

**DECLARATION OF DESIGN GUIDELINES
FOR
RIVERVIEW HEIGHTS -
A CONSERVATION DESIGN SUBDIVISION
LOCATED IN
KOOTENAI COUNTY, IDAHO**

THIS DECLARATION of Design Guidelines is made on this 13 day of ^{May 2020} ~~July~~, 2019, by the undersigned owner of the subject property (hereinafter referred to as "Grantor"), in order to establish certain Design Guidelines for RIVERVIEW HEIGHTS - A CONSERVATION DESIGN SUBDIVISION (hereafter RIVERVIEW HEIGHTS), located in Kootenai County, Idaho, as follows:

1. Contemporaneously herewith, Grantor has recorded the "Declaration of Covenants, Conditions, Restrictions and Reservations of Easements for Riverview Heights - a Conservation Design Subdivision located in Kootenai County, Idaho" (hereafter the "CCRs"). The CCRs were recorded by Grantor as the owner of certain property in Kootenai County, Idaho, described in Exhibit A thereto and platted in the form attached thereto as Exhibit B.

2. Pursuant to Article VII of the CCRs, certain procedures have been established to ensure the architectural integrity of Riverview Heights. Section 7.04 of the CCRs incorporates certain Design Guidelines for Riverview Heights. Attached hereto as Exhibit A, and incorporated herein, are the Design Guidelines referred to in Section 7.04 of the CCRs.

The undersigned has executed this Declaration on the date first above written.

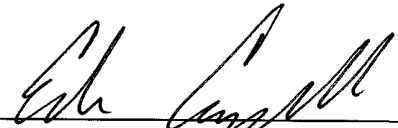
GRANTOR:

ASPEN HOMES AND DEVELOPMENT, LLC

By: 
TODD STAM, Manager

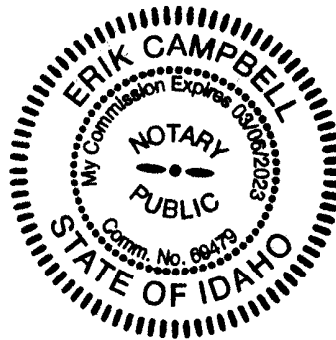
STATE OF IDAHO)
)ss
COUNTY OF KOOTENAI)

On this 13 day of ~~July~~ ^{MAY} 2020, before me, a Notary Public in and for said State, personally appeared TODD STAM, known or identified to me to be the Manager of ASPEN HOMES AND DEVELOPMENT, LLC, an Idaho limited liability corporation, that he executed the within instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.



NOTARY PUBLIC for the State of Idaho
Residing at: Kootenai County
My Commission Expires: MARCH 6, 2023

RIVERVIEW HEIGHTS.DECLARATION DESIGN GUIDELINES.wpd



**DESIGN GUIDELINES
FOR
RIVERVIEW HEIGHTS
KOOTENAI COUNTY, IDAHO**

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DESIGN GUIDELINES

The Developer of Riverview Heights, sometimes referred to below as "RVH", seeks to create a desirable residential community within the greater Coeur d'Alene/Spokane area. Your cooperation in complying with the project's Covenants, Conditions and Restrictions and these Design Guidelines will ensure that RVH will develop into an attractively designed and desirable community for all homeowners.

The Design Guidelines apply to the development of a home and other improvements on your homesite at RVH. The purpose of the Guidelines is to create a neighborhood of aesthetically designed homes that are visually compatible with each other to protect and enhance the property values of all homeowners. They extend to such matters as height, color, massing and building materials. The Design Guidelines are administered by the Design Review Board, which includes experienced architectural and land planning consultants. The Design Review Board's job is one of assistance, helping you and your designer maximize your architectural and living experience at RVH.

Although it is not possible to specifically set forth in writing all the criteria for an acceptable design, CCR's (Covenants, Conditions and Restrictions), together with these Design Guidelines, establish the general criteria by which each plan will be evaluated for approval, and serve to assist you in understanding the approval requirements.

The Design Guidelines may be modified or supplemented from time to time so that different standards will apply to different parts of RVH to reflect variances in topography, housing types, homesite sizes and orientation, and other relevant factors affecting appearance and general aesthetic conditions; values and general appearance of RVH. Further, in a continuing effort to improve and clearly communicate the meaning and intentions of the Design Guidelines, the Design Review Board will periodically revise and/or clarify the Guidelines, and it is the responsibility of each owner to obtain the most recent copy of the Design Guidelines prior to starting the design and application process.

It is the responsibility of each Owner and his agent to comply with the latest versions of all applicable regulations, including the RVH Design Guidelines.

1 INTRODUCTION TO OBJECTIVES

1.01 PRESERVATION OF THE ENVIRONMENT

In contrast to the usual methods of residential development, in which concern for the natural environment is subordinated to the desire to develop as efficiently and economically as possible, the Developer of RVH has chosen to approach its planning from a more sensitive viewpoint, where emphasis will be given to development that is planned to harmonize, blend and complement, rather than dominate, the natural environment of the site itself and the surrounding environment. .

These residential Design Guidelines have been written to communicate this philosophy of developing sensitivity for the preservation and maintenance of this environment. These are minimum standards of design, justified in part by the climate, terrain, and the relationship of the site and the project's extensive protected open spaces. Creativity, innovative use of materials and design, and unique methods of construction are encouraged, so long as the final result is consistent with individual Design Guidelines and this overall philosophy.

It is expected that the design of each residence in RVH will be tailored to the unique features of each individual homesite in an effort to achieve a synthesis of nature and residence. To preserve the natural features of each homesite, such as views, topography and existing plant materials, the site for each residence will need to be individually determined to minimize disruption of the existing environment.

The purpose of the Design Review Board is to evaluate each proposed design for appropriateness to its homesite and compliance with the objectives of the Design Guidelines. The Design Review Board may determine that what was found acceptable in one situation may not necessarily be acceptable in another. The goal is for the appearance and character of all residences and improvements to harmonize with and enhance their natural and manmade surroundings, rather than to dominate and/or contrast sharply with them.

It is required that each Owner retain competent professional services for the design and siting of the home, and for landscape architectural design. A thorough analysis and understanding of a particular homesite and the Owner's special needs and the skill to translate these factors into building form, as well as the ability to convey to the Design Review Board the concept and design of a proposed residence or other improvements, are all elements of the design review process. If an Owner elects to do his own design or to obtain non-professional services, and the result in either case is not approved by the Design Review Board, the Design Review Board has the right to require that an Owner thereafter utilize professional* design services.

*A duly licensed Architect, Civil Engineer, Surveyor and Landscape Architect registered to practice in the State of Idaho.

2 DESIGN GUIDELINES

2.01 GENERAL SITE PLANNING RECOMMENDATIONS

Consider the potential impact of future homes and improvements on neighboring and nearby homesites upon the views and privacy of your own home. Conversely, consider the impact of your home upon the views and privacy of your neighbors.

Give careful consideration to the daily and seasonal paths of the sun. Also consider the advantages of placing your garage, kitchen, pantry and service areas in close proximity to one another and the desirability of morning light into the kitchen and breakfast areas.

Evaluate the daytime versus nighttime quality of your views and arrange your living spaces to correspond to these differences.

Position your driveway and garages so they do not dominate the entry experience of your home or significantly impact the views or enjoyment from your living and entertaining areas. The Design Review Board will expect that the garage will be designed so that the garage doors will not be facing the street, and that the garage façade facing the street is designed as an integral element of the home.

Carefully consider site drainage and building runoff. Avoid unnatural modifications of existing drainage that may cause soil erosion. Carefully consider the location of the existing trees on site. Removal and grading within the dripline of these trees should be minimized, and the trees incorporated into the overall site design.

Be creative in the design process. Plan to alter the site as little as possible from its original native condition, protecting existing watershed and drainage ways wherever practical. Limit structures to the area on the site where drainage, soil and geological conditions will provide a safe foundation within the designated building envelopes. Soil analyses are required to be obtained to assure proper foundation design.

Typically, residences should be nestled into the land, remaining low, so as to be part of the site rather than being perched on it; thus avoiding unnecessary height. Step buildings and improvements down slopes, using split and multi-level solutions wherever possible to follow existing contours and achieve a balance of cut and fill. When the construction is finished, the earth around the residence and site walls should lie against the walls at an angle as close to the original angle of slope as possible. The creation of unnatural "benches" or "pads" that are inconsistent with the natural terrain are not allowed.

2.02 BUILDING FLOOR PLANS AND ELEVATIONS

Home plans acquired from so-called —plan books or other non-site specific plans, may be acceptable to the Design Review Board, provided they are accurately adapted to existing topographic conditions of the proposed site, and that such "stock" plans and elevations are otherwise modified as may be required to conform to the Design Guidelines.

Of particular importance to the Design Review Board is that all proposed plan elevations accurately reflect proposed final grade conditions and otherwise be consistent with the grading plan. Stock plans that have not been modified to accurately reflect existing or final proposed grades as set forth in the grading and site plans, or that are otherwise incompatible or inappropriate for site conditions, will be rejected.

2.03 BUILDING ENVELOPE

The Building Envelope is the portion of each homesite within which all improvements must be built and the only area in which alterations to the existing landscape may occur, as approved by the Design Review Board.

