WHISPERING ROCK ESTATES DESIGN REVIEW GUIDELINES

Version 2.04, **August 28, 2024**

ARTICLE I – INTRODUCTION

1.1 Project Overview

Whispering Rock Estates was created to provide a high quality living community surrounded by the natural beauty of the Flathead Valley.

1.2 Intent of Design Guidelines

These guidelines outline the architectural and landscape elements that are REQUIRED. The intent is to create homes that will enhance and protect the natural state of the property, ensure high quality development, and safeguard the property value and privacy of the homeowners.

1.3 Design & Construction Review & Approval Process

No building, landscaping, fence, wall or structure of any kind shall be commenced, erected or maintained upon any lot, nor shall an exterior addition to, change or alteration be made until the plans and specifications showing the project together with a plot plan have been submitted to and approved in writing by the Design Review Committee (hereinafter, "the Committee"). Plans should show the nature, kind, color, shape, height, construction materials, harmony of exterior design with existing structures, other material attributes, and location in relation to surrounding structures, topography and lot lines.

Whispering Rock Estates has a Committee which meets to approve building projects. There is a multi-phase design approval process, see ARTICLE V, DESIGN AND CONSTRUCTION APPROVAL in this document.

ARTICLE II
SITE DEVELOPMENT

2.1 All improvements and structures, decks, stairs, etc. must be setback from the property lines and access as described in this paragraph. Setback distances are measured from property boundaries in the case of measurement from a side boundary or a back boundary. If measured from a roadway, the setback is measured from the edge of the sixty foot right of way to the building foundation. The following setbacks shall apply to construction of single family dwellings within lots 1 - 9:

Setback from interior roadways (front or side) twenty feet.
Setback from property boundaries twenty- five feet.
Setback from rear boundary or from Chapman Hill Road ten feet.

2.2 Tree Protection, Removal & Site Clearing

2.2.1 No trees or other vegetation may be removed from the property without the approval of the project by the Committee. The intention is to remove a minimal amount of existing trees so as to preserve the natural state of the development. Removal of any trees at property lines is highly discouraged in order to retain a buffer zone between properties. Notwithstanding the foregoing, homeowners are required to timely remove dead or diseased trees, and such removal does not require Committee approval.

2.2.2 The Owner shall endeavor to protect existing trees and other vegetation against unnecessary cutting, breaking, skinning of roots, skinning and bruising of bark, smothering by stockpiling of construction materials or excavated materials within a drip line area. An Owner shall provide temporary guards to protect trees and vegetation to be left standing. Once water lines and/or sprinkler systems are operational, Owner shall take care to properly irrigate trees and other vegetation to maintain their health during the course of construction operation. Owner shall take care to provide protection for roots over 1 1/2 inches in diameter which may be cut, scraped, abraded or otherwise damaged during the construction operation. Any damaged tissue should be painted or treated with a recommended coating on use of damaged plant tissue. Owners shall temporarily cover and protect exposed roots with wet burlap to prevent roots from drying out. Such exposed roots shall be recovered with earth as soon as possible.

2.2.3 Property owners may be required to comply with Flathead County's fuel reductions guidelines. A project plan for removal of trees and brush shall additionally comply with Flathead County's fuel reductions guidelines. This shall include tree thinning on steep slopes and control of vegetation within a fire break perimeter of any structure.

2.3 Site Drainage

Owners may be required to provide retention areas for storm water runoff. The site plan must show grading and locations for storm water diversion.

2.4 Driveways

Individual property driveways shall be a minimum of 12 feet wide and shall be paved. Only one access point from roadway to property is allowed. No roads, streets, gates or other means of entrance or exit may be constructed to permit egress to this area other than as shown on the prepared map of the development. No property owner may block or in any way obstruct any common roadway.

2.5 Utilities

All utilities shall be installed underground. Meters shall be placed in an inconspicuous location on the building. All wall mount meters shall either be built within a box and covered to match adjacent siding material, or otherwise made to blend in with the house or not be visible from the public access road.

2.6 Garbage & Food Containers

All rubbish, trash, and garbage shall be regularly removed from the property. Garbage disposal is the responsibility of the Owner, or can be a contracted service. All exterior garbage containers must be hidden from view and enclosed in an animal proof approved enclosure.

2.7 Fuel Storage

There shall be no underground fuel storage tanks. Property owners are permitted to utilize a portable propane tank for cooking or barbeque. Owners are encouraged to plan for and to plum natural gas to a planned cooking area to eliminate the need for a refillable
propane tank.

2.8 Vehicle Storage

Recreational vehicles including motor homes, boats, ATVs, snowmobiles, trailers, etc. may be kept on the property for a maximum of 48 hours. Long term storage must be in an enclosed, not open sided, structure, approved by the Committee. There shall be no commercial vehicles larger than 3/4 tons.

