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FRONTAGE PARK
AT
ROCKY CLIFF

DESIGN GUIDELINES

CONDITIONS, COVENANTS & RESTRICTIONS

LOTS 1- 9 ROCKY CLIFF SUBDIVISION, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana

2004352 15320

TABLE OF CONTENTS

Section	**A**	**INTRODUCTION**	**3**
	A.1	Purpose & Vision of Frontage Park at Rocky Cliff	3
	A.2	Objective of Design Guidelines	3
	A.3	Rocky Cliff Estates Homeowners Association	3
	A.4	Design Review Board	4
	A.5	Water and Sewer Systems	6
	A.6	Purpose, Use and Activities	7
	A.7	Modifications	8
Section	**B**	**SITE DEVELOPMENT GUIDELINES**	**8**
	B.1	The Building Envelope	8
	B.2	Grading and Siting	9
	B.3	Drainage	9
	B.4	Parking	10
	B.5	Landscape and Irrigation	10
	B.6	Fencing	12
	B.7	Telephone & Electrical Services	12
	B.8	Trash Containers	13
	B.9	Outdoor Storage	13
	B.10	Outdoor Display Areas	13
	B.11	Exterior Lighting	13
	B.12	Signing	14
	B.13	Entrance Driveways & Paving	14
	B.14	Address Identification	14
Section	**C**	**BUILDING DESIGN GUIDELINES**	**14**
	C.1	Design Character	15
	C.2	Building Sizes	15
	C.3	Building Heights	15
	C.4	Exterior Design	15
	C.5	Colors	15
	C.6	Materials - Exterior Surfaces	16
	C.7	Building Projections	16
	C.8	Antennae/Satellite Dishes	16
	C.9	Accessory Buildings	16
Section	**D**	**REVIEW AND APPROVAL PROCESS**	**16**
	D.1	Design Review Process	16
	D.2	Conceptual Development Plan Review	17
	D.3	Final Design	17
	D.4	Design Approval	18
	D.5	Completion	18
Section	**E**	**GENERAL & FUTURE PROVISIONS**	**18**
	E.1	Maintenance	18
	E.2	Nuisances	18
Attachment "A"		**TYPICAL SIGN DETAIL**	**20**

Section A
INTRODUCTION

A.1 PURPOSE & VISION OF FRONTAGE PARK AT ROCKY CLIFF

Framed by the spectacular mountains of the Flathead Valley, Frontage Park at Rocky Cliff is located south of Kalispell, Montana. The development consists of a 9 lot business park fronted by Highway 93. The business park is part of Rocky Cliff Estates, a 46 acre residential/commercial development with 10 acres of parks and open space.

A.2 OBJECTIVE OF DESIGN GUIDELINES

The Design Guidelines will serve to enhance the environment of Frontage Park at Rocky Cliff. Appropriate design can create a commercial & light industrial development compatible with its neighbors while providing the owner with a professional development conducive to the conduct of business.

These guidelines are not intended to create unreasonable controls nor dictate a specific design solution. The Design Review Board will consider any worthy variance from the literal translation of the guidelines but will maintain an equitable and consistent application of the intent of the guidelines.

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

A.3 ROCKY CLIFF ESTATES HOMEOWNERS ASSOCIATION

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

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

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

A.4 DESIGN REVIEW BOARD

The Design Review Board (DRB) for The Frontage Park at Rocky Cliff (lots 1-9) shall consist initially of the Declarant, a technical representative, and a president. The Declarant shall serve as president or may appoint a president. The technical advisor shall only be consulted when requested by the president.

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

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

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

- All new building & site development.

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

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

The DRB:

- Requires plan design by a qualified architect or residential designer, with engineering input (geo-technical, structural, mechanical, civil...) and landscape architecture as required. Use of residential designer shall be subject to approval by the DRB.

- The DRB reserves the right to refuse approval of any plans, specifications, or proposed land uses only if such improvements are found to be contrary to the best uses of the development. If approval is granted, a copy of the plans and specifications shall be retained on file by the DRB. Approval shall not be unreasonably withheld.

A.5 WATER & SEWER SYSTEMS

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

Lots shall connect to the multi-user sewer system, owned and operated by the private operator. Each lot shall be required to include a septic tank and effluent pump (STEP) in the construction of the lot improvements that will convey treated effluent to the wastewater pumping station. The lot owners shall maintain the septic tank and effluent pump in sound operation including cleaning, pumping, and other required maintenance. The contractor operator may, at their discretion, choose a periodic pumping schedule and maintenance for the STEP system and include charges for pumping in the monthly

service bill. This shall not forego the owner's responsibility to properly operate and maintain the STEP components.

The community sewer system has been designed based upon an average daily usage of 260 gallons per day per lot of domestic sewage. Lots with higher sewage flows, food preparation, or usages that create industrial quality sewage may be required to obtain approval through local, state, and/or federal agencies.

