

DESIGN GUIDELINES FOR PINWOOD LAKES

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DESIGN GUIDELINES

These Pinewood Lakes Design Guidelines (the "Design Guidelines") are promulgated this 17th day of November, 2003, pursuant to the Declaration of Covenants, Conditions and Restrictions for Pinewood Lakes (the "Declaration"). Article of the Declaration is attached hereto as Exhibit A for further information and guidance.

ARTICLE I: INTRODUCTION

The home designer should view the Design Guidelines as aides that will protect the special qualities of Pinewood Lakes, not as roadblocks to creative design. These Design Guidelines are not meant to limit the imagination or personal needs of the individual homeowner. Individual design is encouraged. The Design Guidelines are to be drafted and used by the Design Committee to ensure that all Improvements conform and harmonize as to external design, quality and type of construction, architectural character, materials, color, location on the Building Lot, height, grade and finish ground elevation, natural conditions, landscaping and all aesthetic considerations. The Design Guidelines are designed to protect the special qualities and the Community-Wide Standard of Pinewood Lakes, and to encourage creative design, by providing general architectural, design and construction guidelines (including building envelope guidelines), landscape guidelines (including a description of existing, natural conditions and vegetation), submittal and review procedures, and fees and charges for review. The Design Guidelines are drafted to conform to the Declaration. In the event of a conflict between the Design Guidelines and the Declaration, the Declaration shall govern. All capitalized terms used in these Design Guidelines shall have the same meaning as is set forth in the Declaration.

The Design Committee has exclusive jurisdiction over all original construction on any portion of Pinewood Lakes. The Modifications Committee has exclusive jurisdiction over modifications, additions, or alterations made on or to existing structures and/or Improvements in Pinewood Lakes. For purposes of the Design Guidelines, the Design Committee and/or Modifications Committee shall be referred to solely as the Design Committee; provided, however, this term should be read to mean the "Modifications Committee" in connection with any modification, addition, or alteration to existing structures and/or Improvements in Pinewood Lakes.

The Design Committee has the following design goals:

1.1 Perceived Quality. To achieve "Perceived Quality" is the primary goal of Pinewood Lakes. To achieve a high quality community image, both the overall building appearance and the building details should convey a sense of solid, permanent construction. The Design Committee will discourage facade treatments that are associated with impermanent, hastily built, or obviously inexpensive construction materials or techniques. If inexpensive materials are used, the Design Committee expects that every effort will be made in both design and construction detailing to "ennoble" or "enrich" rather than further cheapen the effect of the materials. Regardless of the quality of the material used, tacked-on, veneer-type facade treatments will be strongly discouraged by the Design Committee, as will any too-blatant an expression of cost-cutting methods, such as too-thin fascia boards, exposed rafter tails, or untrimmed doors and windows (unless required by the design to obtain a legitimate and consistent architectural aesthetics).

1.2 Scale and Proportion of Dwellings. The finished street scape should not create the impression of oversized houses pushing too close to the street. The interest here is to provide additional landscape along the street rather than to fill the Building Lot with structures. Vertical and horizontal offsets are encouraged in preference to houses with long, tall, or unbroken walls and roofs butting against the minimum setbacks. Proportion is a somewhat subjective issue, but the designer should be aware that

this is an issue which will not be ignored and that there is rarely disagreement within the Design Committee when the Design Committee reviews a house that is ill-proportioned.

1.3 Consistency. A goal of the Design Committee will be to achieve a high level of consistency of design on all surfaces of the houses and other improvements in Pinewood Lakes. The average tract subdivision fails to achieve the high-quality community image that is the goal of Pinewood Lakes, not so much through a lack of continuity of design between one house and another, as primarily through the generalized failure of individual units making up the development to achieve a level of design consistency and substantial quality within themselves. Houses that may attempt a statement of quality on their street frontage but abandon all pretense of design or quality on their sides and rear will not be approved. A house that may be of simple design and constructed of modest materials (if it carries that design and those materials consistently around itself as a whole composition) will usually communicate a more convincing image of quality than the house with brick and two story Georgian columns on the front without continuity on the other three building sides. It is the business of the Design Committee to discourage the latter approach in Pinewood Lakes and to encourage the former. A development allowing this latter type of design is disparagingly referred to as a typical "tract" subdivision.

ARTICLE II: GENERAL

2.1 "Period" Architecture. A submittal imitating a "period" style (for example, Georgian, Tudor, etc.) is expected to be an authentic representation of the original style and to be consistent with that style from all views. The Design Committee is not opposed to designs evoking "period" styles, but the applicant should be aware that (as with submittals based on more contemporary styles) the Design Committee will be looking for evidence of a clear intent as well as consistency within the context established by the design. The Design Committee will discourage the putting of elements of "period" architecture into the design of dwellings that are in all other respects inconsistent with the elements proposed.

2.2 Privacy Screens. The preferred privacy screen is one which is treated as an architectural extension of the house, both in its design and in its materials.

2.3 Horizontal and Vertical Offsets. It is usually more effective in achieving the effect of a substantial edifice to have fewer but larger horizontal and vertical offsets rather than a series of small jogs. This design "trick" is at the heart of the goal of the Design Committee: to encourage the achievement, through sensitive design, of the appearance of greater quality at lesser cost.

