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The MEADOWS

AT

ROCKY CLIFF

DESIGN GUIDELINES

CONDITIONS, COVENANTS &
RESTRICTIONS

LOTS 10-50 ROCKY CLIFF SUBDIVISION,
according to the map or plat thereof on file and
of record in the office of the Clerk and Recorder
of Flathead County, Montana

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Section A INTRODUCTION

A.1 VISION OF THE MEADOWS AT ROCKY CLIFF

Framed by the spectacular mountains of the Flathead Valley and including more than 10 acres of reserved parkland, Rocky Cliff Meadows is a 46 acre subdivision located just south of Kalispell, Montana. The development consists of single family units located close to town but created in a rural setting. Residents have convenient access to Kalispell, Somers, and Flathead Lake.

A.2 OBJECTIVE OF DESIGN GUIDELINES

The architectural and site development guidelines included herein create a standard that enhances the neighborhood community while maintaining the rural feel of the area. These guidelines are not intended to create unreasonable controls nor dictate a specific design solution. The Design Review Board will consider any worthy variance from the literal translation of the guidelines but will maintain an equitable and consistent application of the intent of the guidelines.

The acceptability of a design will be measured by its sense of fit within each building site and surrounding community. Buildings are to relate to the land, step with the existing grades, and harmonize with the character of the surrounding landscape. The design shall create atmosphere and protect the integrity and value of each investment. Each Owner is responsible for complying with and meeting the spirit and intent of the criteria of the Design Guidelines, Conditions, Covenants, and Restrictions. This includes, in particular, the lot's Building Envelope, the site/building design elements and the construction procedures.

The Design Guidelines, Conditions, Covenants & Restrictions detail the following

- Creation of Rocky Cliff Estates Homeowners Association (RCEHOA)
- Creation of a Design Review Board (DRB)
- Site Development Guidelines
- Building Design Guidelines
- Review & Approval Process

A.3 ROCKY CLIFF ESTATES HOMEOWNERS ASSOCIATION

The Declarant shall create a Homeowners Association to be called the Rocky Cliff Estates Home Owners Association ("RCEHOA"), comprised of all owners of lots in the Rocky Cliff Subdivision. The Rocky Cliff Subdivision consists of the residential development known as The Meadows at Rocky Cliff (Lots 10-50) and the commercial development known as Frontage Park at Rocky Cliff (Lots 1-9).

The Rocky Cliff Estates Homeowners' Association shall be formed at a time to be designated by the Declarant, but no later than when SEVENTY-FIVE PERCENT (75%) of the lots have occupied structures. Each lot owner is required to be a member of the RCEHOA and each lot owner is a member of the RCEHOA by virtue of his acquisition of a lot in Rocky Cliff Estates. The owner or owners of each lot shall be entitled to a single vote per lot in the RCEHOA. Lot owners are encouraged to remain active members of the Homeowners Association. The By-Laws or Articles of Incorporation will provide for the joining of the Association by lot owners, election of a board of directors, and appointment of officers.

The RCEHOA shall be responsible for the care and maintenance of the common properties. Common properties as used herein shall include all designated parkland, common area and roads within the Rocky Cliff Subdivision. Each member's use of the common properties will be governed by such rules and regulations as adopted by RCEHOA. The Board of Directors of the RCEHOA may impose regulations and make reasonable annual assessments to the lot owners of RCEHOA for the cost of operating and regulating the common properties. Assessments may also be collected for enforcement of covenants, regulations and assessments. If an assessment remains unpaid, the Board of Directors may file a lien which shall describe the lot, state the amount of the assessment that has not been paid, and when it was assessed. Before the lien shall be released, the assessment, costs for preparation of the lien and the lien release, and all recording costs must be paid. This lien may also be foreclosed in the manner of foreclosure for mortgages with the prevailing party entitled to attorney fees.

