



THE LAKES MASTER HOMEOWNERS
ASSOCIATION
ARCHITECTURAL DESIGN & CONSTRUCTION GUIDELINES

ADOPTED

FEBRUARY 17, 2022

SUPERSEDES OCTOBER 13, 2021 AND ALL PRIOR
VERSIONS OF THE ARCHITECTURAL DESIGN GUIDELINES

**The Lakes Red Eagle
Guidelines**

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1.0 THE LAKES MASTER HOA VISION

1.1 VISION STATEMENT

The Lakes is an exclusive residential neighborhood located in the Riverside Master Planned Community in Whitefish, Montana. The overall intent for The Lakes is to create a community where families, empty nesters, singles and working professionals can live in a neighborhood setting similar to the ones in which they grew up; a neighborhood where children can play safely, couples can take walks together, and the dedicated fitness enthusiast can find room to roam.

The Lakes is a 107-acre upscale community with approximately 200 homesites divided into four areas:

- 1) The “Lakes at Riverside” – 60 custom homesites
- 2) The “Lakes Cottages” - 31 zero lot-line waterfront residences
- 3) The “Lakes Village” – 84 neo-traditional lots.
- 4) The “Lakes Red Eagle” – 28 custom homesites

The purpose of these Design Guidelines is to provide an overall framework for Residential design and to create a cohesive development. These guidelines are intended to prohibit certain practices while yielding the individual the opportunity to explore personal expression. These Design Guidelines will provide standards for architectural design, landscape design and site planning, as well as the process for approval for all projects and construction regulations. These Design Guidelines will be adopted by an Architectural Review Committee (ARC) pursuant to the Declaration of Covenants, Conditions and Restrictions Riverside at Whitefish (Omnibus). In addition, The Lakes Red Eagle have separately recorded Declaration of Covenants, Conditions and Restrictions. For any conflicts between these guidelines and the recorded Declaration of Covenants, Conditions and Restrictions, the recorded Declaration of Covenants, Conditions and Restrictions shall prevail. These Design Guidelines shall apply to all Lots and Parcels located within The Lakes.

Any remodeling project must also have Architectural Review Committee approval. This includes any project that affects the outside of the home. Submit plans to the HOA manager.

1.2 FROM THE LAKES MASTER HOA OMNIBUS

“In passing on any plans and specifications, it shall be an objective of the Architectural Review Committee to make certain that no improvement will be so similar or so dissimilar to others in the vicinity that values, monetary or aesthetic, will be impaired, and to maintain for the benefit of the Architectural Review Committee and all subsequent individual Lot owners the natural character of the land and to require that all man-made structures blend into the natural background rather than stand out against it.” (Omnibus pg. 8)

Any error, omission or misjudgment by the ARC in any one instance shall not constitute the creation of a precedent governing future approvals and decisions. The ARC reserves the right to learn from any such errors or misjudgments and shall not be required to approve repetitions of them.

The ARC shall have sole discretion to approve or disapprove an Architectural Design or Landscape Design if in the ARC’s reasonable opinion, the Design does not contain the requirements for construction and or landscaping of a residence at The Lakes.

A Homeowner may act as General Contractor, with ARC approval, and must provide proof of Builder Risk or Course of Construction Insurance for the Owner/General Contractor and proof of Liability with 1,000,000/2,000,000 coverage for each Sub-contractor working on the Home. The Lakes Master HOA must be listed as an additional insured. Also, the Owner must follow the Montana occupancy requirement for an Owner/General Contractor without a Montana State Builder certification.

2.0 SITE AND PLANNING

2.1 SITE PLAN

The location and orientation of all buildings and structures must be approved by the ARC prior to submittal to the City of Whitefish for a building permit. All site planning issues and designs must take into consideration all specific design criteria included in the individual Custom Lot Criteria. No dwelling shall be permitted or erected on a Lot with a fully enclosed ground floor area devoted to living purposes exclusive of porches, patios, terraces, garages, and any other outbuildings of less than 2000 square feet. (CCR pg.4 c. ii.)

2.2 SITE DRAINAGE AND GRADING

Site drainage and grading must be accomplished with minimum disruption to the Lot and shall not drain onto adjoining Lots and Common Areas, except as established by natural drainage patterns, nor cause a condition that could lead to soil erosion on Common areas. Water drainage patterns must remain unchanged to entering and exiting the Lot in the manner they did naturally prior to any construction.

Developing a proper drainage plan will be the responsibility of the Owner. Existing road shoulder drainage patterns should be maintained where driveways intersect streets. Any drainage damage that may occur from one Lot to adjacent Lots or Common Areas because of a change in natural conditions will be the responsibility of the owner of the Lot which caused the unnatural drainage flow. Approval of a drainage plan by the ARC does not make the ARC liable or responsible to the Owner or others with respect to the adequacy of the engineering or otherwise, but merely implies compliance with the intent of these Design Guidelines and with design aesthetics. ARC approval does not eliminate or reduce the obligation of the Owner to comply with all legal requirements and be responsible for all damages resulting from changes in natural condition.

2.3 BUILDING ENVELOPE

“Building Envelope” is the area of the lot defined by the setbacks, easements or other restriction in which no building projection including but not limited to chimney flues, extended overhangs, vents gutters, downspouts, utility boxes, porches, railings and exterior stairways can extend beyond.

2.4 CONTIGUOUS LOTS

If an Owner owns two contiguous Lots and wants to combine the two Lots into a single home site, the Owner may do so only with the prior consent of the ARC. When considering combining Lots, the Owner must recognize that the size and location of the Building Envelope shall remain the same as depicted on the original Custom Lot Criteria of the original Lots and any requests for changes to the Building Envelope due to specific Lot configurations are subject to ARC approval. If a revision in the Building Envelope is desired, the Owner or his representative is urged to submit a proposed revised Building Envelope for combined Lots prior to acquisition and/or as early in the design process as is reasonable prior to preliminary submittal. Specific focus will be placed on, but not limited to the following:

- 1) Adverse impacts to adjacent properties due to adjustments in Building Envelope
- 2) Preservation of view corridors both to and from the newly configured Lot
- 3) Building height restrictions
- 4) Architectural massing

The plat for a newly configured single Lot must be approved by the County or The City of Whitefish and must be recorded. All expenses associated with recording the new Lot and pursuing any required governmental approvals are the responsibility of the Owner. The Owner is responsible for dues for each lot.

2.5 UTILITY AND SERVICE LINES

No gas, electric, power, telephone, water, sewer, cable television or other utility or service lines of any kind may be placed, allowed, or maintained upon or above the ground of any Lot except to the extent, if any, that underground placement may be prohibited by law or would prevent the subject line from being functional. Above ground service pedestals, splice-boxes, switch cabinets and transformers will be permitted, where required for public utilities or the landscaping of Common Areas.

2.6 UTILITY BOXES

Utility boxes must be painted to match their surroundings.

2.7 SETBACKS

Setbacks must conform to those as indicated and as recorded on the Plat. No Improvements may fall within the minimum setbacks originally platted. The Left and Right-side setbacks - 10' **Totally clear with no encroachments to the eave** (12' to the foundation wall). Street side setback - 20' **Totally clear with no encroachments to the eave** (22' to the foundation wall). Pond side - 15' **Totally clear with no encroachments to the eave** (17' to the foundation wall)

2.8 DRIVEWAYS

Location of entry driveways must be approved by the ARC. Driveways shall be a maximum of 22' wide at the curb as per City of Whitefish Building Code. However, long driveways must taper from the garage to the road to provide an esthetically pleasing view from the road. Driveway layouts will be reviewed and approved on a case by case basis. Where driveways cross HOA boulevards, irrigation must be sleeved with 3" or greater schedule 40 sleeve.

Where driveways cross drainage ways to enter any Lot, the Owner must provide a culvert with matching termination/flare subject to approval by the ARC. No "horse-shoe" style driveways will be permitted. Circular driveways are permitted within the Lot so long as there is only one curb cut not wider than 16'.

Driveway material must be poured concrete or asphalt. (CCR pg.4 c. i.). The driveway apron must be poured concrete.

2.9 GARAGE AND PARKING SPACES

Garage doors must be integrated with the design of the Residence in material and massing. Detached garages are permitted (provided garage requirements per CCR's are met) in compliance with applicable building codes. Where possible, main garage openings should be oriented away from views from the street. Each Residence shall contain parking space within the Lot for at least two automobiles in an enclosed garage. Carports are not allowed. Other than personal vehicles, all vehicles including commercial trucks, boats, trailers, campers and recreational vehicles must be kept in the garage.

2.10 HOME IDENTIFICATION

Home identification is required. Detached address identification signs for a Residence must be approved by the ARC. No additional signage detached from the Residence will be permitted, except temporary construction signs, or other, as permitted by the Declaration and approved by the ARC.

3.0 LANDSCAPE GUIDELINES

Landscaping plans shall be submitted in the same scale as the Home Plan on a separate site plan. Type, size and location of all tree(s) and shrub material shall be reviewed by the ARC. Underground irrigation is required. Note that the ARC has the sole discretion to disapprove any Architectural Design or Landscape Design. (See *Guidelines 1.2*)

All areas within a Lot must utilize sufficient plant material to conceal disturbed areas and achieve an attractive vegetative cover. All bare earth must be covered by an approved organic material to provide a clean, dust-free appearance around the entire perimeter of the home. All completed Residences must have yards landscaped and trees planted within eighteen (18) months of commencement of construction. Prior to landscaping, all yards must be maintained in a neat, dust-free condition.

Refer to Appendix A-8 for Quick Landscape & Irrigation Drawing Checklist

3.1 WATERFRONT SETBACK

A minimum five-foot-wide vegetative buffer zone is required along the waterline. The water's edge may be left natural or planted with low-growing native vegetation. An area not exceeding 30% of the natural vegetative buffer zone may consist of pea gravel for a "beach area". Natural vegetation is required as a buffer to keep our waterways healthy by acting as a filter for chemicals and debris. No fertilizers are allowed in the buffer zone. No lawn is allowed next to the lake. Landscape rocks on the water's edge will be considered by the ARC on a case-by-case basis.

