January 2017

**RIVERWOOD PARK COMMUNITY ASSOCIATION**

Design Standards

Table of Contents

[Section I Definitions 5](#_Toc466888207)

[Section II Architecture 9](#_Toc466888208)

[Compliance with the Local Codes 9](#_Toc466888209)

[Architectural Theme 9](#_Toc466888210)

[Building Materials 9](#_Toc466888211)

[Roofs 10](#_Toc466888212)

[Exterior Colors 10](#_Toc466888213)

[Height of Residences and Structures 11](#_Toc466888214)

[Building Envelope 11](#_Toc466888215)

[Size and Massing 12](#_Toc466888216)

[Building Projections 12](#_Toc466888217)

[Antennae/Satellite Dishes 12](#_Toc466888218)

[Windows, Skylights and Glass Block 12](#_Toc466888219)

[Patios and Courtyards 12](#_Toc466888220)

[Solar Application 13](#_Toc466888221)

[Barbeques, Firepits and Fireplaces 13](#_Toc466888222)

[Walls 13](#_Toc466888223)

[Service Yard 13](#_Toc466888224)

[Greenhouses 13](#_Toc466888225)

[Awnings 13](#_Toc466888226)

[Ancillary Structures 13](#_Toc466888227)

[Basketball Hoops and Other Recreational Facilities 13](#_Toc466888228)

[Ornamental Objects 14](#_Toc466888229)

[Flag Poles 14](#_Toc466888230)

[Building Orientation 14](#_Toc466888231)

[Fire Protection System 14](#_Toc466888232)

[Construction Envelope 14](#_Toc466888233)

[Site Work 14](#_Toc466888234)

[Garage and Parking Spaces 15](#_Toc466888235)

[Driveways 15](#_Toc466888236)

[Storage Tanks 15](#_Toc466888237)

[Setbacks 15](#_Toc466888238)

[Home Identification 15](#_Toc466888239)

[Lighting 16](#_Toc466888240)

[Interior Lighting 16](#_Toc466888241)

[Exterior Lighting 16](#_Toc466888242)

[Location/Use 17](#_Toc466888243)

[Driveways 17](#_Toc466888244)

[Holiday Lighting 17](#_Toc466888245)

[Wattage 17](#_Toc466888246)

[Mounting 17](#_Toc466888247)

[Aiming 17](#_Toc466888248)

[Machinery and Equipment 18](#_Toc466888249)

[Water Conservation 18](#_Toc466888250)

[Garbage 18](#_Toc466888251)

[Section III Landscape Design Guidelines 19](#_Toc466888252)

[Landscaping 19](#_Toc466888253)

[Walls, Fences, Gates 20](#_Toc466888254)

[Site Drainage and Grading 20](#_Toc466888255)

[Section IV Site Planning 21](#_Toc466888256)

[Site Planning 21](#_Toc466888257)

[Land Uses 21](#_Toc466888258)

[Section V Construction Regulations 22](#_Toc466888259)

[Pre-Construction Conference 22](#_Toc466888260)

[Occupational Safety and Health act Compliance (OSHA) 22](#_Toc466888261)

[Construction Trailers, Portable Field Offices, Etc. 22](#_Toc466888262)

[Debris and Trash Removal 23](#_Toc466888263)

[Sanitary Facilities 23](#_Toc466888264)

[Vehicles and Parking Areas 23](#_Toc466888265)

[Conservation of Landscaping Materials 23](#_Toc466888266)

[Excavation Materials 24](#_Toc466888267)

[Blasting 24](#_Toc466888268)

[Restoration or Repair of Other Lot Damages 24](#_Toc466888269)

[Miscellaneous and General Practices 24](#_Toc466888270)

[Construction Envelope Plan 25](#_Toc466888271)

[Construction Access 25](#_Toc466888272)

[Dust and Noise 25](#_Toc466888273)

[Signage 25](#_Toc466888274)

[Daily Operations and Access 26](#_Toc466888275)

[Section VI Application Procedures 27](#_Toc466888276)

[Introduction and Definitions 27](#_Toc466888277)

[Section VII Design Review 28](#_Toc466888278)

[Duties 28](#_Toc466888279)

[Amendment of Design Guidelines 28](#_Toc466888280)

[Non-liability 28](#_Toc466888281)

[Enforcement 28](#_Toc466888282)

[Severability 29](#_Toc466888283)

[Submittal Requirements 29](#_Toc466888284)

[Decisions 29](#_Toc466888285)

[Variances 29](#_Toc466888286)

[Appeal to Board 29](#_Toc466888287)

[Written Records 30](#_Toc466888288)

[Nature of Approval 30](#_Toc466888289)

[Section VIII Design Review Procedures 31](#_Toc466888290)

[Design Review Architectural Representation 31](#_Toc466888291)

[Pre-Qualified Design Services 31](#_Toc466888292)

[Submission of Plans 31](#_Toc466888293)

[Review of Plans 31](#_Toc466888294)

[Pre-Design Meeting 31](#_Toc466888295)

[Preliminary Submittal 32](#_Toc466888296)

[Preliminary Review 32](#_Toc466888297)

[Final Design Submittal 32](#_Toc466888298)

[Final Design Review 33](#_Toc466888299)

[Resubmittal of Plans 33](#_Toc466888300)

[Site Inspection 34](#_Toc466888301)

[Pre-Construction Conference 34](#_Toc466888302)

[Commencement of Construction 34](#_Toc466888303)

[Inspection of Work in Progress 35](#_Toc466888304)

[Subsequent Changes 35](#_Toc466888305)

[Final Inspection of the Improvements 35](#_Toc466888306)

[Non-Waiver 36](#_Toc466888307)

[Right of waiver 36](#_Toc466888308)

[Exemptions 36](#_Toc466888309)

[Section IX Establishment of Home Owners Association 37](#_Toc466888310)

[Section X Deposit and Fee’s 38](#_Toc466888311)

[Section XI Existing Structures, Addition and Remodel Submittal Requirements 39](#_Toc466888312)

[Changes to Existing Structures and/or Buildings 39](#_Toc466888313)

[Addition/Remodel Submittal Requirements 39](#_Toc466888314)

[Section XII Tree Removal and Trimming 40](#_Toc466888315)

[Tree Removal/Trimming 40](#_Toc466888316)

[Tree Removal/Trimming – Owner’s Property 40](#_Toc466888317)

[Tree Removal/Trimming – Common 40](#_Toc466888318)

[Appendix A – Design Review Approvals Checklist 42](#_Toc466888319)

## Section I 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.

"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".

**Builder**

"Builder" means a person or entity engaged by an Owner for the purpose of constructing any Improvement within the Project. The Builder and Owner may be the same person or entity.

**Builder's Fee**

"Builder's Fee" means the amount, as specified by the Design Review Committee (DRC), which a Builder must remit prior to beginning any residential construction in Riverwood Park. If the Builder or any of his agents should violate the Declaration or these Design Guidelines and it becomes necessary for the DRC to remedy the violation, the cost of the remedy will be charged directly to the Owner / Builder against the Builder's Fee. This amount is subject to change at the sole discretion of the DRC.