Before any conceptual planning is done, the Owner and/or his architect are required to discuss the building and its envelope with a designated representative of the Design Review Board during the pre-design meeting.

Early consideration should be given to any future expansions or building needs such as guest houses, pools, tennis courts (where appropriate), etc., so that in the future these expansions may occur within the Building Envelope.

Any such future considerations shall appear on the preliminary design submittal, if possible.

All homeowners should understand that the Design Review Board has the authority, in its sole opinion, to modify the final Building Envelope for each homesite from the original designated area at the time the final plat is completed for such homesite, based upon topographic or other site information, or extenuating circumstances that dictate a modification of the Building Envelope. The

Design Review Board may require reduction or reconfiguration of the proposed Building Envelope if, in its opinion, doing so would protect, preserve or enhance the homesite without unduly impeding construction. All future improvements, including requested changes in the Building Envelope, must be pre-approved by the Design Review Board in writing.

2.04 NOT USED

2.05 NOT USED

2.06 NATURAL GRADE AND ESTABLISHING FIRST FLOOR ELEVATION

As part of the site plan submittal at the time of application, the Owner shall create a grading plan, at their expense, establishing the existing natural grade in sufficient detail as may be required by the Design Review Board to fully evaluate the potential impact of the proposed development on the existing topography and the extent of any proposed cuts and fills, any retaining walls or extended foundations. On existing sloped homesites, it is required that the plan will be prepared using 1-foot contours. On steep homesites where slopes approach 30% within the proposed building envelope, the plan must show any 30% slope lines, beyond which building may not occur.

The grading plan shall show the existing contours and proposed re-contouring of the areas around the building footprint, and in particular, noting the proposed spot elevations of the garage and main floor(s), and any outdoor patios/terraces/stoops/walls.

At any time during or after framing, the Design Review Board may require the architect and builder to certify in writing that the as-built first floor elevation and finished height of the residence does not and will not exceed the height as shown on the approved plan. Should the heights in any aspect exceed the heights set forth in the approved plans, the Owner shall immediately bring the residence into full compliance.

2.07 BUILDING SIZE

Residences will be limited to a maximum of 4 bedrooms due to drainfield allowances. Unless specifically given a variance, residences will contain at least 2,000 square feet for main floor living area in a single story home; or 2,400 square feet of living area in a two story or a multilevel house. This minimum building size shall be exclusive of garages, basements, patios, breeze-ways, storage rooms and other similar areas. On certain homesites that have slopes permitting a daylight basement, the daylighted portion of the basement may be included in the calculation of living area so long as it is finished, and the main floor living area contains at least 1,400 square feet, with the total living area on both floors at least 2,400 square feet.

2.08 BUILDING MASSING

The fundamental elements of design composition: unity, balance, rhythm, harmony and dominance; should all be carefully considered in the design of each home at RVH.

It is important that the massing of buildings not dominate the environment and harmonize with the area and its natural features. Building masses should be predominantly horizontal rather than vertical, yet not create long, unbroken elements. Changing the plane of the walls, changing direction and providing some variety in the roof form offers diversity and visual interest.

Segment buildings into distinct volumes- Base (foundation), Middle (building facades), Cap (roof).

Minimum number of six (6) roof planes.

Break up large expanses of roof with roofing elements such as dormers and roof plane changes.

Minimum Number of wall planes required per elevation are:

Front Elevation – Three (3) wall planes

Side Elevations – Two (2) wall planes

Rear Elevation – Three (3) wall planes

No wall shall have unbroken height of 20', or an unbroken horizontal surface of 30'.

Garage:

Garage doors to have relief-panelized, with architectural ornamentation.

Recess or project the third bay of a garage (minimum 24" projection- either surface).

Restrict free board above garage to 18" max.

2.09 PRESERVATION OF SIGNIFICANT VIEWS

Two kinds of views are important at RVH:

- Views from a site which preserve off-site views by creating new corridors from the ground up
- Views from off-site through the site to significant features beyond
- Views of the Spokane River

All kinds of views shall be preserved, provided, however, each homeowner and the Design Review Board shall recognize the property rights of neighboring properties when potentially competing goals are at issue in the proposed design. The objective is to create as many opportunities for views as possible, within the constraints posed by each homesite and the objectives of these Design Guidelines.

2.10 EXTERIOR LIGHTING

The philosophy of preserving the natural environment applies to appearances at night as well as during the day. The intent of the Design Guidelines is to allow for the minimum lighting necessary to provide for safety, security and the enjoyment of outdoor living, without detracting from site quality by obliterating night views and interfering with a neighbor's privacy.

In an effort to allow each Owner the flexibility and freedom to creatively resolve unique conditions, the Design Review Board will ultimately consider the acceptability of each installation and its resultant light levels and visual effects on surrounding properties and common areas on a case-by-case basis.

The design objective is to provide lighting discreetly, illuminating only what needs to be lit, and to be —Dark Skyl compliant. In general, light sources should be shielded and directional, with the source of the light not visible. A permitted exception may be driveway entry statements. All exterior address signage shall be back illuminated in a manner acceptable to the Design Review Board. The Design Review Board shall also have authority to review and approve or reject the design and detail of any exterior address signage and illumination.

2.11 ROOFS

Since roofscapes form an important part of the visual environment, they must be carefully designed. Roof slopes at RVH generally should be no less than 6:12 pitch. Roof slopes with lesser slope will generally be prohibited, unless there are compelling reasons for their consideration. Flat roofs requested will be considered by the Design Review Board on a case-by-case basis, and the decision of the Design Review Board shall be binding. Design Review Board approval of a roof slope is applicable only to the homesite for which it was approved, as site topography and natural features vary considerably from homesite to homesite.

Roof overhangs protect walls from the elements and contribute to the building's overall design and character. Roofs should generally overhang walls a minimum of 16".

Roof surfacing materials are an important visual element of the overall design. All roofs, including the colors and materials, must comply with the standards set by the Design Review Board. The objective is to choose roof surfacing materials that help the building blend with its site and which are also functionally appropriate.

The following roof materials are permitted: tile, slate, or fire-retardant, architectural grade composition shingles, minimum of 40 year shingles. Up to 10% metal sheet roofing will be allowed if in a dark color or rusted and must be approved by the Design Review Committee.

The following roof materials are not permitted: standard asphalt shingles, or metal sheet roofing.

All roof venting shall concealed, hip and ridge venting, Box vents are not permitted.

All roof penetrations (vent pipes) shall be hidden from public view and painted to match the roof.

2.12 MATERIALS – EXTERIOR SURFACES

Specifically prohibited are: T-111 or other manufactured sheet siding, river rock, vinyls and plastics, reflective materials; reflective exterior artwork and sculpture, and other materials whose appearance in the judgement of the Design Review Board does not convey strength, quality, permanence or durability. Glass generally may not be mirrored. A Northwest vernacular style is required. Avant garde or highly trendy contemporary styles and high technology materials or materials commonly associated with commercial or industrial buildings are also strongly discouraged, and may be rejected by the Design Review Board in its sole discretion.

Box columns, Round columns, and Posts. Design columns to reflect the architectural style of the home, and appear substantial.

Masonry piers- size masonry piers to appear stable and substantial, in an appropriate size relative to what it's supporting.

Masonry- shall only terminate at inside corners of the building.

Masonry wainscot shall terminate at the ground plane- not 6" above.

Masonry wainscot shall have a cap or water table.

Masonry water tables shall stay horizontal (staggered in a stair step fashion in dropping with grade).

Masonry wainscot shall be a minimum of 18" above the ground plan and cover 10% of the front elevation.

River Rock is not an approved masonry style.

Use multiple exterior materials to add variety and scale down wall planes (minimum of two materials no more than 3).

Maximum lap siding exposure to be 8".

Maximum board and batten siding spacing to be 24".

Minimum shingle siding exposed to be 4".

All sides of the residence shall match in style and character.

Only change exterior wall materials at inside corners.

Shutters are intended to appear large enough to completely cover the window opening.

Windows dimensions are to express vertical proportions.

Divide large horizontal windows into a group of vertically oriented windows.

Windows are to be wood, metal clad or vinyl.

Doors and windows are to have trim- Head trim sized to visually support the weight above 6" minimum, jamb trim 4" minimum.

Windows are to have projection sills with 4" minimum trim below.

Provide a decorative front door.

2.13 EXTERIOR WALL COLORS

Exterior wall colors should harmonize with the site and surrounding buildings. Accent colors on wall surfaces can enhance buildings, however, their location should be confined to entries and

gathering points which do not disrupt the overall harmony of the area. On exterior walls, the predominant tone must tend toward warm, earthy hues – whether in the natural patina or weathered color of the wall surface itself or in the color of the paint, stain or other coating. Bright and highly contrasting colors that accent the fascia or exterior trim are discouraged and may not be approved by the Design Review Board. All proposed exterior colors must be included in the initial submittal.

Color / Sample Board:

Provide sample board with all materials indicated. The board needs to be a minimum of 12” x 18” and maximum of 24” x 36”. Pictures and color swatches are preferred to the actual building materials

The submitted drawings are to be drawn with these materials reflecting the correct scale and appearance.