A.4 DESIGN REVIEW BOARD

The Design Review Board (DRB) for The Meadows at Rocky Cliff (lots 10-50) shall consist initially of the Declarant, a technical representative, and a president. The Declarant shall serve as president or may appoint a president. The technical advisor shall only be consulted when requested by the president.

The Declarant may serve as member of the DRB until such time as Eighty (80%) of the lots have occupied structures. At any time prior, the Declarant may withdraw from the DRB by written request to the RCEHOA. If this occurs, or after 80% of the lots have occupied structures, the president of the RCEHOA shall appoint a lot owner within The Meadows at Rocky Cliff to serve as the president of the DRB and a second lot owner within The Meadows at Rocky Cliff to serve as vice-president of the DRB. The technical advisor will continue to be consulted when requested by the president of the DRB or in the event that an unresolved difference between the president and the vice-president of the DRB exists during a design review, the technical advisor will be consulted and may cast a deciding vote. Successors to the DRB shall serve 2-year terms and shall be replaced by appointment by the president of the RCEHOA. The technical representative shall be designated by the Declarant until 80% of the lots have occupied structures. At such time as the Declarant is no longer a member of the DRB, the technical representative may withdraw at any time from membership by written request to the president of the DRB. If the technical representative withdraws from the DRB, or the president of the DRB chooses to replace the technical representative, the president and vice-president of the DRB shall appoint a technical representative. The technical representative shall be an engineer or architect licensed to practice in the state of Montana. The technical representative is not required to own property in The Meadows at Rocky Cliff. The technical representative shall be compensated at normal billing rates for all activities performed while serving as a member of the DRB.

The lot owners, RCEHOA, and DRB shall defend, indemnify and hold the members of the DRB, their employees, and agents harmless from and against any and all claims, demands, causes of action, losses, damages, and settlements, which may be asserted against the members of the DRB arising from or attributable to or caused directly or indirectly by the lot owners, RCEHOA, and DRB members, RCEHOA, and DRB officials, employees or agents; or any negligent or intentional act, omission or misrepresentation by the lot owners, RCEHOA, and DRB members, lot owners, RCEHOA, and DRB officials, employees or agents. If it is necessary for purposes of resisting, adjusting, compromising, settling, or defending any claim, demand, cause of action, loss damage, or liability, or of enforcing this provision, for members of the DRB to incur or to pay any expense or cost, including attorney fees or court costs, the lot owners, RCEHOA, and DRB agrees to and shall reimburse members of the DRB within a reasonable time. Lot owners, RCEHOA, and DRB agrees to and shall give members of the DRB notice of any claim, demand, cause of action, loss damage or liability within ten (10) calendar days.

The Design Review Board ensures that development in The Meadows at Rocky Cliff conforms to the Design Guidelines. The DRB aims to promote good stewardship of the land and sensitive architectural expression that reflects high quality and attention to detail. The DRB is responsible for reviewing and approving all development within The Meadows at Rocky Cliff, from concept to completion. This includes, but is not limited to:

- All new building & site development.
- Any proposed revisions to previously approved plans, prior to or during construction.

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- Any renovation, expansion or refinishing of the exterior of a new structure.
- Any proposed revisions to Building Envelopes.
- Building, site grading, fence, wall, sign, advertisement, road, parking area, loading facility, storage facility, disposal facility, and landscaping or any other improvement.
- Changes made inside a building are not subject to the DRB review process.

The DRB process has been designed to encourage dialogue with owners and their design team early in the evolution of plans. The process is intended to be constructive, not adversarial or unnecessarily restrictive. The owner shall ensure that the development team complies with the general requirements and Design Review Process and shows commitment to respecting the community.

The DRB:

- Requires plan design by a qualified architect or residential designer, with engineering input (geo-technical, structural, mechanical, civil...) and landscape architecture as required. Use of residential designer shall be subject to approval by the DRB.
- The DRB reserves the right to refuse approval of any plans, specifications, or proposed land uses only if such improvements are found to be contrary to the best uses of the development. If approval is granted, a copy of the plans and specifications shall be retained on file by the DRB. Approval shall not be unreasonably withheld.