**Building Envelope**

"Building Envelope" means that portion of a Lot which encompasses the maximum allowable developable area of the Lot as specified by the DRC. Modification of the Building Envelope can only be made by the DRC (and with the approval of the Town of Whitefish).

**Combined Lots**

"Combined Lots" refers to the grouping or clustering of two or more Lots into one replatted Lot with commonly owned amenities but individually owned Residences, not exceeding the same number of single-family dwellings as the number of Lots which were grouped

**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 Criteria**

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

**Declaration**

"Declaration" means the Declaration of Covenants, Conditions, and Restrictions for Riverwood Park, 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 Riverwood Park. (See Pre-Qualified Design Services)

**Design Review Committee (DRC)**

"Design Review Committee” or “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 Design Review Committee (DRC) as set forth herein and as amended and supplemented from time to time by the DRC.

**Development Guide**

"Development Guide" means Riverwood Park approved preliminary plat including the conceptual Building Envelopes, on file at the Flathead County Courthouse. 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 by the DRC.

**Improvements**

"Improvement" 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 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 Improvements**

"Improvement" 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 considered an Improvement.

**Lot Survey**

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

**Natural Area**

"Natural Area" means that portion of the natural terrain lying within a Lot, but outside of the Building Envelope, which must remain undisturbed.

**Natural Grade**

"Natural Grade" is the existing contour of a home site, 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.

**Open Space**

"Open Space" means all land, Improvements, and Common Areas now or hereafter designated as such on the Plat, or the Declaration or the Association Rules.

**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.

**Pre-Qualified Design Services**

"Pre-Qualified Design Services" means any architect/designer that has demonstrated capabilities to the Declarant, and/or the DRC, through examples of previous and current projects, to design within the context and appropriateness of the site.

**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.

**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 a Residence which is partially constructed underground, and as such has at least one elevation which is visible from the downhill side of any Lot.

# Section II Architecture

### Compliance with the Local Codes

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

### 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 DRC.

All buildings and other Improvements erected within Riverwood Park must be approved by the DRC prior to submittal to the local government or the commencement of construction.

**Preliminary architectural designs for all buildings and Structures must be reviewed and tentatively approved by the DRC prior to the preparation of final plans to be submitted to the County or the City of Whitefish**.

The DRC 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 DRC 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, and walks.
4. People gathering/activity spaces.
5. Attention to service spaces.

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 from the commencement of construction to complete construction after receiving a building permit. 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 DRC may be revoked. If the construction is not completed, 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.

### Building Materials

All exterior building materials and the commencement of any exterior alteration must be approved by the DRC.

Finished building materials must be applied to all exterior sides of buildings and structures. Each material will be used to express its characteristics in an appropriate manner with colors and textures compatible with the natural surroundings and other buildings and structures in the general vicinity.

Permitted exterior finished materials are to be low maintenance materials. Exterior siding, stains, and trim colors should blend in with the natural elements of the area. Samples must be submitted to the ARC on a sample of the material to be used. Approved siding is Hardi or equal. Metal clad windows are mandated. Window, door frame, flashing or other exposed metal must be painted to match or blend with surrounding materials. Colors are subjected to approval by the ARC

### Roofs

All roofs shall be of a material, texture and color approved by the DRC. The overall appearance of the Residence 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 any proposed roof materials and colors shall be reviewed by the DRC during the submittal review process. All proposed roof materials and colors shall be reviewed on a case-by-case basis. All vents and other projections shall be colored to match the finished roof material coating color. No mechanical equipment of any kind will be permitted on roofs.

Pitched roof ridgelines may not extend more than 50 feet in any direction without either a vertical or horizontal change in direction. Pitched roofs and the related massing of elements shall create rooflines compatible with the overall character of the local topography. Pitched roofs shall be finished with a visually aesthetic material, and the roof colors shall complement the Structure's exterior wall color.

### Exterior Colors

The exterior colors of all buildings and structures must be approved by the DRC based on a submitted 4 square foot minimum sample color panel of both primary and accent colors. Extremely bright and/or primary colors will not be permitted. The intent is to reflect the rich and varied colors of the natural environment.

Plans and specifications submitted to the DRC must include detail of the, exterior color scheme, including all exterior surfaces. Exterior surfaces must be compatible with the other buildings in the neighborhood.

Any repainting or redecorating of exterior surfaces will also require submission of a color scheme to the DRC for approval unless repainting with the same colors. Alternate colors, if they maintain the color objectives of this section, may be presented to the DRC for consideration.

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 over brick masonry.

The following criteria shall apply to masonry use:

* 1. Faux or natural stone must conform to the natural shades of the area.
  2. Blending of faux stone colors is encouraged to gain a greater sense of richness and capture the variegation found in natural stone.
  3. Brick must be in muted shades with modeled faces. No combed or raked surfaces are allowed.
  4. Concrete block colors must be in muted shades.
  5. Masonry elements must be integral to the architecture and not merely an applied feature.
  6. Masonry shall wrap masses in their entirety.
  7. Applied cut stone tiles are acceptable.
  8. 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.

### Height of Residences and Structures

The DRC 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 Riverwood Park. Because the terrain varies throughout Riverwood Park, building height restrictions will be evaluated by the DRC on a Lot-by-Lot basis.

Building projections such as chimney flues will be reviewed on an individual basis by the DRC and their compliance with the height restrictions determined accordingly.

Retaining walls and other walls not directly supporting a Residence or Structure, except screen walls, shall not exceed 8 feet in height, measured from the lowest Natural Grade (measured on the outside of the wall) adjacent to the wall. The appearance of such walls over 6 feet in height must incorporate a 6-foot separation between walls to be softened by landscaping. Retaining walls which do not directly support a Residence or Structure will be considered part of the elevation and will therefore be included in the overall height restriction as listed above and reviewed by the DRC accordingly. Screen and freestanding walls may not exceed 6 feet in height measured from the lowest Natural Grade adjacent to

### Building Envelope

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 DRC. 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 Criteria of the original Lots and any requests for changes to the Building Envelope due to specific Lot configurations are subject to DRC 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 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.

### Size and Massing

Massing is the arrangement of three-dimensional building solids that form the exterior of the home. 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.

### 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.

### Antennae/Satellite Dishes

There shall be no antennae or satellite dish of any sort either installed or maintained, which is visible from any neighboring Building Envelope or as required by local codes. The DRC shall have the right to impose reasonable requirements with regard to the installation of any and all antennae and satellite dishes in accordance with F.C.C. regulations.

### Windows, Skylights and Glass Block

Skylights should be integrated into design of the roof, energy conservative, and consistent with the materials of house. Windows and clerestories of anodized aluminum, baked enamel, or wood are preferred for the local climate. 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. No white or clear skylights will be permitted. Unless otherwise approved by the DRC, glass block will only be allowed on a limited basis only in those interior private areas in which additional natural light would be beneficial, such as bathrooms. Glass block must be recessed when used. Any exterior window-covers or wrought iron guards must be approved by the DRC.