Include all of the following:

- a. Stone pattern, color and manufacturer
- b. Roof material, color and manufacturer
- c. Window color, style and manufacturer. (note grid style specifically)
- d. Siding style and color
- e. Fascia style and color
- f. Gutter and downspout profile and color
- g. Entry door style and color
- h. Deck material and color
- i. Exterior lighting. (Residence and landscaping)
- j. Garage door sample, style and color
- k. Color sample of paving materials
- l. Exterior Guardrail / Handrail brochure / color (if applicable)

2.14 BUILDING PROJECTIONS

All projections from a building including but not limited to chimney caps, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall be visually integrated into the overall design and generally match the color of the surface form which they project. Patina copper gutters may be used. Roofs may overhang the building envelope.

Roof appurtenances, such as dormers, clerestories, and skylights, create interesting, pleasant interior spaces; however, their location on the roof is critical to avoiding an over decorated, visually confusing appearance.

Wood with a metal cap, concrete and masonry finished flues are permitted. Exposed metal chimneys are not permitted, except for gas fire place chimneys not visible from the street. Solar collectors shall be approved or disapproved on a case-by-case basis and shall not be visible from the roads or other homesites.

Skylights may be placed flush against the roof surface. Roof mounted mechanical equipment and skylights which are not flush against the roof surface are prohibited on any roof, unless in the judgement of the Design Review Board it does not adversely affect views from streets, other homesites, and public spaces. When permitted, such equipment or skylights must be screened from view from streets, other homesites, or public spaces. Skylights higher than one foot above the roof

plane, or placed at an angle to the roof plane, or which are visible from the street are not permitted.

Building projections shall not float and are required to have corbels or brackets that appear to visually support the weight of the projection.

Jut out building projections a minimum of 18" from the wall plane

Provide architectural elements (brackets, corbels, and beams) at roof overhangs- sized to visually appear to hold the weight they appear to be holding up and reflect the style of the home.

Fascia's to be a minimum of 8", unless you are doing exposed rafter tails.

Corner boards and trim to be a minimum of 4".

Belly bands and base boards to be a minimum of 8".

Railings and balustrades are to be decorative.

Chimneys visible from the street are to have a decorative cap, obscuring the spark arrestor (metal or stone).

All HVAC shall be ground mounted and screened from public view. Design exterior stairs to match the architectural style of the home.

See Design Guidelines Section 2.12 for permitted wall materials.

2.15 NO ANTENNAE, SATELLITE DISHES OR FLAGPOLES

There shall be no antenna or satellite dishes in excess of 18" in diameter either installed or maintained within RVH , except as expressly permitted by the Design Review Board. Any Owner considering the use of such a device should first discuss possible installation solutions with the Design Review Board representative and indicate the location of such equipment on the submittal drawings before acquiring any necessary hardware. When permitted, such equipment must be screened from view from streets, other homesites, and public spaces.

Freestanding flagpoles are not allowed on any homesite. The display of the American flag is permitted, however, if it is hung from a pole bracket mounted on the residence or if it is suspended from a roof overhang.

2.16 SITE DRAINAGE AND GRADING

Site drainage and grading must be done with the goal of minimum disruption to the homesite. Surface drainage shall not drain to adjoining homesites or open spaces except as established by natural drainage patterns, nor cause a condition that could unnaturally lead to off-site soil erosion on open spaces. It is the intent of these Design Guidelines to discourage excessive cut and fill, and cut and fills as well as any disturbed areas must be recontoured and revegetated in accordance with a landscape plan approved by the Design Review Board.

Structures, roads, driveways and all other improvements should be designed with the objective of

fitting the existing contours of the site as nearly as possible, with minimal excavation.

Developing a proper drainage plan will be the responsibility of the Owner per Kootenai County regulations. Ensure that, when driveways intersect streets, any existing road shoulder drainage patterns are maintained. Driveway culverts should have beveled ends with standard rock headwalls, and be appropriately sized to accommodate runoff in the road shoulders. Any drainage damage that may occur due to flows from one homesite to other homesites or common areas because of a change in natural conditions will be the responsibility of the Owner of the homesite that caused the unnatural drainage flow.

Approval of a drainage plan by the Design Review Board does not constitute any enforceable right or warranty in favor of any party, nor shall it make the Design Review Board liable or responsible to the Owner or others with respect to the plan's adequacy of the engineering or design. Such approval constitutes only the Design Review Board's opinion that the proposal meets with the intent of these Design Guidelines and with design aesthetics. Design Review Board approval does not eliminate or reduce the obligation of the Owner to comply with all legal requirements, nor does it reduce Owner responsibility for all damages arising from changes in natural conditions.

2.17 DRIVEWAY ENTRANCE

Subject to the approval of the Design Review Board, freestanding site walls no greater than 18 square feet, bollards, planters or gate posts may be allowed at the driveway entrance to the street. No driveway entrance shall be designed as a —drive underl using beams or arches spanning the driveway, and no driveway entrance feature shall exceed 4 feet in height. No gates are allowed.

All driveways shall be constructed of approved hard surface materials. Embossed concrete, exposed aggregate concrete (utilizing integral coloring), colored concrete, flagstone, pavers, or asphalt are all driveway paving materials which are acceptable. Feature strips of separate materials and special aggregates in exposed aggregate concrete will be reviewed on a case-by-case basis, including grass-crete.

2.18 FENCING

In general, fences shall be wildlife friendly and will be located on lots that allow wildlife to freely move through the properties unrestricted. Fences will only be allowed for the containment of animals or small children or as may be required around swimming pools. Fencing must be within the building envelope at the rear of the home and not visible from the street frontage. No fences shall be constructed on property lines and any permitted fencing must comply with homesite setback requirements for buildings. All fence locations, materials, and height shall be approved by the Design Review Board. No fence shall exceed six feet in height (except for approved sport court fencing). Recommended materials for fence construction are materials that blend with the surroundings, or that are consistent with those used in the primary residence. Uncoated galvanized fencing vinyl or wood is not permitted. Owners are strongly encouraged to use landscaping and berming to create privacy areas, rather than traditional fencing materials. Additionally, —invisible fencingl to control and contain dogs is strongly encouraged.

2.19 COMBINED HOMESITES

If an Owner owns two contiguous homesites and wants to combine the two homesites into a single

homesite, the Owner may do so only with the prior consent of the Design Review Board and only if the change, in the Design Review Board's opinion, does not materially impair views and/or privacy from neighboring homesites or common areas. When considering combining homesites, the Owner must recognize that while combining two or more Building Envelopes may be beneficial as it could provide more natural space between adjacent homesites and improve view corridors, it may also have an adverse impact on the views and privacy of other nearby homesites or common areas and therefore may not be approved by the Design Review Board. The Owner must submit a proposed revised envelope for combined homesites as early in the design process as is reasonably possible prior to the preliminary submittal.

Similarly, any request on the part of two Owners to acquire an adjacent homesite and split it, so as to add a portion to each of their existing homesites, may only be done in accordance with County Ordinances.

The newly configured homesite or homesites must be also approved by the county. All actions required and expenses associated with pursuing any required governmental approvals shall be the responsibility of the Owner.

2.20 PARKING SPACES/RECREATIONAL VEHICLES

Each residence shall contain parking space within the homesite for at least two automobiles in an enclosed garage either attached to or detached from the main structure of the residence. A minimum of two additional parking spaces should be provided on the homesite to accommodate guest parking. Except for special events, no on-street parking will be permitted for residents' or their guests' vehicles. Views of guest parking areas from adjacent homesites, streets, or public spaces must be avoided or be screened by landscaping. Naturally contoured, landscaped berms may also be used.

Generally, the storage of all recreational vehicles should be integrated into the architectural design of the house. No exterior storage of recreational vehicles or boats will be permitted on any homesite, unless expressly approved by the Design Review Board and unless such approved storage area is completely screened from neighboring properties using existing or additional landscaping treatment approved by the Design Review Board.

2.21 TENNIS COURTS AND OTHER SPORT/RECREATIONAL SURFACES

A. Construction of a tennis or sport court will only be allowed with approval of the Design Review Board and only when it meets the following criteria:

1. Any grading required to create a level playing surface must achieve a balance of cut and fill, and minimize the necessity of retaining walls.
2. The playing surface must be screened from view. It may be required that the court be constructed below grade to reduce the need for fencing.
3. A combination of solid walls and approved colored fencing is recommended and may be required. The height of perimeter protection may be limited if, in the opinion of the Design Review Board,

such devices would be unattractive. Galvanized fencing will not be allowed.

4. Additional landscaping with trees or shrubs may be required to mitigate the court's visibility from nearby streets, homesites and common areas. 5. Tennis courts and other sport/recreation areas may be lighted, provided that such lighting is adequately screened from neighboring properties, and directed toward court surface, minimizing off site glare. All lighting must be in accordance with County Ordinances.

6. Armadas, storage rooms and connecting walkways must be visually integrated with the main house and surrounding landscape.

7. The objective is to create the most inconspicuous tennis court or sport/recreation area as is reasonably achievable.

2.22 SWIMMING POOLS

Swimming pools and spas, if any, must be screened from view from adjacent homesites, streets and public spaces and constructed and fenced according to all applicable regulations. The initial or subsequent installation of either a pool or a spa shall require submission drawings and prior approval by the Design Review Board. All pools must be below grade. No above grade pools will be allowed.