A.5 WATER & SEWER SYSTEMS

As part of the original development, the Declarant has constructed a community water system for use by all lots within the development. All lots shall be required to connect, as the sole source of water, to the community water system. The community water system will be owned, operated, and maintained by a private operator. Usage fees, operations, requirements and service policy may be obtained from the operator including the requirement for water meters on all lots within The Meadows at Rocky Cliff.

For sewage disposal, all lots owners shall be required to construct and maintain an on-site sewage disposal system in accordance with local, state, and federal requirements. The lot owners shall maintain the on site sewage disposal system in sound operation including cleaning, pumping, and other required maintenance. A private contract operator will be designated for maintenance and sewage disposal of the on-site sewage disposal systems. The contract operator may choose a periodic pumping schedule and maintenance for the onsite system and include charges for pumping in the monthly service bill. This shall not forego the owner's responsibility to properly operate and maintain the on-site system.

All sewage disposal installations shall comply with State and County health regulations, requirements and standards. Any installation which is improperly installed or results in noxious odors, surface waters, or any other unsightly or unsanitary conditions shall be subject to abatement by injunction or other appropriate remedy.

A.6 PURPOSE, USE AND ACTIVITIES

Single Family, Site-built residences

A.7 Modifications

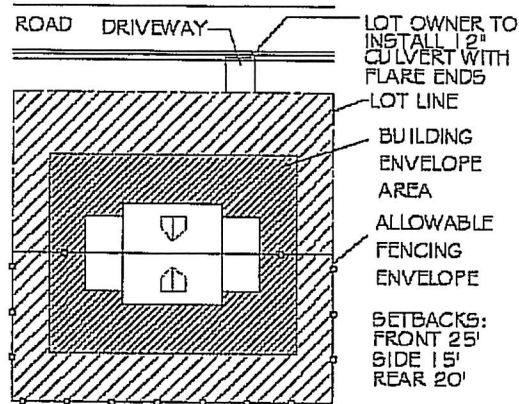
These Covenants, Conditions, and Restrictions shall remain in effect in perpetuity and may only be modified by a written petition signed by not less than 65% of the lot owners.

Section B SITE DEVELOPMENT GUIDELINES

These guidelines reinforce the Zoning Ordinance of Flathead County. Each project must incorporate Flathead County standards. When there is a conflict between these conditions, covenants, and restrictions and County ordinance, State or Federal statute or regulation, the most restrictive regulation will apply.

B.1 THE BUILDING ENVELOPE

The Building Envelope is the portion of each lot within which all improvements, except fence, driveway, and landscaping must be built and confined therein except for driveway locations approved by the DRB. A Building Envelope has been identified for each lot based on the setbacks as noted on the Building Envelope Plan below:



B.2 GRADING AND SITING

Residences should be designed to fit the existing topography of the property without excessive manipulation of the site by cut or fill. Changes in the natural grade by cutting or filling for structures, walks and driveways must be kept to a minimum to preserve the existing landform.

General site and grading principles are as follows:

1. The finish grade around the residence and any site walls should remain as close as possible to the original natural grade.
2. Grading may be done outside the allowable site coverage area for driveway access and site drainage.
3. Screen walls, walls not supporting a building structure or retaining earth, may not exceed four (4) feet in height measured from finish grade along the exterior side of the enclosure, or six (6) feet if contained within the building envelope.
4. During construction, and upon completion, all areas within the lot shall be graded to drain to the street in front of the lot.

B.3 LANDSCAPE AND IRRIGATION

A rough landscaping plan for each lot shall be submitted to the DRB for approval prior to the commencement of landscaping. A landscape plan (no less than 1/8" = 1'0") should include site grading/contours, retaining wall location(s) and material(s). Landscaping of the entire lot shall be complete within 545 days of the completion of any construction.