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

A.6 PURPOSE, USE AND ACTIVITIES

Permitted Uses Shall Be:

Art foundries
Automobile (new and used) and accessory sales
Automobile repair shops
Boat sales, new and used
Building supply outlets
Bus stations
Churches and other places of worship
Classrooms, music conservatories, dance schools
Commercial recreation areas
Contractor's yards
Electrical distribution stations
Farm equipment sales
Financial institutions
Heavy equipment sales, rental and service
Light assembly, manufacturing, fabricating, processing, repairing, packing, or storage facilities provided that such uses do not produce objectionable by-products (dirt, noise, glare, heat, odors, smoke, etc.) beyond the lot lines and that said uses do not involve materials that are explosive, hazardous, or toxic. Examples of such uses include:
  A. Alcoholic/alcoholic beverage manufacture and distribution
  B. Boat building and repair
  C. Clothing manufacture
  D. Feed and seed, farm supply (grain elevators)
  E. Plumbing shops and yards
  F. Rental service stores and yards
  G. Trailer sales, repair and storage
Lumber yards, building materials; storage and sales
Manufactured home sales and storage
Mini-storage, RV storage
Nurseries, landscaping materials, wholesale and retail

Offices
Parcel delivery services
Parks and publicly owned recreational facilities
Public utility service installations
Quasi-public buildings (fire stations, government offices, etc.)
Recycling drop-off stations
Rental yards
Research laboratories and institutions
Retail sales and services
Temporary buildings or structures
Theaters
Tire recapping and retreading
Truck terminals, truck repair shops
Water storage facilities

A.7 Modifications

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

Section B SITE DEVELOPMENT GUIDELINES

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

B.1 THE BUILDING ENVELOPE

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

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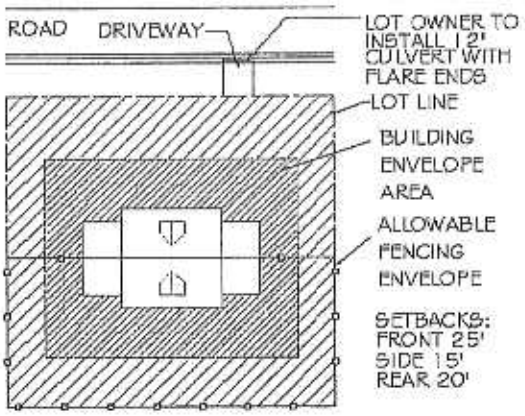


B.2 GRADING AND SITING

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

General siting and grading principles are as follows:

1. The finish grade around the residence and any site walls should remain as close as possible to the original natural grade.
2. Grading may be done outside the allowable site coverage area for driveway access and site drainage.
3. Screen walls, walls not supporting a building structure or retaining earth, may not exceed four (4) feet in height measured from finish grade along the exterior side of the enclosure, or six (6) feet if contained with the building envelope.
4. During construction, all areas within the lot shall be graded to drain to the street in front of the lot. Where construction and development will obstruct natural drainage patterns, surface run-off should be carefully redirected to street swales.
5. Every care should be taken to ensure minimal erosion takes place during the construction process.

B.3 DRAINAGE

Upon completion of construction all areas within the lot shall be graded to drain to the street in front of each lot. Where development will obstruct natural drainage patterns,

surface run-off should be carefully redirected to street swales. Each lot owner must take special care to ensure the surface runoff from their lot does not drain to a neighboring parcel.

B.4 PARKING

On-street parking is prohibited. All parking must be paved. and contained in parking areas specifically designated and maintained for that purpose. Parking area shall be setback a minimum distance of five (5) feet from the side property lines. Set back areas around parking shall be landscaped with trees, ground cover, and shrubbery with due consideration being given to providing adequate sight clearance at intersections and access points.

B.5 LANDSCAPE AND IRRIGATION

A landscaping plan for each lot shall be submitted to the DRB for approval. Landscaping of the entire lot shall be complete within 545 days of the start of any construction.

It is the intent of these guidelines to integrate, compliment and blend in the landscape of each individual building envelope with the landscape of the community. At a minimum, approximately 1/10 of the lot area shall be dedicated to landscaping.

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

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

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

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

The Side/Rear Yard includes the transitional side yard area and "backyard" area adjacent to another lot or the street. The Side/Rear landscape requirements are flexible as long as the landscape requirements for parking areas are met and the side/rear yard are kept presentable.

The following is a list of acceptable trees.

Neighborhood Shade / Street Trees
Emerald Queen Maple
Northwood Red Maple
Royal Red Maple
Green Mountain Sugar Maple
Ohio Buckeye
Common Hackberry
Autumn Purple White Ash
Patmore Green Ash
Summit Green Ash
Imperial Honeylocust
Redmond Linden American Linden
Glenleven Littleleaf Linden
Greenspire Littleleaf Linden

Ornamental Accent Trees
Concolor Fir
Amur Maple Multi-stem & Single-stem
Paper Birch Single-stem
Toba Hawthorn
Russian Olive
Dolgo Crabapple
Spring Snow Crabapple
Colorado Blue Spruce
Quaking Aspen Single-stem
Norway Spruce
Austrian Pine
Scotch Pine
Amur Chokecherry Single-stem
European Birdcherry
Canada Red Chokecherry Single-stem

The following is a list of acceptable shrubs.