2.23 BASKETBALL HOOPS/BACKBOARDS

Basketball hoops and backboards may be installed on any homesite when approved in advance by the Design Review Board. The installation of such items may be subject to stipulations imposed by the Design Review Board. Particular attention will be given to the privacy of adjacent homesites, as well as color and obtrusiveness of its location. The basketball hoop and backboard must come down when no longer utilized.

2.24 ADDRESS IDENTIFICATION

Individual address identification devices for each approved residence may be installed by the homesite Owner. Such devices must utilize the same materials and colors as the residence and must reflect its design character. No "unique" identification devices will be permitted. No additional signage detached from the residence will be permitted, except one temporary construction sign or other signs as permitted by the Design Review Board. The Design Review Board may in the future require installation of uniform address identification devices for all homesites, including homesites with previously constructed identification devices. Owners should submit the design of any proposed homesite identification device with the final plan submittal. See section 2.9 on Exterior Lighting.

2.25 SIGNS

In an effort to maintain the residential character of the neighborhood and to prevent a proliferation of

"for sale" or other signage, no construction, financing, "For Sale", "For Rent" and other similar signs or advertising devices of any kind shall be placed in public view on or within any homesite within RVH, except as expressly permitted by the Design Review Board. The only exceptions are project signage as described below, and address identification described in article 2.24, the temporary construction sign described in article 4.13, and signs used by the Developer during the construction and marketing of the Property by the Developer.

Each Owner will, in accordance with the Declaration, be permitted to have one "For Sale" notice and/or flyer (not to exceed 8-1/2" x 11") located in the Information Center.

2.26 SCREENING OF OUTDOOR MECHANICAL EQUIPMENT/TRASH CONTAINERS

All above-ground garbage and trash containers, clotheslines, mechanical equipment, and other outdoor maintenance and service facilities must be properly screened from other homesites, streets, or public spaces.

2.27 GUEST HOUSES, GUEST SUITES AND ACCESSORY STRUCTURES

Guest structures may be attached or detached but should be in the same Northwest vernacular architectural style as the residence, and should be visually related to it by walls, courtyards, or major landscape elements. Any guesthouse must comply with all zoning regulations.

All accessory structures, including workshops, storage buildings, etc. must also be in the same Northwest vernacular architectural style as the residence, using exterior materials similar to the style of the residence. Pole barns, metal sided or pre-fabricated, wood storage sheds, or other structures incompatible with the main residence are prohibited.

2.28 PATIOS, COURTYARDS, TERRACES AND DECKS

Patios, courtyards, terraces, trellises, gazebos and other on-grade outdoor spaces are encouraged and should be designed as integral parts of the residence, so they maximize the enjoyment of each homesite exterior spaces and capitalize on the views of and from the homesite. By properly orienting these outdoor spaces, breezes can be captured or deflected, sun can be controlled and privacy can be maintained.

Decks, posts, railings and other similar above-grade appurtenances should also be designed as integral parts of the residence, using similar materials, finishes and colors compatible with the residence, and to convey the same sense of quality as the exterior materials of the residence. Supporting deck posts that are visible from off-site must be of a scale and detail to match the home architecture. Decks that are visible from adjoining homesites, common areas that are not designed to appear as an integral part of the residence, or that appear "stuck on" or that are constructed of different exterior materials, finishes or colors inconsistent with the residence will not be approved by the Design Review Board.

2.29 SOLAR APPLICATIONS

Passive solar applications, or the orientation and design of the residence for maximum winter solar heat gain, will reduce the winter heating needs and will be encouraged, to the extent that such design objective does not adversely impact the site's natural surroundings, involve undesirable removal of

existing trees, or adversely impact neighboring properties. Insensitively positioned solar collectors can cause excessive glare and reflection. Solar collectors will only be approved if they are integrated into the structure or landscaping and are not visible from neighboring properties.

2.30 NOT USED

2.31 RETAINING WALLS ATTACHED TO ARCHITECTURE

All retaining walls are subject to Design Review Board approval. All foundation walls or retaining walls with more than 12" visible above grade shall be a surface treatment on the surface above finish grade, as approved by the Design Review Board. Generally, retainage walls shall not exceed 30 feet in length and 4 feet in height, and be colored in a compatible earth tone where visible from offsite. Please include proposed location, type and color of retaining walls in initial submission.

2.32 MAIL BOXES

Mail boxes for all residents are located at the entry. Any other on-site boxes shall be incorporated into a driveway entry pilaster design, and shall otherwise be approved by and located at places designated by the Design Review Board.

3 LANDSCAPING GUIDELINES

The goal of RVH is to preserve the beauty and character of the property's natural landscape while permitting attractive, formalized landscaped areas.

All areas disturbed by construction shall be revegetated. Ground cover material within the formal landscaped area surrounding each residence shall be predominately solid, and those areas outside of formal landscaped area shall be restored to their natural state using RVH approved native grass seed mix.

The use of flowering ground covers, shrubs, annuals and perennials within the formal landscaped area can have a dramatic impact if such areas are well controlled and limited in the extent of their coverage. All landscaped areas shall be irrigated by an adequate automatic underground irrigation system.

A detailed landscaping plan must be submitted and approved by the Design Review Board. Owners are required to complete and submit the landscaping plan at the time of other plan submittals.

The plan must also locate and identify any trees over a 6" caliper (measured from a height of eighteen inches above ground level) that the Owner would like to remove. While selective tree cutting may be approved on a case-by-case basis to enhance views, care must be taken to ensure that natural irregular edges to view corridors are created and that straight cuts through the tree canopy are abided. The resultant impact of any tree removal upon views of the Owner's property from adjacent and downhill homesites and public spaces, including the resultant impact of views from the Spokane River, will also be considered by the Design Review Board prior to its decision. If requested by the Design Review Board, all trees to be cut shall be flagged with red flagging and an on-site inspection may be required prior to Design Review Board approval. Under no circumstances shall *any* trees over 6" in caliper be cut without the written approval of the Design Review Board.

Landscaping shall be implemented as soon as physically practical and shall be completed within the earlier of sixty days following the completion of exterior construction or thirty days following the date of occupancy, except an extension of time may be granted by the Design Review Board for reasons of cold or inclement weather.

4 CONSTRUCTION GUIDELINES.

In order to assure that the natural surroundings are not unduly damaged during construction, the following Construction Regulations shall be made a part of the construction contract documents for each residence or other improvements on a homesite. All builders and Owners shall be bound by these Regulations, and any violation by a builder shall be deemed to be a violation by the Owner of the homesite.

4.01 APPLICATION FEE AND DEPOSIT

Each Owner shall make a deposit with RVH's Homeowners Association, at the time of application. See 5.03(a) for deposit amount. Such deposit shall be held by the Association without interest and returned to the Owner following satisfactory completion of the home and landscaping in compliance with the Application and Conditions of Approval. Should it become necessary for either the Design Review Board or the Homeowners' Association to remedy any violation of these Regulations, the costs of such remedy will be charged against the deposit. The obligation of the Owner to repair, correct, complete or otherwise comply with these construction regulations shall not be limited to the amount of such deposit. Upon satisfactory completion of construction and landscaping, the deposit, less any expenses to cure any violations (if any), shall be returned to the Owner.

4.02 PRE-CONSTRUCTION CONFERENCE

Prior to commencing construction, the Owner and builder must meet with the Design Review Board to review construction procedures and to coordinate construction activities.

4.03 OCCUPATIONAL SAFETY AND HEALTH ACT COMPLIANCE (OSHA AND WISHA)

All applicable OSHA and Idaho regulations and guidelines must be strictly observed at all times.

4.04 CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.

Any Owner whose builder desires to bring a construction trailer, field office or the like to RVH shall first apply for and obtain written approval from the Design Review Board. To obtain such approval, he shall submit a copy of the architect's site plan with proposed locations of the construction trailer or field office, the portable toilet, and the trash receptacle noted thereon. Such temporary structures shall be removed upon completion of construction.

4.05 DEBRIS AND TRASH REMOVAL

Owners shall be responsible for their builders cleaning up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight materials, packaging, and other items shall be covered or weighted down to prevent their being blown off the construction site. Builders are prohibited from dumping, burying or burning trash anywhere on RVH except as expressly permitted by the Design

Review Board. During the construction period, each construction site shall be kept neat and clean and shall be properly policed to prevent it from becoming a public eyesore or affecting other homesites or any open space. Mud and dirt from the construction site shall not be permitted on the paved streets and shall be promptly removed and cleaned by the builder. Each owner shall be responsible for the mud and dirt caused by its builder and subcontractors and suppliers, and for any failures to use any construction entrance designated as such by the Design Review Board.

4.06 SANITARY FACILITIES

Each builder shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities shall be located at each site. No common area sanitary facilities will be available.

4.07 VEHICLES AND PARKING AREAS

Construction crews shall not park on or otherwise use other homesites or any open space. Private and construction vehicles and machinery shall be parked only within the Building Envelope or in areas designated by the Design Review Board. All vehicles shall be parked so as not to inhibit traffic on the street.

Each Owner and builder shall be responsible for assuring that the builder's subcontractors and suppliers obey the speed limits posted within the development. Fines will be imposed against the Owner and builder for repeated violations. Adhering to the speed limits shall be a conditions included in the contract between the builder and its subcontractors/suppliers. Repeat offenders may be denied future access by the subcontractors/suppliers.