2.4 Scale. It is important that the homes not be over scaled. Open space between houses, and greater than required setbacks are encouraged. Continuous rooflines therefore should not exceed approximately half the frontage width. Changing the roof directions or using offsets or major roof projections should be used to break rooflines.

2.5 Roofs. All roof styles are allowed, depending upon the designer's ability to produce the visual impact of quality regardless of the materials used. As with the design of the house as a whole, the vocabulary established by the style of the roof should remain consistent from all views. In general, roof styles should not be mixed. Roof pitches, in general, should be consistent throughout the overall structure including attached and/or detached garages or auxiliary structures.

2.6 Openings and Projections. Large blank walls should be avoided. Large gable ends of two story houses should be broken with projections or recesses rather than windows alone. Around windows and doors, projections or recesses are preferred to windows cut into the surface of the wall. Windows with a definitely visible trim surrounding are preferred to windows with no trim.

2.7 Fascias and Rafter Tails. Fascias should be a minimum of 8" deep and should be constructed of nominal 2" thick material. The Design Committee will accept a built-up section of 1-x materials of at least two or more pieces with a net thickness of a minimum of 1-1/2" with at least one member 7-1/2" in depth.

2.8 Roof and Attic Vents. Roof and attic vents shall be shown on the building elevations. The type, size and proposed design shall be clearly shown. Failure to show how the attic or roof joist spaces are to be vented may cause for rejection of the submittal. Unfinished metal shall be painted black.

2.9 Material Changes. To avoid a tacked-on, low quality, thin veneer look, material changes should be made at an inside corner or at a major wall opening. Changes at outside corners should either be avoided or the material wrapped around the corner at least 1'-6" minimum.

2.10 Joints in Siding Materials. Nearly every siding material requires joints of some type in order to extend across the area to be covered. The treatment of these joints provides important visual clues regarding the quality of the siding construction. The Design Committee will be looking carefully at the method of joint treatment proposed. For all except wood and masonry sidings, the type and placement of the joints and/or joint covers must be indicated on the drawings. No hard and fast rules can be given by the Design Committee to cover all situations, except to say that joint treatment (particularly expansion joints in stucco, batts and joint covers used with hardboard siding) must be integrated carefully into the overall design of the house.

2.11 Garages. Seen from the street, the main living areas of the house should dominate over the garage where possible. The visual impression should be that of a house with a gracious entry, not that of a garage and a driveway. Where possible, side-entry garages are encouraged. Garages can be de-emphasized by placing the garage at an angle to the street and providing landscaping for screening.

Detached garages will require the same architectural design as the main structure in all aspects. Detached garages are acceptable, provided however, that detached garages must be in proportion, design, and scale to compliment the main structure.

2.12 Solar Considerations. Designers should consider passive solar opportunities. Design and setting of a house should take into account the solar space of neighboring house, for example, minimizing structure height near the north property line when a building site lies to the north. Solar collectors and associated hardware shall be an integral part of the design of the house and shall not have a "tacked-on" appearance. Placement of the solar collectors should consider the impact of glare on neighboring outdoor living spaces. Solar collector types shall be submitted for review by the Design Committee in the early stages of the planning of the house to verify acceptability. Collectors shall be arranged in a compact configuration and shall have the appearance of a uniform plane with a neatly finished edge.

ARTICLE III: SUBMITTAL AND APPROVAL PROCEDURES

3.1 Preliminary Submittal and Approvals.

3.1.1 Purpose. Preliminary submittals are not required but are encouraged to save time and money preparing finished plans that may not meet design standards. The purpose of preliminary submittal is to review designs at the preliminary design stage to give the Design Committee a chance to comment on designs that may not be in keeping with the concepts of Pinewood Lakes or that could be duplications of other designs in close proximity to the requested improvement, or to suggest changes in the design.

3.1.2 Intent. The intent of the preliminary submittal and approval process is to identify and, insofar as possible, eliminate difficulties that could arise in the final construction approval review, thus speeding the overall process.

3.1.3 Form. Preliminary submittal shall be made pursuant to the "Design Committee Submittal Form and Application" (which shall be completed in full) and such submittal shall include the following:

3.1.3.1 Landscaping Plan. A landscape plan is not required for preliminary approval.

3.1.3.2 Site Plan. Application for preliminary approval shall include a complete site plan at a minimum scale of 1/8" equals 1'-0", which shows the lot and phase number; adjacent streets and watercourses, if any; the orientation of the site; the exterior perimeter and dimensions of the lot; existing trees; any significant topographical features; the location of fences and structures on adjacent lots, if any; all setbacks and easements; the location of all buildings, patios, decks, fences, screens, driveways and walks; the location of all utility services and meters; the location of all mechanical items and electrical fixtures not attached to the building; existing grades at the corner pins; proposed grade changes; finished main floor elevation; and proposed finish grading designed to contain surface drainage from flowing onto adjacent properties.