Deciduous Shrubs
Apple Serviceberry
Saskatoon Serviceberry
Glossy Black Chokecherry
Ruby Carousel Barberry
Sparkle Japanese Barberry
Globe Caragana
Bailey Red Twigged Dogwood
Isanti Dogwood
Pagoda Dogwood
Meadowlark Forsythia
Hydrangea PeeGee
Clavey's Dwarf Honeysuckle
Dart's Gold Ninebark
Gold Drop Bush Cinquefoil
Jackman Bush Cinquefoil
Primrose Beauty Bush Cinquefoil
Western Sand Cherry
Nanking Cherry
Canada Red Chokecherry
Three Leafed Sumac
Alpine Currant
Austrian Copper Shrub Rose
Cuthbert Grant Shrub Rose
Hansa Shrub Rose
Henry Kelsey Rose
Magnifica Shrub Rose
White Meidland Shrub Rose
Nearly Wild Shrub Rose
Sir Thomas Lipton Shrub Rose
Woodsi Rose
Buffaloberry
Anthony Waterer Spirea
Froebel Spirea
Goldmound Spirea
Snowmound Spirea
Chinese Lilac
Donald Wyman Lilac
Dwarf European Cranberry bush
Common Snowball Viburnum
Red Prince Weigela

Princess Diana Serviceberry
Regent Serviceberry
Japanese Red Leaf Barberry
Burgundy Carousel Barberry
Siberian Peashrub
European Variegated Dogwood
Colorado Red Osier Dogwood
Hedge Peking Cotoneaster
Gray Dogwood
Northern Sun Forsythia
Cheyenne Privet (for hedges)
Golden Mockorange
Abbotswood Bush Cinquefoil
Goldfinger Bush Cinquefoil
Katherine Dykes Bush Cinquefoil
Tangerine Bush Cinquefoil
Purple Leaf Sand Cherry
Double Flowering Plum
Smooth Sumac
Staghorn Sumac
Dwarf Alpine Currant
Bonica Shrub Rose
FJ Grootendorst Shrub Rose
Harrison Yellow Shrub Rose
JP Connell
Martin Frobisher Shrub Rose
Morden Centennial Shrub Rose
Prairie Joy Shrub Rose
Theresa Bugnet Shrub Rose
Ural False Spirea
Japanese White Spirea
Dwarf Red Flowering Spirea
Gumball Spirea
Little Princess Spirea
Bridalwreath Spirea
Dwarf Korean Lilac
Summer Glow Tamarisk
Mohican Wayfaring Tree Viburnum
Alfredo Compact Americana Cranberry

Allegheny Serviceberry
Sandblow Serviceberry
Crimson Pygmy Barberry
Rose Glow Japanese Barberry
Pygmy Caragana
Mottled Dogwood
Yellow Twigged Dogwood
Cranberry Cotoneaster
Dwarf Winged Euonymus
Annabelle Hydrangea
Arnold's Red Honeysuckle
Minnesota Snowflake
Coronation Triumph Bush Cinquefoil
Goldstar Bush Cinquefoil
McKay's White Bush Cinquefoil
Yellow Gem Potentilla
Dwarf Russian Almond
Common Chokecherry
Cutleaf Smooth Sumac
Cutleaf Staghorn Sumac
Adelaide Hoodless Rose
Champlain Shrub Rose
Golden Wings Shrub Rose
Henry Hudson
Jens Munk Rose
Scarlet Meidland Shrub Rose
Morden Fireglow Shrub Rose
Persian Yellow Shrub Rose
William Baffin Rose
Dwarf Blue Arctic Willow
Dwarf Garland Spirea
Crisp Leaf Spirea
Grefsheim Spirea
Norman Spirea
Indian current Coralberry
Miss Kim Lilac
Nannyberry Viburnum
Compact European Cranberry Bush
Bailey Compact American Cranberry

Coniferous (Evergreen) Shrubs

Gold Coast Juniper	Pfitzer Juniper	Gold Tip Pfitzer Juniper
Sea Green Juniper	Repanda Juniper	Blue Chip Juniper
Youngstown Andorra Juniper	Hughes Juniper	Icee Blue Juniper
Prince of Wales Juniper	Wiltoni Blue Rug Juniper	Arcadia Juniper
Broadmoor Juniper	Buffalo Juniper	Calgary Carpet Juniper
Pepin Savin Juniper	Scandia Juniper	Tamarix Juniper
Cologreen Juniper	Wichita Blue Juniper	Blue Star Juniper
Skyrocket Juniper	Oregon Grape	Birds Nest Spruce
Dwarf Albert Spruce	Mugo Pine	Shrubby Swiss Mountain Pine
Dense Spreading Yew	Nigra Yew	Emerald Arborvitae
Pygmy Globe Arborvitae	Little Giant Arborvitae	Pyramidal Arborvitae
Techny Globe Arborvitae	Woodward Globe Arborvitae	

Areas that feature introduced landscaping such as grass, trees, shrubs and/or ground cover should utilize an irrigation system for watering during dry months. In order to conserve water an irrigation system provides a more efficient use of water than hand sprinklers.