### Patios and Courtyards

Patios and courtyards shall be designed as an integral part of the architecture of the Residence.

### Solar Application

Passive solar application, or the orientation and design of the Residence for maximum winter sun gain to reduce winter heating will be encouraged. Solar collectors can result in excessive glare and reflection, and can only be approved in advance by the DRC if they are integrated into the Structures or landscaping on a Lot and will not be visible from any neighboring Building Envelope.

### Barbeques, Firepits and Fireplaces

Built-in barbeques, fire pits and/or exterior fireplaces are not allowed. Only gas fireplaces are permitted within any residence. All gas fireplace chimneys shall be enclosed with a chimney chase to match the architectural design of the building. Chimneys shall be topped with an approved spark arrestor. Any extension of the chimney above the chase shall be within an enclosure painted to match the chase. Chimney elements must be sited to avoid obstructing views from adjacent properties. Also, caution must be exercised to avoid the proximity of smoke or fumes to neighboring Residences. Storage of wood for fireplaces is not permitted.

### 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. 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 described above. Privacy or screen walls exceeding 6 feet in height from the lowest Natural Grade adjacent to the outside wall must be approved by the DRC. All walls or fences shall be constructed of natural wood material; no PVC/plastic, chain link, or metal fences are allowed.

### Service Yard

Walls are required as screening for a service yard, if any, to enclose above-ground garbage and trash containers, and other outdoor maintenance, pool and service facilities, which must be of sufficient height so equipment may not be visible from a neighboring Lot.

### Greenhouses

Greenhouses are not allowed.

### Awnings

Awnings must be retractable and require DRC approval. Awning overhang colors must complement the Residence exterior.

### Ancillary Structures

All ancillary Structures, including but not limited to ramadas, gazebos, and pavilions are not permitted.

### Basketball Hoops and Other Recreational Facilities

Basketball hoops, backboards, and tennis courts are not permitted.

### Ornamental Objects

Exterior ornamental objects such as, but not limited to, metal, ceramic, or wood sculptures, require DRC approval. These objects are not permitted in front or street side yards.

### Flag Poles

Freestanding flagpoles will not be allowed on any Lot. The American flag and/or State of Montana flag may be displayed on special occasions 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.

### Building Orientation

The location and orientation of all buildings and structures must be approved by the DRC prior to submittal to the Town of Whitefish for construction permits. Building orientation and design should maximize energy efficiency.

### Fire Protection System

Follow City of Whitefish codes.

### Construction Envelope

The Construction Envelope is one or more specified areas within the Building Envelope where 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, within the Building Envelope.

### 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 existing watersheds and drainageways wherever possible. Structures should be limited to the areas on the site where drainage, soil and geological conditions will provide a safe foundation. Typically, Residences should be nestled into the land, remaining low, in order to be a part of the site rather than being perched on it, which may result in unnecessary height of Structures. Buildings and Improvements should step following slopes, using split and multi-level solutions wherever possible to follow existing contours and achieve a balance of cut and fill are encouraged. When the construction is finished, the earth around the Residence and site wall should lie against the walls as nearly as possible to the original angle of slope.

Once a preliminary plan is well defined, it is required that the comers of the buildings be staked on the ungraded site and elevations taken at each comer with a transit. With this information, it is often possible to determine exactly how to adjust the design to minimize the Structures height and conform it to the existing contours. The impact of the proposed Residence on other properties and/or Common Areas with respect to privacy, view preservation, and ease of access must be considered. Except as approved by the DRC in connection with the construction, reconstruction, or alteration of any improvements for which the Owner has obtained the approval of the DRC:

1. No excavation of Fill shall be created and stored upon any lot;
2. No change in the natural or existing drainage for surface waters shall be made upon any Lot, and,

In the event of any violation of (1) or (2) above, the DRC and/or the Association may cause the Lot to be restored to its state existing immediately prior to such violation. The Owner of any such Lot shall reimburse the DRC and/or the Association for all expenses incurred by it in performing the Owner's obligations under this paragraph. In addition, fines might be imposed by governing authorities under Montana Law.

### Garage and Parking Spaces

Each residence must have a garage for a minimum of one vehicle. Oversized or two car garages are preferred. Garage doors must be integrated with the design of the Residence in material and massing. Detached garages are not permitted. Two additional parking spaces are required to accommodate guest parking. Other than personal automobiles, all vehicles including commercial trucks, boats, trailers, campers and recreational vehicles are not allowed to be parked for any period of time exceeding a twelve-hour continuous period.

### Driveways

Location of entry driveways must be approved by the DRC. Driveways shall be a maximum of 16' wide at the curb and are permitted to widen within the Lot. However, driveways that are wider than 16' require interruption by way of a 5' planter.

All driveways must flare at the intersection with a street. The flare shall measure a six (6) to eight (8) foot radius from the driveway / street intersection. ^Where driveways cross drainageways to enter any Lot, the Owner must provide a culvert with concrete or stone headwalls of a design subject to approval by the DRC.

No "horse-shoe" style driveways will be permitted.

Circular driveways are not permitted.

No industry standard gray concrete colored driveways will be allowed.

### Storage Tanks

No fuel tanks, water tanks, or similar storage facilities shall either be constructed or shielded from view by walls or structures or shall be installed or constructed underground.

### Setbacks

Setbacks must conform to those as indicated and as recorded on the Plat. No Improvements may fall within the minimum setbacks.

### Home Identification

Detached address identification signs for a Residence must conform to the approved design specification provided by the DRC and must be installed by each single-family Lot Owner. 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 DRC.

### Lighting

The following lighting criteria for Riverwood Park has been carefully considered. The intent of this criteria 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 DRC 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 DRC 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.

The DRC will not approve a lighting design as part of the design review process if it is not in strict compliance with these Design Guidelines, however, it will review alternative installations in the field, if requested by the Owner in writing. In order to avoid excessive costs, it is required that any variations from the approved final design be mocked up for DRC review prior to permanent installation. The DRC accepts no liability for any costs or hardships resulting from lighting installations found to be unacceptable to the DRC, and all such findings shall be at the sole and final discretion of the DRC.

### Interior Lighting

Interior lighting becomes a concern of the DRC 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. No light sources pointing up or out or visible through high windows, clerestories or skylights 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 require exceptionally high light levels.

### Exterior Lighting

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:

1. Safety Lighting

Low voltage lighting mounted in a low profile manner may be used to illuminate vehicular and pedestrian circulation and assist in circulation outdoors.

1. Security Lighting

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 and timers.

1. Recreational Lighting

Lighting intended to illuminate exterior living areas, such as patios, pool decks, or 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.

### Location/Use

Upward directed lights are not permitted.

### Driveways

Driveway lights are not permitted without prior DRC approval.