2.9 Fencing & Kennels

No fence or wall shall be erected, placed or altered on any owner's property until the plans, specification, location and materials are approved by the Committee. Fencing shall not exceed four feet in height and shall be located on the back of the property boundaries, unless otherwise approved by the Committee. No fencing shall be placed on the side boundaries between properties or the front of the property.

Dog kennels are allowed. They must be located within all property setbacks, screened with landscaping, and located where they will not disturb the neighboring properties. All kennels must be approved by the Committee.

2.10 Exterior Lighting
Exterior lighting shall be restricted to subdued, understated, indirect lighting. Ground mount, downward shining type fixtures are preferable, with horizontal cut-off devices, and shall not radiate out from the property. In all cases excessive glare to neighboring properties or roadway shall be avoided.

2.11 Landscaping

2.11.1 A landscape plan is required for building approval. Owners are encouraged to engage the services of a landscape architect. See ARTICLE V, DESIGN AND CONSTRUCTION APPROVAL in this document. The Committee may require lot owners to comply with Flathead County fuel reduction guidelines or otherwise remove and reduce fuels, debris, excessively long grass or comply with any other reasonable requirements of their lot maintenance.

2.11.2 No property owner shall plant any tree which, by natural growth will obstruct the existing natural view of another resident.

2.11.3 All property owners are responsible for eliminating all noxious weeds on their own property whether or not any improvement construction has commenced. Regular prescribed spraying will reduce the spread of weeds and protect property values.

2.11.4 Landscaping should blend with the surrounding environment, utilizing native materials whenever possible. Fertilizer use shall be kept to a minimum as fertilized plants tend to attract deer.

2.11.5 Once completed, owners are responsible for maintaining landscaping on their properties with regular weeding, pruning, trimming, mowing, fertilizing where necessary and maintaining required fire breaks. Trees or landscaping which become damaged from inclement weather shall be promptly repaired or removed as soon as practicable.

2.11.6 Berry producing plants and fruit trees such as chokecherry, service berry and mountain ash, apples, cherries, and pears are discouraged. All such vegetation attract both deer and bears. All disturbed natural areas shall be re-seeded with approved dryland seed mix. Wildflower mixes can be integrated with the grass mix, must be certified weed free, so as not to introduce noxious weeds.

Suggested plants include deciduous trees such as Aspen, Ash, Cottonwood & Willow. Small ornamental trees such as Alder, Hawthorne, & Lilac. Evergreen trees such as Douglas Fir, Lodgepole Pine, Engelmen and White Spruce, & Rocky Mountain Juniper. Shrubs such as Alpine Currant, Barberry, Red Twig Dogwood, Euonymous, Witchhazel, Honeysuckle, Sumac, Rose, Willow, Potentilla, Snowberry, Cotoneaster, Oregon Grape, Holly, Junipers, Spirea, Viburnum, Woodrose, & Wisteria. Groundcovers such as Yarrow, Windflower, Columbine, Rockcress, Phlox, Sage, Kinnikinnick, Aster, Astilbe, Harebell, Bluebells, Snow-on-mountain, Daisy, Mums, Coreopsis, Larkspur, Delphinium, Dianthus, Bleeding Heart, Poppy, Fern, Wild Strawberry, Blanket Flower, Sweet Woodruff,

Cranesbill, Babys Breath, English Ivy, Sunrose, Daylily, Coral Bells, Hosta, Candytuft, Iris, Nettle, Lavender, Edelweis, Gayfeather, Lily, Flax, Honeysuckle, Lupine, Primrose, Peony, Hens & Chicks, Thyme, Pansy, and other varieties.

2.11.7 The Committee may recommend to the Board that the Board notify and require an owner of an unimproved lot to perform lot maintenance. Any owner who fails to perform the required maintenance following notice as provided in the restrictive covenants shall be responsible for the Board's or Association's costs of bringing the lot into compliance.

2.12 Mail Boxes

There is no centrally located mail delivery site is provided at the entrance to Whispering Rock. Additionally, no other mail receptacles are permitted on the property.

2.13 Exterior Lawn Furnishings

Exterior lawn furniture and improvements shall compliment a property and shall be limited to dark or muted earth tones unless, in the design review committee's opinion, such furniture is completely shielded from view from an adjoining property and/or other owners within view consent to alternative colors or schemes.

ARTICLE III
BUILDING DESIGN

3.1 Minimum Square Footage

No structure may be built upon any lot except one single family dwelling of not less than 2,400 square feet minimum finished living area. This minimum number is calculated by excluding the loft, garage, deck, patio or porches. If a structure is two or more stories then a minimum of 1600 square feet of the total must occur on the ground level.