3.1.3.3 Building Elevations. All exterior elevations shall be shown at a minimum scale of 1/8" equals 1'-0". The elevations shall be drawn correctly in coordination with the floor plan and shall show the improvement exactly as it is proposed to be built. Drawings of improvements that are only similar to the improvement proposed or are reversed from the way the improvement actually is to be seen will not be formally reviewed.

3.1.3.4 Floor Plan. A floor plan at a scale of 1/4" equals 1'-0" shall be submitted exactly as the improvement is proposed to be built. Drawings that are reversed from the way the plan is to be built will not be formally reviewed.

3.1.3.5 Miscellaneous. On the form, include the name, address, and telephone number of the applicant. Partial or incomplete applications shall not be considered.

3.1.4 Preliminary Approval. The receipt of a qualified or complete preliminary approval shall not be deemed to be approval for the construction of the improvement. Commencement of work shall not be undertaken prior to the applicant's having received written approval from the Design Committee, and the applicant shall not proceed beyond the extent of the work approved. Verbal approval or approval to proceed coming from any source other than the Design Committee does not constitute approval to proceed with work on the site.

3.1.5 Expiration of Preliminary Approval. The preliminary approval shall be valid for a period of six months, at which time it shall expire.

3.2 Final Submittal and Approval.

3.2.1 Purpose. Final submittals are required prior to construction. Before any improvement may be constructed on any Building Lot in Pinewood Lakes, the Owner must obtain a Construction Approval Letter from the Design Committee. Construction submittals shall be made pursuant to the "Design Committee Submittal Form and Application" (which shall be completed in full) and such submittal shall include, without limitation, the following:

3.2.1.1 Site Plan. The application must be accompanied by a complete site plan with roof plan at a scale of 1/8" equals 1'-0" containing the same information that is required for preliminary approval.

3.2.1.2 Building Elevations. All exterior elevations shall be shown at a minimum scale of 1/8" equals 1'-0" containing the same information that is required for preliminary approval.

3.2.1.3 Floor Plans. Floor plans for the proposed improvement shall be submitted at a scale of 1/4" equals 1'-0". The square footage of each floor shall be designated, as well as the total square footage of the plan, including the garage and any detached garage and/or accessory structure. Requirements of the preliminary submittal process also apply.

3.2.1.4 Three Dimensional Representations. It may occur in the case of complex roof forms or unusual structures that the Design Committee may require isometric or perspective views or models in order to fully understand the visual impact of or the three-dimensional feasibility of the proposed improvement. The applicant shall be notified of this requirement by the Design Committee during the preliminary approval process.

3.2.1.5 Exterior Lighting. Exterior lighting location shall be shown the site plan and floor plan, including landscape lighting fixtures, to be used shall be submitted with the application. The intent is to protect neighboring developments by requiring a concealed light source-type fixture on the side and rear yard areas (such as a "can" fixture), with decorative-type fixtures only on the front limited to 60-watt maximum bulbs.

3.2.1.6 Exterior Colors and Materials. Exact color samples of all exterior paint and stain colors shall be submitted with the application. Colors deemed too bright, too dark, and/or too intense are discouraged. Samples of all other materials such as brick and stone shall be shown on the plans to include name, number, color, and supplier. Plans shall be marked to indicate what areas are trim. Trim colors are to be used to define architectural lines. The painting of siding joints, basic window trim boards and corner trim boards with the trim color is prohibited.

3.2.1.7 Staging Area. The application shall show the staging area during the construction period.

3.2.1.8 Submittal Form. The Design Committee Submittal Form and Application must be completed and submitted at the time of the application.

3.2.1.9 Fee. The application fee, which shall cover both the preliminary and the final submittal, and which shall be paid at the time of the closing of the unimproved Building Lot, shall be in an amount established by the Design Committee.

3.2.2 Inspection. Submittal of the application is authority for the Design Committee to make a physical on-site inspection of the Building Lot and proposed improvements. In addition, the Owner shall be responsible for notifying the Design Committee when construction of the improvements are complete, at which time the Design Committee shall again make an inspection to verify compliance with the application as approved.

3.2.3 Notification of Action. The Owner shall be notified of the action of the Design Committee within 20 days after the next regularly scheduled Design Committee meeting or special meeting following the date of submittal.

3.2.4 Expiration Date of Approval. The construction approval shall be valid for a period of 1 year at which time it shall expire.

3.2.5 Rehearing. The Design Committee may hear one additional presentation from the Owner or builder, if necessary, following its first formal review to insure that there has been no misunderstanding of the application. After the second review or hearing, the Design Committee's approval or rejections of the submittal shall be considered final. Additional hearings shall not be granted unless substantial changes in the application have been made. A formal decision to reject a submittal shall be made only with a quorum of the Design Committee in attendance. A questionable submittal may be tabled until a quorum is present.

