required (same scale as site plan) which accurately depicts all the proposed improvements and their relationship to the site.
7. Any other drawings, materials, or samples requested by the DRC.
8. A design review fee in the amount of \$500.00. An applicant may not advance to Final Design Review unless this fee has been paid in full. This fee may be re-imposed at the discretion of the DRC if excessive resubmittals are necessary to obtain a design which complies with all Design Guideline requirements.

The submittal shall consist of three sets of prints in the formats described above, one of which shall be retained by the DRC.

#### C. PRELIMINARY DESIGN REVIEW

The DRC will review the preliminary plans described in Section B above and will respond in writing no later than 30 days after a submittal is complete.

No Owner, architect or builder shall have the right to attend any meeting of the DRC unless specifically requested by the DRC. Any response an Owner may wish to make regarding the results of a design review must be addressed to the DRC in writing.

#### D. FINAL DESIGN SUBMITTAL

After preliminary plan approval is obtained from the DRC, the following documents are to be submitted for final review in both size formats outlined for the preliminary design review process. No review will commence until the submittal is complete.

1. Site plan, showing the entire property; and the location of the building envelope; the residence and all buildings, and the driveway, and parking areas; existing and proposed topography; finished floor elevations; all protected plants or special terrain features to be preserved; terrain features to be removed; all utility sources and connections; and all site walls, fences, or similar structures.

2. Floor plans showing finished floor elevations.
3. Roof plan showing all roof pitches.
4. Building section, indicating existing and proposed grade lines.
5. All exterior elevations showing both existing and proposed grade lines, plate heights, roof pitch and an indication of exterior materials and colors.
6. Samples, paint chips and photographs or illustrations depicting or describing all exterior materials, finishes, and colors.
7. Complete landscape plan showing location, size, and type of all existing and proposed plants, irrigation system facilities, decorative materials, paving or other impervious surfaces, walls, steps, fences, or borders.
8. On-site staking of all building corners and other improvements, if requested by the DRC.

The submittal shall consist of three sets of prints in the formats described above, one of which shall be retained by the DRC.

#### E. DEFERRAL OF MATERIAL OR COLOR SELECTION

An applicant may wish to delay the confirmation of landscaping plans and final color selections until some point in time after the start of construction in order to better visualize landscape considerations or to test an assortment of potential colors with actual materials intended for use. The DRC will cooperate with the applicant in this regard, provided that no landscape work may be started, nor color or material applied, until such time as the DRC has had the opportunity to review and consent to the final selections. The resubmittal must occur before the placement of any orders for materials in order to avoid potential restocking costs in the event of denial of the submitted item(s). Any Final Design Approval shall be conditional on the Owner obtaining DRC approval of any materials or colors on which approval was deferred at the time of the Final Design Submittal. Application of any material, coating or finish without the requisite resubmittal to the DRC shall have the effect of voiding the Final Design Approval in its entirety.

#### F. SITE INSPECTION

As soon as the submission of final plans is complete, a representative of the DRC will inspect the site to determine that the conditions as depicted in the Final Design Submittal are accurate and complete.

#### G. FINAL DESIGN REVIEW

The DRC will review the final plans and respond in writing within 10 days after the review, but no later than 30 days after a submittal is complete. If, in the opinion of the DRC, the submittal is a logical and direct development of the approved preliminary drawings and is otherwise in compliance with these Design Guidelines, approval will be granted. Should the design be at substantial variance with the preliminary drawings or violate any of these Guidelines, disapproval may result, and a revised submittal will be required.

No Owner, architect or builder shall have the right to attend any meeting of the DRC unless specifically requested by the DRC. Any response an Owner may wish to make regarding the results of a design review must be addressed to the DRC in writing.

#### H. RESUBMITTAL OF PLANS

In the event of any disapproval by the DRC of either a preliminary or a final submittal, a resubmission of plans should follow the same procedures as an original submittal.

#### I. PRE-CONSTRUCTION CONFERENCE

Prior to commencing construction, the builder must meet with a representative of the DRC to review construction procedures and coordinate his activities in the Subdivision.

#### J. COMPLIANCE DEPOSIT

To assure the Owner's and builder's compliance with these Guidelines and their agreement to build all structures, landscaping, and other improvements in complete conformance with approved plans, the Owner shall deliver to the DRC a Compliance Deposit in the amount of \$5,000. This deposit must be delivered prior to commencement of construction and will be held by the DRC until the final release described below has been issued by the DRC. If the Owner or builder fails to comply in any way with these Design Guidelines, with approved plans, or with the Construction Rules described in Section 5, then the funds held as the Compliance Deposit or the native plant protection bond, as the case may be, may be used to pay the costs of correcting such failure.

Any funds remaining in such deposit after the final release has been issued will be promptly returned to the Owner.

#### K. COMMENCEMENT OF CONSTRUCTION

Upon receipt of final approval from the DRC, payment of the Compliance Deposit, and satisfaction of all governmental review processes, 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 18 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.

#### L. INSPECTIONS OF WORK IN PROGRESS

The DRC 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 DRC of work in progress or compliance with these Design Guidelines.

#### M. SUBSEQUENT CHANGES

Additional construction or other improvements to a residence or lot, or changes during construction or after completion of an approved structure, including landscaping and color modification, must be submitted to the DRC for approval prior to making such changes or additions.

#### N. FINAL RELEASE

Upon completion of any residence or other improvement, the Owner shall give written notice of completion to the DRC. Within sixty (60) days of such notification, a representative of the DRC may inspect the residence or other improvements for compliance. If all improvements comply with these Design Guidelines, the DRC may issue a written approval to the Owner, constituting a final release of the improvements by the DRC. Final release is to be issued within 30 days of the final inspection.

If it is found that the work was not done in strict compliance with the approved plans or any portion of these Design Guidelines, the DRC shall notify the Owner in writing of such non-compliance within such sixty (60) day period, specifying the particulars of noncompliance, and shall require the Owner to remedy the same. Thereafter, the provisions of Section 7.6 of the Declaration of Covenants, Conditions and Restrictions for Old Cutters Subdivision (the "CCR's") shall govern the enforcement procedures.

#### O. NONWAIVER

The approval by the DRC 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.

P. RIGHT OF WAIVER

The DRC reserves the right to waive or vary any of the procedures set forth herein at its discretion.

Q. RELATIONSHIP WITH ASSOCIATION

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The DRC shall serve as an agent of the Association concerning the review, enforcement, and other matters described in these Guidelines. All funds held or disbursed as or from Design Review fees, Compliance Deposits, payments of fines, and payment or reimbursements of expenses of enforcing compliance with these Guidelines will be held and/or paid for the account of the Association and will in all instances be the property of the Association.