4.08 BLASTING

If any blasting is to occur, the Design Review Board must be informed far enough in advance to make sure the applicant has obtained the advice of expert consultants that blasting may be accomplished safely. These consultants must so advise the Design Review Board in writing. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the Design Review Board based upon such advice from a qualified consultant. Applicable governmental regulations concerning blasting must be observed. The Design Review Board's only responsibility is to require evidence of such consultant's expertise and the Design Review Board shall have no liability for the blasting.

4.09 RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGES

Damage and scarring of any property, open space or other homesite, including but not limited to roads, driveways, utilities, vegetation and/or other improvements, resulting from construction operations, will not be permitted. If any such damage occurs it must be repaired and/or restored promptly and any expenses shall be borne by the owner.

4.10 MISCELLANEOUS AND GENERAL PRACTICES

All owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors and subcontractors while on the premises. The following practices are prohibited:

- Any construction activity before 7:00a.m. • Letting construction debris or luncheon debris accumulate on site without being properly placed in a container so not to migrate off site.
- Changing oil on any vehicle or equipment on the site itself or at any other location within RVH other than at a location, if any, designated for that purpose by the Design Review Board.
- Allowing concrete suppliers, plasterers, painters, or any other subcontractors to clean their equipment anywhere but the location specifically designated, if any for that purpose by the Design Review Board.
- Removing any rocks, plant material, topsoil, or similar items from any property of others, including other construction sites.
- Hunting or carrying any type of firearms within RVH.
- Using disposal methods or equipment other than those approved by the Design Review Board.
- Careless disposition of cigarettes and other flammable material. At least one 10-pound ABC-rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
- Careless treatment or removal of protected plant materials, wetlands or native plants not previously approved by the Design Review Board.
- Use of, or transit over any other lot.
- No pets, particularly dogs, may be brought to RVH by construction personnel.
- Radios and other audio equipment playing on construction sites at RVH are not permitted if they can be heard from another homeowner, street, lake or open space. This is to avoid impacting boaters as well as homeowners enjoying living at RVH.
- Catering trucks, if any, will not be permitted to use their horns. Also, trash generated by the purchase of items from these trucks and from construction practices should be contained and disposed of properly. Repeated problems with these requirements could result in the trucks being denied admittance to the property.

4.11 CONSTRUCTION ACCESS

The only approved construction access during the time a residence or other improvement is under construction will be over the approved driveway for the homesite unless the Design Review Board approves an alternative access point. In no event shall more than one construction access be permitted onto any homesite.

The location of the project construction entrance will be determined from time to time by the Design Review Board and each owner shall be responsible for assuring that it is exclusively used by its builder, who is responsible for its employees, subcontractors and agents.

4.12 DUST MUD AND NOISE

The owner and builder shall be responsible for controlling dust, mud and noise, including, without limitation, music from the construction site.

4.13 IDENTIFICATION AND CONSTRUCTION SIGNAGE

Except for posting requirements required of a builder under Idaho state law, temporary construction signs shall conform to the following standards, be limited to one sign per homesite, and their design and location shall be subject to the review and approval of the Design Review Board.

In general, the signage policy is designed to provide consistent signage within RVH that serves the identification needs of Owners or builders without allowing a proliferation of unnecessary or undesirable signage. In an effort to maintain the residential character of the neighborhood, the Design Review Board will require all temporary and construction signs to meet the following criteria:

Construction Signage

No other signage other than an approved construction sign during home construction or the homesite identification sign (but not both), shall be displayed on any homesite. Any non-conforming or non-approved signs will be removed by the Homeowners Associations

4.14 DAILY OPERATION

Daily working hours for each construction site shall be from 30 minutes before sunrise to 30 minutes after sunset, but in no circumstance shall any construction activity occur before 7:00a.m. and no later than 7:00 p.m.

5 THE REVIEW PROCESS

The design review process was developed to provide adequate checkpoints in an effort to minimize time and money spent on residential designs, which may not adhere to the Design Guidelines. An attempt has been made to streamline this process and eliminate excessive delays. Nevertheless, each Owner is responsible for complying with the Design Guidelines, and all other applicable provisions of the Declaration, as well as all the rules and regulations of any governmental authority, in order to bring the design review process to a speedy and satisfactory conclusion. Each Owner is also responsible for assuring that his/her builder also complies with the Design Guidelines.

The Design Review Board will conduct reviews of projects during their regular meetings or at such other times, as they deem appropriate. Owners, architects, or builders shall have no right to attend any meetings unless specifically requested to do so by such Board. The Design Review Board will respond in e-mail no later than 30 calendar days after a submittal is determined to be complete by the Design Review Board. Results of reviews will not be discussed over the telephone. Any responses an Owner may wish to make in reference to issues contained in the Design Review Board's notice following review of submittals should be addressed to the Design Review Board in e-mail form.

Although the Design Review Board will enforce all provisions of the Design Guidelines, the following will be of particular concern:

- (a) Building siting within the Building Envelope, in relationship to existing site conditions, trees and its sensitivity to views and privacy of other homesites or open spaces.
- (b) Building heights and massing.
- (c) The extent of cuts and fills on sloped homesites, and the extent to which residences are sited to minimize the cuts and fills.
- (d) Exterior elevations of residence in an effort to establish and maintain a high level of aesthetic quality.
- (e) Exterior materials and colors.

5.01 THE REVIEW PROCESS AND DRAWING SUBMITTALS

In general, the design review process is divided into five (5) phases:

- 1 The Pre-Design Meeting/Site Visit
- 2 The Submittal
- 3 The Landscape Plan Submittal 4 The Construction Process
- 5 The Final Inspection

All drawings for all submittals must be submitted in (1) full sized copy, (1) 11" x 17" copy.

5.02 PRE-DESIGN MEETING/ SITE VISIT

To initiate the review and approval process prior to preparing any detailed drawings for a proposed improvement, it is required that the Owner and his Architect meet with a representative of the Design Review Board at an On-site Meeting to review the homesite and discuss the proposed residence and to explore and resolve any questions regarding building requirements or interpretation of the Design Guidelines or the design review process. This informal review is to offer guidance prior to the initiation of preliminary design. An appointment for the Pre-Design Meeting must be made at least one week in advance. It is most productive when a preliminary sketch plan of the home and site can be discussed at the site visit.

5.03 THE SUBMITTAL

The following needs to be submitted to the Design Review Board after a Pre-Design Meeting, at the following address: _____.

(a) A completed application, signed by both the Owner(s) and builder, together with the then prevailing Design Review Fee, as established from time to time by the Design Review Board. In the case of an addition to an existing home, or subsequent submission to the Design Review Board following completion of the home, the Design Review Fee will be \$150.00. In addition, each Owner shall deposit \$5,000.00 with RVH's Homeowner Association, which must also accompany the Application. Said deposit shall be held by the Association without interest, and returned to the Owner following satisfactory completion of the residence and landscaping. Checks should be made out to Riverview Heights Homeowner's Association. The above Design Review Fee is for the review process as outlined in Section 5.1 To the extent that more than one meeting is required on any of the five (5) phases, the Design Review Board may bill the Owner any additional amounts that are incurred, on an hourly of \$50.00/hour basis, beyond the normal submission and review process.

(b) A site plan at a scale no less than 1" = 20' on a 24" x 36" or a 30" x 42" sheet showing homesite boundaries and dimensions, a north arrow, the locations and areas of the Building Envelope, the residence, and all another buildings or major structures, distances from proposed structures to nearest property lines. The exact location of the proposed driveway, location of parking areas patios, pools, retaining walls, proposed utility service facilities and routes, proposed septic and drainfield locations proposed, site grading, including existing and proposed contours at one foot intervals, and topographic features such as drainage swells, rock outcroppings and existing trees and major shrubs to be retained or removed, construction parking, and construction sanitary facilities, and elevations of all building floors, patios, and terraces, shown in relation to site contour elevations. Any trees that

are proposed to be removed must also be flagged with red flagging ribbon.

Each Owner submitting drawings for approval to the Design Review Board shall be responsible for the accuracy of all information contained therein. Site plans that are not professionally prepared by a licensed Architect, Landscaped Architect, Engineer or Surveyor will be considered incomplete and rejected.

(c) Roof Plan and Floor Plans at no less than $1/8" = 1'-0"$. Roof plans should show areas of flat and sloped roofs and any proposed skylights, roof mounted equipment, such as solar collectors, etc.

(d) Exterior elevations of all sides of the residence, at the same scale as the floor plans, with accurate existing and proposed grade lines shown, with all exterior materials noted. Heights of all parapets and roof ridge lines shall be shown.

(e) Samples of all exterior materials and colors. Exterior paint color samples for each exterior color, properly identified, must be included. Pictures of proposed roofing or brick, masonry or stone materials, with color and type identified, may be substituted in lieu of an actual sample. These should be mounted on an 18" x 24" board clearly marked with Owner's name, filling date, and homesite number, and identified with manufacturer's name, color, and/or number.

(f) Any other drawings, materials, or samples requested by the Design Review Board.

To assist the Design Review Board in its evaluation of the Submittal, the Owner shall provide preliminary staking at the locations of the corners of the residence or major improvement and at such other locations as the Board may request.

