

DESIGN GUIDELINES FOR TIMBER VALLEY ESTATES HOMEOWNERS ASSOCIATION

The following DESIGN GUIDELINES FOR TIMBER VALLEY ESTATES HOMEOWNERS ASSOCIATION (these “Guidelines”) are established under authority granted to the Timber Valley Estates Homeowners Association (the “Association”) through the *Declaration of Covenants, Conditions, Restrictions and Easements for Timber Valley Estates* (the “Declaration”) for the timely review and approval of designs for new construction and remodeling.

Timber Valley Estates, a common interest community (the “CIC”) includes or will include up to 80 Lots in the northern portion of Spokane County, Washington, outside the City of Deer Park, intended for residential development. The purpose of these Guidelines is to (i) identify design and development criteria that will promote and maintain a high quality of community appearance consistent with the standards envisioned for the CIC, (ii) encourage appreciating economic values of Lots and Residences within the CIC, and (iii) specify design submission requirements and the design review process. These Guidelines will evolve along with the needs and requirements of the CIC. The Association reserves the right to amend, change or revise any of these Guidelines at any time. Changes and updates will be published as required. Words and phrases that are not defined in Article ARTICLE 6 of these Guidelines shall have the same meanings ascribed to them in the Declaration.

Elements of these Guidelines that are intended to be regulatory are characterized by words such as “shall,” or “must” and may include an enumerated list of rules. Others are suggestions or recommendations, differentiated within the provisions of these Guidelines by the use of terms such as “encouraged,” “should,” or “may.” Additionally, statements of design principles, usually accompanied by bullet lists, are intended to add clarity and context to the regulations, suggestions and recommendations that follow. These statements of design principles are not intended to be regulatory.

ARTICLE 1. APPLICATION AND PURPOSE

1.1 Intent. The intent of these Guidelines is to articulate essential design characteristics and approaches that will achieve the overall standard of community appearance envisioned for the CIC. These Guidelines establish basic standards and suggest design treatments that are equally aspirational, inspirational and regulatory, encouraging project designers and Owners to be creative in proposing high-quality design solutions for development opportunities. Lots should be developed in a manner that minimizes site impacts. Improvements should be designed to blend with, rather than dominate, the natural site. The CIC will be developed so as to preserve open spaces and existing vegetation within the community.

1.2 Application. These Guidelines are intended for use by Builders, Owners, architects, landscape architects and civil engineers under the direction of the and the ARC. These Guidelines apply to all development and construction within the CIC including individual Owner Improvements and Builder-provided Improvements, site planning, architectural design, landscape design, signage and site furnishings for all Lots. The ARC will refer to these Guidelines to determine the relative conformance of proposals to the overall design objectives and criteria.

1.3 Relationship to other Rules. These Guidelines are a supplement to all applicable government codes and regulations, as may be modified by the Development Agreement (the “Law”). The Guidelines are also supported by the Development Agreement and the Declaration. These Guidelines do not supersede or modify any existing Law. Spokane County through its zoning ordinances may have specific design or permit requirements not addressed in these Guidelines. Any requests for variances to

Laws shall be submitted to the appropriate government agency according to established procedures following review and approval by the ARC, and written consent from the applicable Builder. In the event of conflict or discrepancy, or for subjects not addressed herein or as part of the Development Agreement, the most restrictive standards shall apply.

ARTICLE 2.

SITE DEVELOPMENT

2.1 General Site Planning Principals. The location of Residences, driveways, outbuildings and fences should be integrated with natural landforms and vegetation and not compete with them. The following site planning guidelines apply to site development in order to inspire a high-quality living environment that responds to the site's natural features. The development design and site plans should:

- Encourage a strong sense of neighborhood identity, visual diversity, and openness.
- Locate Improvements, driveway turnaround areas, and site disturbance associated with construction of the Residence in areas which are sensitive and preserve the site's natural topography and terrain.
- Establish setbacks that provide separation and privacy for residents.
- Preserve the site's unique natural features and functions, minimizing the potential for flooding and erosion.

2.2 Site Orientation and Lot Coverage. The location and design of Improvements are key in establishing the overall character and function of the CIC. Important site development considerations include the placement of the Residence on the Lot and the percentage of the Lot covered by the Residence, outbuildings, driveways and landscaping. Lots are divided into two zones: a Buffer Zone and a Development Zone (as described below). The property lines and applicable setback lines are used to define the boundaries of the Buffer Zone and Development Zone on each Lot.