3.2 BOULEVARD TREES

The number of trees required in the boulevard will be determined by the average spacing of existing trees in each defined neighborhood and/or meet the best fit according to site conditions. For neighborhoods with no established boulevard tree spacing, the ARC will determine the best fit. Boulevard trees must be ordered and financed by owners through the City of Whitefish. This will require coordination between the property owner and the City of Whitefish. Please contact the City of Whitefish Parks Department at (406) 863-2470 to coordinate the selection of, ordering, purchasing, and planting of your tree. Proof of purchase must be provided to the ARC prior to the completion of construction and return of the build deposit.

3.3 SOFTSCAPE

3.3.1 PLANTING

The planting design shall consist of a variety of trees, shrubs, perennials, and ornamental grasses organized in natural and informal patterns. Plant spacing should provide for a minimum of 60% coverage of all planted areas at maturity. Sparse planting will not be permitted. For new construction, tree caliper can be no less than 1.5 inches. Shrubs will be required in all yards and will be utilized to soften and screen. Trees in lawn areas must be mulched with a minimum 3' radius mulch ring.

In all areas where hardscape elements do not meet the foundation, a planting bed is required with a minimum depth of 4 feet. Lawn abutting the foundation walls of a residence is not allowed. No tree, shrub, or plant of any kind on any lot may overhang or otherwise encroach upon roads or other pedestrian ways from ground level to a height of seven (7) feet, without the prior approval of the ARC.

3.3.2 EDGING

Edging is required for all mulch areas to assist with maintenance. Edging material and color to be approved by the ARC.

3.3.3 MULCH

All planting areas, including trees in the lawn, must contain bark or rock mulch with a minimum depth of 3 inches to retain soil moisture, reduce erosion and provide for weed control. If rock mulch is desired, 3/8" minimum to 2" maximum size is allowed in beds adjacent to the home. Clean rock mulch in beds detached from the home may not exceed 6". Rock mulch must be kept a minimum of two feet away from common areas and right of ways.

3.3.4 WEED BARRIER FABRIC

Typlar 3 oz. or equivalent Landscape Fabric is required as an underlayment in planting areas to control weed growth.

3.4 VEGETABLE GARDENS

If you live at the Lakes and already have a fence in your yard, you won't need a "garden enclosure" so this policy does not apply. If a fence is not present and an enclosure is necessary, the enclosure policy is addressed in sections 3.4.1 and 3.4.2.

3.4.1 RAISED BED VEGETABLE GARDENS

Raised Bed Vegetable Gardens must be limited in size to no more than 60 square feet and be located in the backyard within 10 feet of the home. If there is a large side yard, the garden may be located there as long as it: Does not interfere with your neighbors' enjoyment of his/her surroundings; Is not visible from the street; Is at least 5 feet from the property line. The Garden must be kept neat, weed-free, well-watered, pest-free, and with plants no taller than 3 feet high (no corn, tall tomato trellises, etc.). Wood (treated or manufactured appropriate for contact with the earth) in an earth-tone color is the desired material to be used in the Raised Bed.

3.4.2 ENCLOSED VEGETABLE GARDENS

Should be all of the above. Plastic or poultry netting (or sturdy mesh) that is the least-obvious netting you can find should be used and may not exceed 4 feet in height. No electrified fencing! Netting stakes should be earth tones. All netting must be removed after the growing season has ended and may not be left for the winter. Wire mesh may be necessary below the box since animals may burrow below them. Please speak to your neighbors before creating an enclosed vegetable garden to make sure that the Garden will not be interfering with their enjoyment of their surroundings.

3.5 IRRIGATION AND LIGHTING

Automatic underground sprinkler systems are required at each residence. All planting beds are to be irrigated with a drip system. Lawn areas are to be irrigated with spray heads. Sprays are to be designed with a head-to-head layout so as not to overspray onto hardscape or structures, into planting beds, neighboring properties, or public areas. The design of irrigation zones should be reflective of the site's solar exposure allowing homeowners to better accommodate the differing water needs of their property. An Irrigation Plan shall be supplied to scale and with dashed spray radii separate from the Landscaping Plan.

All irrigation installations are to comply with applicable codes, including the use of approved backflow devices and anti-siphon devices. The HOA irrigation at the driveway must be sleeved during construction as a protective measure using a 3" or larger schedule 40 sleeve. Sleeving is required under hardscape elements where irrigation must cross. When disturbing HOA property irrigation during

construction, the Builder must contact the HOA office to have the maintenance staff turn the water off or on (seasonal).

Low voltage landscape lighting is optional. The main goals of a good lighting design are to extend the use of outdoor areas into the evening, increase safety by illuminating areas of use and transition, and to minimize light pollution. If desired, a lighting plan should be submitted with the irrigation plan. (See Guidelines 4.17)

3.6 FENCES AND GATES

Fencing of the private area located on each Lot behind each Residential Lot is permitted, but the material, height color and location of such fencing must be approved by the Board and is subject to Architectural Review to the Architectural Standards enforced by the Lakes Development. (CCR p. 3 b. vi.)

Residential fences in The Lakes Red Eagle shall be a maximum of (3) feet high as measured from an adjacent grade. Approved fencing materials include wood, iron, or non-reflective anodized aluminum. Under no circumstances shall a fence be erected between the street and the house front. Fences that are adjacent to any waterway shall have a space between boards of no less than two inches. Fences may be on the property lines for side yards but must have a minimum 5ft setback from the waterfront. Proposed fence and gate(s) location, material and color must be submitted to the ARC for approval prior to construction. Lot lines and Building Envelope shall be verified by the Builder (or Owner) prior to construction.

Invisible electric dog fences shall be kept a minimum of three feet away from any public sidewalk or public areas. ARC will review layout or flagged location prior to install.

3.7 HARDSCAPE AND STRUCTURES

Hardscape and structural elements are to be cohesively designed around existing site and topographic conditions.

3.7.1 STRUCTURES

Landscape structures, such as arbors, gazebos, pavilions, porte cocheres, greenhouses and/or decks are to be located within the building envelope. They must be visually connected by walls, courtyards, or other major design elements. Greenhouses must be attached to the residence and be ARC approved. The color, materials and style of outdoor structures are to be the same or like that of the residence. In general, the same Guidelines that apply to architecture apply to the design of the landscape structures.

3.7.2 GROUND SURFACES

Patios, courtyards, walkways, and steps shall be designed as an integral part of the architecture of the residence. Appropriate paving materials for exterior hardscape areas include native stone, faux stone with the appearance of native stone, colored, stamped, exposed aggregate and/or patterned concrete, brick or pre-cast concrete pavers, or decorative rock. Designs are to minimize the use of several different types of paving materials to produce an understated, unified design. Materials are to augment and complement architectural materials.

3.7.3 ARTIFICIAL TURF

Artificial turf will be considered by the ARC on a case-by-case basis.

3.7.4 WALLS AND SCREENING

Walls may be freestanding or act as retaining. Freestanding walls commonly used for defining outdoor areas and screening must be contained within the building envelope. Retaining walls used to

modify or stabilize grade which do not exceed the height of finished grade may be proposed outside of the building envelope. All walls must conform to local and state codes for fall protection. Cross-sections, and elevation drawings are required for walls not included with the architectural blueprints. Proposed wall materials, and the selected colors, must be submitted to the ARC for approval.

Screening “wall”(s) may also be proposed with plantings. (See Guidelines 3.3.1)

3.7.5 OUTDOOR FIRE FEATURES, KITCHENS AND BUILT IN BBQ’S

Built-in barbeques, outdoor kitchens, and fireplaces must be contained within the building envelope. Fire Pits, sunken, or raised, and not exceeding 18” in height, may be allowed in the rear yard but not in the waterfront setback.

Any such improvements must conform to local and state building codes including, but not limited to chimneys, fuel sourcing, ventilation, and combustible clearances. Chimney elements must be sited to avoid obstructing views from adjacent properties. Caution must be exercised to avoid the proximity of smoke to neighboring residences.

3.7.6 SITE AMENITIES

Play structures are to be primarily constructed of natural materials & colors and finished so that they recede into the landscape. Play structures should be in backyards only.

Sports courts will not be permitted on any Lots. Portable detached sports poles, hoops and related structures will be allowed only to the extent that they can be stored inside the garage when not in use or in season.

Awnings must be retractable and require ARC approval. The colors of the awning frame and material must complement the residence exterior.

Freestanding flagpoles will not be allowed on any Lot. The American flag and/or State of Montana flag may be displayed if it is hung from a pole bracket that is mounted to the Residence, suspended from a roof overhang, or as otherwise permitted by local authorities. The size must not exceed the standard flag size of 3’ x 5’.

Exterior ornamental objects such as, but not limited to, metal, ceramic, or wood sculptures, fountains, ponds, statues, and plastic characters require ARC approval. These objects are not permitted in front or street side yards.

3.8 WATER FEATURES

All water features must be a closed loop system sourced from the residence and in no way connected to The Lakes water bodies. An autofill is strongly recommended for ease of maintenance. Cross-sections will be requested to verify depths and construction methods of materials and hydrology systems.

Water features outside of the building envelope are to appear natural and not contrived. They may include running water, areas of ponding, waterfalls where the grade exists, or can be modified to look natural, plants, and pondless stream endings.

In the rear yard of the building envelope, water features may be free standing fountains, raised or sunken water holding structures, or other designed features. Water features in these areas are limited to 5 feet above the finished grade and must be compatible with the architectural character of the community.

4.0 ARCHITECTURAL GUIDELINES

4.1 COMPLIANCE WITH THE LOCAL CODES

All building and structures erected within The Lakes and the use and appearance of all land within The Lakes shall comply with all applicable local zoning and code requirements as well as the Declaration and these Design Guidelines.

4.2 ARCHITECTURAL THEME

All Residences and other Structures which are constructed will be considered Four-sided Architecture. Equal attention to all elevations in terms of detailing, materials and colors must be utilized, and will be reviewed as such by the ARC. All buildings and other Improvements erected within The Lakes must be approved by the ARC prior to submittal to the local government or the commencement of construction.