3.2 Accessory Structures

3.2.1 No preconstructed, Class A, B or C manufactured homes or trailers as presently defined by Flathead County Zoning Regulations, or other old building, whether intended to be used in whole or in part as the main residential structure or as a garage shall be moved onto any lot.

3.2.2 Garages may be attached or detached and must follow all design guidelines for residences. A residence shall contain a two-, three- or four-car garage. A larger garage structure shall not be allowed unless specifically approved by the Committee.

3.2.3 Guest houses may be allowed if in compliance with Architectural Guidelines, Covenants and Flathead County Zoning Regulations. A guest house shall have a minimum, main floor square footage of 600 feet. The appearance, design, materials of the guest house shall be compatible with that of the main structure. The committee may otherwise regulate the size, appearance, configuration, location of any guest house to ensure its compatibility with the subdivision as a whole, to avoid obstructions of views and to consider the desire of the homeowner and reasonable capabilities of the lot. There shall be no guest house on any property without a main structure.

3.2.4 Accessory structures or outbuildings are discouraged; any allowance of such structures is at the discretion of the Committee. Any owner intending to permanently store a camper, motor home other recreational vehicle shall design their primary structure to accommodate its permanent storage. An owner may construct exterior landscape feature including, but not limited to a gazebo, patio or barbeque area, lattice or trellis, provided that plans for all such structures have been approved by the Design Review Committee.

3.2.5 The committee shall regulate the size, configuration, height, location, materials, color, finishing and surrounding landscaping of any accessory structure.

3.3 Property Uniformity

The architectural design of all structures erected or placed on an individual property shall be similar to and compatible with that of the other structures on the property. The exterior of all such structures shall be completed in the same or similar materials, in grade, quality, appearance and color including paints.

3.4 Building Height Restrictions

All building structures shall not exceed 35 feet above existing grade at all corners, points, sides and apexes of the structure. All proposed projects shall be reviewed on an individual basis so as not to block adjacent lot view corridors. Minor roof extensions such as chimneys, cupolas, and other architectural features may exceed the height restriction, by not more than six feet (6' - 0").

3.5 Building Color

Natural materials and subdued earth-tone colors should predominate the main color schemes of the building. Exterior trim and other accenting details of the building may be more colorful and contrast with the main body color, adding visual interest. All exterior color schemes must be approved by the Committee.

3.6 Roof Forms & Materials

3.6.1 Roof forms and materials shall complement the character of mountain and ranch

type buildings. There shall be consistency and compatibility of roof shapes, pitches and materials, resulting in a coherent building type.

3.6.2 Roof pitches shall be 5:12 to 12:12 for major roof forms. Secondary roof forms, such as dormers, porches, etc., may have less slope, but not less than 3:12. Gable and modified hip type roof forms are encouraged. Flat, mansard, a-frame, and curvilinear roof forms are not allowed.

3.6.3 Roof forms should be no longer than thirty feet (30' - 0") without interruption by a minimum of a (4' - 0") projection, recess, or change in orientation. Dormers and secondary roof forms add interest to the building and are encouraged.

3.6.4 Entry definition shall be emphasized and expressed with an overhanging roof form or recess, to protect the structure from the weather. The use of stone, wood, log columns or similar materials are encouraged.

3.6.5 Roof overhangs shall be (2' - 0") minimum, on the main structure of the house. Substantial fascias of (8") or more are required.

3.6.6 Factory painted metal roofing is permissible, provided the material is dark, non-reflective or vinyl coated and provided the color is maintained. No un-painted galvanized metal roofs shall be used on the exterior of approved structures. No wood shakes or shingles shall be used on the roof portion of approved structures. Roof materials shall be constructed of fire resistant materials carrying a Class A or Class B rating. Composite 40-year architectural grade asphalt shingles, slate and flat concrete type tile roofing materials are allowed.

3.6.7 All exposed roof flashing, vents, hoods, and roof accessories shall be baked-on pre-finished colored metal or painted matching the roofing color, or copper.

3.7 Exterior Wall Forms & Materials

3.7.1 Exterior wall surfaces shall be no longer than thirty feet (30' - 0") in length without the introduction of a minimum four feet(4' - 0") recess, projection or change in orientation.

3.7.2 Exterior masonry materials are limited to natural stone. The front elevation(s) of the building shall include a minimum 25% of wall area in masonry. The masonry must continue around the front corner of the building by a minimum of two to four feet (2' to 4' - 0"). Masonry is encouraged on the base of the building and on chimney forms. Synthetic stucco products are allowed as an accent in gable ends only. They may be used only in combination with other materials such as timbers, logs, or stone. Any wall elevation with a gabled end shall be limited to a maximum of 20% stucco.