In the case where Builders have purchased lots for resale, then the builders shall be responsible to make sure that subsequent buyers are made aware of the landscaping requirements. Builders may either provide the minimum required trees or provide an allowance to the subsequent purchaser. If the builder does not do either of the aforementioned, then the builder is required to get an acknowledgment from the purchaser acknowledging the purchasers obligation for trees and landscaping.

Undeveloped lots shall be maintained so as to present a acceptable appearance.

It is the intent of these guidelines to integrate the landscape of each individual building envelope with the landscape of the community. The community landscape maintains a proportional relationship of grass/turf areas to shrub areas of at least 5:1. Each property owner's landscaping shall maintain a proportional relationship of grass and turf areas to shrub areas of at least 5:1. Essentially, this means that, at a maximum, approximately 1/6 of the landscape is allocated to shrub areas.

The success of the grass and turf areas relies on the appropriate selection and mixes of turf for the desired purpose and use. Normally, a mix of rye grass, bluegrass and fescues provides for a well-rounded turf blend. This is a seasonally hardy blend of a pleasing color of green and resistant to the common pests and diseases. In all situations, it is recommended that each property owner consult with a qualified landscape architect or nursery for their specific needs. Each property owner should consider their unique soil conditions, sun exposure and other constraints that will influence the success of their lawn areas.

In the event that soil must be imported or exported from the property, the property owner will be responsible for this cost. Import soils scheduled for use as landscape topsoil may be subject to an agricultural soil analysis at the discretion of the DRB.

The following building envelope landscape design criteria are provided to enhance the definition of each home site. The primary goal is to protect and maximize individual property values through the implementation of a generous landscape design. These criteria must be followed to successfully receive the approvals required by the DRB.

Drainage of individual properties must work with the existing topography and be directed toward the natural open space or drainage swale systems, developed in conjunction with the roadways.

The Front Yard/Streetscape Zone is the area nearest to the neighborhood street and is normally at the front of the property. On corner lots this zone also extends down the side of the property parallel to the street. The landscape requirements for the front yard are:

- Minimum two (2) Neighborhood Shade Trees (2" minimum, caliper) per lot or one (1) Ornamental Accent Tree and one (1) Neighborhood Shade Tree per lot.

The Side/Rear Yard includes the transitional side yard area and "backyard" area adjacent to another lot or the street. The landscape requirements are:

- Minimum of two (2) Neighborhood Shade Trees (2" minimum, caliper) per lot or one (1) Ornamental Accent Tree and one (1) Neighborhood Shade Tree per lot.

A list of acceptable trees and shrubs is available and kept on file with the DRB. Only trees and shrubs of a acceptable nature will be permitted within the Meadows at Rocky Cliff. Prior to commencement of landscaping a list should be obtained from the DRB.

Areas that feature introduced landscaping such as grass, trees, shrubs and/or ground cover should utilize an irrigation system for watering during dry months

Landscape areas that require irrigation should conform to the following:

- Buried PVC sprinkler system or the utilization of drip irrigation systems are strongly encouraged but not required.
- Sprinklers and nozzles selected to provide water to the landscape that are compatible with their respective soils, slopes, exposure, orientation and plant types.
- No overthrowing of irrigation water onto public roadways, sidewalks, neighboring homes, or trails is permitted.

B.4 FENCING

A fence may be constructed from the side of the building, at a point halfway back, to the back of the lot as shown on the building envelope plan. All fencing shall be constructed of natural wood or painted chain link, unless approved by the DRB, and shall have a maximum height of four (4') feet. A Six (6') feet fence may be allowed, at the discretion of the DRB, for areas bordering subdivision boundaries. In no event shall the placement of a fence inhibit visibility of pedestrians or vehicular traffic.

B.5 DRAINAGE

Where construction and development will obstruct natural drainage patterns, surface run-off should be carefully redirected to street swales.