### Holiday Lighting

Lighting for holidays is allowed, however, every effort should be made to mount such displays in locations that are not obtrusive to, or damage the natural environment. All holiday lighting should be in place for only 30 days prior to and fifteen days after the date of holiday.

### Wattage

The maximum wattage of any exterior light fixture is 10 watts.

### Mounting

Exterior lighting plans must be submitted to and approved by the ARC. If approved, exterior lighting shall be mounted as follows:

* 1. In the ground or on a post not exceeding 18” above grade;
  2. In or upon a wall not exceeding 8’ above grade
  3. Discretely attached to mature trees without causing sway at a height not exceeding 8’ above grade.

### Aiming

If approved by the ARC, exterior lights shall be considered either uplights or downlights in accordance with the following requirements:

1. Uplights

Uplights are not permitted.

1. Downlights

No maximum number of downward directed lights has been determined. However, they must be mounted in an approved manner and must be aimed  
downward within 10 degrees of vertical and shielded so that no light source may  
be visible. The DRC reserves the right to reject a downward directed light if, in  
its sole discretion, it appears excessive, inappropriate, or not in conformance with  
the lighting philosophy of Riverwood Park.

All lighting design and location must be approved by the DRC.

### Machinery and Equipment

No machinery, fixtures or equipment of any type, including but not limited to, heating, cooling, air conditioning and refrigeration equipment may be placed on any Lot without the prior approval of the DRC. Approval shall be conditioned upon proper screening or concealment from view of a neighboring Lot. The screening or concealment shall be solid and integrated architecturally with the design of the building or structure, shall not have the appearance of a separate piece or pieces of machinery, fixtures, or equipment. Said screening shall be constructed and positioned in such a manner so it is level and plumb with horizontal and vertical building components and shall be structurally stable in accordance with sound engineering principles. Ground mounted air conditioning units shall be concealed, location and screening shall be approved by the DRC. Clotheslines and wind turbines are not allowed.

### Water Conservation

Water conserving accessories, appliances, and facilities are required within and in connection with each Residence and other improvements within Riverwood Park. Such facilities shall include, but not limited to, low flow shower heads, flow reducers on faucets, water conserving lavatories, washing machines, and dishwashers.

### Garbage

No garbage or trash may be placed on any Lot except in covered containers meeting the specifications of the local jurisdiction. Rubbish, debris, and garbage shall not be allowed to accumulate. Each owner shall be responsible for removal of rubbish, debris, and garbage not only from his Lot but also from all public right-of-way either fronting or siding his Lot excluding (a) private roadway improvements and (b) those areas specified on a Tract Declaration or subdivision plat to be maintained by the Riverwood Park Community Association.

# Section III Landscape Design Guidelines

### Landscaping

Riverwood Park landscape concept is based on a philosophy of compatibility with the existing natural landscape, a sensitivity to its fragile ecosystem and a commitment to low water usage and energy conserving techniques. To this end, existing natural features such as stands of trees, unique vegetative groupings, rock outcroppings and washes must be preserved wherever possible. The majority of plant materials will be Indigenous Species, ensuring compatibility with the built and natural environments. An aggressive revegetation program will be implemented in all areas impacted by construction to ensure an uninterrupted sense of “fit” between the community and physical environment.

There are three major landscape zones which have been identified throughout Riverwood Park – natural, transitional, and private areas.

* + 1. Natural areas are those preserved and undisturbed. This includes all undisturbed/undeveloped open spaces, and all areas outside the Building Envelope of each Lot.
    2. Transitional areas are those disturbed areas most visible throughout Riverwood Park and are found along the rights of way, setback areas along collector roads and areas adjacent to Natural Areas. These areas should create a transition between the natural areas and the intensive plantings of the Private Area.
    3. Private Areas occur primarily behind walls that are visually connected to a Residence and typically included the most intense landscaping.

All Lots, excluding any portion of the Lot which is enclosed by a perimeter wall around the rear or front yard shall be landscaped in a natural manner, using indigenous or similar plants and soil approved by the DRC.

All original (or "first time") landscaping must be installed in accordance with a plan approved by the DRC. The objective of the landscaping is to generally enhance the natural environment, and to screen, accent, soften and improve the visual character of Riverwood Park. All plant material should be generally compatible with the indigenous plant materials.

Type, size and location of all tree(s) and shrub material shall be specified and approved by the DRC. Shrubs and trees will be required in all yards and will be utilized to soften and screen. As a minimum, all landscapable areas within a Lot must utilize sufficient plant material to conceal disturbed areas and return them to their pre-construction densities. All bare earth must be covered by an approved organic material to provide a clean, dust-free appearance. All completed Residences must have the front yards landscaped and trees planted within six (6) months of occupancy. All unsold spec units must have the front and back yards landscaped and trees planted within six (6) months of completion. Prior to landscaping, all yards must be maintained in a neat, dust-free condition.

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 eight (8) feet, without the prior approval of the DRC.

In all site design and site layout, careful attention to open space and any view corridors is important and will be considered during review by the DRC.

### Walls, Fences, Gates

Residential walls and fences in "normal" conditions shall be a maximum of four (4) feet high as measured from an adjacent grade. Walls between areas with an elevation difference of greater than two feet will require case-by-case approval by the DRC. Closely spaced parallel walls will not be permitted. All spaces between walls shall be landscaped with the appropriate material as outlined in these Design Guidelines and maintain a minimum distance of 6'. All fence material must be of a natural wood or stone material; no PVC/plastic, metal or chain link fences are allowed.

Prior to the construction of any fence or wall, plans indicating materials to be used and location shall be submitted to the DRC for approval. Lot lines and Building Envelope shall be verified by the Builder (or Owner) prior to construction.

Any fences or walls installed by the Developer as per these guidelines will not be removed, altered or painted without the DRC prior written approval.

### 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 Open Spaces. 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 DRC does not make the DRC 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. DRC 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 conditions.

All culverts, bridges, or other drainage Structures constructed must be finished with headwalls, wingwalls, or other devices so as to prevent the erosion of slopes or soils and/or the exposure of the conduit or any unfinished Structure. These Structures may be finished in integrally colored concrete. Boulders, stone facing and landscaping is encouraged to screen drainage structures. Culverts must be sized to accommodate existing roadway drainage or site drainage.

# Section IV Site Planning

### Site Planning

The location and orientation of all buildings and other Structures must be approved by the DRC prior to submittal to the City of Whitefish.

All site planning issues and designs must take into consideration all specific design criteria analyzed and depicted on the individual Custom Criteria.

### Land Uses

When a Lot occurs near a waterway, building sites will be set back to limit the impact on established wildlife habitats. Other proposed methods of reducing construction impacts on the natural environment are the use of shared driveways, and limiting impact areas to Building Envelopes. Any minor natural areas and washes are important biological habitats and need to be preserved in their existing states.

# Section V Construction Regulations

In order to assure that the natural landscape of each Lot is not damaged during any construction activities; the following regulations shall be enforced during the construction period. These regulations shall be made a part of the construction contract document specifications for each Residence or other Improvements on a Lot and all Builders, Owner, and other persons shall be bound by these regulations. Any violation by a Builder shall be deemed to be a violation by the Owner of the Lot.

