CREEKSIDE MEADOWS DESIGN COMMITTEE (CMDC)

NATURE AND PURPOSE

The nature and purpose of the CMDC and the requirements for its performance are defined by the CC&R's. The requirements are to generally ensure the quality and compatible nature and appearance of all construction at Creekside Meadows, to ensure that incompatible development does not occur, to protect the quality of life for those who already live in Creekside Meadows, protect the wildlife, and to thereby protect the property value of owners.

Creekside Meadows will be a community where different architectural designs and styles come together, and where the efforts of one architect or owner are not damaged or devaluated by the incompatible design of a neighbor. The intent of the CMDC and Developer is to achieve harmony among dwellings, and between each dwelling and its surrounding landscape.

Following are restated versions of some Design Committee methods, objectives, and requirements. Also presented are additional requirements, which have been adopted by the Board of Directors and the Design Committee.

The Board of Directors and Design Committee request that all homeowners made their best efforts to adhere to these requirements as their intent is to benefit all in Creekside Meadows.

APPOINTMENT AND CONFIGURATION

The Design committee shall consist of up to three persons appointed by the Board of Directors for two-year terms. Ownership of a residence site shall be preferred but not necessarily required for membership on the Design Committee. For example, a non-Owner architect or a building contractor may be a worthwhile member of the Design Committee.

The Design Committee shall adopt such rules and standards, as it deems appropriate for the conduct of its business of ensuring construction quality and compatibility.

CURRENT MEMBERS

Following are the initial and current members of the Design Committee:

William Powell, Chairman wppowell@msn.com
Bruce Simon, brucesimon33@gmail.com
Paul Hanson, paulml@silverstar.com
Creekside Meadows HOA, creeksidemeadowshoa1444@gmail.com

MEETINGS

The Design Committee shall meet at 10:00 am the second Wednesday of each month whenever matters have been presented for consideration. Additional meetings may be held more frequently as applications demand. The Design Committee shall maintain a comprehensive file record of all Design Committee documents.

REQUIREMENTS FOR DEVELOPMENT PERMITS

The Design Committee discharges its responsibilities by requiring that all construction or development of any kind, including remodeling, exterior additions, landscape development or change, and fencing, be formally reviewed and approved.

Minor landscaping changes such as the addition of flowers, shrubs, and trees shall not require Design Committee approval if such changes are conventional and normal and generally consistent and compatible with the Creekside Meadows environment.

Additions to residences such as exterior lights, exterior hot tubs, fencing and children's playground equipment or similar facilities shall be considered remodeling, which requires approval.

The Owner of a residence site for which construction or development approval is being sought shall apply for approval by submitting an **Application for Residential Development** to the Design Committee. The Owner's representative, such as an architect or construction company may also apply, but the Owner shall be responsible for ensuring compliance with the requirements herein.

Owners are required to meet informally with the Design Committee to discuss their development plans before submitting their *Application.*

_____ *Initial required*

The *Application* form shall be filled out, signed by the applicant Owner, and any parties representing the Owner, and shall be delivered to the Chairman of the Design Committee with appropriate plans and specifications as described below. An application fee of $100 must accompany the application. No construction shall occur on a residence site until the *Design Committee has formally approved the Application.* It is required that Owners submit preliminary information and meet with the Design Committee for informal discussions and feedback well in advance of the formal application in order to avoid *false starts.* The Design Committee recognizes that planning a residence has associated costs and *false starts* must be avoided.

Of paramount importance is the need to avoid the difficult situation where an owner has spent considerable time and money developing a plan for a residence, which is flatly turned down by the Design Committee as inappropriate for the area.

On receipt of the *Application*, the Design Committee shall review the development plan against its approval criteria. Approval shall be subject to any conditions or modifications, which the Committee deems appropriate. Approval for residential development by the Design Committee is independent of approval and the issuance of a building permit by the City of Driggs. However, both must be obtained.

Applications shall be reviewed as expeditiously as possible, but the Committee may require up to 30 days to provide a written response.