All homes submitted for review must have enough architectural features to enhance rather than detract from neighboring homes. Examples include stone masonry, timber corbels, bellybands, siding changes at gables, pronounced ~~and~~ window trim, and double fascia. The ARC encourages product designs and use of materials and styles appropriate to the region. Architectural design should be sensitive to and compatible with the natural environment.

The ARC encourages use of details, which will soften and enhance the architectural design. These include:

- 1) Detail and relief of windows, entrances and doors.
- 2) Breaks in the roofline with elevation changes.
- 3) Shade structures, canopies, porches, entry features and pathways.
- 4) People gathering/activity spaces.
- 5) Attention to service spaces and utilities.

When a building design has been approved and the necessary building permit obtained from the City of Whitefish, the applicant should proceed in a timely manner with the commencement and completion of all construction work. The Owner shall have 12 months to complete exterior construction once building has commenced. It will be considered that construction has commenced once the Lot has been disturbed. Such commencement shall occur within 90 days from the date of obtaining the building permit. If the applicant fails to comply with the 90-day commencement, the approval from the ARC may be revoked. If construction is not completed within the 12-month timeframe, the Association shall have the right to assess the Owner for the cost of completion and shall collect such costs as provided in the Declaration. Interior construction and landscaping shall be completed within 18 months of the commencement of construction.

4.3 BUILDING MATERIALS

All exterior building materials must be approved by the ARC. The acceptable siding, fascia, soffit and exterior trim materials for The Lakes Red Eagle shall be:

The Lakes Red Eagle siding shall bear wood grain appearance materials such as prefinished L.P. siding, cement board siding, or cedar lap siding with its main body using, at minimum, six-inch (6") lap. Three-inch (3") lap siding will be permitted as an accent. As an alternative to lap siding, the Cottage may

bear a board and minimum one by four batten siding, or a board on board siding. Cedar siding must be finished with a semi-transparent stain. All siding shall be of a color comparable with natural colors found in Northwest Montana.

Exterior decking may be an engineered decking material, but the ARC reserves the right to specify allowed product and colors of such product. Painted metal and vinyl siding, soffit, and fascia are specifically disallowed. Raw metal with a natural or rust patina may be permitted at the ARC's discretion as long as the materials are integral with the overall design of the structure.

4.4 ROOFING

All roofs shall be of a material, texture, and color approved by the ARC and must be of a minimum 5/12 pitch with 2' minimum overhangs. Dormers and other roof projections may be permitted at a lower roof pitch and smaller overhang as long as the overall appearance of the structure is not compromised in the opinion of the ARC. Home designs with larger sections of descending shed, roofs will be considered on a case by case basis. Other roof types are generally prohibited because they are inconsistent with the overall character of the neighborhood. However, these other roof types may be considered if they are minor design elements and comprise no more than 15% of the overall roof area (see Glossary B-4 for the Roof Measurement Criteria). The overall appearance of the Residence and how well it integrates with neighboring structures will be an important consideration. Overhead screens, shade covers, patio roofs, and other similar structures shall be constructed of materials and colors to match the main roof. An owner-provided sample of the proposed roof materials and colors shall be reviewed by the ARC during the submittal process. Asphalt composite shingles shall be a minimum 30-year architectural grade shingle. All vents and other roof penetrations and projections shall be colored to match the finished roof material color. No mechanical equipment of any kind will be permitted on roofs.

Roof ridgelines shall be an important consideration during the design review process. Roof lines may not extend more than 40 feet in any direction without either a well-defined horizontal or vertical change in direction. The overall roof structure must be compatible with the overall character of the neighborhood and the neighboring structures. The roofing material must be of a color to compliment the structures exterior color scheme. Exterior vents must be painted to match roof.

4.5 EXTERIOR COLORS

The exterior colors of all the buildings and structures must be submitted with the application to the ARC. The samples of the colors must be provided on the materials on which they will be applied, and the colors and material finishes must be specified on the plans submitted to the ARC. Earth tone colors shall be encouraged but the ARC will also consider the color schemes consistent with "Old Town Whitefish". Exterior colors of neighboring structures will be considered by the ARC to help ensure the integrity of the neighborhood. Homes must have three contrasting colors and are subject to the approval of the Architectural Review Committee. The use of masonry as a 4-sided architectural feature may count as one color.

Any repainting or redecorating of exterior surfaces will also require submission of a color scheme to the ARC for approval unless repainting with the same color scheme used in the initial construction of the structure.

4.6 MASONRY

Masonry veneer enhances the perception of richness and quality of a Residence and provides an opportunity for added texture and color. Stone masonry, being reflective of the surrounding natural environment, is preferred. The following criteria shall apply to masonry use:

- Faux or natural stone must conform to the natural shades of the area.
- Blending of faux stone colors is encouraged to gain a greater sense of richness and capture the variation found in natural stone.
- Masonry elements must be integral to the architecture and not merely an applied feature.
- Masonry shall wrap masses in their entirety.
- Masonry is a component to be considered as part of the 4-sided Architecture.
- Stone grouting thickness should be understated in proportion to the stone thickness, or not visible, as in the case of ledge stone applications. Large mortar joints or “weeping mortar” are not allowed.

4.7 HEIGHT OF RESIDENCES AND STRUCTURES

The ARC intends to discourage, and has the right to prohibit, the construction of any Residence or other Structure which would appear excessive in height when viewed from the street or other Lots anywhere in The Lakes. Building projections such as chimney flues will be reviewed on an individual basis by the ARC and their compliance with the height restrictions determined accordingly.

The Lakes Maximum height is 35’ irrespective of chimneys from the natural grade at the foundation wall.

4.8 SIZE AND MASSING

Each Residence must be composed of multiple masses with each mass distinguished by a minimum vertical and horizontal offset of two (2) feet. At least two distinct masses, with a maximum of a 50’ dimension along any given wall plain, must be visible from each building elevation and the size of each must be in proportion to the overall scale of the Residence. See drawing in the Appendix pg. A-1.

4.9 BUILDING PROJECTIONS

All projections from a Residence or other structure including, but not limited to, chimney flues, extended overhangs, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project or shall be of an approved color. Any building projection must be contained within the Building Envelope.

4.10 ANTENNAE/SATELLITE DISHES

There shall be no antennae or satellite dish that extends beyond the highest roofline or is prominently visible from any neighboring Building Envelope. The ARC shall have the right to impose reasonable requirements with regard to the installation of any and all antennae and satellite dishes including, but not limited to, 24-inch satellite dishes. All shall be installed per local codes and in accordance with F.C.C. regulations. The locations of antennae and or satellite dishes must be shown on the elevations submitted with the plans for ARC review.

4.11 WINDOWS, SKYLIGHTS AND GLASS BLOCK

Windows shall be wood, wood with aluminum cladding or fiberglass in The Lakes Red Eagle.

Horizontal sliding windows are not allowed. Glass Block is permitted subject to ARC approval.

Skylights should be integrated into design of the roof, energy conservative, and consistent with the materials of house. Skylights will only be permitted on pitched roofs on a case-by-case basis and must be integrated in the roof design and glazing must be a color compatible with adjacent roof color.

4.12 SOLAR APPLICATION

Solar collectors can result in excessive glare and reflection and can only be approved in advance by the ARC if they are integrated into the Structures or landscaping on a Lot and will not be visible from any neighboring Building Envelope.

4.13 WALLS

Walls or fences may be used for privacy, to delineate the Private Areas from the rest of the Building Envelope, and as screening for cars and service areas of the Residence and must be approved by the ARC. They should be a visible extension of the architecture of the Residence and must be located within the Construction Envelope. The colors of exterior walls must conform to the same color standards as the exterior home colors. Privacy or screen walls exceeding three (3) feet in height from the lowest Natural Grade adjacent to the outside wall must be approved by the ARC.

4.14 LOT RESTRICTIONS

No more than one Residence may be constructed on any Lot.

4.15 SITE WORK

Owners should be creative in the design process. Owners are encouraged to alter as little of the site as possible from its original condition, protecting drainage wherever possible. Structures should be limited to the areas on the site where drainage, soil and geological conditions will provide a safe foundation.

4.16 INTERIOR LIGHTING

Interior lighting becomes a concern of the ARC when the light that spills to the exterior causes glare when seen from neighboring properties or Common Areas. Special attention should be given to the aiming and brightness of display lighting and other intense accent lighting as it may be reflected to the exterior, particularly through high windows, clerestories or skylights that are allowed. Darkly tinted glazing may be used on skylights and clerestories, and dark tinting of glass areas or the use of window coverings at other doors and windows may be required to reduce light spill from interior spaces that may have exceptionally high light levels.

4.17 EXTERIOR LIGHTING

The following lighting criteria for The Lakes have been carefully considered. The intent of this criterion is to create a unified, natural effect which will not interfere or compete with the night time views. Any additional individual lighting may only be approved by the ARC if it is limited to a small area within the Building Envelope and will not result in excessive glare. In an effort to allow each Owner the flexibility and freedom to creatively resolve unique conditions, the ARC will ultimately consider the acceptability of each installation and its resultant light levels and visual effects on surrounding properties and Common Areas on a case-by-case basis.

Exterior lighting as used here shall mean light sources that are located outside the home. Exterior lighting serves one of three general purposes for the purposes of these Design Guidelines: a) safety; b) security; and c) recreational for the visual enjoyment of outdoor living spaces as characterized below:

Low voltage safety lighting mounted in a low-profile manner may be used to illuminate vehicular and pedestrian circulation and assist in circulation outdoors. This lighting is intended to provide bright illumination during emergency situations only, which may include unauthorized trespass, unusual or threatening sounds and/or activities. It must be circuited and controlled separately from any and all other lights. All security lighting must be controlled by sensors.

Lighting intended to illuminate exterior living areas, such as patios, landscaping behind walls or in Private Areas. Such lighting may be used only during waking hours. Lighting for visual enjoyment may often provide for safety requirement around outdoor living areas and safety lighting may sometimes contribute to the visual enjoyment of the landscape. Because of differences in the frequency and duration of use and the objective of minimizing unnecessary lighting, these lighting functions must be circuited and controlled separately.

All exterior lighting shall meet the City of Whitefish dark sky requirements.