Policing of building sites during construction may be done by DRC members and/or Riverwood Park DRC representatives acting as roving inspectors on unannounced intervals. Violations to the Construction Regulations will be reported to the DRC and a letter will be sent to the Builder involved. Copies of the letter will be sent to the Lot Owner and the DRC Representatives. Continued violation of these policies and procedures may result in the Builder and subcontractor being denied access to Riverwood Park.

### Pre-Construction Conference

Prior to commencing construction, the Builder must meet with a representative of the DRC to review construction procedures and coordinate his activities in Riverwood Park. At the pre-construction conference, the Builder must provide the following:

* + - 1. The Builder's Fee must be deposited with the DRC representative prior to any meetings.
      2. Construction area plan.
      3. Construction Envelope trash containment plan.
      4. Construction Schedule. An approximate 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 DRC at the earliest possible time.
      5. Drawing of the proposed construction sign, if any.
      6. Any other items as may be requested by the DRC.

### 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 Riverwood Park.

### Construction Trailers, Portable Field Offices, Etc.

Any Owner or Builder who desires to bringa construction trailer, field office, or the like to Riverwood Park shall first apply for and obtain written approval from the DRC at the time of pre-construction conference. The DRC will work closely with the Owner or Builder to determine the best possible location in the Building Envelope. Such temporary Structures shall be located only in a location approved by the DRC and shall be removed within fifteen (15) days after certificate of occupancy is issued by the City of Whitefish.

### Debris and Trash Removal

Owners and Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site at least once a week to a dumping site located outside of Riverwood Park. Lightweight material, packaging, and other items, shall be placed in a closed container, covered or weighted down 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 Riverwood Park, except in the areas, if any, expressly designated by the DRC. Disposal of any type of chemical, cleaner, fuels, oils or any toxic or environmentally harmful materials is absolutely prohibited at Riverwood Park.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore, or affecting other Lots and any Open Space designated on the final plat. Any clean-up cost incurred by the DRC 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, Open Spaces, and driveways or other portions of Riverwood Park.

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

### 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 or in areas approved by the DRC. Facilities shall be emptied as necessary and contents removed from site.

### Vehicles and Parking Areas

Construction crews will not park on, or otherwise use, other Lots or any Open Space. Private and construction vehicles and machinery shall be parked only in areas designated by the DRC. All vehicles will be parked so as not to inhibit traffic, and within the area designated by the DRC to avoid damage to the natural landscape.

### Conservation of Landscaping Materials

Owners and Builders are advised of the fact that the Lots and Open Spaces may contain valuable native plants and other natural landscaping materials that should be protected during construction, including topsoil, rock outcroppings, boulders, and plant materials.

Materials that cannot be removed, and are to be saved, should be marked and protected by flagging, fencing, or barriers. The DRC shall have the right to flag major terrain features or plants, which are to be preserved and fenced off for protection. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the construction site.

### Excavation Materials

Excess materials must be removed from Riverwood Park.

### Blasting

If any blasting is to occur, the DRC 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 DRC in writing. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the DRC based on such advice from a qualified consultant. Applicable governmental regulations should also be reviewed and observed prior to any blasting activities. The DRC'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.

### Restoration or Repair of Other Lot Damages

Damage and scarring to Lot outside the Construction Envelope, including but not limited to, Open Space, 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 within 20 days. 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 DRC, and repair of streets, concrete curbs and gutters, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

### Miscellaneous and General Practices

All Owners will be absolutely 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 Riverwood Park. The following practices by such individuals and/or entities are prohibited at Riverwood Park, and will be considered a violation of these Design Guidelines:

1. Changing oil on any vehicle or equipment anywhere within Riverwood Park.
2. Allowing concrete suppliers and contractors to clean their equipment on the site itself other than at the locations designated for that purpose by the DRC.
3. Removing any rock, plant material, topsoil, or similar items from any Lot of others within Riverwood Park, including construction sites, unless it is from the site under construction and only then with prior approval from the DRC.
4. Carrying any type of firearms within Riverwood Park.
5. Using disposal methods or units other than those approved by the DRC.
6. 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.
7. Careless treatment or removal of any plant materials not previously approved by the DRC.
8. Unauthorized consumption of alcoholic beverage within Riverwood Park.
9. Use or transit over Natural Areas.
10. No pets shall be allowed to roam at will throughout Riverwood Park. In the event of any violation hereof, the DRC, 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 Riverwood Park, 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.

### 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, and construction sign. This plan should identify the methods for-protection, such as fencing, flagging, rope, barricades, or other means, to be set up prior to commencement of construction.

### 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 fence unless the DRC approves an alternative access point.

### Dust and Noise

The contractor shall be responsible for controlling dust and noise from the construction site in compliance with applicable government regulations and the Riverwood Park 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.

### Signage

Temporary construction signs shall be limited to one sign per site not to exceed eight (8) square feet of total surface area. The sign shall be free standing and the design and location  
of such a sign shall first be approved by the DRC. The DRC will require all construction  
signs to meet the following criteria:

* 1. Signs shall be single-faced panel type and no additional sign may be attached to any construction sign either by fastening directly to the main sign or by suspension below it.
  2. Information such as "For Sale", "Available" or similar language, or description phrases such as "3-bedroom" may not appear on any construction sign.
  3. Colors of sign background should be muted earth tones, which harmonized with the natural colors rather than sharply contrast with them. Such signs may not be lighted, therefore, letter colors should relate harmoniously with the background colors while providing contrast to enable the sign to be read from approximately twenty feet away.
  4. Construction signs must be removed at the time the house is substantially complete, or when the DRC directs the sign to be removed

### Daily Operations and Access

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

Until a residence is occupied in the immediate vicinity, the posted construction hours are, as follows:

Monday - Friday 7:00 am - 6 pm (Oct 1-April 30)

7:00 am - 6 pm (May 1- Sept 30)

Saturday 8 am – 6 pm

After a residence in the vicinity is occupied, the following hours will apply:

Monday-Friday 7:00 am - 6 pm (Oct 1-April 30)

8 am - 6 pm (May 1-Sept 30)

Saturday 8 am – 6 pm

Sunday and designated holidays by DRC approval only.

# Section VI Application Procedures

### Introduction and Definitions

Whenever any action by or approval of the DRC is required by the terms of these Design Guidelines, request for such action or approvals shall be submitted to the DRC, in accordance with the procedures set forth herein. Request for approvals shall be reviewed by the DRC in accordance with these Design Guidelines and the Declaration. Capitalized terms used in these Design Guidelines shall have the meanings set forth in the Declaration if they are not defined herein. 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.

# Section VII Design Review

### Duties

It shall be the duty of the DRC to consider and act upon proposals or plans related to the development of Riverwood Park 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 DRC.

### Amendment of Design Guidelines

These Design Guidelines may be amended in accordance with the provisions set forth in the Declaration.