3.3 Alteration, Submittal, and Approval.

3.3.1 Alteration Submittal. Before an improvement in Pinewood Lakes may be altered, modified, painted, stained or otherwise refinished, whether by excavation, fill, alteration of existing drainage, or the planting, cutting or removal of existing vegetation, shrubs or trees, or any other alteration or modification, such alteration or modification must be approved by the Modifications Committee. Alteration submittal shall be made pursuant to the "Design Committee Form and Application" (which shall be completed in full) and such submittal shall include, without limitation, the following:

3.3.1.1 Elevations. The elevations of the proposed improvement as necessary to fully depict the proposed improvement.

3.3.1.2 Site Plan. A site plan at a scale of 1/8" equals 1'-0" of the proposed alteration and/or improvement.

3.3.1.3 Floor Plan. If applicable, a floor plan at a scale of 1/4" equals 1'-0" showing the square footage.

3.3.1.4 Painting. Repainting or restaining must include a submittal of the paint or stain chip of the requested color. The application shall be submitted with the required fee in the amount set by the Modifications Committee. Submittal of the application shall be authorization to the Modifications Committee to make physical on-site inspection of the Building Lot where the proposed alteration is to be completed. The application shall also specify when the proposed improvements shall be laid-out on the site (string layout) to facilitate Modifications Committee site inspection. The Owner is responsible for notifying the Modifications Committee of completion of the proposed alteration to facilitate final inspection for compliance with the approved submittal.

3.3.1.5 Other Information. Any other information requested by the Modifications Committee.

3.3.2 Alteration Approvals. The Owner shall be notified of the action of the Modifications Committee within 20 days after the next regularly scheduled Modifications Committee meeting. The alteration approval shall be valid for a period of six months, at which time it shall expire.

ARTICLE IV: DESIGN AND CONSTRUCTION

The following is a list of certain design and construction guidelines that may assist an Owner/Applicant; provided, however, that the following guidelines shall in no respect modify the Declaration.

4.1 Vegetation. Certain plants and trees have been found to grow well in this location. Consult with your local nursery and select species that tend to be disease free and have a long life span.

4.2 Accessory Buildings. Structures such as dog houses, which are not appurtenant to the dwelling structure, but are intended for permanent or semi-permanent use, are not specifically prohibited, except as provided in the Declaration. Such structures are, however, subject to Design Committee approval. In general, dog houses or dog runs shall be placed adjacent to the main structure and screened from sight of other developments, streets or common open space. In no event shall dog containment facilities be located closer than 10' from any side or rear Building Lot line. The containment facilities shall be constructed of materials that will assist with maintenance and eliminate all possibility for odors. Storage sheds are not permitted.

4.3 Building Height. Building height limitations may be imposed by the Design Committee in order to preserve views and to minimize the adverse impact of structures on sensitive open areas or air and light requirements of other properties.

4.4 Chimneys. All exterior chimneys must be of wood, stone, brick, or metal, and its cap shall be screened by an architecturally pleasing metal shroud. A metal chimney must be of such a color as to blend in aesthetically with the residence and will be subject to approval by the Design Committee. All unfinished metal shall be painted black.

4.5 Driveways. Driveway cuts onto streets shall be limited to 1 per Building Lot, unless otherwise approved by the Design Committee. The finish material shall be either concrete, unit pavers, or asphalt if bordered with a banding of concrete or unit pavers. The width of the driveway shall be limited to 25' at the street. Circular driveways may be allowed and, if so, will allow two driveway-cuts per lot.

4.6 Excavation. All excavation must be done so as to create a minimum disturbance on the Building Lot and surrounding properties. All dirt (not otherwise used) shall remain in the subdivision and stockpiled at a location designated by the developer. Debris as a result of excavation must be removed from Pinewood Lakes. Footings and foundations must be set at an elevation meeting all governmental standards for construction within a floodplain.

Basements are not allowed in Pinewood Lakes Subdivision. All of the lots in Pinewood Lakes have been filled to raise the lots out of the 100-year floodplain in accordance with the City of Star and all regulating agencies. An application has been submitted to FEMA (the federal agency which oversees flood insurance rating and mapping) requesting a LOMR (Letter of Map Revision) for the area that has been filled and raised out of the 100-year floodplain. Owner acknowledges that certain lots contain engineered fill and loose alluvial soils that are prone to compaction under pressure. The home designer is encouraged to contact a geotechnical engineer prior to construction regarding the risk of damage posed by engineered fill and loose alluvial soils.

A portion of lots in "The Reserve", adjacent to the lakes may remain in the 100-year floodplain. Building footprints shall be contained within the portion raised out of the 100-year floodplain.

4.7 Exterior Lighting. Exterior lighting that can be seen from streets, Common Area or neighboring Building Lots must be indirect. The light source may not be visible in such circumstances. Colored light sources shall be prohibited.

4.8 Exterior Walls and Trim. Wood (natural or treated with semi-transparent stains), stucco, local stone, and brick are preferred for exterior walls and trims. True lap masonite type siding is preferred to cottage lap.

4.9 Exterior Appearance.

4.9.1 Building Walls. Exterior color and material treatment used on the building walls shall be continuous and consistent on all elevations of a residence in order to achieve a uniform and complete architectural design and to avoid a "veneer" look.

4.9.2 Harmony. Exterior colors of residences and other improvements must harmonize within themselves and be harmonious with their surroundings. All colors are subject to approval by the Design Committee. All reflective metal such as chimney stacks, flashings, exhaust vents and pipes must be painted black. All such colors are subject to approval by the Design Committee.

4.9.3 Window Treatment. All draperies and window coverings should be of materials and colors that harmonize with the surroundings and should be chosen in consideration of neighbors and neighboring views. Windows should be consistent in design throughout.