4.18 MOUNTING

Unless otherwise approved by the ARC, exterior lighting shall be mounted as follows:

In the ground or on a post not exceeding 18" above grade; In or upon a wall not exceeding 8' above grade; Discretely attached to mature trees without causing sway at a height not exceeding 8' above grade.

4.19 WATTAGE

The maximum wattage of any exterior light fixture shall meet dark sky ordinance for the City of Whitefish.

4.20 MACHINERY AND EQUIPMENT

No machinery, fixtures or equipment of any type, including but not limited to, heating, cooling, air conditioning and refrigeration equipment and clotheslines, may be placed on any Lot without the prior approval of the ARC. Approval shall be conditioned upon proper screening or concealment from view of a neighboring Lot. Wind turbines are not allowed.

5.0 DESIGN REVIEW COMMITTEE ORGANIZATION

5.1 MEMBERS

The Architectural Review Committee (ARC) shall be composed of three (3) members of the Association ("ARC Members") selected by the Board. ARC Members may be removed at any time by the Board and in the event of removal, or death, incapacity, or resignation of any one of the three (3) ARC Members; the Association shall have full authority to designate a successor who in like manner may be removed at any time by the Board. The Board may designate a person to serve on the Committee during an absence lasting more than (30) days of any one of the three (3) ARC Members. The removal of ARC members, the appointment of successor ARC Members, and the designation of temporary ARC Members of the Committee shall be made by the Board.

5.2 DUTIES

It shall be the duty of the ARC to consider and act upon proposals or plans related to the development of The Lakes that are submitted pursuant to the Design Guidelines, to enforce the Design Guidelines, and to amend these Design Guidelines when and in a manner deemed appropriate by the ARC.

5.3 COMPENSATION

ARC Members shall not be entitled to any compensation for services performed pursuant to the Declaration of Protective Covenants. However, the Committee may hire consultants and a Coordinator with Board approval. All Members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with performance of their duties with Board approval.

5.4 AMENDMENT OF DESIGN GUIDELINES

These Design guidelines may be amended by approval of the HOA Board of Directors in accordance with the provisions set forth in the Declaration.

Each owner is responsible for obtaining from the ARC a copy of the most recently revised Design Guidelines before commencing on any Improvements to the Owner's Lot. The Guidelines can be accessed online at <http://www.lakeshoawhitefish.com/>.

5.5 NON-LIABILITY

Neither the ARC, nor any member thereof, shall be liable to any Owner, Builder, Architect, or other person or agency for any loss or damage claimed on account of any reason whatsoever including but not limited to the following;

- The approval or disapproval of any plans, drawings, and specifications, whether or not defective.
- The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.
- The development, or manner of development of any Lot within The Lakes.

By submitting plans and specifications to the ARC, the Owner hereby agrees, promises, and covenants that neither he/she, nor any person, organization or any other entity acting on his/her behalf

will file, charge, claim, sue or cause or permit to be filed, charged or claimed, any action for damages or other relief (including injunctive, members, agents, employees, or legal representatives, in any matter relating to the Associations Governing Documents including these Design Guidelines. Additionally, the owner agrees to indemnify and hold harmless the ARC or any of its members, agents, employees, or legal representatives, and the Association against any loss, liability, claim, damage and expense whatsoever arising out of the submission of plans and specifications to these Design Guidelines.

5.6 ENFORCEMENT

The ARC may, at any time, inspect a Lot or Improvement. If the ARC discovers a violation of these Design Guidelines, upon an inspection it will provide a written notice of noncompliance to the Owner and/or Builder. For each issue, the Owner will have seven (7) days to correct the problem. (Except for problems relating to garbage cans, litter, trailers, and parking, which must be corrected within twenty-four (24) hours of notice). If an Owner fails to comply within this time period, the ARC or its authorized agents may enter the Lot and correct the violation at the expense of the Owner of the Lot. Any such expense shall be secured by a lien upon the Lot enforceable in accordance with the Declaration.

In the event of any violation of these Design Guidelines, the ARC may, at its sole discretion and in addition to restoration expenses, impose a fine of One Hundred Dollars (\$100) per day or more if reoccurring until the issue of non-compliance is corrected. At the discretion of the ARC, the per day fine will accrue without limit with a willful continuous offense. This fee may be charged against the builder deposit. Additionally, if a current violation is pending against a certain Builder, the Builder will not be considered for future project approvals in the Association

5.7 SEVERABILITY

If any provision of these Design Guidelines, or any section, clause, sentence, phrase or word, or application thereof in any circumstance, is held invalid, the validity of the remainder of these Design Guidelines, and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstance, shall not be affected thereby, and the remainder of these Design Guidelines shall be construed as if such invalid part were never included therein.

5.8 MEETINGS

The ARC shall meet as required to review all submissions and requests as well as related business. The ARC Coordinator or HOA Manager may call special meetings upon two (2) days prior written or oral notice to the other members. A quorum at any meeting of the Committee shall consist of a majority of the members thereof and any decision shall be reached by the affirmative vote by the majority of the members. A designated alternate member, appointed by the Board, may participate at any meeting in which there is not a quorum of regular members present and shall have all of the authority of a regular member while so participating.

6.0 DESIGN REVIEW PROCESS

6.1 APPLICATION PROCEDURES

Whenever any action by or approval of the ARC is required by the terms of these Design guidelines, request for such action or approvals shall be submitted to the ARC, in accordance with the procedures set forth herein. Request for approvals shall be reviewed by the ARC in accordance with these Design Guidelines and the Declaration. Unless otherwise provided for herein, all periods of time referred to in these Design Guidelines shall refer to calendar days and shall include all Saturdays, Sundays and state or national holidays, provided that, if such a date or, the last date to perform any act or give any notice with respect to these Design Guidelines shall fall on a Saturday, Sunday, or state or national holiday, such act or notice may be timely performed or given on the next succeeding day which is not a Saturday, Sunday, or state or national holiday.

The following is a general summary of the application and review procedures of the Architectural Review Committee. For more specific information and clarification of current policies, please refer to the Design Review Guidelines or contact the ARC Administrator. The Administrator or member of the ARC will contact the applicant if any additional information is required. The ARC will work with the architect and contractor in order to complete this process in a timely manner. The lot owner is ultimately responsible for ensuring that the property complies with the covenants and guidelines.

6.2 PRE-DESIGN MEETING

It is mandatory that the Owner and/or his Architect, Builder or representative meet with an ARC Representative to discuss proposed plans and to explore and resolve any questions regarding building requirements at The Lakes prior to the initial submission. Preliminary concepts and drawings would be welcome for discussion at this meeting. The meeting is required regardless if a builder has previously built a home in the Lakes. This informal review is to offer guidance prior to initiating construction drawings and open the lines of communication between the Owner, Builder, and the ARC. Appointments for a pre-design conference should be made in advance by calling the ARC Coordinator at 406-863-2691 or email lakesarc@gmail.com.

6.3 FORMS

The ARC shall adopt forms upon which all requests for actions or approvals from the ARC must be submitted. Such forms shall indicate the number of copies of each set of plans, specifications, site plans or other documents, which must accompany the application and set forth instructions to be followed in submitting applications.

6.4 SUBMITTAL REQUIREMENTS

Submittals must be made to the ARC prior to being submitted to the City of Whitefish for approval. In order for the ARC to review and process proposed plans for site plans and product types, the following items are required: (See Appendix pg. A-5 for complete Design and Plan Review checklist).

- 1) Completed form "New Construction Architectural Review Committee (ARC) Application Form" (Appendix pg. A-3)
- 2) Site plan of preliminary plot showing the location of all buildings and/or structures, driveway, parking areas, Building Envelope, and all other site data required by the City of Whitefish (2 copies);

- 3) Landscape and separate irrigation plans for the Lot, (2 copies);
- 4) Floor plans, sections, and elevations of each building at the scale to be submitted to the City of Whitefish (2 copies);
- 5) Sample of all construction materials and colors (See example Appendix pg. A-4).

Approval by the ARC of the site plan, building plans, or variances does not guarantee approval by the governing agency.

6.5 SUBSEQUENT CHANGES

Additional construction or other Improvements to a Residence or Lot, or changes during construction or after completion of an approved structure, must be submitted to the ARC for approval prior to making changes or additions. Failure to do so may result in a fine and/or request to comply with the approved plans.

6.6 DECISIONS

The ARC shall review all applications submitted to it and shall furnish a written decision to the applicant setting forth the reasons for its decisions. An affirmative vote of a majority of the members of the ARC shall be necessary for any decision. In the event the ARC fails to take any action within thirty (30) days after an application has been submitted to it, then the application shall be deemed approved. The ARC may disapprove any application if there is not sufficient information submitted for the ARC to exercise the judgment required by these Design Guidelines. In all cases, the ARC shall attempt to itemize the nature of its objections. In the event the applicant makes subsequent submissions after an initial disapproval, the application, as resubmitted, shall be deemed approved if the ARC fails to take any action on the resubmitted application within twenty-one (21) days after the new submission.

6.7 APPEAL TO THE BOARD

Except as otherwise provided in the Declaration, any Owner aggrieved by the decision of the ARC may appeal the decision to the Board of Directors. Such an appeal must be made within seven (7) days after the decision of the ARC and must be accompanied by the written decision of the ARC together with, if the appeal is made by the applicant, copies of the application and all items submitted to the ARC, and any other relevant evidence previously submitted to the ARC.

6.8 WRITTEN RECORDS

The ARC shall keep and safeguard complete written records of all applications for approval submitted to it (including one (1) set of all preliminary sketches and all architectural plans), of all actions of approval or disapproval and of all other actions taken by it under the provisions of these Design Guidelines. All such records shall be maintained in the offices of the Association for a minimum of five (5) years after approval or disapproval.

6.9 NATURE OF APPROVAL

Any approval of plans, specifications or proposed construction given by the ARC shall be only for the purpose of permitting construction of proposed Improvements within The Lakes and shall not constitute compliance with City, County, and State Laws. Such approval shall not constitute any approval, ratification or endorsement of the quality or architectural or engineering soundness of the proposed improvement and neither the ARC, its members, the Board, the officers of the Association, nor the

developer shall have any liability in connection with or related to approved plans, specifications or improvements.