Upon completion of the *Application* review, the Committee will respond to the applicant Owner, indicating either approval or disapproval. Approval will be indicated on the returned and signed copy of the Application. Disapproval will also be indicated on a returned copy of the *Application* and will be accompanied by a list of the reasons approval was not granted. If the *Application* is denied, the construction site maintenance deposit will also be returned. If the *Application* is approved, the deposit will be retained until construction is completed. See paragraph, *Forfeiture of Construction Deposit*, elsewhere in this manual.

Owner applicants who are denied development approval may make changes to their development plan and reapply without limitation.

Once a development plan has been approved and notice of approval has been given, all changes, additions, or deletions, including color changes, from the approved plan must be submitted for review and approval, including any design changes that occur during the construction process.

Neither the Association nor the Design Committee accepts any responsibility or liability for the design or construction associated with its approval of residential development.

Construction Site Deposit

A construction site maintenance deposit payable to the Association in the amount of $500 shall be paid prior to the issuance of approval of the Application. The deposit is held by the Association as a monetary incentive to the Owner and/or his representatives to conduct their residential development in conformity with the CC&R's and these guidelines. See the paragraph, Forfeiture of Deposit at the end of this manual section.

The required deposit may be reduced or eliminated at the discretion of the Design Committee or the Board of Directors in cases of minor development projects where the deposit would be unreasonable, and in other similar situations.

Development Plans And Specifications

A suitable set of plans and specifications for any proposed residence site improvement or alteration shall be submitted to the Design Committee with the *Application*. Sufficient information shall be included to demonstrate compliance with all of the CC&R's, and shall be comprised of the following:

a. Architectural plans comprised of floor plans, detailed elevation plans, as well as sections and specifications where necessary to convey the nature of external features.

b. Representative samples of all external materials, textures, and colors to be used on the residence.

c. A site plan comprised of a scaled layout of the residence and proposed exterior site improvements such as a driveway, parking areas, decks, patios, walks, fence, ponds, streams and all other permanent features, including underground utility lines, sewer, water, electric, cable TV, telephone, shown in relationship to the site lines, any easements, and adjacent roadways. The building envelope for the site if applicable, shall be accurately and clearly delineated. First floor elevations in relationship to existing ground elevations shall be shown, and proposed site drainage delineated.

d. A Landscape Plan comprised of a scaled layout of the site area surrounding the home showing the types of a landscape treatment such as tree and shrub plantings, lawn areas, berming, site drainage, native vegetation areas, irrigated and non-irrigated areas and any special features such as landscape lighting, flagpoles, etc., that will have a visual or aesthetic influence on adjacent properties. Removal of selected natural trees and shrubs is permitted but the site plan must show such removal.

e. In addition to the above, exterior building corners of the proposed structure shall be staked on the site for the CMDC inspection to insure that all improvements are actually constructed in the approved location and do not encroach on the property of others.

The Design Committee shall retain one set of plans and specifications along with the original of the *Application*.

CONSTRUCTION REQUIREMENTS AND FEATURES

Owners shall give particular attention to the following specific construction requirements and features applicable to all constructions at Creekside Meadows.

a. Authorized Structures

No structure or improvement shall be constructed, placed or maintained on or under any residence site, except one single family residence, one guesthouse not exceeding 1,000 square feet, garage facilities, and related underground utilities, all in compliance with the design guidelines of the Design Committee which are in effect at that time.

All garages shall be attached to the main residence unless the Design Committee specifically determines that a detached garage is acceptable.

b. Building Envelopes

All buildings shall be constructed within the setbacks or within a building envelope area if applicable on a residence site, as designated on the official plat drawings. No development shall be permitted on any site outside of the building envelope except for access driveways, utility installations, and landscaping.

Changes to building envelope size or location is specifically discouraged, but may be approved in special circumstances. For example, an Owner of two adjacent sites may be granted approval to construct a residence in a newly proposed building envelope, which is located in the average position of the two envelopes, originally designated for the sites.

All buildings are to be constructed within the designated 100-foot ?? diameter building envelopes. Building corners may be permitted to slightly extend over the circumference of the circular building envelop.