2.2.1 The Buffer Zone. The Buffer Zone is on the perimeter of each Lot and adjoins streets, other rights-of-way, and other adjacent Lots. Design criteria for this area are intended to (i) provide separation and privacy for residents, (ii) safeguard existing open space on the Lots and (iii) ensure that suitable transitions occur between the neighboring Lots and roadways. To preserve the Buffer Zone, the following rules shall apply:

- (1) A Residence and all other Improvements (except drain fields) shall be erected at least 100 feet from of any public or private road and at least 30 feet from any contiguous Lot.
- (2) A drain field shall located at least 30 feet from any contiguous Lot, but may otherwise be located anywhere on a Lot (including within 100 feet of a public or private road), subject to County requirements. The construction of a drain field on a Lot may limit the areas in which a drain field subsequently may be constructed on a contiguous Lot.
- (3) ARC approval is required for an Owner or Builder to erect an Improvement, such as a shed or outbuilding, within the Buffer Zone. In no circumstances shall the ARC permit an Owner or Builder to erect a Residence within the Buffer Zone.

2.3 The Development Zone. The Development Zone is within the interior of each Lot and is entirely encircled by the Buffer Zone. Design criteria for the Development Zone is intended to be flexible, so that the ARC can respond to the individual merits of each proposal by an Owner and the unique characteristics of each Lot. To preserve the Development Zone, the following rules shall apply:

(1) Lot coverage will be considered on an individual basis by the ARC when a site plan is submitted for approval. As a recommended guideline, no more than 20% of any Lot may be covered by buildings and paved areas. Site plans will be reviewed to assure that there is adequate space for access, parking, landscaping, and utility easements, as well as for the protection of the aesthetic character of the CIC.

(2) The floor area ratio of each Lot, as specified in its deed, shall govern the maximum amount of building floor area permitted, provided that the building floor area of a Residence must be at least 1,400 square feet.

2.4 Private Driveways. For the purpose of these Guidelines, “Private Driveway” means an access road that provides vehicular access to structures on no more than three Lots. Private Driveways should generally follow the natural contours of the site, and be sensitive to natural site features, including existing vegetation, drainage ways and rock outcrops, in their layout and design. Private Driveways should have an all-weather surface such as asphalt or gravel. The Spokane Division of Engineering and Roads may require an approach permit for construction of a Private Driveway that connects to any county public road. Private Driveways constructed prior to obtaining building permits may require a grading permit. The following rules shall apply to all Private Driveways built in the CIC:

(1) Private Driveways must maintain at least a 12-foot width and shall not exceed a 15-foot width at their intersection with a street.

(2) A turnaround is required for Private Driveways over 150 feet in length. The turnaround must be located within 150 feet of the Residence.

(3) No curve radius may be less than 100 feet measured from the road center line unless approved by the local fire district and the Spokane Department of Building and Planning.

(4) Corrugated metal pipes or an approved alternate must be used for driveway drainage. Driveway cross pipes at private road approaches to the emergency vehicle access roads shall be a minimum of 12 inches in diameter. At public road approaches to emergency vehicle access roads, a minimum 12 inch by 24 foot galvanized 16-gauge culvert will be required.

2.5 Environmental Protection. All construction and development of the CIC must comply with the Residential Provisions of the Washington State Energy Code (Ch. 51-11R WAC) as it may be amended from time to time. Builders and Owners are encouraged to use plant materials, irrigation systems, and maintenance practices that conserve water and manage erosion. It is of great importance to provide temporary erosion control during the construction period. Where applicable, drought tolerant turf and mountain grasses are encouraged to provide a natural look that requires less water and maintenance. A Builder shall confine work to the areas specified in drawings and specifications approved by the ARC and is encouraged to protect all trees, shrubbery and foliage unless removal is authorized in the plans approved by the ARC. The following rules regarding environmental protection shall apply to the CIC:

(1) Erosion shall be controlled in all circumstances. Temporary barriers shall be used to prevent damage to the site and siltation of adjoining areas.

(2) If solar panels are used, they shall be integrated into roof designs and positioned flush with roof slopes.

(3) If wind turbines are used, they must comply with any height restrictions provided by applicable Law. No industrial sized wind turbines are permitted in the CIC.

(4) If the Owner or Builder uncover any structure, artifact, human or animal remains or other thing of probable historical or archaeological value during any excavation at the site, the owner or contractor shall immediately cease work in the vicinity of such discovery and notify the ARC.

(5) No blasting shall be permitted without the prior written approval of the ARC. All approved blasting shall comply with the Law, including those requirements of the Spokane Metro Area Fire Marshals and the Spokane Field Office for the Bureau of Alcohol, Tobacco, Firearms and Explosives. Special emphasis shall be placed on avoiding damage to trees, adjacent buildings and utility systems. An Owner or Builder shall obtain any required permits for blasting prior to performing the work.