6.10 DESIGN REVIEW ARCHITECTURAL REPRESENTATION

The ARC may employ the services of an Architect or Designer to review submitted plans for conformance to the Design Guidelines. From time to time during the design review process, an Owner and/or his representative may meet or communicate informally with the ARC representative. While it is the intent of these informal meetings to provide direction to the Owner, any comments or suggestions made are done solely to provide direction and they do not represent any official approval or disapproval by the ARC.

6.11 SUBMISSION OF PLANS

Plans and specifications shall be submitted to the ARC after the Pre-design Meeting a minimum of one week prior to a regularly scheduled ARC meeting in order to be reviewed at that meeting. No review will commence until the submittal is complete including the Non-refundable Review Fee.

6.12 REVIEW FEE

Included with the preliminary submittal shall be a non-refundable fee of \$900 which includes the Pre-design meeting with an ARC Representative, two Plan reviews, a Pre-Construction meeting with the Builder, four site observations, and administration of the review process. If an additional plan review or site observation is required, due to multiple changes or non-conformance to the approved plans, an Administrative Fee may be charged to the Owner/Builder, up to \$1,000.

6.13 REVIEW OF PLANS

The ARC shall conduct reviews of plans during its regular meetings or at such other times, as it deems appropriate. Owner, architects, or Builders shall have no right to attend any meeting of the ARC unless specifically requested by the ARC. The ARC will respond in writing within 30 days after the review of a complete submittal, provided that the plans are in accordance with the requirements outlined. Any response an Owner may wish to make in reference to issues contained in the ARC's notice following review of submitted plans must be addressed to the ARC in writing. Although it is the intent of the ARC to enforce all provisions of the Design Guidelines, the following will be of particular concern:

- Building Envelope usage
- Building heights, massing, and roof-scapes
- Exterior materials and colors
- Site development, grading and drainage
- Landscape plan and exterior lighting
- Design integrity and visual strength

Two (2) sets of submittal plans are required.

6.14 RE-SUBMITTAL OF PLANS

In the event of any disapproval by the ARC of either a preliminary or a final submittal, a re-submittal of plans should follow the same procedure as an original submittal. Additional reviews may be subject to additional review fees at the ARC discretion. Any response an Owner may wish to make regarding the results of a design review must be addressed to the ARC in writing.

6.15 SITE OBSERVATION/REVIEW

As soon as the submission of the final plans is complete, a representative of the ARC will review the Lot to determine that the conditions as depicted in the final submittal are accurate and complete. The house perimeter needs to be staked before the site review. Engineering certification of foundations and the securing of a building permit is the responsibility of the Owner and/or Builder. Construction documents (working drawings and specifications) are to be in accordance with the final design and plans approved by the ARC. Construction shall not commence until all of the above requirements are satisfied.

7.0 CONSTRUCTION GUIDELINES

7.1 BUILDER'S DEPOSIT

A Builder's Deposit in the minimum amount of \$10,000 must be remitted prior to beginning any residential construction in "The Lakes". This amount is subject to change at the sole discretion of the ARC. In the event that the ARC finds it necessary to remove debris or cleanup the construction site, or if there are any damages to HOA property including boulevards, sidewalks, irrigation, etc., any costs will be deducted from the deposit. Upon completion of construction, including landscaping, the Builder must give written notice thereof. The ARC will have 30 days to inspect the completed property. After the final review the deposit minus any fines will be refunded. If the Builder or any of his agents should violate the Declaration or these Design Guidelines or deviate from the approved plans and specification agreed upon during the ARC approval process and it becomes necessary for the ARC to remedy the violation, the cost of the remedy may be charged directly to the Owner/Builder. The deposit will be utilized for expenses first. Should expenses exceed deposit, owner/builder will be invoiced for remainder of any cost to be remedied.

Oversite of building sites during construction will be done by ARC members and The Lakes ARC representatives acting as roving inspectors on regular intervals. Violation to the Construction Regulations will be reported to the ARC and a letter will be sent to the Builder involved. Copies of the letter will be sent to the Lot owner and the ARC Representatives. Continued violation of these policies and procedures may result in the Builder and subcontractor being fined \$100 per violation or more if the violation is reoccurring.

7.2 PRE-CONSTRUCTION MEETING

Prior to commencing construction, the Builder must meet with an ARC Representative to review construction procedures and coordinate his activities in The Lakes. An ARC Representative can be contacted at **406-863-2691** or email at lakesarc@gmail.com. See the Pre-Construction Meeting Checklist in Appendix A pgs. A-6 & A-7 for more information. The Builder must submit an approximate construction schedule to the Owner and the ARC indicating start and completion dates of construction, utility hook-up, completion of landscaping work, and anticipated occupancy date. Any significant delays or interruptions to the construction schedule must be submitted to the ARC at the earliest possible time.

7.3 OCCUPATIONAL SAFETY AND HEALTH ACT COMPLIANCE (OSHA)

All applicable OSHA regulations and those outlined in these Design Guidelines must be strictly observed by any Owner, Builder or other representatives while within the property of The Lakes.

7.4 CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.

Any Owner or Builder who desires to bring a construction trailer, field office, or the like to The Lakes shall first apply for and obtain written approval from the ARC at the time of pre-construction meeting. The ARC will work closely with the Owner or Builder to determine the best possible location in the Building Envelope. A maximum of ONE trailer is allowed per property for the builder unless other arrangements have been made with the ARC. Such temporary Structures shall be located only in a

location approved by the ARC and shall be removed within fifteen (15) days after certificate of occupancy is issued by the City of Whitefish. Builder shall instruct all subcontractors with trailers and delivery vehicles to park in a location best suited for the neighborhood and to use the tracking pad for deliveries rather than driving over the HOA curb and boulevard.

7.5 DEBRIS AND TRASH REMOVAL

Owners and Builders shall clean up all trash and debris on the construction site at the end of each day and placed in a trash container. Trash and debris shall be removed from each construction site at least once a week to a dumping site located outside of The Lakes. Lightweight material, packaging, and other items, shall be placed in a closed container, to prevent wind from blowing such materials off the construction site. Owners and Builders are prohibited from dumping, burying or burning trash anywhere on the Lot or in The Lakes, except in the areas, if any, expressly designated by the ARC. Disposal of any type of chemical, cleaner, fuels, oils or any toxic or environmentally harmful materials is absolutely prohibited at The Lakes.

During the construction period, each construction site shall be kept neat and shall be properly monitored to prevent it from becoming a public eyesore or affecting other Lots and any common area designated on the final plat. Any clean-up cost incurred by the ARC or the Association in enforcing these requirements will be billed to the Owner. Dirt, mud, or debris resulting from activity of each construction site shall be promptly removed from private roads, common areas, and driveways or other portions of The Lakes.

On each construction site, the Builder must designate a wash out area within the Construction Envelope for contractors and suppliers to clean their equipment. The cleaning of equipment must occur, and cleaning effluent must remain, within the specified area. Equipment cleaned in any area other than the designated area will result in the ARC imposing a fine or retaining the Builder's Deposit to repair any damages resulting from such equipment cleaning in improper areas. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the construction site.

7.6 SANITARY FACILITIES

Each Owner and Builder shall be responsible for providing adequate sanitary facilities for their construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the site itself in an area approved by the ARC. Facilities shall be emptied as necessary and contents removed from site.

7.7 VEHICLES AND PARKING AREAS

Construction crews will not park on, or otherwise use, other Lots or any Common area. Private and construction vehicles and machinery shall be parked only in areas designated by the ARC.

7.8 EXCAVATION MATERIALS

Excess materials must be removed from The Lakes. On Lots backing up to the water, Excavation Materials shall be separated from the water with a silt fence.

7.9 BLASTING

If any blasting is to occur, the ARC must be informed far enough in advance to make sure that the applicant has obtained the advice of an expert consultant that the proposed blasting may be accomplished safely. These consultants must so advise the ARC in writing. No blasting or impact digging

causing seismic vibrations may be undertaken without the approval of the ARC based on such advice from a qualified consultant. Applicable governmental regulations shall also be reviewed and observed prior to any blasting activities. The ARC's only responsibility is to require evidence of such a consultant's expertise and assurances and shall have no liability for blasting or impact digging.

7.10 RESTORATION OR REPAIR OF OTHER LOT DAMAGES

Damage and scarring to a Lot outside the Construction Envelope, including but not limited to, common area, natural vegetation, other Lots, roads, driveways and/or other Improvements will not be permitted. If any such damage occurs, the Owner of the Lot will be obligated to ensure that it is repaired and/or restored promptly at the expense of the person causing the damage or the Owner of the Lot. Upon completion of construction, each Owner and Builder shall clean his construction site and repair all of the Lot which was damaged, including but not limited to restoring grades, planting shrubs and trees as approved or required by the ARC, and repair of streets, concrete curbs and gutters, driveways, sidewalks, pathways, drains, culverts, ditches, signs, lighting and fencing. If another lot owner gives permission to use adjacent lot, permission must be in writing and a tracking pad must be installed on that lot.

7.11 RESTORATION OR REPAIR OF BOULEVARDS

Boulevards must be repaired during construction as needed and as lot is being landscaped. A combination of dirt, sand, mulch, seed and sod should be used to bring boulevard to its original condition. Any HOA sprinkler damage must be repaired immediately when the HOA watering cycle is operating, or before the HOA water is turned on for the season. The Board may decide to use the Builders Deposit to make repairs if the repairs are not completed in a timely manner. The boulevard condition will be reviewed at the FINAL Observation.

7.12 MISCELLANEOUS AND GENERAL PRACTICES

All Owners will be responsible for the conduct and behavior of all individuals and entities involved with the construction of improvements on such Owner's Lot including, but not limited to, the Owner's agents, representatives, Builders, contractors and subcontractors in The Lakes.