Landscape areas that require irrigation should conform to the following:

- Buried PVC sprinkler system or the utilization of drip irrigation systems;
- Sprinklers and nozzles selected to provide water to the landscape that are compatible with their respective soils, slopes, exposure, orientation and plant types;
- Utilization of an automatic control system; and
- No overthrowing of irrigation water onto public roadways, sidewalks, neighboring lots, or trails is permitted.

B.6 FENCING

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

B.7 TELEPHONE & ELECTRICAL SERVICES

All secondary electrical service lines and telephone lines to buildings shall be underground. Transformers and switches placed above grade shall be screened from view with landscaping whenever possible. Expenses for underground service and landscaping shall be born by the property owner. The property owner shall obtain and submit to the DRB as-built plans showing location of underground utilities on his property.

B.8 TRASH CONTAINERS

All outdoor trash containers must be of approved covered containers, and must be stored within the building envelope except for pick-up. Outdoor trash container areas shall be visually screened from streets and adjacent property by an opaque screen. The screen shall extend two (2) feet above the highest point of refuse. Trash containers shall not be permitted on a side of a site having street frontage.

B.9 OUTDOOR STORAGE

Outdoor storage of materials shall be kept in a tidy, sightly manner with care given to prevent potential fire hazard. At the discretion of the DRB where materials are deemed to be unsightly in nature, the DRB may require these unsightly materials to be visually screened from streets and adjacent properties. Outdoor storage shall not be permitted on a side of a site having street frontage.

B.10 OUTDOOR DISPLAY AREAS

Outdoor display of new or used equipment or products will be permitted. These areas must be landscaped in accordance with the guidelines set forth for acceptable trees and scrubs under B.5

B.11 EXTERIOR LIGHTING

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

The following guidelines for residential site lighting have been established.

1. Site lighting must be directed downward onto vegetation or prominent site features, and may not be used to light walls or building elements. Up lighting is prohibited.

2. Building mounted lighting must be directed downward away from adjacent lots, streets and open spaces, and may not be used to light walls or building elements for decorative purposes.

3. All exterior lighting must provide for significant shielding to ensure that light sources and lamps are not visible from other properties, from roads or from off-site; no bare lamps will be permitted. Recessed lights in exterior soffits, eaves, or ceilings shall have the lamp recessed a minimum of 3" into the ceiling.

4. Only incandescent lamps with a maximum wattage of 75 watts will be allowed for exterior lighting unless specific approval is received from the DRB. Low voltage lighting is recommended since these fixtures are typically small and can be easily concealed within the native vegetation. Colored lights will not be allowed for exterior lighting.

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

B.12 SIGNING

Each lot owner shall construct one sign at the time of initial construction. The sign shall be constructed according to the dimension and material specifications outlined in Attachment "A". Each sign shall identify the business on the lot and the address of the business. Each sign shall be located within 20' of the center of the lot and 10' setback from the right-of-way line.

Additional signage on the building may be allowed subject to review and acceptance by the DRB.

B.13 ENTRANCE DRIVEWAYS & PAVING

Driveways shall be paved and shall intersect the street preferably at a right angle, but at a minimum angle of 70 degrees.

B.14 ADDRESS IDENTIFICATION

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

Section C

BUILDING DESIGN GUIDELINES

The building design guidelines are to assist you in realizing an architectural solution that belongs in Frontage Park at Rocky Cliff. The general intent is to achieve a successful

design integration of building into the landscape. Scale is critical and is to relate to the human size, with less emphasis on monumental that exceeds human scale. This may be accomplished through sensitive massing, form, scale, design modules, fenestration, selection of materials and colors. These design principles will apply to all structures. Good design is also being a good neighbor in the planning and architecture of your development. The building form and mass is to respond and conform to the existing grade and site conditions.

C.1 DESIGN CHARACTER

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

The design character should create a building that blends with its environment and use. The front of all buildings shall include some treatment to provide a presentable appearance. The design character of a building should be considered uniformly from all sides, not just the front or rear elevations, and all elevations should maintain the same visual integrity, cohesiveness and design detail. Building finish is subject to the discretion of the DRB however, in no case may it require higher standards than buildings already approved at the Frontage Park at Rocky Cliff.

C.2 BUILDING SIZES

Each lot shall contain no more than one business and that business shall include a permanant structure of not less than 1,400 square feet of total interior space in the case of a one-story structure.

C.3 BUILDING HEIGHTS

The maximum allowable height for a structure is 25 feet, measured from the natural grade to highest point of the roof as determined by the Zoning Ordinance.