B.6 SWIMMING POOLS/SPAS

Owners can construct swimming pools or spas within the property's building envelope.

B.7 PETS AND TRASH CONTAINERS

Dog runs and animal pens must be enclosed. To protect birds and wildlife, dogs and cats must be accompanied and on a leash at all times when outside the lot.

All outdoor trash containers must be of approved covered containers, and must be stored within the building envelope except for pick-up.

B.8 EXTERIOR LIGHTING

Site lighting is defined as lighting mounted on the building, around trees or on site walls for the purpose of providing security, decorative accent or functional lighting to outdoor spaces. Building mounted lighting is defined as lighting built into or attached to buildings on walls, ceilings, eaves, soffits or fascias. Street lighting is not provided and shall not be installed.

The following guidelines for residential site lighting have been established.

1. Site lighting must be directed downward onto vegetation or prominent site features, and may not be used to light walls or building elements. Up lighting is prohibited.
2. Building mounted lighting must be directed downward away from adjacent lots, streets and open spaces, and may not be used to light walls or building elements for decorative purposes.
3. All exterior lighting must provide for significant shielding to ensure that light sources and lamps are not visible from other properties, from roads or from off-site; no bare lamps will be permitted. Recessed lights in exterior soffits, eaves, or ceilings shall have the lamp recessed a minimum of 3" into the ceiling.
4. Only incandescent lamps with a maximum wattage of 75 watts will be allowed for exterior lighting unless specific approval is received from the DRB. Low voltage lighting is recommended since these fixtures are typically small and can be easily concealed within the native vegetation. Colored lights will not be allowed for exterior lighting.
5. No lighting will be permitted in setback areas or outside the areas enclosed by patio or building walls. Site lighting must be confined to areas enclosed by walls or be in the immediate vicinity of the main entrance or outdoor living spaces of the residence.

6. Lights on motion detectors for the purpose of security illumination are prohibited but may be allowed subject to specific approval of the DRB if the lights so activated do not illuminate adjacent properties. If allowed by the DRB, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of 5 continuous minutes. Security lights of any type or location must still meet the requirements of shielding the light sources, and the light sources may not be visible from neighboring property. If problems with these lights occur, the DRB reserves the right to demand that the fixtures be disconnected. If allowed, care must be taken to avoid setting off the motion detector by the motion of vegetation. Generally, the motion detector's range should be limited to the Building Envelope area. These lights will not be allowed to operate for the purpose of general illumination.

B.9 ENTRANCE DRIVEWAYS

All driveways must be approved, paved and landscaped. Driveways shall be a minimum paved width of eighteen (18) feet and should not exceed a maximum of twenty-six (26) feet. Driveways shall intersect the street preferably at a right angle, but at a minimum angle of 70 degrees. Up to two driveway entrances will be permitted for each lot subject to the review of the DRB.

B.10 ADDRESS IDENTIFICATION

Individual address identification devices for each approved residence must be installed.

Section C BUILDING DESIGN GUIDELINES

The building design guidelines are to assist you in realizing an architectural solution that belongs in Rocky Cliff Meadows. The general intent is to achieve a successful design integration of building into the landscape. Scale is critical and is to relate to the human size, with less emphasis on monumental that exceeds human scale. This may be accomplished through sensitive massing, form, scale, design modules, fenestration, selection of materials and colors. There will be a focus on strong roof form, wall, base and all elevation images. These design principles will apply to all structures. Good design is also being a good neighbor in the planning and architecture of your development. The building form and mass is to respond and conform to the existing grade and site conditions.

C.1 DESIGN CHARACTER

These guidelines do not intend to dictate architectural style of design although all designs must be of a character appropriate to the guideline.

The design character should create a residence that blends with its environment instead of standing out against it. The design character of a residence should be considered uniformly from all sides, not just the front or rear elevations, and all elevations should maintain the same visual integrity, cohesiveness and design detail. Particular attention should be given to the transition from one residence to another. Transition refers to aesthetic aspects as well as to the relationship of the elevation of the respective floor levels and the comparative overall massing of the structures.