3.7.3 Siding material shall be limited to natural wood products, unmilled logs, or milled logs with a minimum diameter of 12 inches, smooth or rough-sawn wood siding in beveled, ship-lapped, board-and-batten patterns, and half-log siding. Concrete, wood texture, OSB, hardboard, metal, or vinyl type siding materials and/or panels are not allowed. Wood shingle siding is allowed with the same restrictions as stucco in 3.7.2. The use of log columns, beams, siding, accents, etc. are encouraged, as are log constructed homes of the non-milled type. All approved siding materials shall be oiled, treated, or stained and routinely maintained.

3.7.4 Exposed concrete foundation walls between ground level and exterior wall siding shall be a maximum of 8". Foundation exposures over 8" shall be covered with masonry, or wall siding material, except where exposures are due to excessive grade, are minimal in exposure and not unsightly in appearance.

3.7.5 Chimneys, flues, and vents may be used to create visual contrast to the dominant roof forms of the building. Chimneys shall be located so as to avoid smoke and fumes at ground level, and to avoid down-drafts. Chimney forms shall relate to the overall building and shall be covered with a masonry or wood siding material. All chimney flues shall be masonry or triple wall stainless steel, enclosed with a chimney cap and fitted with a spark-arrester. No exposed metal or clay flues shall be allowed. All other building vents and flues shall be painted where exposed, consolidated into common decorative enclosures, or shall be concealed from the roadway.

3.7.6 Other exterior materials may be considered by the Committee on a case-by-case basis, and may be allowed if integrated into the building as a whole and if the aesthetic continuity of the development is similarly maintained.

3.8 Exterior Windows & Doors

3.8.1 Windows and doors shall be of a consistent size, shape, type, and orientation throughout the building. Window and door patterns and reveals should be designed to create interest and variety. Uninterrupted bands of windows and doors are discouraged. Doors should be located carefully in conjunction with roof design, and preferably in a sheltered location.

3.8.2 All exterior windows and doors shall be energy efficient, utilizing double or triple glazing with low-e coatings, weather stripping, thermal breaks, etc. Windows and doors shall be constructed of pre-finished enamel colored aluminum cladding, or natural wood. Glass curtain walls, commercial type metal-on-metal windows, or mirrored glass shall not be used. Vinyl windows are not allowed. Divided light glass is encouraged, but must be authentic appearing, on both sides of the

glass.

3.8.3 All front doors shall be wood. Metal, steel or fiberglass front doors are prohibited. Overhead garage doors shall be wood, raised panel, or carriage-type doors, in dark or muted earth tones. Flush panel doors are not allowed.

3.9 Porches, Decks & Balconies

3.9.1 Porches and balconies shall be designed to enhance the overall architecture of the building by creating variety scaling down the overall building mass. Porches and balconies shall be recessed into, and projected from the building, rather than simply being attached. Front entry porches are highly encouraged as it gives shelter, designates the front door, and gives detail to the front elevation of the building.

3.9.2 Porch and balcony posts shall be a minimum of 6" in diameter or a minimum of 6" by 6" square and constructed of natural wood, log, or stone materials. The Committee may reasonably consider alternatives provided that any alternatives comply with Section 3.9.3 requiring porch materials to be consistent with the overall building design. 2-story columns should be increased in size to account for the greater height, and/or broken with a horizontal element.

3.9.3 All materials shall be consistent with the overall building design and shall complement the surrounding landscape.

3.10 External Devices

Exterior television, two way radio, citizens band radio and other radio antennas are prohibited. Digital satellite dishes not exceeding 24 inches in diameter are permitted if located in a visually shielded location. Outdoor athletic equipment shall be screened from view. External equipment (air conditioning compressors, heat exchangers, service meter boxes etc.) will be located, boxed and/or screened from view so as to avoid becoming a visual or audible nuisance to neighboring residences.

ARTICLE IV
CONSTRUCTION PROCEDURES

4.1 General Information

4.1.1 The design review process must be followed by construction of any building or outbuilding of any size, and any exterior building renovation, addition, or refinishing, major landscaping, site lighting, or roadway changes.

4.1.2 In addition to meeting the requirements of these Design Guidelines, the Owner must comply with all applicable State and County codes and restrictions.

4.1.3 Construction may not commence until final written approval has been granted by the Committee. Building construction and landscaping must strictly conform to the approved Final Plans. All and any modifications to the approved plans must be submitted to the Committee for approval.

4.1.4 The Committee has a 3-phase approval process. The Committee shall have (21) days per approval phase, in which to approve or reject building plans. All construction shall comply with covenants, design review guidelines and by-laws then in effect. If an Owner appeals an adverse decision to the Board, the Board shall issue its decision within 14 days.