C.4 EXTERIOR DESIGN

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

C.5 COLORS

Building colors will be left to the discretion of the lot owner and subject to review of the DRB. Colors should be selected in good taste and not be overly "loud" or offensive.

C.6 MATERIALS - EXTERIOR SURFACES

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

C.7 BUILDING PROJECTIONS

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

C.8 ANTENNAE/SATELLITE DISHES

Antennae & Satellite dishes may be used if discretely located on the building or property and a maximum 24" diameter. Large ground mounted satellite dishes must be approved by the DRB.

C.9 ACCESSORY BUILDINGS

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

Section D

REVIEW AND APPROVAL PROCESS

This process includes:

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

D.1 DESIGN REVIEW PROCESS

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

1. The application form, supplied by the Design Review Board, with all information complete;
2. A survey at no less than 1"=20' showing lot boundaries and dimensions, easements, setbacks, utility tap locations and elevations at all property corners;
3. A site plan at same scale as the survey showing the building envelope, the proposed building, driveways, parking areas, fences, site grading with new and existing elevations and all other proposed site improvements;
4. Roof and floor plans at no less than 1/8" scale;
5. Exterior elevations at no less than 1/8" scale of all elevations; and
6. A non-refundable Design Review Fee of $300.00. A submittal is defined as an application for a new building, revision to previously approved plan, or a renovation or expansion of a existing structure Make check payable to the Rocky Cliff Estates Homeowners Association technical representative.

D.2 CONCEPTUAL DEVELOPMENT PLAN REVIEW

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

D.3 FINAL DESIGN

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

- Plot Plan (Survey) (1" = 20'0");
- Site Plan (1/8" = 1'-0");
- Roof Plan and Floor Plans (no less than 1/8" = 1'0");
- Exterior Elevations 4 Min. (no less than 1/8" = 1'0");
- Sections (no less than 1/8" = 1'0") through site and building from side PL to side PL and from rear PL to front road CL (2 Min.);
- Landscape Plan (no less than 1/8 " = 1'0") including site grading/contours, retaining wall location(s) and material(s);
- Drainage/Storm Water Management Plan (may be illustrated on the Landscape Plan);
- Construction Limits Plan defining a temporary construction fence location with consideration for construction access, stockpile areas, portable toilet and garbage bin;
- Exterior Lighting includes fixture schedule with catalogue clips for site and building exterior lighting fixtures and street identification;

- Color board (8.5" x 11") proposed exterior colors as applied to proposed materials for all exterior finishes; and
- Construction Schedule.

D.4 DESIGN APPROVAL

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

D.5 COMPLETION

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

Section E

GENERAL & FUTURE PROVISIONS

E.1 MAINTENANCE

The property owners shall each maintain their grounds with a neat a trim appearance.

E.2 NUISANCES

No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites. Nuisances shall include, but not be limited to, vibration, sound, electro-mechanical disturbances, electro-magnetic disturbances, radiation, air, water, or light pollution, and emission of toxic, noxious or odorous matter.

2004352153 20

DATED this 17 day of December, 2004.

MURCON DEVELOPMENT, INC.

By: _____
Murph N. Hannon, President

JAMS PROPERTIES, LLC

By: _____
Murph N. Hannon, Attorney in Fact

DACKER RESOURCES, INC.

By: _____
Murph N. Hannon, Attorney In Fact

TRUCO RESOURCES, INC.