Each Owner is responsible for obtaining from the DRC a copy of the most recently revised Design Guidelines before commencing on any Improvements to the Owner's Lot.

### Non-liability

Neither the DRC, any member thereof, shall be liable to the Association or to any Owner or other person for any loss or damage claimed on account of any of the following:

* + - 1. The approval or disapproval of any plans, drawings and specifications, whether or not defective.
      2. The construction or performance of any work, whether or not pursuant to  
          approved plans, drawings and specifications.
      3. The development, or manner of development of any Lot within Riverwood Park.

Every Owner and other person, by submission of plans and specifications to the DRC for approval, agrees that he will not bring any action or suit against the DRC, or any of its Members, agents, employees or legal representatives, nor the Declarant, or any of its officers, directors, members, agents, employees, legal representatives, regarding any action taken by the DRC.

### Enforcement

The DRC may, at any time, inspect a Lot or Improvement and, upon discovering a violation of these Design Guidelines, provide a written notice of noncompliance to the Owner, including a reasonable time limit within which to correct the violation. If an Owner fails to comply within this time period, the DRC 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 DRC may at its sole discretion and in addition to restoration expenses, impose a fine of not less than $1,000 or 50% of the cost for restoration, whichever is greatest.

### 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.

### Submittal Requirements

Prior to preparing preliminary plans for any proposal, the Builder, Owner, or representative thereof should meet with a DRC Member to discuss the proposed plans and to explore and resolve any questions regarding building requirements in Riverwood Park.

Submittals must be made to the DRC prior to being submitted to the City of Whitefish for approval. In order for the DRC to review and process proposed plans for site plans and product types, the following items are required:

1. 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 ( 3 copies);
2. Landscape plans for the Lot, particularly of the entry areas (3 copies);
3. Floor plans, sections, and elevations of each building at the scale to be submitted to the City of Whitefish (3 copies);
4. Sample of all construction materials and colors.

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

### Decisions

The DRC 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 DRC shall be necessary for any decision. In the event the DRC fails to take any action within thirty (30) days after an application has been submitted to it, then the application shall be deemed to have been denied unless the DRC fails to respond within an additional thirty (30) days following written request from the applicant, in which case approval shall be deemed as having been given. The DRC may disapprove any application if there is not sufficient information submitted for the DRC to exercise the judgement required by these Design Guidelines. In all cases, the DRC shall attempt to itemize the nature of its objections

### Variances

The DRC has the authority to deviate from the requirements contained in Articles III or IV of these Design Guidelines in accordance with the procedures set forth in the Declaration.

### Appeal to Board

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

### Written Records

The DRC authorized representative shall keep 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.

### Nature of Approval

Any approval of plans, specifications or proposed construction given by the DRC shall be only for the purpose of permitting construction of proposed Improvements within Riverwood Park 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 DRC, its members, the Board, the officers of the Association shall have any liability in connection with or related to approved plans, specifications or improvements.

# Section VIII Design Review Procedures

### Design Review Architectural Representation

The DRC 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 DRC 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 DRC.

### Pre-Qualified Design Services

Any architect/designer retained for design services by a lot owner shall be required to demonstrate their capabilities to the DRC before commencement of any work. Such capabilities, expressed through examples of previous and current projects, will be reviewed to determine context and appropriateness. The DRC will then notify the lot owner of their findings and recommendations. Notwithstanding the foregoing, the DRC assumes any responsibility for the sufficiency of the work performed by any Pre-Qualified architect/designer, and no liability whatsoever shall be incurred by, or imposed upon, the DRC, arising out of, or related to, it’s pre-qualification of any architect/designer.

### Submission of Plans

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

### Review of Plans

The DRC shall conduct reviews of plans during its regular meetings or at such other times as it deems appropriate. Owners, architects, or Builders shall have no right to attend any meeting of the DRC unless specifically requested by the DRC. Results of reviews will not be discussed over the telephone by members of the DRC withan Owner or his architect or Builder. Any response an Owner may wish to make in reference to issues contained in the DRC's notice following review of submitted plans must be addressed to the DRC in writing. Although it is the intent of the DRC to enforce all provisions of the Design Guidelines, the following will be of particular concern:

Building Envelope usage

Building heights, massing, and roofscapes

Exterior material and colors

Site development, grading, and drainage

Landscape plan and exterior lighting

Design integrity and visual strength

### Pre-Design Meeting

Prior to preparing preliminary plans for any proposed Improvement, it is mandatory that the Owner and/or his architect, Builder or representative meet with the DRC architectural representative to discuss proposed plans and to explore and resolve any questions regarding building requirements at Riverwood Park. This informal review is to offer guidance prior to the initiating preliminary design. An appointment for a pre-design conference should be made in advance.

### Preliminary Submittal

When the preliminary design is complete, plans that are submitted must include all of the following exhibits; no review will commence until the submittal is complete. Three (3) sets of submittal plans are required.

Site Plan (scale at 1'=20' or larger), showing the entire Lot, location of the proposed Building Envelope and Construction Envelope with the Residence and all other structures, driveway, parking area, existing and proposed topography, proposed finished floor elevations, all trees of 8" caliper or greater, and special terrain features to be reserved and trees to be removed.

Survey (scale 1'=20' or larger, same as site plan), by a registered land surveyor or licensed civil engineer showing Lot boundaries and dimensions, easements, topography (2 foot contours or less), major terrain features, rock out crops, washes, trees, and edge of pavement or curb, and utility locations.

Roof plans and floor plans (scale 1/8"=1'-0") showing proposed finished floor elevations.

All exterior elevations (scale 1/8"=1'-0") showing both existing and proposed grade lines, plat heights, roof pitch and an indication of all exterior materials and colors,

An 11”x l7” exterior color rendering is required accurately depicting the elevation and location within the Building Envelope.

To assist the DRC in its evaluation of the preliminary plans, the Owner shall provide preliminary staking when requested by the DRC at the locations of the comers of the Residence or major Improvement, and at such other locations and at such heights as the DRC mandates.

The DRC requires a 3-D representation of the structure so the committee can make an informed decision. All four corners of the building are to be shown. Use of Sketch-Up or Revit is preferred.

### Preliminary Review

After receipt of a complete package of documents and after the posting and comment period, and the staking of the Lot when requested, the preliminary submission of the Owner will be deemed complete. Approval of a preliminary submittal will be considered valid for six (6) months from the date of approval. The submittal will be considered abandoned if final plans are not submitted in that period and the Owner will be required to start the design review process at the preliminary review stage if the plans become active again.

### Final Design Submittal

After preliminary approval is obtained from the DRC, the following documents are to be submitted for final review; review will not commence until the submittal is complete: Three (3) Sets of Submittal Plans are required.