5.04 THE LANDSCAPE PLAN SUBMITTAL

A complete landscape plan, prepared by a Landscape Architect, at the same scale as the site plan (minimum $1" = 20'$) showing at least the entire building envelope, indicating: all areas to be irrigated, locations, size and species of all trees and other plants to be added, all exterior walks, drives, patios, and other decorative features inducing exterior lighting, and any driveway entry column details. Any trees to be cut are to be flagged with red flagging ribbon per section 3.0 guidelines.

A legend using clear symbols, and nomenclature, must be provided on the landscape plan. Landscaping plans that are not professionally prepared will be rejected.

Plans for areas requiring detailed landscape design (such as the courtyard) are best drawn at a scale of $1" = 10'-0"$ or larger. An approximate time schedule indicating approximate dates for starting and completion of landscaping work, and anticipated occupancy date.

5.05 FINAL APPROVAL

Upon receipt of the complete Submittal, the Design Review Board will review the submittal for conformance to these Design Guidelines and to any preliminary approval conditions. Upon determining that the required submittals have been received and are in a form acceptable to the Board, the Design Review Board will try to provide a written e-mail response to the Owners as soon as practical, and generally within thirty (30) days after submission of all required materials. Approval of the plans by the Design Review Board does not relieve the applicant from total responsibility for compliance with the Design Guidelines, and the requirements of all other approval

agencies having jurisdiction over the building process.

The Design Review Board will make every effort to accommodate the construction timetable of each applicant. However, it is the responsibility of each Owner and builder to follow the submission procedures described herein, and to submit an accurate and complete submittal well in advance of the desired construction start date.

5.06 CONSTRUCTION PERMIT

Securing of any and all construction and occupancy permits is the responsibility of the Owner and/or builder. Construction shall be in accordance with the Submittal approved by the Design Review Board and in accordance with all applicable governmental rules and regulations.

5.07 ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES

Any changes to the approved drawings before, during, or after the construction of an improvement must first be resubmitted for approval by the Design Review Board. If such additions or changes affect 25% or more of the floor plan, or affect the building massing, or affect the siting, the Design Review Board will require a complete resubmittal including a new design review fee. If such additions or changes do not demand a complete resubmittal, all changes must be clouded or otherwise identified on all affected drawings and all drawings must be accurately drawn and coordinated with each other.

5.08 RESUBMITTAL OF DRAWINGS

In the event of disapproval by the Design Review Board of either a Preliminary or a Final Submittal, any resubmission or drawings must follow the same procedure as the original submittal

5.09 WORK IN PROGRESS - INSPECTION

The Design Review Board may inspect all work in progress and give notice of non-compliance, if found. The Owner shall immediately take whatever steps are necessary to correct such work and have thirty (30) days from the date the notice was mailed to bring such non-compliance into compliance. Absence of such inspection and notification during the construction period does not constitute either approval by the Design Review Board of work in progress or compliance with the Design Guidelines or the Master Declaration.

5.10 FINAL INSPECTION

Upon completion of any residence or other improvement for which final approval was given by the Design Review Board, the Owner shall give written notice of completion to the Design Review Board.

Within such reasonable time as the Design Review Board may determine, the Board may inspect the residence and/or improvements. If it is found that such work was not done in strict compliance with the approved Submittal and the Design Guidelines then, the Design Review Board shall notify the Owner in writing of such non-compliance, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same.

5.11 OWNER NON-COMPLIANCE

Any non-compliance must be remedied by the Owner within 30 days from the postmarked date of such notification by the Design Review Board. Thereafter, unless the Design Review Board feels it's reasonable to grant the Owner an extensions in writing (e-mail) beyond 30 days, the Homeowner's Association may take such action to remedy this non-compliance as provided for in these Design Guidelines or the Master Declaration including, but without limitation, injunctive relief and/or the imposition of a fine of \$100.00 per day for each day that such infraction exists beyond said 30 day period; and/or a lump sum fine ranging from \$25.00 up to \$10,000.00 in addition to its other remedies described herein or as set forth in the Master Declaration, in such cases as repeated violations or the willful disregard by an Owner or builder of their obligation to construct the residence in accordance with the approved plans. Furthermore, the Design Review Board and the Homeowner Association is empowered to take whatever corrective actions as they may deem necessary to remedy such non-compliance at the Owner's expense, as set forth in The Master Declaration.

5.12 NON-WAIVER

Any approval by the Design Review Board of any drawings or specifications or work done or proposed, or in connection with any other matter requiring such approval under these Design Guidelines or Master Declaration, including a waiver by the Board, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval. For example, the Board may disapprove an item shown in the Submittal even though it may have been evident and could have been, but wasn't disapproved at the preliminary submittal. Furthermore, should the Board overlook or not be aware of any item of non-compliance at anytime during the review process, construction process or during its final inspection, the Design Review Board in no way relieves the Owner from compliance with these Design Guidelines and all other applicable codes, ordinances and laws.

6 MISCELLANEOUS RIGHT AND ORGANIZATION

6.01 AMENDMENT OF MASTER DESIGN GUIDELINES

The Design Review Board may, from time to time and at its sole discretion, adopt, amend, and repeal by unanimous vote, rules and regulations to be incorporated into the Design Guidelines which, among other things interpret, supplement, implement or entirely revise the provisions of those Guidelines. All such rules, regulations, or amendments, as may from time to time be adopted, amended, or repealed, should be appended to and made a part of the Design Guidelines, and shall have the same force and effect as if they were set forth in, and were part of, the applicable Guidelines. Each Owner is responsible for obtaining from the Design Review Board a copy of the most recently revised Design Guidelines, and should inquire if; any substantive amendments to the Design Guidelines have been adopted since the most recent printing of the Design Guidelines.

6.02 NON-LIABILITY OF DESIGN REVIEW BOARD, DEVELOPER AND OWNER

Neither the Design Review Board or any member thereof, past or present, RVH Homeowner Association or any Member or Director thereof, past or present, the Developer, the prior Owner of the homesite, or their respective successors or assigns, shall be liable in damages to anyone submitting drawings or specifications to them for approval, or to any Owner or other person by

reason of mistake in judgement, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any drawings or specifications to the Design Review Board. By submission of such drawings and specifications for approval, an Owner agrees that he or she will not bring any action or suit against the Design Review Board, any member thereof, or any of the above mentioned parties.

Approval of a submittal shall not be deemed to be a representation or warranty that the Owner's design drawings or specification so the actual construction of a residence or other improvement complies with applicable governmental ordinances or regulations. The approval of an application with conditions, only indicates compliance with the Design Guidelines relating to that submission, and the Design Review Board is not rendering any opinion as whether or not said submission, and the Design Review Board is not rendering any opinion as whether or not said submission, plans and specifications comply with local building codes and ordinances. Additionally, the Board is not and does not render any opinion nor assume any liability for whether such plans adequately address other design or construction issues including, but not limited to, surface runoff or the suitability of the design given soil conditions for which the Owner assumes sole responsibility. It shall be the sole responsibility of the Owner or other person submitting drawings or specifications to the Design Review Board or performing any construction to comply therewith.

6.03 INCORPORATION

The provisions of the Master Declaration applicable to design and landscape control are incorporated herein by reference. Control over the provisions herein in the case of conflict, shall be with the Master Declaration, except for those provisions relating to fines for Owner non-compliance, in which case, the provisions of Section 5.11 of these Design Guidelines shall control and take precedence over the Master Declaration. Capitalized terms used herein, but not defined herein, shall have the same meaning as in the Master Declaration.

6.04 ENFORCEMENT

These Design Guidelines may be enforced by the Design Review Board, RVH Homeowner's Association, or Developer as provided herein or in the Master Declaration.

6.05 RIGHT OF WAIVER

The Design Review Board reserves the right to waive or vary any of the procedures or standards set forth at its discretion, for good cause shown.

6.06 ESTOPPEL CERTIFICATE

Within 30 days after written demand therefore is delivered to the Design Review Board by any Owner, and upon payment therewith to the Design Review Board of a reasonable fee from time to time to be fixed by it, the Design Review Board shall record an estoppel certificate executed by any two of its members, certifying with respect to any homesite of said Owner, that as of the date thereof either (a) all improvements and other work made or done upon it within said homesite by the Owner, or otherwise comply with the Design Guidelines and the Master Declaration, or (b) such improvements and/or work do not so comply, in which event the certificate shall also (1) identify the non-complying improvements and /or work and (2) set forth with particularity the cause or causes for such non-compliance. Any purchaser from the Owner or mortgagee or other encumbrancer shall be

entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Association, the Design Review Board, Developer, all Owners and other interested Persons, and such purchaser, mortgagee, or other encumbrancer.

6.07 COMMENCEMENT OF CONSTRUCTION

No sitework or other construction shall commence until the Owner has received approval in writing from the Design Review Board.