(6) Outdoor burning is regulated by Spokane Metro Area Fire Marshals. Burning is not permitted without the prior consent of Spokane Metro Area Fire Marshals and the ARC, as appropriate.

2.6 Utilities. The Association shall install electricity and telecommunication utilities to serve the CIC, and the cost for use of such systems will be allocated pursuant to the Declaration. The Association will not provide a Sewage System nor a Water System to any Lot within CIC. Owners may install a Sewage System and Water System on their Lot, provided that installation and maintenance of the Systems comply with applicable Law. All utility lines must be placed underground or otherwise out of view, except for drainage ditches. All transformers, meters and valves are to be installed in underground vaults or otherwise screened. Mechanical, electrical, optical, electronic and telecommunications equipment attached to or mounted on a building must be grouped together in an orderly manner.

ARTICLE 3.

IMPROVEMENTS

3.1 General Design Principals. The general design principles and features proposed to achieve the desired architectural character for Improvements located within the CIC include:

- Modern architectural styles which promote contextual appropriateness with the Lot and neighborhood compatibility.
- Protect and integrate existing features, such as trees or rock outcroppings into the design of Improvements and landscaping.
- Articulated building forms, including a combination of single and multiple-story building forms and elements, which provide transitions to adjacent houses, as well as a comfortable scale in relationship to human proportions.
- Strong and compatible design elements and details, which help articulate building forms and add depth, shadows, visual interest, and relief to individual houses. Such elements include covered porches and entryways, balconies, roof overhangs, expressive materials, and the articulation of window and door openings.

- Natural building materials with neutral colors and textures that promote a desirable “natural” look.

3.2 Residence.

3.2.1 Location. Only one Residence (other than accessory dwelling units) may be erected on each Lot. The Residence must be constructed within the Development Zone of the Lot. Residences must be stick-framed.

3.2.2 Height Restrictions. The maximum height for a Residence is 35 feet. Pursuant to the Spokane County Zoning Code, building height is measured from the average finished grade to highest point of the roof. The average finished grade is determined by first delineating the smallest rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the rectangle, provided that the measured elevations do not include berms or backfills extending less than 10 feet horizontally from the building.

3.2.3 Roof Standards. Proper selection of roof materials and colors is an important element in distinguishing the recommended styles and should complement the color scheme of the house. Any material used for a roof shall be 30-year minimum grade. Roof material may be metal (standing seam) or a similar material as approved by the ARC. Roofing shall not be reflective or light in color unless approved by the ARC.

3.2.4 Style and Color. A Residence should have the appearance of a modern architecture design with modern structural systems and modern construction techniques. A Residence shall not be or resemble a trailer home or modular home. A wide palette of materials will be permitted in the CIC, but the building surface materials should be chosen for durability and permanence, as well as harmony with the natural environment. Preferred building materials include, but are not limited to, brick, stucco, stone, architectural split-face block, granite and stone foundation veneer. Landscape elements such as rock accents shall be incorporated on the exterior design of every Residence. Exterior building colors shall be compatible within individual sites. Enriched, earth-tone colors are encouraged, while bright and pastel colors are not allowed. Accent colors should be used with discretion. Trim colors should accentuate roof forms, windows, and door openings.

3.3 Garages. All garages must be constructed within the Development Zone. The minimum capacity for a garage is two-car front-loaded. Detached garages are permitted. All garage doors shall be sectional roll-up types only and garage door styles shall be consistent with the style of the home, using a combination of single and double doors. Oversize garage doors (for RVs, boats, etc.) shall be designed as a single door with separate roof form and offset from the main garage elevation, and are specifically subject to ARC review and approval.

3.4 Accessory Structures. All accessory structures must be constructed within the Development Zone. The size and design of accessory structures should make them unobtrusive and generally consistent with the character of the Residence. Attached or detached accessory dwelling units are permitted, provided that they must be stick-framed and the Owner has obtained the necessary permits from Spokane County pursuant to the Law. Notwithstanding the foregoing, no commercial size barn or any size feedlots is permitted to be constructed or installed in the CIC.

3.5 Fences. Fences, walls, and barriers may be used for privacy and screening purposes, except that (i) non-coated chain-link fencing is prohibited, and (ii) perimeter wire fencing is prohibited, but electrified wire fencing for non-commercial livestock areas is permissible.

3.6 Temporary Facilities. No temporary buildings or other improvements of a temporary nature, including modular homes, incomplete buildings, tents or shacks, will be permitted on a Lot, except with the prior written approval of the ARC.