4.1.5 The Committee may, by appropriate injunction, obtain an order from the Flathead County District Court to stop and enjoin any construction when such construction is inconsistent with any provision of these guidelines and/or covenants, or if such construction is being done from a plan or plans which have not been presented to or approved by the Committee.

4.1.6 If the Committee disapproves of submitted plans, it shall state its reason or reasons for doing so. Any lot owner may resubmit an application for approval of its plans upon modification or correction of deficiencies. Alternatively, a property owner whose plans have been disapproved may appeal the disapproval to the board of directors of the Association, whose decision shall be final.

4.2 Signage

4.2.1 No commercial signs, or advertisements, billboards or advertising structures of any kind shall be erected or maintained except upon the consent of the Committee. No permission shall be required for the erection of one advertising sign, with dimensions of 16" by 36" and complying with the specifications of the drawing in Appendix A, used solely to advertise the sale of real property upon which it is erected. All signs must be removed immediately upon closing of the sale or listing expiration.

4.2.2 Temporary construction signs may be placed on the property during the construction period only. The sign shall comply with the specifications in the drawing in Appendix B. The signs shall contain only the names of the owner, architects, and general contractors. All signs shall be removed immediately upon completion of the project.

4.2.3 A contractor shall, by appropriate signing or taping of a construction area, post a notice that no-one is allowed onto the construction area or sight unless such individual is an owner, architect, contractor or sub-contractor, employee of such contractor or sub-contractor, building inspector or member of the design review committee or board of directors. No other individuals shall be allowed on the

construction sight during construction.

4.3 Completion Time

4.3.1 All construction at each dwelling shall have a fully completed EXTERIOR within (18) months of start of construction. The Committee may grant one, six-month extension. The Committee may grant additional extensions for force majeure delays that are out of the reasonable control of the Owner or their builder. "Fully completed exterior" shall include siding, masonry, paint, roof, soffits, fascia, trim, windows, steps, sidewalks, and ground rough graded.

4.3.2 All construction at each dwelling shall have a fully completed INTERIOR within (18) months of start of construction. The Committee may grant one, six-month extension. The Committee may grant additional extensions for force majeure delays that are out of the reasonable control of the Owner or their builder. This includes drywall, painting, cabinetry, trim-work, carpet, lighting, plumbing, etc.

4.3.3 Primary landscaping shall be completed within twelve months of the completion of structural construction.

4.4 Insurance Requirements

The Owner and contractor are required to provide for construction - related insurance as set forth in this Article. These shall include each of the following:

4.4.1 Contractor's Commercial General Liability: Contractor will keep in force at his own expense during the entire construction period a policy of Commercial General Liability Insurance (CGL) in an aggregate, including products completed operations in an amount of not less than $1,000,000.00 per occurrence and $2,000,000.00 general aggregate in order to protect Contractor from claims for property damage or for bodily injury or death that may arise out of the work performed under this contract. Contractors shall continue to carry this insurance for a minimum of one year from date of completion.
If not specifically included in the Contractor's CGL, the contractor or the owner will purchase insurance coverage, specifically covering the risks of blasting which may or will occur on the subject property as part of construction. This policy will provide that the Association, members of the Association and the public will be intended beneficiaries of the policy. The policy will have the same coverage limits as the CGL.

4.4.2 Contractor will additionally purchase a commercial excess policy with limits of at least $1,000,000.00 per occurrence, at owner's expense, resulting in a total liability coverage of $2,000,000.00 per occurrence.

4.4.3 Workers' Compensation Insurance: Contractor will keep in force, at his own

expense during the entire construction period a policy of insurance through the State Fund system (for any wage or salary to employee directly under his employ). Contractor will designate that his “employer liability limit (coverage “b”) is $1,000,000.00. Contractor will ascertain that he and all appropriate subcontractors similarly carry Workers' Compensation coverage and produce a certificate showing such coverage, or an exemption certificate certifying that they are independent contractors.

4.4.4 Course of Construction Insurance: Owner or contractor shall maintain in force a policy of insurance during construction on this project commonly designated "Builder's Risk" or "Course of Construction" insurance as is necessary to protect the building costs as they are installed during the progress on construction.

4.4.5 Certificates for Additional Insureds

Owner or his agent shall produce for the Committee, certificates showing each of the foregoing insurance policies ***also showing the Committee, the Board of Directors and the Whispering Rock Estates owners association as additional insureds on each policy.*** The certificate shall be produced at stage 3, application for construction approval.

4.5 Miscellaneous Construction Regulations

4.5.1 Work may only be performed between 7:00 a.m. to 7:00 p.m, Monday through Saturday. Sunday work may performed only with written authorization from the Committee. The Owner and Contractor’s agent shall take the necessary precautions and notify property owners, other affected persons, etc. prior to construction.