Designated building envelopes cannot be moved or shifted without the written consent of the Design Committee and contiguous property Owners, and change to the building envelopes shall be approved only in extraordinary situations.

c. Height

No residences shall be greater then 30 feet in height. Height shall be measured from the lowest existing grade to the highest point of the roof structure, but shall not include chimneys, vents, or antennas.

d. Colors

The color of external materials will be generally subdued to blend with the natural landscape. Earth tones, generally muted, are recommended, although occasionally accent colors used judiciously and with restraint may be used. The color of external materials will be generally subdued to blend with the natural landscape.

e. Square footage and building size

All residences shall have a minimum floor area of 1,500 square feet and a maximum floor area of 7,000 square feet (excluding the garage). In cases where Estate residences are constructed on enlarged residence sites, such as two adjacent sites combined into one, the residence may be larger than 7,000 square feet with the specific approval of the Design Committee, but in no case shall a residence be larger than 10,000 square feet in size.

f. Setbacks

The building setbacks and similar requirements for residence sites (other than driveways, utility installations and similar improvements) are as follows:

Estate Sites Setbacks:
-20 foot setback from all sidelines.
-25 foot setback from Dedicated Open Space.
-Adherence to all standard Teton County setback regulations.
-25 foot front yard setback.
-25 foot back yard setback.
-5 foot setback from side lot lines for driveways.

g. Roof Construction

The roofs of all structures shall be constructed of wood shakes, asphalt shingles, architectural metal, or materials equivalent in nature and appearance. Roofs shall be non-reflective. The Design Committee shall specifically approve all roof materials.

Careful consideration shall be given to the proportional relationship of the roof to siding areas. The extreme example would be the "A" frame home with an unbalanced ratio of roof to wall. This would not be approved.

h. Fences

Large ungulates such as moose and deer utilize Creekside Meadows as habitat and it is recognized that fencing limits their movements. Fencing requirements and dog control are both designed to encourage their stay once humans populate Creekside Meadows. Single-family lot perimeter fences shall not be allowed on residence sites.

Privacy fencing to enclose a screened service yard or dog kennel, or propane tank is encouraged.

Buck and rail types fences shall be approved around the perimeter of Creekside Meadows and around the Common Areas as required by the Board of Directors or the Developer.

The following shall be the minimum design criteria for privacy/screening fencing:

- may touch only 2 lot lines
- a leg on a lot line may not exceed 85% of the length of that lot line
- must be setback from the front lot line at least as much as the home, excluding front porches
- must match one of the exterior colors of the home, excluding door and roof colors
- must be no more than 7' high
- must be two sided, that is be equally as attractive on the exterior as the interior
- must be approved by the design committee

i. Utilities

Connections from residence sites to the underground utility sources shall be underground.

j. Temporary Structures for Construction

All temporary structures, such as trailers, tents, shacks, or other similar buildings, proposed for interim construction use on any residence site must be specifically approved by the Design Committee.

k. Wood Burning Stoves

The size and nature of wood burning stoves and fireplaces to be installed in any structure shall meet Teton County codes and shall be specifically approved by the Design Committee. The maximum exposure of metal chimneys is 18". Spark arrestors are required.

l. Exterior Lights

The Design Committee recognizes the beauty of a *dark sky* and shall require appropriate lighting. All exterior lights shall be limited to types and numbers, which will adequately provide desired illumination of residence facilities without drawing undue attention to the residence or causing glare or distraction to the neighboring residences.

In addition to the building limitations and restrictions presented in the CC&R's and herein, the Design Committee has adopted the following general design guidelines pertaining to residences. Owners and their architects should give careful consideration to these guidelines and seek to incorporate them into their residence designs.

a. Home design

Careful attention shall be given to the compatibility of the home to the site. Two story walls without breaks such as windows, one-story elements, or porches shall not be allowed. Homes should have a "grounded" look.

b. Site Design

The first floor of all homes shall be constructed at a minimum of 18 inches above existing grade to allow for adequate site drainage around homes.

Site drainage shall be carefully managed on each site to avoid problems for other site Owners or adjacent uses. Special attention shall be given to drainage of impermeable surfaces to prevent accumulations of standing water, which could be damaging, hazardous, or unsightly.