4.9.4 Utilities. In general, all utility meter panels shall not be visible and shall be installed according to design guidelines available from utility companies and those set forth by the Design Committee. Such panels are not to be installed on the front plane of the building facing the street; or, in case of a side entry garage, are not to be installed on the side of the garage facing the street.

4.9.5 Solar Devices. All glass, plastic, or other transparent skylight or solar devices shall be treated to eliminate reflective glare.

4.10 Fencing. Fences are allowed in Pinewood Lakes. The fence shall be either the Pinewood Lakes standard design, or a custom design reviewed and approved by the Design Committee. Because it is the intent of the developer to tie the development together visually, only certain types of high quality fences will be encouraged. Examples of approved fence types may be obtained from the Design Committee. Where screened private areas are desired, the Design Committee will encourage the Owner to treat those fenced areas, insofar as possible, as extensions of the architecture of the house. When non-standard fence types are proposed, submittal to the Design Committee shall include the heights, location, color, and design of the proposed fence, a sample of the proposed building materials, a paint or stain chip, if appropriate, and any such other information as the Design Committee may request. Front yard fencing is discouraged. Screened private areas shall be allowed within limits established by the Design Committee. Private entry gates will be reviewed on an individual basis and require Design Committee approval.

4.11 Group Design. Any production/merchant builder owning contiguous Building Lots should submit the complete group design to the Design Committee.

4.12 Gutters and Down Spouts. All gutters and downspouts shall be designed as a continuous architectural design feature. Exposed gutters and down spouts shall be colored to blend in with the surface to which they are attached.

4.13 Heating and Cooling Systems/And Utility Type Exhaust Fans. All interior or exterior heating or cooling systems must be screened from the view of neighboring property, streets, and the Common Area, and must be insulated for noise so as not to be heard from adjoining properties. Exhaust fans producing odors, fumes, or dust must be screened from view of neighboring property, streets, and Common Area and placed a minimum of 5' from any Building Lot and shall not be allowed to cause a nuisance for neighbors or Common Area facilities.

4.14 Mailboxes. All mailboxes shall be the boxes and stand as is initially required and/or provided by the developer.

4.15 Parking. A minimum of 2 parking places shall be required for each Building Lot. Parking must be in an approved garage.

4.16 Prefabricated Housing. Prefabricated housing is discouraged.

4.17 Roofs. Residential architectural asphalt shingles, slate and concrete, or clay tiles shall be the only approved roof materials unless other materials are specifically approved by the Design Committee. Asphalt shakes are to be uniform throughout in a color and style approved by the Design Committee, a sample of which is available from the Design Committee. Asphalt shingles are to be Pabco 30-year in the Weathered Wood color. Use of slate or concrete tiles must be of the same color and general style of the asphalt shingles designated. It should be noted that different manufacturer's colors may vary slightly.

4.18 Service Yards. When not provided by other structures, each residence should have a screened service yard, enclosing garbage and trash containers, firewood, bicycles, and other items of personality and must be placed where they will not be seen from the streets or neighboring Building Lots.

4.19 Utilities. All connections from trunk lines to individual structures must be underground. Exposed plumbing and electrical lines are not allowed. Material must conform to the State of Idaho Electrical and Plumbing Codes. Water and sewer hookups must be inspected by the appropriate governmental inspectors. All excavation for site utility hookups must be restored to its natural condition. The location of all air conditioning condenser units, power and gas meters must be shown on the drawing with appropriate structured screening. A detail of this screen is required, and should match the adjacent building wall in material, design, and color. Where possible, cluster all utilities into one area and conceal by a single screen.

4.20 Construction Staging and Conduct. Construction Approval submittal shall designate at least one staging area for a Building Lot subject to approval by the Design Committee. Building materials and construction vehicles shall be kept completely on the construction site unless prior approval of the Design Committee is obtained. The construction area shall be kept free of litter and debris. Loud music, profanity, alcoholic beverages, and animals not on a leash will not be allowed. Consideration shall be given to existing families with regard to extra early or late hours of construction. Use of profanity or obscene language shall be prohibited. All debris shall be contained at all times within a construction facility for each site or a commercial facility. Such facility shall have a cover and be disposed of weekly. Due to the nature of the site, winds, and open waterways, it is important that all debris be contained at all times. Approved hours of construction for outdoor activity that might create noise are weekdays 6:30 a.m. to 6:30 p.m.; Saturdays 8:00 a.m. to 5:00 p.m. Outdoor construction activity is not allowed on Sundays without permission of the Design Committee.

4.21 Landscaping.

4.21.1 Front Yards. (Landscaping, including sod and plants shall be installed upon completion of the building.) A "front yard" is defined as that area between the front edge of street and the plane of the face of the building, or intercepting side yard fence or wall. The total front yard area (except the driveways and entry paving) is to be landscaped and irrigated. The front yard landscaping shall be maintained in a healthy and neat appearance at all times. The front yard landscaping shall be designed in conjunction with and in harmony with the architectural design of the residence and Building Lot. The following standards shall be followed when designing and installing the front yard landscaping, unless otherwise approved by the Design Committee.