In order to create an intimate residential scale and not dominate the natural landscape, long, unbroken walls and roofs should be avoided, and vertical and horizontal offsets need to be included. To further reinforce this concern for scale, architectural forms shall be softened by the inclusion of chimneys, balconies, bay windows, appropriate entrance treatments and other such devices.

Contractors and lot owners can build the same plan on other lots provided they are at least three lots apart. The exterior color scheme shall be different on each residence.

C.2 BUILDING SIZES

Each dwelling unit shall contain not less than 1,400 square feet of total living space in the case of a one-story home; exclusive of attached garage, basements, and open porches. A two-story unit shall contain not less than 1,800 square feet of total living space exclusive of attached garage, basements, and open porches. Garages shall be a minimum of two-car capacity, and at least 24 feet wide by 24 feet deep.

Care must be taken in designing square footages that the floor plate is not a straight rectangle in the case of a one-story home and not a "stacked box" in the case of a two-story home. No entries with split levels up and down will be permitted.

C.3 BUILDING HEIGHTS

The maximum allowable height for a residence is 35 feet, measured from the natural grade to highest point of the roof.

C.4 EXTERIOR DESIGN

Scale and proportion can be deceiving. Small structures can at times appear large and dominating against the vegetation and landforms. Therefore, proper massing will reduce the scale of a large structure and create building texture that will help to blend the residence with its environment.

Unless otherwise specifically approved by the DRB, each residence shall be composed of at least three (3) visual building masses. Homes larger than 5,000 square feet, excluding garages, shall be composed of at least four (4) visual masses as viewed from any elevation. To be classified as a visual building mass, the mass shall have a minimum depth and width of 20 feet, be a minimum of 500 square feet in area, and be offset by at least 2 feet horizontally and 3 feet vertically. Depth and width dimensions shall be measured perpendicular to each other.

It is expected that all building elevations will not only take advantage of the view from within the residence, but will provide pleasant views from all surrounding areas. All side and rear elevations are expected to be articulated to break up the facade into smaller elements, as well as adding the richness of shade and shadow. Large blank walls will not be allowed. Failure to provide adequate articulation and richness may be grounds for rejection of the design by the DRB.

Roof Shape & Character is important. Slopes of 6/12 or greater are to be considered for dominant roof elements and gable ends. Gentler roof pitches can be integrated for background and less conspicuous connections. Alternative configurations may also be considered to balcony roofs and dormers of all sizes as these contribute to the human scale. This is encouraged to provide a texture and an apparent reduction of the built mass. All overhangs and projections shall be a minimum of 18". Mansard and flat roofs are prohibited. No trimless metal windows are allowed.

The DRB strongly recommends that sloping roofs be designed as sheltering and shading elements, normally with broad overhangs and strong shadow lines. Thin edges or thin fascias should be avoided. Sloped roof materials should be textural with very dark or deep color tones. Roof surfaces must be non-reflective and, in the opinion of the DRB, not visually objectionable from neighboring properties and roads.

The composition of roof forms should be carefully considered. Continuous ridgelines should not extend over too great a distance. A rough guideline for continuous ridgelines is that they should generally not exceed 35 to 40 feet. Changing the ridge direction, offsets or major roof projections should be used to break ridgelines. To avoid a thin veneer look, at least 1-inch by 8-inch nominal wood minimum dimension fascia boards are required. Normal 2 inch roof rafters should not be exposed.

The placement of the various pipes and vents that penetrate the roof should be considered. Combine them in the attic space and project through roof in a common enclosed stack when possible. Where it is practical, place stacks on the roof away from the side of greatest visibility. All roof vents are to be colored to match the dominant roofing material.

All residences should include rain gutters and downspouts.