4.5.2 All construction staging, including but not limited to, material storage, equipment storage, construction trailers, topsoil storage, etc. must take place within the property lot on which the building is to be constructed. An alternate staging site may be used upon written permission of the Committee and other property owners.

4.5.3 The Contractor will at all times keep the work site clean and neat. The Owner or Contractor will provide material dumpsters. Trash shall be emptied on a regular basis. Burning of trash and debris is prohibited.

4.5.4 Construction practices must include extreme care during grading and excavation to avoid damage to existing trees and shrubs. All disturbed areas of the site shall be protected from erosion during construction and restored to its prior state, unless an alternative plan is approved by the Committee.

4.5.5 A small job office or trailer may be located on the site during the construction period. A portable toilet shall be made available for construction workers. These items must be removed immediately upon completion of the project.

4.5.6 Owners are responsible for any repair for road damage caused by any construction on their property. Owners are additionally responsible for any damage to adjacent property or utilities. Repairs shall be made in a timely manner or the Committee may initiate repairs and deduct the cost from the construction deposit. Owners shall follow these procedures for excavation and backfill for roadways, water lines, sewer lines, or for other reasons.

4.5.7 The excavation shall be a minimum size in order to minimize damage to the road structure. Any paved road surfaces shall be saw-cut prior to excavation. After all necessary work has been completed, the backfill shall be performed in a professional and workmanlike manner. The backfill will meet a compaction test of 95% and shall be placed in lifts (compacted layers) not to exceed (12") in depth. The top (6") of excavation shall be backfilled with (3/4") crushed rock.

4.5.8 Portable toilets will be located as specified in the plans and will be properly maintained on each construction site.

4.5.9 The material delivery vehicle operator responsible for causing a spill will immediately clear the residue from the spill site. The Owner and Contractor shall additionally be responsible for clean up and remediation of any spill. If any spill is not timely remedied, the Committee may take remedial action and deduct the costs from the construction deposit. Concrete truck washout must occur only on the delivery site and may not drain into common area or other private property without prior, written permission from the Committee or adjoining property owners.

4.5.10 Worker on street parking will be held to a minimum; all workers should attempt to park off of the road where possible by parking on site or on adjoining property with written permission. Parking on common area shall only be allowed with the prior consent of the Committee.

4.5.11 The Owner and Contractor shall control and limit the access to the construction site during construction. No person shall be allowed on the construction site except the Contractor, Sub-Contractors, employees of the contractor and sub-contractor, material delivery personnel and workers, the Owner (including their family members and designated individuals given permission by the Owner), design review committee members, members of the board of directors or association officers, the architect or engineer or other individuals specifically employed for construction activity. Pets owned by workers may be allowed on the condition they are kept on the construction site while construction is taking place.

4.5.12 Normal radio volume is acceptable. Loud music is prohibited. External speakers shall not be mounted outside of vehicles or the home under construction.

4.5.13 No vehicles (cars, trucks, vans or other construction equipment) may be left in the development, except on site. Construction equipment may remain if parked directly on the construction site, unless express permission has been granted by an adjoining property owner or by the Committee for use of common area.

4.5.14 Tracked vehicles are not allowed on paved areas unless the surface is protected from scarring.

4.5.15 Workers shall wear shirts and shoes at all times.

4.5.16 The Contractor shall, at least forty eight hours prior to any excavation, telephone U-DIG at 755-8344 or 1-800-551-8344. This is the Contractor's sole responsibility. The Association, Board and Committee, while providing general location from previous maps and drawings, have no responsibility to precisely locate utility lines. A Contractor and Owner shall be solely responsible and liable for all repair or maintenance to utility lines caused by excavation.

4.5.17 The Contractor or its representative will give 48 hour written notice to all owners in Whispering Rock, and an additional 2 hour actual notice to all residents of Whispering Rock of the schedule for blasting to occur anywhere within Whispering Rock.

4.6 Safety Policy

The general contractor shall be responsible for establishing, implementing and enforcing a safety policy on the construction site. This shall include a requirement that all regulations and guidelines for use of scaffolding, labeling of products and materials and other requirements of OSHA are fully complied with. Additionally, the general contractor shall establish and maintain a written safety policy and drug and alcohol use policy for this project and the construction site. The contractor will provide a copy of this policy to each of his employees and sub-contractors. The contractor will conduct one or more safety meetings with his employees and sub-contractors.

ARTICLE V
DESIGN & CONSTRUCTION APPROVALS

5.1 The Design Review Committee provides the following forms for compliance with these guidelines:

Form 1 Owner's Authorization Form

Form 2 Application for Sketch Plan Review

Owners/representative shall include two sets of drawings and a $300.00 review fee payable to the Design Review Committee. This shall also include two sets of drawings and one set of specifications including samples of colors and materials.