4.21.1.1 Ground Plan. All landscape areas shall be irrigated by an

underground sprinkler system. Sixty percent of the ground area shall be planted in grass. The grass area shall be designed so as to accomplish a continuous grass appearance along the property frontage from the back of the curb and from and to adjacent properties. No berms, planters, curbing, or other such devices shall be constructed within the street right-of-way or along and adjacent to side and rear lot lines without the installation of a device to allow water to flow in its natural drainage pattern. Forty percent of the ground area may be planted with shrubs, ground cover, or utilized as an entry patio. Natural, native bark product ground cover mulches and rock product designed specifically for ground cover are allowed. All landscape boulders used to accent shall be of sufficient and appropriate size to properly compliment the landscaping plan.

4.21.1.2 Trees. A minimum of 2 trees and 5 – five (5) gallon plants shall be planted in the front yard. Required trees shall be a minimum of 2-inch caliper measured at 6 inches above ground plane. Trees shall be properly staked to prevent wind damage or breakage. Trees shall not be planted closer than 6 feet from the curb or within the street right of way. Any tree planted that does not survive, or which is not healthy, shall be immediately replaced. Trees shall be planted in an informal pattern (approved by the Design Committee) with a minimum offset of 10 feet.

4.21.2 Rear Yards.

4.21.2.1 Rear Yards. (Landscaping, including sod and plants shall be installed within 30-days after completion of the building.) A "rear yard" is defined as all areas that are not visible from the street. One of the intents of rear yard landscaping is to ensure that within 10 years tree heights will extend beyond the ridgeline of the building. The location and species of the trees shall be selected by the owner/applicant according to use and privacy needs of the rear yard. Another intent of rear yard landscaping is to ensure an aesthetic transition from open rear yards to Common Areas or public open space.

4.21.2.2 Ground Plan. All rear yard areas shall be landscaped and irrigated by an underground irrigation system. Any Building Lots including a man-made waterway in the back yard shall be designed in conjunction with and in harmony with the architectural design of the residence and Building Lot. The waterway will require approval of the Design Committee. No changes to such waterway shall reduce the flow of water in such waterway. No fertilizers, pesticides, herbicides or other chemicals shall be placed in, or allowed to flow into any waterway.

4.21.2.3 Trees. A minimum of two trees and 5 – five (5) gallon plants shall be planted in the rear yard area.

4.21.2.4 Grading. A maximum slope of 3:1 shall be allowed between the building and existing Common Area grade.

4.21.2.5 Landscaping. The same landscaping requirements described for front yards shall apply unless otherwise described herein.

4.21.2.6 Miscellaneous. Service yards, swimming pools, basketball hoops, playground equipment, and so forth, if desired, are subject to review and permitted on a case-by-case basis only.

4.21.3 Side Yards. Landscaping will have the same requirements as typical rear yards. Landscaping requirements and fence restrictions for side yards facing streets shall be the same as front yard requirements.

4.21.4 Miscellaneous Landscaping and Exterior Issues.

4.21.4.1 Solar Encroachment. Any planting that interferes with the existing use of solar energy on an adjacent property is prohibited.

4.21.4.2 Outdoor Furniture. All outdoor furniture should be chosen in consideration with the neighbors and neighboring views.

4.21.4.3 Timing. All landscaping shall be accomplished as soon as reasonably possible and in connection with construction of other improvements. The Design Committee may specify in its construction approval letter the timing for the commencement and completion of landscaping and other exterior improvements.

4.21.4.4 Mechanical Equipment. Utility meters and external mechanical equipment is to be screened from Common Areas, streets and neighboring properties through the use of a screen constructed with the same materials as the building or by plantings mature and dense enough to provide complete screening at the time of installation.

4.22 Garages and Carports. The design of all garages attached and unattached to main residence shall be subject to Design Committee Approval.

4.23 Signs. All advertising signs shall be subject to Design Committee approval as to design and color. No more than 1 sign shall be permitted on any Building Lot at any one time and all signs shall be located at least 10 feet back from the front property line. Streamers and other like advertising or attention-attracting devices are expressly prohibited except as designed and used by the developer, or the developer's agent, in the initial marketing of Pinewood Lakes.

4.24 Mechanical Projections from Roof. Insofar as possible, plumbing vents should be grouped on that face of the roof that is opposite the street approach to the residence. The Design Committee will expect to see a statement to this effect on the final drawings submitted. Gas or other chimney flues or pipes protruding from the roof exceeding 2 feet in height shall not be allowed. Such pipes shall be located in a chimney chase of a design compatible to the architecture of the house. The location and design of these chases shall be shown on the final drawing submittal.

4.25 Windows. Consistency in type, style, trim and sometimes in the proportion of window areas is a key focus of the attention of the Design Committee. The relative sensitivity or inattentiveness of the designer is often revealed by the window treatment. Consistent with the goal of achieving "perceived quality" in Pinewood Lakes, the Design Committee will discourage submittal showing windows of differing styles and types scattered over the various faces of the house. In general, the window treatment should be approached as a theme that can be repeated with variations, rather than regarding each window as a separate design/function problem that exists separately from all the other windows.