The following practices by such individuals and/or entities are prohibited at The Lakes, and will be considered a violation of these Design Guidelines:

- a) Changing oil on any vehicle or equipment anywhere within The Lakes other than at a location designed for that purpose by the ARC.
- b) Allowing concrete suppliers and contractors to clean their equipment on the site itself other than at the locations designated for that purpose by the ARC.
- c) Removing any rock, plant material, topsoil, or similar items from any Lot of others within The Lakes, including construction sites, unless it is from the site under construction and only then with prior approval from the ARC.
- d) Carrying any type of firearms within The Lakes.
- e) Using disposal methods or units other than those approved by the ARC.
- f) Careless disposition of cigarettes, contaminated and other flammable material. At least one 10-pound ABC-rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
- g) Careless treatment or removal of any plant materials not previously approved by the ARC.
- h) Unauthorized consumption of alcoholic beverage within The Lakes.
- i) Use or transit over common areas.

- j) No pets shall be allowed to roam at will throughout The Lakes. In the event of any violation hereof, the ARC, the Association, or Developer shall have the right to contact the applicable authorities to impound the pets, or to refuse to permit such Builder or Subcontractor to continue work within The Lakes, or to take such other actions as may be permitted by law, the Design Guidelines, or the Declaration.

Catering trucks will not be permitted to use their horns. Also, trash generated by the purchase of items from these trucks and from construction practices must be contained and disposed of properly in trash receptacles. Repeated problems with these requirements could result in the trucks being denied admittance to the Lot.

7.13 CONSTRUCTION ENVELOPE PLAN

Prior to the commencement of any construction activity on a Lot, the Owner and Builder shall provide a detailed plan as to the manner in which the natural terrain will be protected, and the location of the Construction Envelope, to which all construction activity will be confined, including; size and location for construction material storage, limits of Excavation, drive areas, parking, chemical toilet location, temporary Structures, if any, dumpsters, storage of debris, fire extinguisher, utility trenching, tracking pad and construction sign. This plan should identify the methods for protection, such as fencing, silt fencing, flagging, rope, barricades, or other means, to be set up prior to commencement of construction.

7.14 CONSTRUCTION ACCESS

The only approved construction access during the time a Residence or other Improvements are being built will be over the approved driveway for the Lot and within the Construction Envelope unless the ARC approves an alternative access point. A minimum three (3)” schedule 40 sleeves must be placed on each of the HOA irrigation lines under the driveway to satisfy HOA irrigation requirements on the boulevard. A one-time fee will be charged to the Homeowner by the HOA to sleeve the HOA irrigation lines.

7.15 DUST AND NOISE

The contractor shall be responsible for controlling dust and noise from the construction site in compliance with applicable government regulations and local grading standards. At no time should the dust and/or noise level be such as to disturb or become a nuisance to the adjacent properties.

7.16 SIGNAGE

One temporary construction sign may be placed by the temporary address sign. The sign shall be no larger than an area of 12 square feet.

7.17 DAILY OPERATIONS AND ACCESS

Daily contractor access will be through the designated construction access only during posted construction hours.

Monday – Friday	7:00 am - 6 pm (October 1 – April 30)
	6:00 am – 6 pm (May 1 – September 30)
Saturday	8 am – 6 pm

Sunday and designated holidays- No construction or equipment deliveries allowed. Designated holidays include New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

7.18 COMMENCEMENT OF CONSTRUCTION

The Owner shall satisfy conditions and commence the construction of any work pursuant to the approved plans within one hundred-eighty (180) days from the date of such approval. If the owner fails to begin construction within this time period, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the ARC prior to the expiration of said 180-day period and upon a finding by the ARC that there has been no change in circumstances, the time for such commencement is extended in writing by the ARC.

It will be considered that construction has commenced once the Lot has been disturbed. Construction must proceed in a continuous manner through the completion of the Residence. If construction ceases for a period greater than sixty (60) days, the ARC may require that either construction immediately resumes, or the Lot is returned to its natural condition. The Builder's Deposit may be forfeited if either alternative is not achieved within three months written notice of

the Owner by the ARC.

The Owner shall, in any event, complete exterior construction of any Improvement on his Lot within twelve (12) months after commencing construction thereof. At the written request of the Owner, and at the sole discretion of the ARC, an extension of time, which must be set forth in writing, may be granted for so long as the completion of construction is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities.

If the Owner fails to comply with this schedule, the ARC shall have the right (but no obligation) to either have the exterior of the Improvement completed in accordance with the approved plans or remove the Improvements, with all expenses incurred to be reimbursed to the ARC by the Owner.

7.19 OBSERVATION OF WORK IN PROGRESS

The ARC *will* observe all work in progress and give notice of noncompliance. *However*, absence of such observation or notification during the construction period does not constitute an approval by the ARC of changes *to work* in process or compliance with these Design Guidelines.

Three business day advance notification to the ARC must be made for Observations of the following construction milestones:

- 1) FOOTINGS - ARC will review the dig and footing forms, prior to concrete pour, in an effort to verify that the placement of the home and the elevation of concrete walls matches site plan submittal
- 2) ROUGH FRAMING / WINDOWS - ARC will review the rough framing and window installation to verify compliance with plan submittal (ie. roof overhangs, window design, window color, etc.)
- 3) TRIM / SIDING / MASONRY - ARC will review the house trim, siding and masonry for compliance (paint/stain completion not necessary)
- 4) FINAL - ARC will review the completed home and landscaping to verify compliance with the approved plans. (see details below)

7.20 FINAL OBSERVATION OF THE IMPROVEMENTS

Upon completion of any Residence or other Improvement, the Owner shall give written notice of completion to the ARC. Within 10 days of such notification, a representative of the ARC will inspect the Residence or other Improvements for compliance. If all Improvements comply with these Design Guidelines, the ARC will issue a written approval to the Owner, constituting a final release of the Improvements by the ARC, said release to be issued within thirty (30) days from the date of notice. If the Residence is found to be non-compliant, a letter listing items that require remediation will be sent to the Owner and Builder. The owner has (30) days to complete improvements. The Owner may request the ARC for additional time. However, if an extension is not granted, and the Owner has failed to remedy the noncompliance, the ARC may take action to remove, at the Owner's cost, the noncomplying Improvements as provided for in these Design Guidelines, including, without limitation, injunctive relief or the imposition of a fine. The Owner must resubmit a written notice of completion to the ARC.

7.21 NON-WAIVER

The approval by the ARC 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 Design Guidelines shall not constitute a waiver of same.

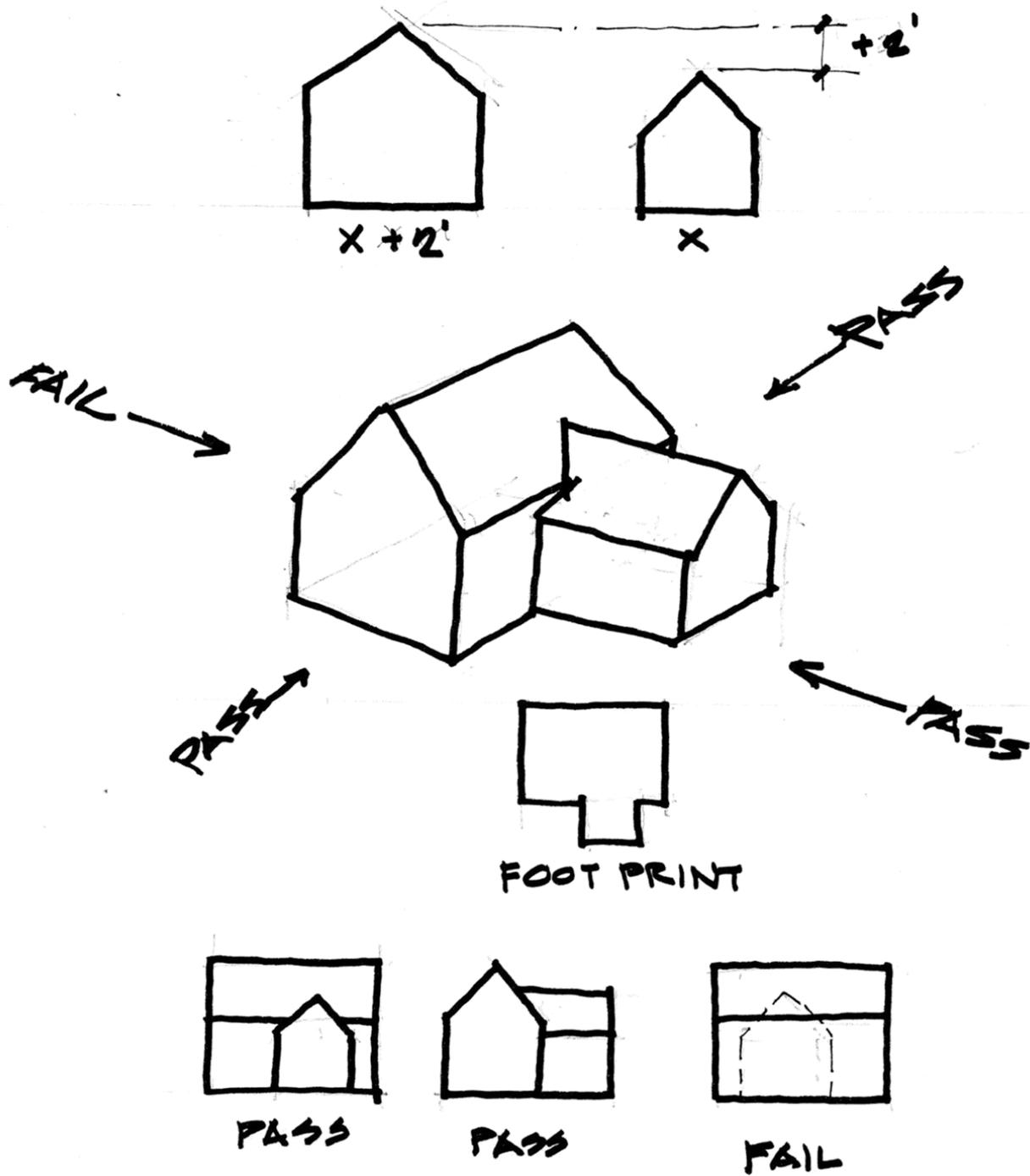
7.22 RIGHT OF WAIVER

The ARC reserves the right to waive or vary any of the procedures set forth herein at its discretion, for good cause shown.