By: _____
Murph N. Hannon, Attorney in Fact

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

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

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

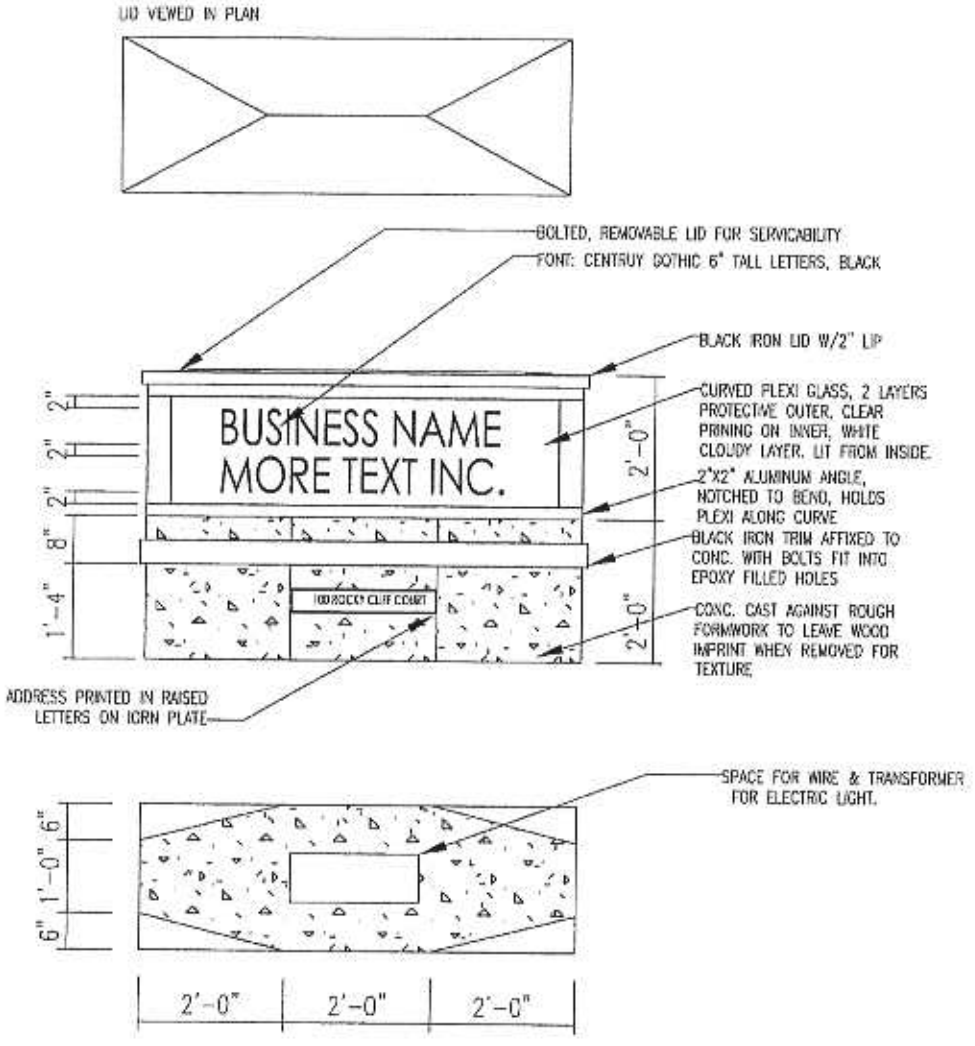
JO BROWN NOTARIAL SEAL STATE OF MONTANA

_____
Notary Public for the State of Montana
JO BROWN
NOTARY PUBLIC FOR THE STATE
OF MONTANA
RESIDING AT KILA, MONTANA
My Commission Expires Nov. 17, 2007

Return:
Schwarz Engineering
100 Financial DR # 120
Kalispell MT 59901

ATTACHMENT "A"

2004352 15320



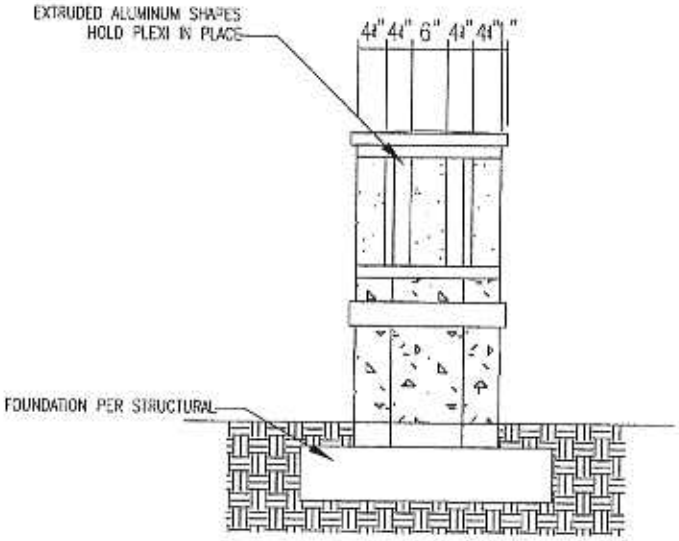
SHEET NO: #1 OF 2 DATE: DEC 17 04	PREPARED BY: BY DRAWING TYPE: DETAIL JOB NO. .	FRONTAGE PARK OF ROCKY CLIFF TYPICAL SIGN DETAIL SCALE 1/2" = 1' FLATHEAD COUNTY , STATE OF MONTANA	SCHWARZ ARCHITECTURE & ENGINEERING 100 FINANCIAL DRIVE, SUITE # 120 KALISPELL, MT 59901 TEL 406.755.1555 FAX 406.755.1510 www.schwarzae.com

ATTACHMENT "A"

2004352 15320

HORIZONTAL SECTION TAKEN THROUGH CAVITY CREATED BY PLEXI GLASS





SHEET NO:	PREPARED BY: BY	FRONTAGE PARK OF ROCKY CLIFF TYPICAL SIGN DETAIL	SCHWARZ ARCHITECTURE & ENGINEERING
#1 OF 2	DRAWING TYPE: DETAIL	SCALE 1/2" = 1'	100 FINANCIAL DRIVE, SUITE # 120 KALISPELL, MT 59901 TEL 406.755.1555 FAX 406.755.1510 WWW.SCHWARZAE.COM
DATE: DEC 17 04	JOB NO. :	FLATHEAD COUNTY, STATE OF MONTANA	

STATE OF MONTANA
County of Flathead
RECORDED AT THE REQUEST OF Stewart
THIS 17 DAY OF December, 2004 AT 3:32 O'CLOCK AND
RECORDED IN THE RECORDS OF FLATHEAD COUNTY, STATE OF MONTANA.