4.26 Chimney Caps. Chimney caps of purely utilitarian design shall not be allowed in Pinewood Lakes. Such caps, when necessary, shall be screened by a false cap appropriate to the design of the house. The design of this cap shall be indicated in the final drawings. In circumstances where a custom designed false cap is not desired, the Chase Termination Shroud may receive approval by the Design Committee. Other types may be approved upon application.

4.27 Accuracy. It is imperative that the drawings submitted to the Design Committee be internally consistent with one another and accurately drawn exactly as the improvement is to be built. A high level of inconsistency and inaccuracy is one of the primary reasons for rejection of a submittal by the Design Committee. The Design Committee is charged with the responsibility to the homeowners of Pinewood Lakes of approving specific installations and cannot approve such drawings when their

deficiencies are apparent.

4.28 Revision. Revisions required by the Design Committee must be drawn and re-submitted before the Design Committee can issue a formal approval unless the nature of the revision is such that the Design Committee can accurately describe it in a letter of conditioned approval.

4.29 Violations. When an improvement has been built that is in conflict with the documents submitted and the approval or conditioned approval of the Design Committee, the Design Committee shall consider this a violation and withdraw its approval, whether or not the Design Committee might consider the change superior to construction proposed in the submittal. Approvals shall not be granted by the Design Committee after the fact, following construction. When a violation is deemed to have occurred, the matter shall be transferred from the jurisdiction of the Design Committee to disposition by the Pinewood Lakes Community Association itself, which may or may not require a remedy to the violation. Changes desired during construction to any exterior element of the project must be submitted to the Design Committee under the alteration process.

4.30 Construction Timing. All building construction must be completed within 6 months of commencement of construction. Landscaping must be completed within 9 months of occupancy.

4.31 Variances. The Design Committee may authorize variances from compliance with any of the Design Guidelines, including restrictions upon height, size, floor area or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require. Such variances must be evidenced in writing, and must be signed by at least 2 members of the Design Committee. If such variances are granted, no violation of the covenants, conditions and restrictions contained in the Declaration, or the Design Guidelines shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration or the Design Guidelines for any purpose except as to the particular Building Lot and particular provision covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting such Owner's use of the Property, including but limited to zoning ordinances and lot setback lines or requirements imposed by governmental or municipal authority.

EXHIBIT A
EXCERPT FROM DECLARATION:

ARTICLE X: DESIGN COMMITTEE; MODIFICATION COMMITTEE

10.1 Design Committee Creation; Right of Appointment. Before or within thirty (30) days after the date on which Grantor first conveys a Building Lot to an Owner, Grantor shall appoint three (3) individuals to serve on the Pinewood Lakes Design Committee which Design Committee shall have exclusive jurisdiction over all original construction on any portion of the Property or any other real property annexed as provided further in Article XVI. Until one hundred percent (100%) of the Property have been developed and conveyed to Owners other than builders, Grantor retains the right to appoint all members of the Design Committee who shall serve at Grantor's discretion. There shall be no surrender of this right prior to that time except in a written instrument in recordable form executed by Grantor. Upon the expiration of such right, the Board shall appoint the members of the Design Committee, who shall serve and may be removed in the Board's discretion.

10.2 Modifications Committee; Right of Appointment. The Grantor or Board may establish a Modifications Committee ("**Modifications Committee**") to consist of at least three (3) and no more than five (5) persons, all of whom shall be appointed by and shall serve at the discretion of the Board. The Modifications Committee, if established, shall have exclusive jurisdiction over modifications, additions, or alterations made on or to existing structures on Building Lots. The Design Committee shall have the right to veto any action taken by the Modifications Committee which the Design Committee determines, in its sole discretion, to be inconsistent with the Design Guidelines and/or the Community-Wide Standard.

10.3 Appointment of Design Committee Representative. The Design Committee or Modifications Committee, as applicable, may appoint in writing one (1) of its members to act as its designated representative (the "**Committee Representative**"). The Committee Representative may be delegated all duties and obligations of the Design Committee or Modifications Committee, as applicable. In the event a Committee Representative is appointed, it is intended that the Design Committee or Modifications Committee, as applicable, shall look to the Committee Representative to perform all functions of the Design Committee or Modifications Committee, as applicable, provided however, the Design Committee or Modifications Committee, as applicable, shall make all final determinations and decisions regarding all Design Committee or Modifications Committee, as applicable, duties and obligations. Any action or decision made by two (2) members of the Design Committee or three (3) members of the Modifications Committee shall be a binding decision of the entire Design Committee or Modifications Committee, as applicable.