7.23 EXEMPTIONS

Utility and maintenance building structures, and cabinets located on non-residential tracts are exempt from the "Architectural Design Guidelines" portion of this document. However, the ARC will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

MASSING EXAMPLE





**ACKNOWLEDGEMENT OF RECEIPT OF ARC DESIGN GUIDELINES,
OMNIBUS AND CC&RS**

I _____, Lakes property owner of

Lot # _____, Check one: Lakes at Riverside Cottage at Red Eagle Cottages or Village

acknowledge that I received and have reviewed the ARC Design Guidelines, Omnibus and CC&Rs and further understand that I am required to follow the requirements thereof.

This agreement dated this _____ day of _____, 20_____

Owner

Owner

Builder

Builder

By submitting plans and specifications to the ARC, the Owner hereby agrees, promises, and covenants that neither he/she, nor any person, organization or any other entity acting on his/her behalf will file, charge, claim, sue or cause or permit to be filed, charged or claimed, any action for damages or other relief (including injunctive, members, agents, employees, or legal representatives, in any matter relating to the Associations Governing Documents including these Design Guidelines. Additionally, the owner agrees to indemnify and hold harmless the ARC or any of its members, agents, employees, or legal representatives, and the Association against any loss, liability, claim, damage and expense whatsoever arising out of the submission of plans and specifications to these Design Guidelines.



NEW CONSTRUCTION APPLICATION FORM

NAMES OF PROPERTY OWNERS _____

PROPERTY STREET ADDRESS: _____

Lot # _____, Lakes at Riverside Cottage at Red Eagle Cottages or Village
(Check one)

EMAIL ADDRESS OF PROPERTY OWNERS _____

PHONE NUMBER _____

MAILING ADDRESS IF DIFFERENT FROM ABOVE _____

REQUEST FOR APPROVAL

Please attach a brief description of the request. Use attachments for details, drawings, plans or catalogue cuts. Refer to the design guidelines for additional information.

The ARC may void any application that misrepresents a material fact. Signatures must be of legal property owners or agents as power of attorney.

ESTIMATED COMPLETION DATE _____

Owner's Signature

Owner's Signature

Builder's Signature

Builder's Signature

By submitting plans and specifications to the ARC, the Owner hereby agrees, promises, and covenants that neither he/she, nor any person, organization or any other entity acting on his/her behalf will file, charge, claim, sue or cause or permit to be filed, charged or claimed, any action for damages or other relief (including injunctive, members, agents, employees, or legal representatives, in any matter relating to the Associations Governing Documents including these Design Guidelines. Additionally, the owner agrees to indemnify and hold harmless the ARC or any of its members, agents, employees, or legal representatives, and the Association against any loss, liability, claim, damage and expense whatsoever arising out of the submission of plans and specifications to these Design Guidelines.

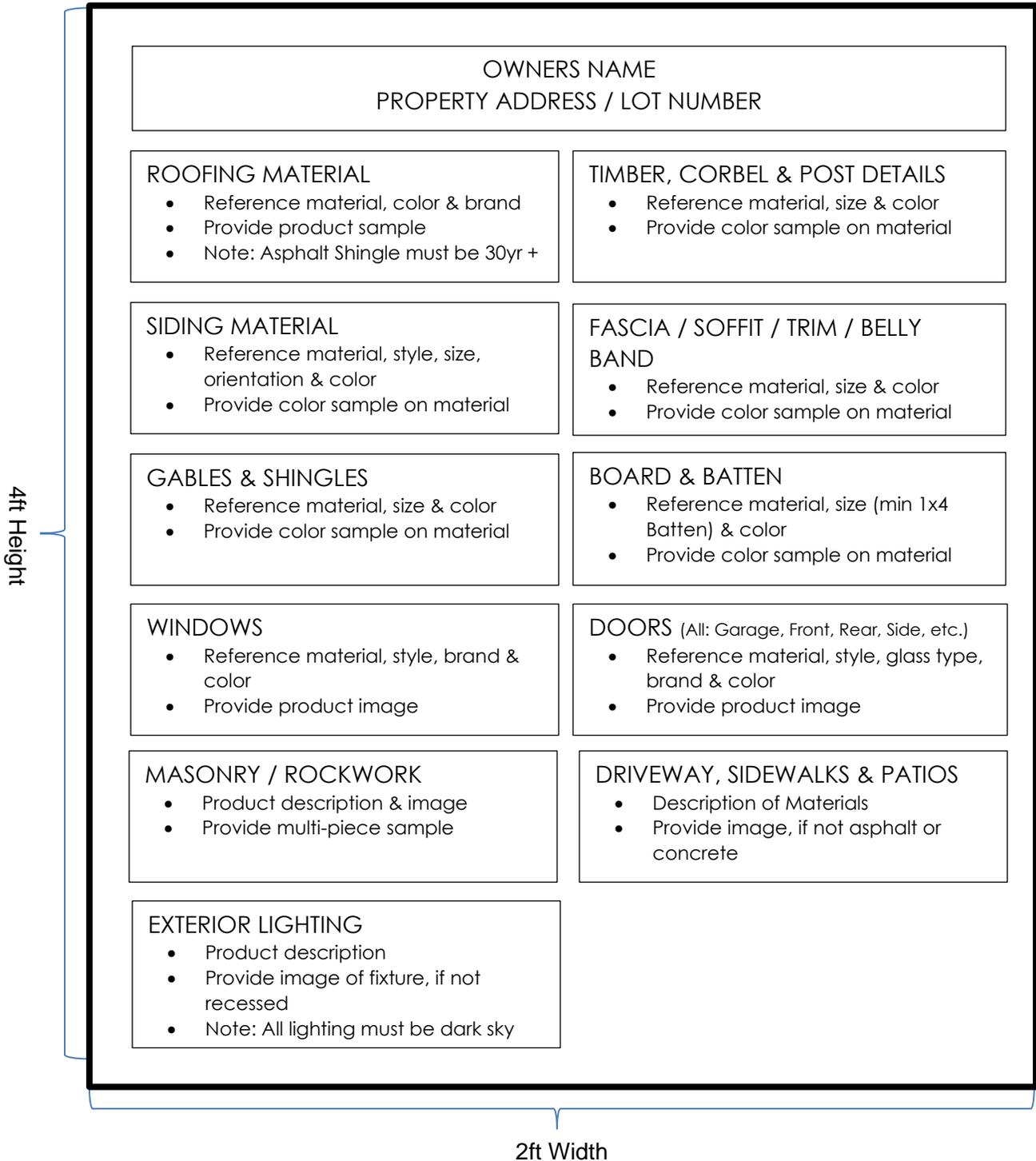
Acknowledgement of Receipt of:

Non-refundable Review/Administrative Fee in the amount of \$900.

By _____ Date _____

CONSTRUCTION MATERIALS SAMPLE BOARD

The Lakes requires the submission of a sample board, composed of the exterior materials being used during construction (such as below), for ARC review and approval. The sample board must be 2ft wide x 4ft high and made of a rigid lightweight material. The board must be labeled with the lot number/address and owner's name. The samples must be labeled with product specifications: type, brand, size, color, material, or other applicable descriptions of the product being used. See example below.



DESIGN AND PLAN REVIEW CHECKLIST

Name of Owner _____ Lot # _____

1. Pre-design Meeting **Date of Meeting:** _____

- Signed Acknowledgment (by Homeowner and Builder) of receipt of Design Guidelines and applicable CC&R's.
- Review Owner objectives, preliminary drawings, and resolve questions regarding building requirements in The Lakes. Share contact information.

2. Review of Plans **Date of Submittal:** _____

- Builder proof of liability, workers compensation and registration with the State of MT
- Submit ARC Review Application and review fee of \$900
- 2 Sets of Plans and a digital copy (pdf).
- Roof Plan and Floor Plan (1/4" = 1' minimum)
- Exterior Elevations (1/4" = 1' minimum)
- Details of Patios and Courtyards.
- Building Cross Sections
- Exterior Lighting Plan and Lighting Fixtures Cut Sheets
- Materials List of all Exterior Materials (siding, trim, soffit, fascia, roofing material, windows, lighting, garage doors) Colors and Glass Specifications.
- Sample Board with adequately sized samples of siding trim, soffit, fascia, garage doors, roofing materials, masonry representing color variations, photos and brands of lighting, doors, garage doors, and windows. (See Sample Board Appendix A pg. A-4 for recommended positioning of the samples.)
- Landscaping Plan (scale 1" to 20' or greater), including Irrigation Plan, Proposed plant material, identify protected plants, the storage area for plants, materials and debris
- Site Plan (1 inch – 20 feet minimum)– identify proposed locations of a dumpster, trash containment plan, tracking pad and silt fence placement, storage for construction materials, temporary restroom facilities, and the temporary construction office, if any. An Owner or Builder who desires to bring a construction trailer, field office or the like to The Lakes shall apply for and obtain written approval from the ARC at the time of the pre-construction conference.
- Other items requested by the ARC.

The ARC has 30 days to review and give notification. Notification of Denial or Approval will be sent by email and/or US mail. It is the responsibility of the Owner/Builder to acknowledge receipt of notice.

3. Obtain City of Whitefish Building Permit **Date of Permit Issuance:** _____

- Upon completion of above steps, a copy of working drawings approved by The Lakes is to be submitted to the City of Whitefish. Written notification of changes made by the City of Whitefish must be submitted to ARC prior to commencement of building.

4. Request for final observation and remainder of deposit in writing to the HOA Manager –
Date submitted: _____



Owner Last Name _____
Street _____
Lot # _____

PRE-CONSTRUCTION MEETING CHECKLIST

Date of Meeting _____ General Contractor _____

Phone _____ Email _____

- Submission of \$10,000 Builder's Deposit and the \$581 HOA Irrigation Sleeving Fee.
- A construction schedule indicating start and completion dates of construction, utility hook-up, completion of landscaping work, and anticipated occupancy date. Any significant delays or interruptions to the construction schedule must be submitted to the ARC at the earliest possible time.
- Verify survey pin locations.
- Verify heights/locations of all major improvements on site if requested
- Builder/Owner signs and dates the final plans to be kept in the HOA office.