FEE $ 12600 PD.

Paula Robinson
(Flathead County Clerk and Recorder)

RECEPTION NO. 2004352/5320

RETURN TO Schwarz Engineering
100 Financial Dr #120
Kalispell MT 59901

(Deputy Clerk)

When recorded return to Doug Denmark of Renax
1 Main St.
Kalispell, MT 59901

FIRST AMENDMENT TO DESIGN GUIDELINES, CONDITIONS, COVENANTS AND RESTRICTIONS

FRONTAGE PARK AT ROCKY CLIFF
LOTS 1-9 ROCKY CLIFF SUBDIVISION

WHEREAS, on the 17th Day of December, 2004, a Design Guideline, Conditions, Covenants and Restrictions (hereinafter referred to as "Covenants") was recorded as Document No. 2004352-15340 records of Flathead County, Montana, establishing certain guidelines and restrictions on the use of and for the benefit of the subdivision development known as the Frontage Park at Rocky Cliff located in Section 4, Township 27N, Range 21W, P.M.M., as recorded among the land records of Flathead County, Montana, and more particularly described as follows:

Lots 1-9 Rocky Cliff Subdivision, in Section 4, Township 27N, Range 21W, P.M.M. Kalispell, Flathead County, Montana according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

WHEREAS, Section A.7, entitled **Modifications**, (Page 8) reads: These Covenants, Conditions, and Restrictions shall remain in effect in perpetuity and may only be modified by written petition signed by not less than 65% of the lot owners.

And

WHEREAS, Section C.3, entitled **Building Heights**, (Page 15) reads: The maximum allowable height for a structure is 25 feet, measured from the natural grade to highest point of the roof as determined by the zoning ordinance.

WHEREAS, the undersigned are the lot owners of at least sixty-five percent (65%) of the lots in the Frontage at Rocky Cliff; and,

WHEREAS, the undersigned lot owners desire to amend the Covenants pursuant to Section A.7.

NOW, THEREFORE, the Design Guidelines, Conditions, Covenants and Restrictions of the Frontage at Rocky Cliff are amended as follows:

Section C.3 **Building Heights:**

The maximum allowable height for a structure is 30 feet measured from the natural grade to the highest point of the roof. Entrance elements, corner elements, or other architectural forms such as towers, cupolas, parapets, etc., may extend to 35 feet.

★ Dated this 14th day of May, 2008.

0535695 0010006 thru 0010013

200800014059
Page: 1 of 6
Fees: $62.00
Paula Robinson, Flathead County MT by DD 5/21/2008 11:58 AM

200800014059
Page: 2 of 6
Fees: $62.00
Paula Robinson, Flathead County MT by DD 5/21/2008 11:58 AM

Owner of Lot 3
MOUNTAIN SPRINGS RANCH NORTH ASSOCIATES, LLC

By: _____

It's Managing Member

STATE OF MONTANA)
) s.s.
COUNTY OF GALLATIN)

On this 14th day of May, 2008, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared Scott Dehlendorf as Managing Member known to me or proved to me upon satisfactory evidence to be the person who executed the within instrument on behalf of **MOUNTAIN SPRINGS RANCH NORTH ASSOCIATES, LLC**

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

_____

Notary Public for the State of Montana

Lori Zahler

(printed name)

Residing at Bozeman, MT

My Commission Expires 5.30-2009



When recorded return to Doug Denmark of Renew
1 Main St.
Kalispell, MT 59901

FIRST AMENDMENT TO DESIGN GUIDELINES, CONDITIONS, COVENANTS AND RESTRICTIONS

FRONTAGE PARK AT ROCKY CLIFF
LOTS 1-9 ROCKY CLIFF SUBDIVISION

WHEREAS, on the 17th Day of December, 2004, a Design Guideline, Conditions, Covenants and Restrictions (hereinafter referred to as "Covenants") was recorded as Document No. 2004352-15340 records of Flathead County, Montana, establishing certain guidelines and restrictions on the use of and for the benefit of the subdivision development known as the Frontage Park at Rocky Cliff located in Section 4, Township 27N, Range 21W, P.M.M., as recorded among the land records of Flathead County, Montana, and more particularly described as follows:

Lots 1-9 Rocky Cliff Subdivision, in Section 4, Township 27N, Range 21W, P.M.M. Kalispell, Flathead County, Montana according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

WHEREAS, Section A.7, entitled **Modifications**, (Page 8) reads: These Covenants, Conditions, and Restrictions shall remain in effect in perpetuity and may only be modified by written petition signed by not less than 65% of the lot owners.

And

WHEREAS, Section C.3, entitled **Building Heights**, (Page 15) reads: The maximum allowable height for a structure is 25 feet, measured from the natural grade to highest point of the roof as determined by the zoning ordinance.