10.4 Improvements Generally. The Grantor and Design Committee shall draft the Design Guidelines for the construction and reconstruction of all Improvements on the Property. No Improvements on any portion of the Property shall be constructed, reconstructed, placed or removed from the Property without prior written consent of the Design Committee or Modifications Committee, as applicable. The Design Guidelines shall be used and drafted by the Design Committee to ensure that all Improvements conform and harmonize as to external design, quality and type of construction, architectural character, materials, color, location on the Building Lot, height, grade and finish ground elevation, natural conditions, landscaping and all aesthetic considerations, including guidelines designed to protect the special qualities and Community-Wide Standard of Pinewood Lakes, and to encourage creative design, by providing general architectural, design and construction guidelines (including building envelope guidelines), landscape guidelines (including a description of existing, natural conditions and vegetation), submittal and review procedures, and fees and charges for review. The Design Guidelines shall be drafted to conform to this Declaration. In the event of a conflict between the Design Guidelines and this Declaration, this Declaration shall govern. The content of the Design Guidelines may be modified and amended from time to time as provided in the Design Guidelines, and in all events can be

modified and changed by a majority vote of the Board. Nothing contained in this Article limits any Owner's obligation and duty to ensure that such Owner's Building Lot Improvements are in compliance with this Declaration, any Supplemental Declaration, the Design Guidelines, any other Project Documents or applicable State or local laws.

10.5 Expenses. The Design Committee or Modifications Committee, as applicable, shall have the right to charge a fee for each application submitted to the Design Committee or Modifications Committee, as applicable, for review in an amount which may be established by the Design Committee or Modifications Committee, as applicable, from time to time and such fees shall be collected by the Design Committee or Modifications Committee, as applicable, and remitted to the Association to help defray the expenses of the Design Committee's or Modifications Committee's, as applicable, operation, including reasonable payment to each member of the Design Committee or Modifications Committee, as applicable, for their services as provided herein.

10.6 Non-Liability of Design Committee and Modification Committee Members. Approval by the Design Committee or Modification Committee shall not imply that Improvements meet any applicable federal, state and/or local laws and ordinances, and does not assure approval of the Improvements by any appropriate governmental or quasi-governmental agency, board or commission. Applicant and/or Owner shall ensure that such Improvements meet any and all applicable federal, state and/or local laws and ordinances. Notwithstanding that the Design Committee or Modifications Committee, as applicable, has approved Improvements, plans and specifications, neither the Design Committee or Modifications Committee, as applicable, nor any of their members shall be responsible or liable to the Association or to any Person, Owner, or Grantor with respect to any loss, liability, claim or expense which may arise by reason of such approval of the Improvements, unless due to the willful misconduct or bad faith of the Design Committee or Modifications Committee, as applicable. Neither the Board, Design Committee or Modifications Committee, as applicable, nor any agent thereof nor Grantor nor any of its partners, employees, agents or consultants shall be responsible in any way for any defects in any plans or specifications submitted, revised or approved in accordance with the provisions of the Design Guidelines, nor for any structural or other defects in any work done according to such plans and specifications. In any and all events, the Design Committee or Modifications Committee, as applicable, shall be defended, indemnified and held harmless by the Association in such suit or proceeding which may arise in connection with a Design Committee or Modifications Committee, as applicable, decision. The Association, however, shall not be obligated to defend, indemnify and hold harmless any member of the Design Committee or Modifications Committee, as applicable, to the extent any such member of the Design Committee or Modifications Committee, as applicable, shall be adjudged to be liable for willful misconduct or bad faith in the performance of such member's duty as a member of the Design Committee or Modifications Committee, as applicable, unless and only to the extent that a court in which such action or suit may be brought shall determine that, in view of all circumstances of the case, such member is fairly and reasonably entitled to indemnification and defense for such expenses if such court shall deem it proper.

10.7 Variances. The Design Committee or Modifications Committee, as applicable, may authorize variances from compliance with any of the Design Guidelines, including restrictions upon height, size, floor area or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental considerations may require. Such variances must be evidenced in writing, and must be signed by at least two (2) members of the Design Committee or three (3) members of the Modifications Committee. If such variances are granted, no violation of the covenants, conditions and restrictions contained in this Declaration, or the Design Guidelines shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration or the Design Guidelines for any purpose except as to the particular Building Lot and particular provision covered by the variance, nor shall it affect in any way the Owner's obligation to

comply with all governmental laws and regulations affecting such Owner's use of the Property, including but limited to zoning ordinances and lot setback lines or requirements imposed by governmental or municipal authority.

10.8 Enforcement. Any Improvement placed or made in violation of this Article shall be deemed to be nonconforming. Upon written request from the Board or Grantor, such offending Owner shall, at its own cost and expense, remove such Improvement or restore the land to substantially the same condition as existed prior to the nonconforming work. Should an Owner fail to remove and restore as required, the Board or its designees shall have the right to enter the Building Lot, remove the violation, and restore the Building Lot to substantially the same condition as previously existed. All costs, together with the interest at the maximum rate then allowed by law, may be assessed against the Building Lot and collected as a Limited Assessment.

Any contractor, subcontractor, agent, employee, or other invitee of an Owner who fails to comply with the terms and provisions of the Declaration and the Design Guidelines may be excluded by the Board from the Property. In such event, neither the Association, its officers, or directors shall be held liable to any Person for exercising the rights granted hereunder. In addition to the foregoing, the Association shall have the authority and standing to pursue all legal and equitable remedies available to enforce the provisions of the Declaration and the decisions of the Design Committee and/or Modifications Committee.

10.9 Grantor's Exemption. Any and all Improvements constructed by Grantor on or to the Property are not subject to review and approval by the Design Committee or Modifications Committee, as applicable.