1. Site Plans (scale at 1'=10' or larger), showing the entire Lot, location of the Building Envelope and Construction Envelope with the Residence and all buildings, driveways, parking areas, existing and proposed topography, finished floor elevations, all special terrain features to be preserved, trees to be removed, all utility sources and connections, and site walls.
2. Floor Plans (scale 1/8"=1'0") showing finished floor elevations.
3. Roof Plans (scale l/8”=l'0") showing all roof pitches.
4. Building section (scale 1/8"=1'0"), indicating existing and proposed grade lines.
5. All Exterior Elevations (scale 1/8"=1'0") showing both existing and proposed grade lines, plate heights, roof type and pitch, and an indication of exterior materials and colors.
6. Samples of all exterior materials and colors, and literature on window and glass specifications, as requested by the DRC depicting or describing all exterior materials. Samples must be presented on an 8½” x 11” mat board clearly marked with the Owner's name, filing date, and Lot number, and light reflectivity value.
7. Complete landscape plan (scale 1'=20') showing size and type of all proposed plants, irrigation system, all decorative materials or borders, all retained plants and transplanted plants, indication of plant storage area, materials and debris confinement area.
8. Exterior lighting plan showing location and manner of installation for each light, as well as cut sheet for each light to be used.
9. On-site staking of all building comers and perimeters as well as other Improvements, as required by the DRC.
10. A grading and drainage plan showing existing and proposed topography at two-foot contour intervals and a driveway section.

### Final Design Review

Any response an Owner may wish to make regarding the results of a design review must be addressed to the DRC in writing.

### Resubmittal of Plans

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

### Site Inspection

As soon as the submission of final plans is complete, a representative of the DRC will inspect 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 inspection. 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 DRC. Construction shall not commence until all of the above requirements are satisfied.

### Pre-Construction Conference

Prior to commencing construction, the Builder must meet with the representative of the DRC to review construction procedures and coordinate his activities in Riverwood Park. At the pre-construction conference, the Builder will submit a site plan identifying the proposed locations of a dumpster, storage for construction materials, temporary restroom facilities, equipment wash area, and the temporary construction office, if any. An Owner or Builder who desires to bring a construction trailer, field office or the like to Riverwood Park shall apply for and obtain written approval from the DRC at the time of the pre-construction conference. In addition, the Owner or Builder must submit an approximate 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 DRC at the earliest possible time. (Also refer to Section V, CONSTRUCTION REGULATIONS for additional requirements after pre-construction conference approval).

### Commencement of Construction

Upon written receipt of final approval from the DRC, and having satisfied the City of Whitefish review process, the Owner shall post a completion bond or other DRC approved guarantee providing sufficient coverage to finish the exterior appearance of the home including exterior building and site Improvements.

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 DRC prior to the expiration of said 180-day period and upon a finding by the DRC that there has been no change in circumstances, the time for such commencement is extended in writing by the DRC.

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 DRC may require that either construction immediately resumes or the Lot is returned to its natural condition. The Builder's Fee will be forfeited if either alternative is not achieved within three months of written notice of the Owner by the DRC.

The Owner shall, in any event, complete 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 DRC, 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 DRC 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 DRC by the Owner.

### Inspection of Work in Progress

The DRC may inspect all work in progress and give notice of noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the DRC of work in process or compliance with these Design Guidelines. The DRC must be provided with copies of all inspection reports and approvals from the City of Whitefish and/or any other applicable utilities or agencies within seven days of receipt by the owner/builder/developer.

### 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 DRC  
for approval prior to making changes or additions.

### Final Inspection of the Improvements

Upon completion of any Residence or other Improvement, and prior to occupancy, the Owner shall give written notice of completion to the DRC. Within 10 days of such notification, a representative of the DRC may inspect the Residence or other Improvements for compliance. If all Improvements comply with these Design Guidelines, the DRC will issue a written approval to the Owner, constituting a final release of the Improvements by the DRC, said release to be issued within 30 days of the final inspection. If it is found that the work was not done in strict compliance with the approved plans or any portion of these Design Guidelines, the DRC may issue a written notice of noncompliance to the Owner, specifying the particulars of noncompliance, said notice to be issued within 30 days of the final inspection. The Owner shall have 30 days from the date of notice of noncompliance within which to remedy the noncompliance portions of his Improvement. The owner may request the DRC for additional time. However, if an extension is not granted, and the Owner has failed to remedy the noncompliance, the DRC may take action to remove, at the Owners cost, the non-complying Improvements as provided for in these Design Guidelines, including, without limitations, injunctive relief or the imposition of a fine. If, after receipt of written notice of completion from the Owner, the DRC fails to notify the Owner of any failure to comply within 30 days following the DRC's inspection, the Improvements shall be deemed to be in accordance with the final plan. If a notice of approval is made by the DRC, any unused portion of the builder deposit will be refunded within thirty (30) days after approval.

### Non-Waiver

The approval by the DRC of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing, or specification subsequently or additionally submitted for approval. Failure to enforce any of the Design Guidelines shall not constitute a waiver of same.

### Right of waiver

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

### Exemptions

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

# Section IX Establishment of Home Owners Association

The developer is to inform the prospective buyer of the Riverwood Park Community Association (RWPCA), and to provide buyers with a copy of the CCR’s for the RWPCA.

The developer is responsible for the creation of a Home Owners Association, supporting CCR’s and By Laws for the dwellings within the development, and to submit those CCR’s and By Laws to Riverwood Park Community Association for approval.

Once the HOA CCR’s and By Laws are approved by the RWPCA, the developer is to establish a functioning Home Owners Association and collect fee’s to maintain the common area around each structure and the structures themselves.

Once 75% of the properties have been sold by the developer, the developer is to inform the new owners of their responsibility to manage their HOA. The developer is to work with the owners to ensure a smooth transition to a functioning HOA, how to collect dues, how to maintain the structures, common area, and information on material and labor warranties.

The developer and the owner managed HOA are to inform the Riverwood Park Community Association in writing that the HOA transition to owner managed has been completed and all questions and issues resolved.

Within six months after the transition to an owner managed HOA, the new HOA is to set-up a meeting with the Riverwood Park Community Association for introductions and discussion on the new development.

# Section X Deposit and Fee’s

The Owner is required to submit a fee of $5,000.00 or $3,000.00 per dwelling, whichever is greater, 10 days prior to the first scheduled meeting. From this fee, the following will be deducted:

1. $800.00 to be retained by Riverwood Park Community Association to cover administrative expenses.
2. Consulting, attorney, and all other professional fees incurred by the DRC and Riverwood Park Community Association related to the development.
3. Inspection fees, including but not limited to the following:
   1. Footer and slab floors forms and reinforcements approved and signed off prior to concrete pour.
   2. Footer, support walls approved and signed off after concrete pour.
   3. Framing and roof supports/trusses approved and signed off prior to exterior siding and roofing.
   4. Roofing, roof vents, approved and sign off.
   5. Exterior siding approved and signed off after installation.
   6. Plumbing and electrical wiring approved and signed off prior to insulation and/or interior wall board.
   7. Insulation (wall, ceiling, etc.) approved and signed off prior to interior wall board.
   8. Sidewalk forms and reinforcements approved and signed off prior to concrete pour.
   9. Final inspection.
4. Upon verification that the structure, landscaping, and appurtenances have been completed as submitted and approved by the DRC, any remaining amount from the initial fee will be refunded six months after the development has been fully completed.