C.5 MATERIALS - EXTERIOR SURFACES & COLORS

1. Non-reflective materials are to be used, including non-reflective glazing.
2. Color selections shall range from white or off-white to weathered driftwood (a very light gray) through to light brown, green or related tones. The use of blue may be allowed in certain shades.
3. Materials for roofs may be sculpted architectural asphalt, flat concrete or fiber-cement tile, slate or other cut stone only. Metal roofs are not permitted.
4. Materials for walls may be stained wood or wood, painted fiber-cement lap siding, stone and cultured stone. Cultured stone is also permitted in out of reach areas on upper floors or for example for chimney cladding. Certain types of colored stucco may be incorporated in combination with brick or stone. Stucco colors are to be deeply toned rich warm grays, greens and browns; light or soft reflective tones are not acceptable.

The DRB will be looking for an element of stone, cultured stone or brick on each residence. A good guideline is roughly a minimum of 10% of the wall area of the main residence should be in stone, cultured stone or brick.

In order to impart a sense of solid, substantial construction and to avoid a tacked-on, thin veneer look, material changes should terminate at a logical inside corner, plan shape change or at a major wall opening. Changes at outside corners should be avoided. Exterior stone material should be continued down to the finish grade, thereby eliminating unfinished foundation walls.

C.6 BUILDING PROJECTIONS

All projections from a building including, but not limited to, chimney caps, vents, gutters, scuppers, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project or be an appropriate accent color, unless otherwise approved by the DRB. All building projections must be contained within the Building Envelope.

C.7 ANTENNAE/SATELLITE DISHES

Antennae are restricted to interior attic applications only. Satellite dishes may be used if discretely located on the building, and a maximum 24" diameter. Large ground mounted satellite dishes are prohibited.

C.8 SERVICE YARD

All above-ground garbage and trash containers, clotheslines, mechanical equipment, and other outdoor maintenance and service facilities must be completely screened from adjacent lots, streets, or common spaces by walls, fences and gates, at least one (1) foot higher than the equipment. Gates, or a "maze" entry that provides complete screening, shall be required around all mechanical and pool equipment enclosures.

C.9 GUEST HOUSES, GUEST SUITES AND ACCESSORY BUILDINGS

Any accessory building shall be addressed on the site plan and submitted to the DRB for approval. Accessory buildings including accessory garages or non commercial shops are only allowed in the building envelope. Guesthouses and/or suites are not allowed. Such structures must be designed as an integrated visual element with the residence, and should be visually related to it by walls, courtyards, or major landscape elements.

C.10 STORAGE TANKS

No fuel tanks, water tanks or similar storage facilities shall be allowed.

C.11 TRAILER AND BOAT STORAGE

All trailer and boat storage shall be within the side property setback and the garage. Fencing and/or heavy landscaping are encouraged to soften this impact. All trailers, boats, or other vehicles shall be located no farther forward or back on the lot than the furthest projection of the house or accessory building. All vehicles, boats, and/or trailers stored on the lot shall be licensed and be in active use during some time of each year. Trailers cannot be used as living residences while parked on residential properties. It is prohibited to have trailers or boats parked for longer than a 48 hour period on the roadways in the Rocky Cliff Subdivision.

Section D REVIEW AND APPROVAL PROCESS

This process includes:

- Conceptual Development Plan Submission/Review;
- Concept Endorsement/DRB Approval (letter);
- Detailed Design Final Submission/Review;
- Endorsement/DRB Approval (letter) for Building Permit Application; and

D.1 DESIGN REVIEW PROCESS

Submit the Conceptual Development Plan to initiate the design review process. This preliminary plan shall include the following:

1. The application form, supplied by the Design Review Board, with all information complete;
2. A survey at no less than 1"=20' showing lot boundaries and dimensions, easements, setbacks, utility tap locations and elevations at all property corners;
3. A site plan at same scale as the survey showing the building envelope, the proposed residence, driveways, fences, site grading with new and existing elevations and all other proposed site improvements;
4. Roof and floor plans at no less than 1/8" scale;
5. Exterior elevations at no less than 1/8" scale of all elevations; and
6. A non-refundable Design Review Fee of \$250.00 per submittal. A submittal is defined as an application for a new building, revision to previously approved plan, or a renovation or expansion of a existing structure. Make check payable to the Rocky Cliff Estates Homeowners Association technical representative.