Form 3 Construction Application

This shall include completion of the document, and a $2,500.00 damage deposit per lot payable to the Design Review Committee. This is to ensure that upon completion of the project, the property is properly cleaned, landscaped, and any common area or road damage repaired. This is a refundable deposit upon completion of final repairs, cleanup and remediation.

After submission and approval, construction may commence.

Form 4 Application for Construction or Design Change

This form is required to initiate approval for remodeling, or an addition to an existing structure. This form may also be utilized for changes in design of a structure under construction. This shall also include a $300.00 review fee, which may be waived, depending upon the extent of the change or remodel.

Form 5 Certification of Construction Completion and Application for Construction Deposit Refund.

5.2 Stage 1: Pre Design Meeting

A pre-design meeting between the Owner / Architect / Contractor and the Design Review Committee is required prior to the start of the building design process. This provides an informal opportunity to review the current guidelines and their intent, discuss the potential project, establish time-lines and dead-lines and avoid any future misunderstandings. The owner shall submit form 1, “owners authorization” at this meeting identifying the contractor and architect selected. An owner may submit a revised form 1, identifying any substitute contractor or architect.

5.3 Stage 2: Sketch, Plan, Review & Checklist

The owner or his agent shall prepare and submit two copies of the Sketch Design in conceptual drawing form to the Committee. The proposed improvements shall conform to each of the requirements in Article 2 and 3 of these review guidelines.

The owner or agent shall submit each of the items listed below:

1. Form 2 application for Sketch Plan review.

2. A check payable to the design review committee in the sum of $300.00. This fee is non-refundable.

3. Site Plan - With a minimum scale of 1" = 20' to detail topography, house and garage location, existing tree location, trees to be removed, easements, lot lines, setbacks, walkway and driveways and other pertinent and prominent features.

4. Landscape Plan - With a scale of 1" = 20' to detail the intended landscaping concept. The location of the house, driveway and walks will be shown.

5. Floor Plan - With a scale of 1/8" or 1/4" depicting layout of spaces and walls for all levels, including a square footage summary.

6. Elevations - With a scale of 1/8" or 1/4" representing views of all sides of the structure, including building maximum height.

7. Building Site Section - With a scale of 1/8" or 1/4" showing relationship of interior and exterior spaces with the natural topography.

The Committee shall have fourteen days from the receipt of all documents and the deposit within which to grant preliminary approval or to state its reasons for rejection along with suggested recommendations. If the preliminary drawings are substantially changed for any reason, drawings must be resubmitted for approval before proceeding with final plan review.

5.4 Stage 3: Final Plan, Reviews & Checklist

If the Committee issues approval of the Sketch Design in Stage 2, then the owner or his agent shall prepare or submit (2) copies of the Final Plan in finished construction type drawings to the Committee. The final plans shall conform to all of these design review guidelines.

Items to be submitted include all items listed below:
1. Form # 3 Construction Application

2. A damage deposit of $2,500.00, payable to the Committee.

3. Final Site Plan indicating topography, existing and removed trees, lot lines, building envelope, easements, setbacks, power, utility meter and transformer locations, trash, kennel, fence locations, external devices, air conditioning or heat pump unit locations, site drainage retaining walls, screening fences, drive and parking width and materials, etc. (Minimum scale: 1" = 20' - 0" minimum)

4. Final Landscape Plan indicating extent and location of all plant materials and

landscape features, final grading, plant schedule, irrigation, ground treatment and turf areas, existing plant vegetation to be removed and retained, as well as exterior lighting type and location. (Scale: 1" = 20' - 0" minimum)

5. Final Floor Plans indicating all rooms, porches, doors, windows, dimensions, construction details, etc. Plans shall include a square footage summary total of living space, including a breakdown per floor, and garage. (Minimum scale: 1/4" = 1' - 0")

6. Final Exterior Elevations and building sections showing all building sides and indicating exterior wall and roof materials, building maximum height, roof slopes and relationship to the site. (Scale: 1/4" = 1' - 0")

7. Exterior Material Samples showing samples of siding, roof materials, stone, and color scheme, etc.

8. Final Property Stake-out showing with stakes and bright tape, the location of all buildings, external devices and their corners, all trees to be removed, driveway and walkway locations and underground utilities

9. All certificates of insurance required by Article 4.4.5.

5.5 Final Review and Approval

Within (14) days of receipt of the Final Plans the Committee will review and approve or reject the project. Final acceptance will be granted in written form and transmitted to the Owner and/or their representatives. Upon issuance of this final approval, the Owner may “break ground” and commence construction. All construction shall be in precise compliance with all construction documents previously submitted and approved. No construction shall continue which deviates from approved documents. In the event an Owner or agent desires a change in design or material, the Owner or agent shall submit Form 4, an application for construction or design change.