3.7 Other Improvements. Improvements such as sport courts, courtyards and water features are permitted, provided that any such Improvement is located within the Development Zone.

3.8 Mailboxes. All mailboxes will be provided by the Association and no mailboxes shall be constructed on any Lot by an Owner or Builder.

3.9 Screening. Owners are encouraged to screen refuse bins and equipment, such as tractors or ATVs.

3.10 Signs. Signage restrictions are governed by the Declaration. In general, no commercial business signs are permitted.

3.11 Improvement Care and Maintenance. Owners shall maintain Improvements at a high level of quality to enable the longevity of the CIC thereby retaining strong property values. If Improvements on a Lot are not maintained, the ARC may request an Owner undertake certain maintenance activities and compliance by the Owner must not be unreasonably withheld.

ARTICLE 4. **LANDSCAPING**

4.1 Landscape Design Principals. It is important that landscaping on each Lot be compatible with the CIC's natural setting. All proposed irrigation and planting should work in harmony with the environment, minimizing surface water runoff and avoiding the introduction of invasive species. The location and function of plant materials shall be carefully considered when selecting them. Generally, plants and irrigation approaches should be chosen in consultation with a landscape architect, nurseryman, or other landscape and irrigation design professional for one or more of the following functions:

- To provide shade;
- To screen or cover blank walls and exposed foundations (using trees and large and small shrubs);
- To screen accessory structures, equipment, or utilities (using large shrubs and trees);
- To buffer from noise, wind, or incompatible adjacent uses (using large shrubs and trees);
- To provide color during all seasons; To create outdoor spaces or "rooms" for ornamentation or aesthetics;
- To frame views; and
- To blend with and provide a natural transition to open space preserves and existing natural vegetation

4.2 Landscape Installation and Completion. Landscaping may be installed in the Buffer Zone and Development Zone, provided that any landscaping installed adjacent to a Common Area should preserve and enhance views and provide a natural transition between the Lot and the surrounding amenities. All landscaping must be installed within one year of closing to an Owner, weather permitting.

4.3 Vegetation. No specific vegetation is required nor prohibited for landscaping installed on a Lot. A Lot may remain in its natural state, provided that the vegetation on a Lot may not be unsightly as determined by the ARC.

ARTICLE 5.

DESIGN REVIEW PROCESS

5.1 Architectural Review Committee. Pursuant to the Declaration, the ARC has been formed and has been delegated certain powers with respect to the review and approval of Improvement and landscaping design and construction. The Association, the ARC, and any of their respective directors, officers, employees or representatives, will not be responsible for or liable for ensuring the structural integrity or soundness of approved projects, nor for ensuring compliance with building codes and other requirements of governmental entities or quasi-governmental entities, nor for ensuring the appropriateness of soils, drainage or general site or geotechnical work. These Guidelines are subject to interpretation by the ARC and the Association and may be modified from time-to-time to meet specific site or functional requirements, consistent with the objectives of these Guidelines and consistent with the Declaration and the Development Agreement.

5.2 The Design Review Process. All proposed construction and development on a Lot require review and approval by the ARC in accordance with the procedures set forth in these Guidelines and the Governing Documents. The design review process is intended to be constructive, rapid and responsive, providing guidance to project proponents and assisting in the resolution of design challenges. The design review process is divided into two phases: (i) Presubmittal Meeting; (ii) Design Application submission and review, and (iii) approval or resubmittal of the Design Application.

5.3 Presubmittal Meeting. Project proponents are encouraged to schedule a meeting (in-person or telephonically) with a representative of the ARC to review overall site conditions, design objectives and schematic proposals. The presubmittal meeting shall occur no less than 40 days prior to the start date for any proposed construction or development. The presubmittal meeting is intended to establish a constructive, collaborative conversation between project applicants and the ARC, providing for early review and discussion of project design intent prior to the investment of substantial resources in the project design effort. No later than five business days after the presubmittal meeting, the ARC shall notify the project proponent regarding what documents the project proponent is required to submit with the Design Application. Without limitation, the documents that the project proponent may be required to submit include:

- Site Plan
- Lot layout with dimensions and square footage of all areas including living space, garages, open space etc.
- Building footprint and preliminary floor plans
- Retaining wall locations
- Driveway location and dimensions

- Preliminary grading and drainage plan
- Proposed and existing location of the Water System and Sewer System
- Elevation, location, and typical detail of all drainage structures and erosion control measures
- Existing grades along the Lot perimeter with all appropriate perimeter cross sections
- Proposed driveway gradients
- Request for over grading and compaction
- Sketches of all proposed front, side and rear elevations (identify proposed architectural style(s)) Roof plan showing roof pitch and overhang
- Meter and HVAC pad locations
- Landscape and irrigation construction drawings