D.2 CONCEPTUAL DEVELOPMENT PLAN REVIEW

A Conceptual Development Plan Review is required to confirm that the design incorporates all site requirements relative to the lot location/building envelope plan. It will assist to clarify the intent and application of the Design Guidelines, review/approval process, development procedures and schedules. The Design Review Board will provide a letter of endorsement to proceed, including comments from the conceptual meeting for the designer's use in preparing the final submittal, within fourteen (14) days of submittal.

D.3 FINAL DESIGN

Submit three (3) sets of Construction Drawings and support documentation, including but not limited to:

- Plot Plan (Survey) (1" = 20'0");
- Site Plan (1/8" = 1'-0");
- Roof Plan and Floor Plans (no less than 1/8" = 1'0");
- Exterior Elevations 4 Min. (no less than 1/8" = 1'0");
- Sections are encouraged to be included with Construction Drawings (no less than 1/8" = 1'0") through site and building from side PL to side PL and from rear PL to front road CL (2 Min.);
- Drainage/Storm Water Management letter acknowledging requirement for proper drainage or Landscape Plan illustrating drainage.
- Exterior Lighting fixture description for site and building exterior lighting fixtures and street identification;
- Paint samples, samples, or Color board (8.5" x 11") for proposed colors for all exterior finishes;
- A rough estimate for time to complete construction.

D.4 DESIGN APPROVAL

Design review will be provided in writing within thirty (30) days of submittal. Incomplete submittals will be returned and this review period will begin again.

D.5 COMPLETION

Completion in these guidelines means the completion of interior as acceptable for occupancy and the complete exterior of the development including all hard and soft landscaped areas. There will be a final inspection held at the request of the builder with the Design Review Board after acceptance by the City of Kalispell.

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.

MURCON DEVELOPMENT, INC.

By: _____
Murph N. Hannon, President

ATTEST:

Signature Title

2004352 15330

DATED this 17th day of December, 2004.

MURCON DEVELOPMENT, INC.

By: [Signature]
Murph N. Hannon, President

JAMS PROPERTIES, LLC

By: [Signature]
Murph N. Hannon, Attorney in Fact

DACKER RESOURCES, INC.

By: [Signature]
Murph N. Hannon, Attorney In Fact

TRUCO RESOURCES, INC.

By: [Signature]
Murph N. Hannon, Attorney in Fact

STATE OF MONTANA)
) s.s.
COUNTY OF FLATHEAD)

On this 17th day of December, 2004, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared MURPH N. HANNON, President of Murcon Development, Inc., as Attorney in Fact for JAMS PROPERTIES, LLC, as Attorney in Fact for DACKER RESOURCES, INC., and as Attorney in Fact for TRUCO RESOURCES, INC., known to me or proved to me upon satisfactory evidence to be the person who executed the within instrument.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.



[Signature]
Notary Public for the State of Montana

JO BROWN
NOTARY PUBLIC FOR THE STATE
OF MONTANA
RESIDING AT KILA, MONTANA
My Commission Expires Nov. 17, 2007

Return -
Schwarz Engineering
100 Financial Dr #120
Kalispell MT 59901

STATE OF MONTANA,)
County of Flathead)
Recorded at the request of Stewart this 17 day of Dec 2004 at 3:33
a'clock P M and recorded in the records of Flathead County, State of Montana.
Fee \$ 114 ss. ed. Paula Robinson
RECEPTION NO. _____
RETURN TO _____
Flathead County Clerk and Recorder
Deputy

2004352 15330

114-