Upon receipt of written approval from the Design Review Board, the Owner shall satisfy all conditions thereof and commence the construction, reconstruction, refinishing, alterations, or other work pursuant to the approved drawings within one year from the date of such approval. If the Owner shall fail to comply with this paragraph, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the Design Review Board prior to the expirations of said one-year period, and upon finding by the Design Review Board that there has been no change in circumstances, the time for such commencement is extended in writing by the Design Review Board. The Owner, shall, in any event, complete the construction, reconstruction, refinishing, or alteration of the foundation and all exterior surfaces (including the roof, exterior walls, windows, and doors) of any improvement of his homesite within one year after commencing construction thereof, except when and for so long as, such completion is rendered impossible or would result in great hardship to the owner due to strikes, fires, national emergencies, or natural calamities. If Owner fails to comply with this paragraph, the Design Review Board may notify the Board of the Homeowner Association of such failure, and the Board at its option, shall either cause the exterior to be completed in accordance with the approved drawings, or cause the improvement to be removed and return the homesite to its natural state prior to construction. The Owner shall reimburse the Association for all expenses incurred in connection therewith, in addition to any fines levied against the Owner by the Homeowner Associations.

6.08 SEVERABILITY

If any provisions of these Design Guidelines shall be held to be invalid, the same shall not affect in any respect whatsoever the validity of the remainder of these Design Guidelines to the extent that they can be reasonably understood without the invalid portion(s).

These Initial Design Guidelines have been reviewed, approved, adopted and incorporated herein by reference, as part of the Master Declaration, as provided by the Master Declaration as of the date indicated on the front page, and shall remain in full force and effect until further revised as provided for in the Master Declaration.

APPLICATION FOR ARCHITECTURAL APPROVAL

THE UNDERSIGNED, does hereby apply to the Design Review Board of RVH Homeowner's Association for approval of a residential dwelling, and herewith submits plans, and elevations. The undersigned represents that he/she are the sole Owners of said property, and covenant and agree that any residential dwelling built upon the real property designated below shall be built in accordance with the approved application, plans, and elevations, including any conditions of such approval, and that any noticeable changes to the exteriors of the home, or to the site or landscape plan, must be resubmitted to the Board for review and approval, prior to such change being made.

The Undersigned has read RVH CC & R's and the latest Design Guidelines (effective date September 30, 2009) and will comply with said conditions.

PROPERTY OWNER

STREET ADDRESS

LOT BLOCK RVH

The undersigned submits herewith as a part of this Submittal, the following documents and information, to be retained by the Design Review Board. All plans shall be submitted in duplicate.

(Indicate (✓) next to all items that are included in this Submission.)

A. APPLICATION FEE AND DEPOSIT

(✓) _____ A non-refundable design review fee of \$2000.00 is enclosed, made payable to RVH Homeowners Association.

_____ A \$5,000.00 deposit is enclosed, made payable to RVH Homeowner Association which shall be held by the Association without interest, and returned to the Owner following satisfactory completion of the home and landscape in compliance with this Application and Conditions of Approval.

B. SITE PLAN (date of plan _____)

- (✓) _____ 1. Minimum scale – 0 1" = 20'.
2 copies: (1) full sized copy, (1) 11" x 17"
- _____ 2. North arrow
- _____ 3. Building envelope and location of residence and all other proposed structures, with setback dimensions.
- _____ 4. Property lines, easements and dimensions; adjacent lots and common areas.

- _____ 5. Accurately locate proposed driveway, parking areas, walks, patios, decks, service yards (indicate materials).
- _____ 6. Existing and proposed contours (2' intervals) are required for homesites that have slopes greater than 15% within the Building Envelope. On homesites containing slopes less than 15%, Owner may submit sufficient spot elevations around the perimeter of the house and the area to be disturbed, showing existing grade and proposed grade in relation to a base elevation at the street as shown on the plan.
- _____ 7. Indicate elevation of the main floor, garage floor, driveways, walkways and terraces.
- _____ 8. Indicate significant topographic features such as drainage swells, rock outcroppings and existing trees to be retained or removed.
- _____ 9. Indicate temporary construction signage location.
- _____ 10. Location of utility services, meters, outdoor mechanical equipment, septic tank and drainfield locations, geothermal lines (if any) for ground source heat pumps.
- _____ 11. Indicate location and proposed sizing of driveway culver.
- _____ 12. Lot and block Number, street address, and name of adjacent street(s).
- _____ 13. Location of construction trailer and sanitary facilities.

C. FLOOR PLAN(s) (date of plans _____)

- (✓) _____ 1. Minimum scale – 1/8" = 1'.
- _____ 2. Floor plan dimensions.
- _____ 3. Gross square footage of each floor, including garage, storage and basement areas.
- _____ 4. Indicate sq. ft. of interior living areas of each floor:
 - _____ Lower Level
 - _____ Main Floor
 - _____ Upper Floor
 - _____ Total
- _____ 5. Door and window openings.
- _____ 6. Exterior and interior walls and stairways.
- _____ 7. Exterior lights (location and mounting heights).
- _____ 8. Garage door type, style, material, and finish.

D. BUILDING ELEVATIONS (ALL VIEWS) (date of plans _____)

- (✓) _____ 1. Scale – same as floor plans, showing ALL exterior building elevations accurately reflecting existing and proposed site topography.
- _____ 2. Roofs – note materials (if materials or direction of application are a feature of the design, so indicate): _____
- _____ 3. Exterior surface materials (note materials): _____
- _____ 4. Chimney chases (graphically show and note materials, graphically show type of chimney cap proposed).
- _____ 5. Door and window openings - - graphically indicate type (i.e., casement or single, double hung windows, sliding or swinging doors), type (i.e., paneled or flush doors, full glass or grid windows), size and location. Indicate type of glass.

- _____ 6. Trim—graphically show and note type and size of trim at windows, doors, corners, material, etc.
Minimum Fascia Size: 1 x 8
- _____ 7. Railings, decks, terraces, privacy screens, fences—indicated relationship to house, note materials.
- _____ 8. Roof Plan – show all proposed skylights, roof mounted equipment, and roofing materials.
- _____ 9. Show the structure's finished floor lines in relations to the existing and finished proposed grade.

E. SAMPLES OF ALL EXTERIOR BUILDING MATERIALS

- (✓) _____ 1. Exterior body and trim colors, properly identifying all proposed trim colors on each elevation.
- _____ 2. Samples of any exterior brick or stone, or stone, or manufacturer's pictures of proposed material (if available).
- _____ 3. Samples of roof materials(s), or manufacturers pictures and identification of proposed roofing material.
- _____ 4. Pictures of all visible exterior lighting fixtures.

The above should be mounted on an approximate 18" x 24" board with owner's name and lot and block number and submitted with application.

F. LANDSCAPE PLAN (date of plan _____)

- (✓) _____ 1. Indicate areas to be seeded or sodded, and how all other disturbed areas will be revegetated (i.e., hydroseeded in native grasses, wild-flowers, etc.)
- _____ 2. Show all foundation planting, planter areas, describing type of plant species and decorative mulch or surfacing material (bark, soil much, gravel, etc.).
- _____ 3. Planting materials size at time of planting, species.
- _____ 4. Areas to be irrigated.
- _____ 5. Canopy of existing trees and other plant material.
- _____ 6. Screening of mechanical units.
- _____ 7. Proposed contours (2' intervals)
- _____ 8. Drainage plan.
- _____ 9. Driveway entry – pilaster detailing (if any).

NOTE: All the above submittal items, A-E, must be included at the time of Application. The Landscape Plan (Item F) may be deferred at the sole discretion of the Design Review Board, and if deferral is permitted, it must be submitted to the Design Review Board for review and approval prior to commencement of interior dry wall installation.

GENERAL

The undersigned specifically acknowledges that all sitework or other construction may not commence until this Application and plans have been approved by the Design Review Board in writing.

Estimated Start Date: _____

Estimated Completion Date: _____

Estimated Sales/Appraised Value: _____

The undersigned specially understands and agrees that the approval of plans, specifications, elevations and other information and documents required to be submitted, is at the sole discretion of the Design Review Board. Any subsequent change from an approved plan to the exterior site or landscaping plan must be resubmitted to the Design Review Board for approval prior to said change being constructed. Any and all approvals or other communications from the Design Review Board must be in writing to be effective.

The undersigned understands and agrees that the above design review fee is for the review process as outlines in Section 5.1 of these Guidelines. To the extent that more than one meeting is required on any one of the five (5) review phases or time spent by the Design Review Board beyond the normal submission and review process, the undersigned acknowledges that the Design Review Board may bill the Owner on an hourly basis and the Owner shall be responsible for any such additional amounts as billed.

The undersigned acknowledges that any subsequent approval of this application only indicates compliance with the Design Guidelines relating to said submission, and that the Design Review Board is not rendering any opinion nor assumes any liability whether or not such application and plans properly comply with local building codes and ordinances, or whether or not such plans adequately address other design and construction issues, including, but not limited to, issues such as surface runoff, or the proper siting of the home, or the suitability of the design given soil conditions, for which each Owner assumes sole responsibility.

This Application may be mailed or hand delivered to: Aspen Homes, 1831 N. Lakewood Dr. Ste A
Coeur d'Alene, ID 83814, 208-664-9171

DATED this _____ day of _____, 2019

OWNER(s): _____ BUILDER: _____

Name(s): _____

By: _____

By: _____

Current Address: _____

Phone (home) _____

Phone (work) _____

Fax _____

Mobile _____

By: _____

Address: _____

Phone: _____

Fax: _____

Mobile: _____

ARCHITECT: _____

Phone: _____

LANDSCAPE ARCHITECT: _____

Phone: _____

RECORDING FEE: \$13.00 SC
Electronically Recorded

RECORDING REQUESTED BY:

20374651

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND RESERVATIONS OF EASEMENTS
FOR RIVERVIEW HEIGHTS - A CONSERVATION DESIGN SUBDIVISION
LOCATED IN KOOTENAI COUNTY, IDAHO**

This First Amendment to the "Declaration of Covenants, Conditions, Restrictions and Reservations of Easements for Riverview Heights-A Conservation Design Subdivision Located in Kootenai County, Idaho" (hereafter "the CC&Rs") is made on this ____ day of July, 2020, by the undersigned owner of the subject property (hereinafter referred to as "Grantor").