5.4 Design Application Submission and Review. Regardless of whether a project proponent engages in a presubmittal meeting with the ARC as described in Section 5.3, each project proponent must submit a Design Application no later than 30 days prior to the start date for any proposed construction or development. Unless the ARC has notified the project proponent as described in Section 5.3, within five days following receipt of a Design Application the ARC shall notify the project proponent regarding what documents the project proponent is required to submit with the Design Application. The documents that the project proponent may be required to submit are enumerated in Section 5.3. All plans must be prepared by licensed or otherwise qualified design professionals. Submittals that are illegible will be returned unreviewed. The ARC shall review each submittal for its commitment to the overall community vision, standards and adherence to these Guidelines and the Governing Documents. The ARC is not responsible for reviewing submittals for conformance to any applicable codes or standards established by a governmental agency.

5.5 Approvals and Resubmittals. No later than 10 business days after receipt of both the Design Application and all of the documents the ARC requires the project proponent to submit with the Design Application, the ARC must notify the project proponent of its determination. All Design Applications reviewed by the ARC will be noted as follows:

- (1) “Approved” - Submittal satisfies all ARC requirements.
- (2) “Approved with Conditions” - Submittal satisfies most ARC requirements but may contain some minor items in need of clarification or correction. Conditions must be addressed prior to final approval.
- (3) “Address Comments and Resubmit” - Submittal contains significant deficiencies, does not conform with these Guidelines or does not address previous comments. Submittal must be resubmitted with all comments addressed.
- (4) “Denied” - Submittal contains items not permitted by these Guidelines or the Governing Documents.

When a Design Application has been approved or approved with conditions, the project proponent may proceed to construction or development pursuant to the Design Application and any conditions imposed by the ARC.

ARTICLE 6. DEFINITIONS

The terms defined below are used in these Guidelines as so defined. Terms defined in the preamble and recitals to these Guidelines are used in these Guidelines as so defined.

“ARC” means an Architectural Review Committee appointed by the Board pursuant to the Declaration.

“Association” means Timber Valley Estates Homeowners Association, a Washington nonprofit corporation.

“Buffer Zone” means the perimeter of each Lot and adjoins streets, other rights-of-way, and other adjacent Lots as specified in Section 2.2.1 of these Guidelines.

“Builder” means any Person who, together with such Person’s affiliates, owns or has a right to acquire six or more Lots for the purposes of constructing Improvements thereon.

“Business Day” means any day other than: (i) Saturday, (ii) Sunday or (iii) a day on which national banks located in Spokane County, Washington are closed during normal business hours.

“CIC” means Timber Valley Estates, a common interest community.

“County” means Spokane County, Washington.

“Declaration” means the *Declaration of Covenants, Conditions, Restrictions and Easements for Timber Valley Estates*, as it may be amended or supplemented from time to time.

“Design Application” means the application that a project proponent must submit to the ARC prior to construction or development of any property in the CIC.

“Development Zone” means the area within the interior of each Lot where Improvements may be constructed as specified in Section 2.3 of these Guidelines.

“Governing Documents” means the Declaration, the Community Declarations, the Supplements, the Articles of Incorporation of the Association, the Bylaws of the Association and the Rules, as each may be amended from time to time.

“Guidelines” means this document, as it may be amended or supplemented from time to time.

“Improvements” means that which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires permanent or temporary location on the ground, or which is attached to something having a permanent or temporary location on the ground. The term will be construed as if followed by the words “or part thereof.” Improvements include, without limitation, any Residence, garage, outbuilding, or fences located on a Lot within the CIC.

“Law” means any local, state or federal statutes, regulations, rules and ordinances, including without limitation, the Spokane County Code, Spokane County Zoning Code, and the County Wide Planning Policies for Spokane County

“Lot” means a parcel of land within the Property, whether improved or unimproved, intended for independent ownership and use and designated as a “lot” on a Plat and any Residence, building, structure or other Improvements situated thereon, the boundaries of which are described in Section 3.2 of the Declaration.

“Owner” means the record holder of the fee simple title to any Lot, including the Declarant, and any Interval Owner. If a Lot is conveyed under a recorded real estate contract, the purchaser rather than the seller will be considered the Owner. The term “Owner” does not include contract sellers, mortgagees and those having such an interest merely as security for the performance of an obligation.

“Private Driveway” is defined in Section 2.4 of these Guidelines.

“Residence” means one or more rooms, occupied by one family or group of people living independently from any other family or group of people.