5.6 Plan Deviations and Changes

In the event that an Owner or agent deviates from approved plans, the Committee may issue a “stop construction order”, directing the owner and any agent to immediately cease construction until the deviation is resolved. If an Owner or agent refuses to comply with the stop work order, the Committee may seek an injunction from the Flathead County district court. If an injunction is issued, the owner shall be responsible for the Committee’s costs and a reasonable attorney’s fee.

5.7 Access to Construction Site

Committee members, association officers and Board members shall have reasonable access to the construction site at all reasonable hours for the purpose of insuring compliance with approved construction documents. The Owner and his agent are responsible to provide current, valid telephone and/or telephone number and email addresses for the purpose of maintaining current and timely communication during construction.

5.8 Certification of Completion and Application for Deposit Return

Upon completion of construction and substantial completion of landscaping, final cleanup and remediation of disturbed areas, an Owner or agent may submit Form 5, application for refund of construction deposit. This shall include a certification in the form provided, signed by the general contractor and/or architect that the construction has been completed according to approved plans and material specifications without deviation provided that the Committee may waive approval for change orders which are entirely internal to the structure or exterior change orders which do not materially alter the structure or landscaping's size, color, configuration, location or appearance. The Committee will review and approve or disapprove of the application for construction deposit refund within fourteen days. In the event the application for refund is disapproved in while or in part, the Committee shall issue its reasons for withholding all or any portion of the deposit. The Committee may utilize all or any portion of the deposit for repair of damage to roads, trees, adjacent property, site clean up or for any other reason the Committee deems necessary to maintain area integrity. Should corrective action be deemed necessary, the Committee will notify the Owner and provide the Owner with fourteen days to correct the deficiency. If the deficiency is not corrected within fourteen days of notice, the Committee may proceed to correct the action itself and utilize all or any portion of the deposit to pay for the costs of correction, clean up or remediation.

ARTICLE VI
AMENDMENT OF DESIGN REVIEW GUIDELINES

6.1 Amendment of Design Review Guidelines

These guidelines may be reviewed and amended from time to time during the period of Declarant control. Declarant (the developer) may revise these guidelines at any time without the necessity of further approval by the Board or association. Thereafter, the Committee may propose amendments to these guidelines to the Board of Directors. The Board of Directors shall timely review the proposed amendments and vote to approved the amendments in while, in part, or top deny the proposed amendments. A 2/3 affirmative votes shall be required by the Board to approve amendments to the Design Review Guidelines. Upon approval, the amendments shall become final and shall be binging on all new or altered construction within Whispering Rock Estates. The Board shall cause the amended guidelines to be immediately printed and distributed to all

Owners,

6.2 Version Number and Date

All amended design review guidelines shall bare a version number and date.

6.3 Obligation to Comply with Most Recent Version

Owners and agent shall be responsible for complying with the most recent design review guidelines in effect. The Board shall timely deliver copies of amended design review guidelines to each Owner within Whispering Rock. However, the Board's failure to do so shall not constitute grounds for non-compliance. No Owner may claim entitlement to a waiver of any design review requirement on the grounds that the Owner did not have notice.

6.4 Prospective Enforcement

Amended design review guidelines shall apply prospectively, not retroactively to existing construction or construction approvals.

ARTICLE VII
WAIVERS

7.1 Waiver of Specific Guidelines

The Committee shall not approve any waiver of design review guidelines except on extraordinary circumstances, where the property of circumstances do not lend themselves to reasonable compliance with all of the guidelines, or where compliance is physically impossible, or where compliance causes life/safety concerns. In such event, the Committee may waive one or more requirements only upon meeting of the conditions required in this Article.

7.2 Conditions for Waiver

7.2.1 The Committee shall precisely articulate the waiver, which shall be as narrow in scope as possible. The Committee shall issue substitute requirements in order to accommodate the waiver.

7.2.2 The Committee must approve the waiver by a 2/3 affirmative vote of its members. The waiver must additionally be approved by the Board of Directors by majority vote. When practical, the Committee will strive to not have members who are the same as Executive Committee members.

7.2.3 If the requested waiver involves setback requirements, building height or other circumstances which would reasonably effect a neighbor, then such neighbor's written consent shall be required.

7.2.4 Any waiver granted by the Committee shall be precisely followed. In the event an Owner or agent violates the terms of a waiver by any margin, the Committee may revoke the waiver and require that the Owner or agent comply with the guidelines as written.

7.2.5 All waivers shall be uniquely written and applied to the particular circumstance of an individual lot. No waiver shall constitute a precedent for any subsequent waiver by the same or any other Owner. Requested waivers shall be review, approved or disapproved on the unique circumstances of each property without regard to the unique circumstance of any other property.

[End of Guidelines. Forms follow.]