On June 4, 2020, Aspen Homes and Development, LLC ("Grantor") caused the CC&Rs to be recorded as Kootenai County Instrument No. 2755598000.

Pursuant to Article VII of the CC&Rs, certain procedures have been established to ensure the architectural integrity of Riverview Heights. Section 7.04 of the CC&Rs incorporates certain Design Guidelines for Riverview Heights. A copy of the original Design Guidelines authorized under Section 7.04 was appended to the CC&Rs at pages 41-75 (hereafter "the Design Guidelines").

This First Amendment is intended to amend the Design Guidelines as appended to the CC&Rs recorded as Instrument No. 2755598000. Section 2.01 of the Design Guidelines as appended to the CC&Rs is hereby amended to read as follows:

RECORDING FEE: \$22.00

SC



**SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR
RIVERVIEW HEIGHTS - A CONSERVATION DESIGN SUBDIVISION LOCATED IN
KOOTENAI COUNTY, IDAHO**

THIS SECOND AMENDMENT to the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR RIVERVIEW HEIGHTS – A CONSERVATION DESIGN SUBDIVISION (“Riverview Heights”), recorded as Instrument No. 2755598000 on June 4, 2020 in the records of Kootenai County Recorder in Kootenai County, Idaho (“Declaration”), is made on this 20th day of August, 2025 by the undersigned owner of the subject property (“Grantor”) (“Second Amendment”).

RECITALS

WHEREAS, the Declaration provides covenants, conditions and restrictions (“CC&Rs”) for the establishment and enforcement of Architectural Controls, including the review and approval of plans for construction, modification, or improvement of structures within Riverview Heights;

WHEREAS, the First Amendment to the Declaration was executed and recorded on July 30, 2020, and is of record as Instrument No. 28374651, and provided for the incorporation and clarification of certain procedures to ensure the architectural integrity of Riverview Heights, specifically by amending Section 7.04 of the Declaration and appending the Design Guidelines (“Design Guidelines”);

WHEREAS, Article VII of the Declaration authorizes the Board of Directors of the Association (“Board”) to adopt and amend design review standards and procedures as necessary, including updates to design fees and related administrative processes;

WHEREAS, the Board has determined that certain updates to the Design Guidelines are necessary to reflect changes in design review costs and ensure consistency with the Association’s obligations, to add a requirement for Owners to obtain written approval of proposed changes to previously approved drawings that alter the original exterior footprint, structural configuration, or other elements materially affecting the exterior appearance of a Dwelling Unit or other structure before work commences; and to amend Section 4.08 to prohibit blasting activities within Riverview Heights; and

**SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR RIVERVIEW HEIGHTS: 1**

52668213.1/075750.0001

WHEREAS, the Association, acting through its Board of Directors and in accordance with the provisions of the CC&Rs, now desires to amend the applicable provisions to reflect updated fees and cost responsibilities for architectural review.

NOW, THEREFORE, pursuant to the authority set forth in Article VII of the Declaration and Section 6.01 of the Design Guidelines, and in accordance with the amendment procedures therein, the following revisions to the Design Guidelines for Riverview Heights, as appended to and incorporated by reference into the Declaration, are hereby adopted and shall amend and replace the corresponding provisions of the Design Guidelines, identified by section and paragraph number set forth in the Design Guidelines:

Section 4.08 BLASTING is hereby superseded and replaced as follows:

Blasting is prohibited in Riverview Heights.

Section 5.08 RESUBMITTAL OF DRAWINGS is hereby amended to include the following additional provisions:

In the event an Owner proposes any change to previously approved drawings that alters the original exterior footprint, structural configuration, or other elements materially affecting the exterior appearance of a Dwelling Unit or other structure on the Lot, such changes must be resubmitted to the Architectural Review Board for review and written reapproval before any work commences. This requirement applies regardless of whether construction has begun. Interior cosmetic changes that do not affect the exterior footprint, structure, or appearance are not subject to resubmittal under this section.

In the event of disapproval by the Design Review Board of either a Preliminary or Final Submittal, any resubmission of drawings must follow the same procedures as the original submittal.

Paragraph (a) of 5.03 THE SUBMITTAL DRAWINGS is hereby amended as follows:

(a) A completed application, signed by both the Owner(s) and builder, together with the then prevailing Design Review Fee, as established from time to time by the Design Review Board. In the case of an addition to an existing home, or subsequent submission to the Design Review Board following completion of the home, the Design Review Fee will be \$500.00. In addition, each Owner shall deposit \$5,000.00 with the Association, which must also accompany the Application. Said deposit shall be held by the Association without interest, and returned to the Owner following satisfactory completion of the residence and landscaping. Checks should be made out to Riverview Heights Homeowner's Association. The above Design Review Fee is for the review process as outlined in Section 5.1. To the extent that more than one meeting is required on any of the five (5) phases, the Design Review Board may bill the Owner any additional amounts that are incurred, on an hourly of \$50.00/hour basis, beyond the normal submission and review process.

Paragraph A of the APPLICATION FOR ARCHITECTURAL APPROVAL is hereby amended to include the following additional provisions:

A. APPLICATION FEE DEPOSIT

Additional Review Fee Acknowledgment: The undersigned acknowledges that the Design Review Fee submitted with this application covers only the standard scope of review by the Design Review Board and/or its designated professionals. The Design Review Fee is due at the time of application submission. The Builder Deposit must be submitted prior to the commencement of any construction, excavation, or site disturbance. In the event that the Design Review Fee is not sufficient to cover all costs incurred by the Association due to extensive revisions, resubmittals, or complexity of the proposed plans, the undersigned agrees to pay any additional review costs reasonably incurred. The Association shall provide written notice and an itemized invoice, and payment shall be due within thirty (30) days of such notice.

Design Review Fees:

Initial Build on vacant lot:

\$2,000 Design Review Fee (non-refundable)*

\$5,000 Builder Deposit (refundable) prior to any construction or soil prep taking place.

Additional Structures post initial build:

\$500 Design Review (non-refundable)*

\$5,000 Builder Deposit (refundable)

***Any additional Design Review fees will be the responsibility of the property owner/HOA member.**

The remainder of the Design Guidelines, as appended to the CC&Rs, amended by the First Amendment to the Declaration, remain unamended.

**SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR RIVERVIEW HEIGHTS: 3**

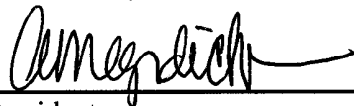
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CERTIFICATE OF ADOPTION

The undersigned, being the President and Secretary of the Riverview Heights Homeowners' Association, Inc. (the "Association"), do hereby certify as follows:

1. That they are two (2) of the current officers of the Board.
2. That at a meeting of the Board, duly noticed and called in compliance with the Bylaws, and attended by a quorum of the Directors, held on August 14, 2025, 2025, a vote was taken, by which the foregoing amendments to the Declaration were formally adopted by the vote of two-thirds (2/3) of the Directors of the Board of the Association, as required under Section 7.04(c) and Idaho Code § 30-30-616(2).

Dated: 8/20/25, 2025.



President

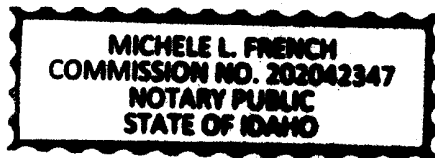

Secretary

STATE OF IDAHO)
) : ss
County of Kootenai)

On this 20 day of August, 2025, before me, Michele L. French, a notary public for the State of Idaho, personally appeared Anna M. Megrdichian, known to me to be the person who executed the foregoing instrument, and acknowledged that he/she executed the same. *president

GIVEN UNDER MY HAND AND OFFICAL SEAL the day and year in this certificate first above written.


Notary Public (Signature)



Residing at: 1729 E Beltice Way Post Falls ID 83854
My Commission expires: 6-27-2030

SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR RIVERVIEW HEIGHTS: 4
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STATE OF IDAHO

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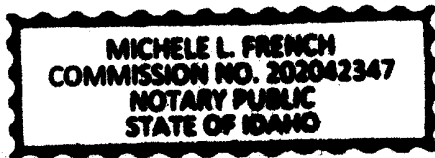
: ss

County of Kootenai

)

On this 20 day of August, 2025, before me, Michele L French,
a notary public for the State of Idaho, personally appeared Bradley Corrigan,
known to me to be the person who executed the foregoing instrument, and acknowledged that
he/she executed the same. *secretary/vp

GIVEN UNDER MY HAND AND OFFICAL SEAL the day and year in this certificate
first above written.



Michele L French

Notary Public

(Signature)

Residing at: 1729 Edgettice Way Post Falls, ID 83854

My Commission expires: 6-27-2030

SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR RIVERVIEW HEIGHTS: 5

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