All driveway approaches from the roadway edge to the edge of the roadway easement shall be crushed gravel, concrete, or asphalt. These materials should also be used for walks and drives. Stone may also be used for walkways.

b. Landscaping Design

The approved landscape theme for Creekside Meadows includes small manicured areas (lawns, shrubs, trees, automatic irrigation, etc.) and areas with a more natural theme (preserved treed areas, wildflowers, etc.). All landscape areas shall be of the manicured type except for areas of existing trees and on islands or contained areas where the more natural theme may be preserved.

c. Garage doors

The visual impact of garage doors will be minimized by such measures as, but not limited to, siting of the dwelling, protective overhangs, special door facing materials, subdued colors, etc.

d. Foundation Walls

Foundation walls shall not be exposed unless approved by the CMDC and then shall be finished to blend with the upper walls of the dwelling. Concrete exposed greater than 6" shall be covered with appropriate building materials.

e. House numbers

Each dwelling shall have a street number, which is visible from the street, but does not exceed 14" long or 14" high.

CONSTRUCTION PROCESS

The following construction process requirements shall be observed and enforced by Owners and their construction companies:

a. Construction companies shall notify adjacent (contiguous) residence site Owners of proposed construction activities at least 30 days prior to commencement of construction.

b. Written permission from the Design Committee shall be required for the placement and location of a construction office or trailer or temporary office type building. The Design Committee shall carefully consider the esthetic quality of such facilities and they shall be placed on the lot so as to minimize their visual impact.

c. Construction sites shall be kept clean and orderly at all times and in full conformity with applicable Community rules. To the maximum extent possible, all workers' vehicles shall be parked off of roadways. Trash and debris shall be kept in suitable containers, and constructions materials shall be neatly stacked on the site or adjacent Common Areas. Roadways used by construction company vehicles such as dump trucks and tractors shall be promptly cleared of any rocks, dirt, or debris produced or left by their use.

The construction company shall regularly inspect the site and access roadways, and shall perform whatever clean up and maintenance is necessary to restore these areas to a clean, orderly, and sightly condition on a daily basis.

The construction company shall respond immediately to any notice received from the Board of Directors, or the Design Committee that the condition of a site is not in conformity with the applicable Community Rules or the requirements herein.

Trash and construction materials shall not be stored on other residence sites without the consent of the Owner of the site.

Sanitary facilities shall be erected prior to the commencement of construction in a location approved by the CMDC.

d. All construction shall be completed within one year from the commencement date of construction, unless the Design Committee, in

its sole discretion, approves an extension for good cause, not to exceed ten months in length.

e. Access to construction sites, site work conditions, temporary structures, hours of operation, and scheduling of construction work shall at all times be subject to the Community Rules and regulations set forth by the Design Committee and Board of Directors.

f. When construction is completed, all Common Areas and adjacent sites affected by construction shall be fully restored to their original condition.

f. Dogs brought onto the construction by workers must be under absolute control at all times. Contractors and employees are responsible for their dogs at all times. The Design Committee has the right to require dogs be removed from the work site. This regulation is designed to be sensitive to the wildlife that uses Creekside Meadows.

g. Miscellaneous and General Provisions. The following practices shall be prohibited at Creekside Meadows:

- Changing of oil on any vehicle or equipment other than a location designated by the CMDC.
- Allowing concrete suppliers and contractors to clean their equipment other than in locations approved by the CMDC.
- Carrying any type of firearms on the property.
- Careless disposal of cigarettes or other flammable materials.

Forfeiture of Construction Site Deposit

If Owners and their construction companies do not comply with the applicable Community Rules or the requirements presented herein relative to construction sites, they shall be subject to charges against, or forfeiture of, the construction site maintenance deposit at the discretion of the Board of Directors, and/or the Design Committee. For example, if a construction site is not kept clean and orderly, and the Design Committee is required to perform cleaning or other maintenance services to provide conformity with the applicable Community Rules and requirements herein, the cost of these services may be deducted from the construction site maintenance deposit.

The Design Committee shall regularly inspect the site to ascertain that all requirements are being met throughout the process. The construction site maintenance deposit, less any charges or forfeiture applied by the Board of Directors and/or the Design Committee, shall be returned to the Owner or his representative on notification of completion of all construction.