# Section XI Existing Structures, Addition and Remodel Submittal Requirements

### Changes to Existing Structures and/or Buildings

Once a development and dwellings/buildings within a development have been completed and approved by the Riverwood Park Community Association’s DRC, no changes to the exteriors of those dwellings/buildings can be made without the prior approval of the RWPCA. This includes, but is not limited to, roofing material and color, skylights, exterior siding material type and color, chimneys, vents, doors, garage doors, windows, patio’s, sidewalks, trees and shrubs, the addition of exterior air condition/heating systems, fencing, exterior lighting, signs, house numbers, hot tub or pools, fountains, etc..

The exteriors of all dwellings/buildings are to be maintained in original condition, color, and in good working order. Sidewalks, driveway aprons, and retaining walls are the responsibility of the homeowner and must be maintained in good condition. Sidewalks and driveway aprons that are cracked, flaking, heaved, or miss-aligned are considered a tripping hazard and must be repaired or replaced immediately.

No solar panel retrofits or additions made be made without prior approval of the RWPCA DRC.

All request for changes to existing dwelling/buildings must follow the process and procedures as noted in guidelines.

### Addition/Remodel Submittal Requirements

All alterations or additions to the existing dwelling, including landscaping plans, must be reviewed and gain approval by the RWPCA ARC prior to construction. Such plans are submitted in the same manner as the original building plans and must be presented so to clearly illustrate the work in the context of existing or previously approved elements. All exterior alterations shall be completed within six months of commencement of construction.

The fee requirements for additions and remodels are noted in Section X.

# Section XII Tree Removal and Trimming

### Tree Removal/Trimming

This section outlines the policy and procedures for tree trimming or removal by home owners on their property. It also covers requests by home owners for such changes to common area property.

When ARC approval is stipulated, the purpose is to assure proposed changes are in keeping with the natural look and feel of the development; and overall community interests.

Homeowners in the RWPCA are encouraged to communicate with each other and reach voluntary compromise regarding requests for trimming of trees that block views. The criteria to uphold: “The view you purchased is to remain unblocked by your neighbors.” It is advised that you take a photograph of your view at the time you purchase your condominium or residence.

Tree planting and other landscaping activity are covered under section 4.6.

### Tree Removal/Trimming – Owner’s Property

The removal of any tree 6 inches in diameter or larger (19 inches in circumference), as measured at the tree trunk 4 feet above ground level, is prohibited in (RWPCA) without the written approval of the RWPCA ARC. If an owner or their agent(s) ignores this prohibition through willful or inadvertent action, the owner may be required to replace the removed tree (with a tree of size and species as stipulated by the ARC) at the owner’s expense at a schedule specified by the.

Trees less than 6 inches in diameter may be removed if affecting views without RWPCA ARC approval.

Any tree may be trimmed up 6 feet from ground level for fire safety. Any dead limbs above this 6 foot height may be removed. Any other tree trimming must have prior approval of the ARC.

Tree topping is prohibited in (RWPCA) without prior approval of RWPCA ARC. Selected trees may be “crown thinned” to restore or enhance views only with written approval of the ARC. If an owner or their agent(s) ignores this prohibition through willful or inadvertent action, the owner may be required to remove and replace the topped tree (with a tree of size and species as stipulated by the ARC) at the owner’s expense at a schedule specified by the ARC.

### Tree Removal/Trimming – Common

Requests for tree removal or trimming in common areas are to be made to the RWPCA ARC using the following procedure:

The owner with a request for tree removal or trimming in common areas shall provide a written proposal to the RWPCA ARC for review and approval. A cost estimate is to be part of the proposal and shall be made by a landscape firm selected by the owner. The owner is to arrange for the cost estimate and is responsible for all costs associated with the work.

If approved, the RWPCA ARC will schedule & oversee the work of the approved landscape company. The requesting owner will make payment to the landscape firm for all costs of the work. The ARC may approve the request in whole or in part if the request covers more than one tree.

If not approved, RWPCA ARC will notify the requesting owner.

# Appendix A – Design Review Approvals Checklist

**Pre-design Meeting**

* Acknowledge Receipt of Design Guidelines
* Review Owner Objectives on Site
* Review DRC Concerns on Site

**Preliminary Submittal**

* 3 Sets of D size Prints and Submittal Plans are Required
* Site Plan (1” = 10’0” minimum)
* “Results of Survey” of Lot.
* Roof Plan and Floor Plan (1/8” = 1’0” minimum)
* Exterior Elevations (1/8” = 1’0”)
* Indications of all Exterior Materials and Colors
* Other items requested by the DRC.
* Preliminary Stacking and/or Heights of all Major Improvements on the site, if requested.
* General floor plans to be coordinated with the elevations. Also show the home square footage per floor and garage.
* RWPCA DRC requires a 3-D representation of the structures so the committee can make an informed decision. All four corners of the building are to be shown. Use of Sketch-Up or Revit is preferred.

**Final Submittal**

* 3 Sets of D size Prints and Submittal Plans are Required
* Submit Construction Schedule
* Site Plan (1” = 10’0”)
* Roof Plans and Floor Plans (1/8” = 1’0” minimum)
* Samples of all Exterior Materials, Colors, and Glass specifications.
* Use low maintenance materials and finishes to avoid costly and time consuming repairs.
* Exterior Elevations
* Wall Sections, Details of Patios and Courtyards
* Building Cross Sections
* Exterior Lighting Plan and Lighting Fixtures Cut Sheet
* Landscape Plan; Irrigation Plan; Proposed Plant Materials; Identify Protected Plants; the Storage Area for Plants, Materials and Debris
* Staking Lot/Residential Corners, if requested
* Any additional information and/or City of Whitefish requirements.

**Additional Information and City of Whitefish Requirements**

* The City of Whitefish has ordinances in place for construction of an effective on-site storm water system and indirect lighting. The RWPCA DRC will act to enforce both ordinances.
* All exterior venting to be painted to match the adjacent roof or wall.
* Window, door frames, flashing, or other exposed metal must be painted to match or blend with surrounding materials.

**City of Whitefish Building Permit**

* Upon completion of the above steps, a copy of working drawings approved by Riverwood Park Community Association is one of the required submittals to the City of Whitefish.
* The RWPCA DRC must be notified of any changes requested/required by the City of Whitefish

**Pre-Construction Conference**

* Review Site Requirements with the DRC Architectural Representative
* Review Construction Schedule
* Submit a Site Plan Identifying Location of Any Construction Trailer, Field Office, etc.
* Drawing of Proposed Construction Sign, if any

**Final Inspection/Certificate of Occupancy**

* Issued by the County of City of Whitefish upon completion of construction and all required inspections
* Upon final site inspection and release by Riverwood Park Community Association