THE LAKES CONSTRUCTION GUIDELINE HIGHLIGHTS:

- All construction vehicles shall park on one side of the street so as not to block traffic.
- No vehicles/trucks or equipment storage is allowed on the street. City parking rules apply.
- Lot should be cleaned up and excess materials moved daily/trailers dumped weekly.
- There can be one temporary sign no larger than 12 square feet to identify the lot/builder.
- Construction schedule shall be submitted to HOA manager or ARC administrator. Any significant delays must be submitted at the earliest possible time.
- Tracking pad requirements as per the City of Whitefish strictly enforced. Must be put in FIRST before mud is tracked.
- A/C condensers, phone and cable boxes attached to home shall be screened.
- Roof vents must be painted to blend with roof and accessories.
- Three business day advance notification to the ARC must be made for observations of the following construction milestones: (Please email the HOA office – lakesarc@gmail.com.**
 1. FOOTINGS - ARC will review the dig and footing forms, prior to concrete pour, in an effort to verify that the placement of the home and the elevation of concrete walls matches site plan submittal
 2. ROUGH FRAMING / WINDOWS - ARC will review the rough framing and window installation to verify compliance with plan submittal (ie. roof overhangs, window design, window color, etc.)

Quick Landscape & Irrigation Drawing Checklist

*Some items may not be applicable to every design & property
This checklist is a working document and does not replace or supersede ARC Guidelines 3.0*

BASE INFORMATION:

- North Arrow
- Scale
- Site Address
- Existing Utilities, Improvements & Trees
- The Boulevard
- Property Line & Building Envelope

IRRIGATION & LIGHTING:

- Separate Drawing from Planting Layout, but at same scale
- Shows spray head layout with dashed spray radius and zones (head-to-head layout)
- Show Drip Irrigation and zones
- Identify Back Flow and Anti-Siphon Devices
- 3" or larger Schedule 40 conduit under hardscape elements
- Schedule of Irrigation Materials
- Schedule of Exterior Lighting Materials

LANDSCAPE:

- Identify Waterfront Setback
- Proposed Boulevard Trees, if applicable, and label regarding coordination of selection, purchase, and installation of trees with the city.
- Planting design uses variety of trees, shrubs perennials and ornamental grasses
- Plant symbols are drawn at roughly 2/3 of their mature size to assess spacing and coverage
- Each plant variety has a unique symbol
- Plant Schedule: Scientific Name, Common Name, Size (pot, height w/ BB, or caliper), Quantity
- Mulch Ring Trees
- Edging material and color
- Mulch type, color, and depth of application
- Landscape Fabric "Typlar 3oz, or equivalent"
- Raised or vegetable Gardens, if proposed
- Fence Location, Height, Color, Material
- Invisible Dog Fence
- For proposed structures, identify connectivity to house, color and material
- Material and color of patios, steps, walkways, etc.
- Cross-section and elevation drawings for landscape walls with dimensions, materials, and colors
- Fire-Feature/Kitchens/Built-in BBQ unit information, or construction details if custom built
- Make, Model, Material, Color of Site Amenities
- Material, color, and type of ornamentation
- Water-Feature Details

APPENDIX B: GLOSSARY OF DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases when used in these Design Guidelines shall have these specific meanings. Terms defined in the Declaration shall have the meaning specified herein.

ARC COORDINATOR

The ARC Coordinator is a Contract position approved by The Lakes Board who performs various tasks and functions to ensure ARC operations run smoothly at all times. Tasks include but are not limited to communication with Owner/Builders, organizing meetings, follow-up with meetings decisions, and keeping detailed record of each build.

ARCHITECT

“Architect” means a person appropriately licensed to practice architecture or landscape architecture in any of the United States and who provides “Pre-Qualified Design Services”. The ARC shall have the sole discretion to approve or disapprove an Architectural Design or Landscape Design if in the ARC’s reasonable opinion, the Design does not contain the requirements for construction and/or landscaping of a residence in The Lakes.

BOULEVARD

“Boulevard” means the common area between the street and the sidewalk.

BUILDER

“Builder” means a person or entity engaged by an Owner for the purpose of construction of any Improvement within the Project. The Builder and Owner may be the same person or entity. The ARC will require the Builder to be registered with the State of Montana and provide proof of liability and worker’s compensation insurances.

BUILDER’S DEPOSIT

“Builder’s Deposit” means the amount as specified by the Architectural Review Committee (ARC), which a Builder must remit prior to beginning any residential construction in The Lakes. If the Builder or any of his agents should violate the Declaration or these Design Guidelines and it becomes necessary for the ARC to remedy the violation, the cost of the remedy may be charged directly to the Owner / Builder or against the Builder’s Deposit. This amount is subject to change at the sole discretion of the ARC.

BUILDING ENVELOPE

“Building Envelope” the area of the lot defined by the setbacks in which no building projection including but not limited to chimney flues, extended overhangs, vents gutters, downspouts, utility boxes, porches, railings and exterior stairways can extend beyond. Modification of the Building Envelope can only be made by the ARC (and with the approval of the City of Whitefish).

COMBINED LOTS

“Combined Lots” refers to the grouping or clustering of two or more Lots into one replatted Lot with

Appendix B

commonly owned amenities but individually owned Residences, not exceeding the same number of single-family dwellings as the number of Lots which were grouped. The building envelope shall not increase over and above the permitted building envelope permitted on the largest of the lots combined.

COMMON AREA/PUBLIC AREA

“Common Area” or “Public Area” means all land and Improvements now or hereafter designated as such on the Plat, the Declaration, or the Association Rules.

CONSTRUCTION ENVELOPE

“Construction Envelope” is the specified area on a Lot or parcel within which all structures, driveways, parking, nonnative landscaping, water surfaces, decks, walks, and improved recreation facilities are located. Underground utilities may be located outside the Construction Envelope.

CUSTOM LOT CRITERIA

“Custom Lot Criteria” means supplemental criteria to the Design Guidelines, as adopted by the ARC that illustrate Lot specific building limitations, set-backs and driveway locations.

DECLARATION

“Declaration” means the Declaration of Covenants, Conditions, and Restrictions for the Lakes, as amended and recorded from time to time.

DESIGNER

“Designer” means an individual who has demonstrated competency in the site analysis, planning and technical knowledge in an environment with similar opportunities and constraints as are common in The Lakes.

ARCHITECTURAL REVIEW COMMITTEE (ARC)

“Architectural Review Committee” means the reviewing body which reviews and approves all submitted Improvements established pursuant to the Declaration.

DESIGN GUIDELINES

“Design Guidelines” means the restrictions, review procedures, and construction regulations adopted and enforced by the Architectural Review Committee (ARC) as set forth herein and as amended and supplemented from time to time by the ARC.

DEVELOPMENT GUIDE

“Development Guide” means The Lakes approved preliminary plat including the conceptual Building Envelopes, a copy of which will be on file at the ARC office. The Development Guide may be amended from time to time or incorporated herein by reference.

EXCAVATION

“Excavation” means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of earth, rock, or other substance from a depth of more than 12 inches below the natural surface of the land or any

grading of the surface.

FILL

“Fill” means any addition of earth, rock, or other materials to the surface of the land, which increases the natural elevation of such surface.

FOUR-SIDED ARCHITECTURE

“Four-sided Architecture” shall mean all elevations of a Residence being considered as equal, distinct planes in their level of design and articulation, and will be reviewed as such by the ARC.

IMPROVEMENTS

“Improvements” means any change, alteration, or addition to a Lot, including any Excavation, Fill, Residence or buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, hedges, poles, signs and any Structure or amenity of any type or kind. Exterior art and sculpture which is visible from Neighboring Lot or common Area is also considered an Improvement.

INDIGENOUS SPECIES

“Indigenous Species” means a species of plant, whether groundcover, shrub, or tree that is found in any local Natural Area and are referenced in these Design guidelines from time to time.

LIGHT REFLECTIVE VALUE (LRV)

“Light Reflective Value” is the reflectivity of a surface measured by a calibrated light meter. The value represents the percentage of light reflected from a space-pure white. White has an LRV value equal to 100% while flat black has an LRV value equal to 0%.

LOT

“Lot” means a subdivided Lot or other building site as shown on the Plat.

LOT SURVEY

“Lot Survey” means that information obtained through an engineer or surveyor depicting existing features, inventory, and Lot configuration.

NATURAL GRADE

“Natural Grade” is the existing contour of a homesite, prior to the time any alterations, grading, or site work is done to the Lot.

NEIGHBORING LOT VISIBILITY

“Neighboring Lot Visibility” shall mean, with respect to any given object or activity that is or would be visible without artificial aids from six (6) feet above any other Lot of similar elevation, provided such other Lot is within any of the Lots or Common Areas.

OUTBUILDINGS

A building that is subordinate to but separate from the main building and constructed on its own

foundation.

OWNER

“Owner” means the Owner of a Lot. For the purpose herein, the Owner may act through such Owner’s agent, provided that such agent is authorized in writing to act in such a capacity.

PORTABLE OUTBUILDINGS

Any building that is not constructed on a Lot.

PRIVACY WALLS

“Privacy Walls” means walls not to exceed 6’ in height to be constructed of materials compatible with the exterior of the house, used to screen garbage areas, dog runs, barbecue areas, hot tubs, etc.

PRIVATE AREA

“Private Area” means that part of the Building Envelope which is surrounded by walls and is not visible from any adjacent Lot or Common Area.

RESIDENCE

“Residence” means the building or buildings, including any garage, and other accessory buildings, used for residential purposes on a Lot, and any Improvements constructed in connection therewith. Unless otherwise defined, “Residence” shall mean single-family Residence.

ROOF MEASUREMENT CRITERIA

The overall area (square footage) will be determined by measuring the entire roof perimeter including the 2’ overhangs and any auxiliary roofs beyond the 2’ overhang. The percentage of roofs considered minor design elements will be determined from the total roof square footage.

STRUCTURE

“Structure” means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.

TRANSITION AREA

“Transition Area” means that part of the Building Envelope which is adjacent to a Natural Area and Private Area and may or may not be enclosed by walls.

WALKOUT

“Walkout” shall mean that portion of the Residence which is partially constructed underground, and as such has at least one elevation which is visible from the downhill side of any Lot.