WHEREAS, the undersigned are the lot owners of at least sixty-five percent (65%) of the lots in the Frontage at Rocky Cliff; and,

WHEREAS, the undersigned lot owners desire to amend the Covenants pursuant to Section A.7.

NOW, THEREFORE, the Design Guidelines, Conditions, Covenants and Restrictions of the Frontage at Rocky Cliff are amended as follows:

Section C.3 **Building Heights:**

The maximum allowable height for a structure is 30 feet measured from the natural grade to the highest point of the roof. Entrance elements, corner elements, or other architectural forms such as towers, cupolas, parapets, etc., may extend to 35 feet.

Dated this 14th day of May, 2008.

Paula Robinson, Flathead County MT by DD
200800014059
Page: 3 of 6
Fees: $62.00
5/21/2008 11:58 AM

200800014059
Page: 4 of 6
Fees: $62.00
5/21/2008 11:58 AM
Paula Robinson, Flathead County MT by DD

Owner of Lot 2
DEL-WOOD PARTNERS, LLC

By: _____

It's Manager

STATE OF MONTANA)
) s.s.
COUNTY OF GALLATIN)

On this 14th day of May, 2008, before me, the undersigned, a Notary Public for the State aforesaid, personally appeared Scott Dehlendorf as Manager known to me or proved to me upon satisfactory evidence to be the person who executed the within instrument on behalf of **Del-Wood Partners, LLC**

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

_____
Notary Public for the State of Montana

Lori Zahler
(printed name)

Residing at Bozeman, MT

My Commission Expires 5-30-2009

LORI ZAHLER NOTARIAL SEAL STATE OF MONTANA

When recorded return to Doug Denmark @ Remax
1 Main Street
Kalispell MT 59901

FIRST AMENDMENT TO DESIGN GUIDELINES, CONDITIONS, COVENANTS AND RESTRICTIONS

FRONTAGE PARK AT ROCKY CLIFF
LOTS 1-9 ROCKY CLIFF SUBDIVISION

WHEREAS, on the 17th Day of December, 2004, a Design Guideline, Conditions, Covenants and Restrictions (hereinafter referred to as "Covenants") was recorded as Document No. 2004352-15340 records of Flathead County, Montana, establishing certain guidelines and restrictions on the use of and for the benefit of the subdivision development known as the Frontage Park at Rocky Cliff located in Section 4, Township 27N, Range 21W, P.M.M., as recorded among the land records of Flathead County, Montana, and more particularly described as follows:

Lots 1-9 Rocky Cliff Subdivision, in Section 4, Township 27N, Range 21W, P.M.M. Kalispell, Flathead County, Montana according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

WHEREAS, Section A.7, entitled **Modifications**, (Page 8) reads: These Covenants, Conditions, and Restrictions shall remain in effect in perpetuity and may only be modified by written petition signed by not less than 65% of the lot owners.

And

WHEREAS, Section C.3, entitled **Building Heights**, (Page 15) reads: The maximum allowable height for a structure is 25 feet, measured from the natural grade to highest point of the roof as determined by the zoning ordinance.

WHEREAS, the undersigned are the lot owners of at least sixty-five percent (65%) of the lots in the Frontage at Rocky Cliff; and,

WHEREAS, the undersigned lot owners desire to amend the Covenants pursuant to Section A.7.

NOW, THEREFORE, the Design Guidelines, Conditions, Covenants and Restrictions of the Frontage at Rocky Cliff are amended as follows:

Section C.3 **Building Heights:**

The maximum allowable height for a structure is 30 feet with a provision that allows for a architectural feature up to a maximum of 35 feet , measured from the natural grade to the highest point of the roof.

Dated this 8 day of April, 2008.

200800014059
Page: 5 of 6
Fees: $62.00
5/21/2008 11:58 AM
Paula Robinson, Flathead County MT by DD

Paula Robinson, Flathead County MT by DD
200800014059
Page: 6 of 6
Fees: $62.00
5/21/2008 11:58 AM

Owner of Lots 4, 6, 7, 8 & 9:

MURCON DEVELOPMENT, INC.
By: _____
Murph N. Hannon, President

JAMS PROPERTIES, LLC
By: _____
Murph N. Hannon, Attorney in Fact

DACKER RESOURCES, INC.
By: _____
Murph N. Hannon, Attorney in Fact

TRUCO RESOURCES, INC.
By: _____
Murph N. Hannon, Attorney in Fact

On this 8 day of April, 2008, before me, the undersigned, a Notary Public personally appeared MURPH N. HANNON, President of MURCON DEVELOPMENT INC.. and as Attorney in Fact for JAMS PROPERTIES, LLC, and as Attorney in Fact for DACKER RESOURCES, INC. and as Attorney in Fact for TRUCO RESOURCES, INC. known to me or proved to me upon satisfactory evidence to be the person who executed the within instrument.

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

_____
Notary Public for the ~~State of Montana~~ Province of Alberta
Chiara Woods
(printed name)
Residing at Calgary, Alberta

CHIARA WOODS
NOTARY PUBLIC
PROVINCE OF ALBERTA