

**DEVELOPMENT GUIDELINES**

**FOR**

**VILLAGE AND COMMERCIAL LOTS**

**SUB-ASSOCIATION TO**

**TETON SPRINGS**

**GOLF AND CASTING CLUB**

**May, 2005**

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## INTRODUCTION

The Development Guidelines have been created in order to ensure that all improvements at Teton Springs preserve the natural beauty of the mountain valley setting, ensure harmonious residential design, and protect and enhance property values. The Guidelines are intended for use by all persons involved in new buildings or landscapes, as well as subsequent additions or alterations to any property at Teton Springs.

The Development Guidelines are administered and enforced by the Development Review Committee (DRC) in accordance with procedures set forth in this document and the Master Declaration of Protective Covenants (CC&R's). The DRC's role is to provide assistance to property owners and their chosen design professionals and to ensure that the design process is a satisfying experience.

This document may be amended and supplemented by the DRC. Before submitting plans, the Owner or their representative is required to meet with the DRC to obtain and review a copy of the current Development Guidelines.

The Development Guidelines are supplemental to Teton County Building Codes and the Master Protective Covenants of Teton Springs recorded with the office of the Clerk and Recorder of Teton County. In the event of a conflict between the documents, the more restrictive document shall govern and control.

## ARCHITECTURAL DESIGN

Teton Springs provides residential and commercial building sites within a series of interconnecting neighborhoods set in a spectacular landscape. An understanding and respect for the natural resources of the site, as well as an understanding of the area's history and climate, will provide the keys to the successful design of new buildings and landscapes at Teton Springs.

### Village and Commercial Area

The Village and Commercial area includes the Lodge, Condominiums, Club Facilities, West and East Commercial areas and various shops, services, amenities and ancillary facilities. This area will be characterized by a western ranch and/or mountain architectural theme which emphasizes individual unique structures which blend together in a pedestrian scale setting.

The intent is to create buildings with exterior architectural facades representing interior spaces, which articulate and bring a mix of visual interest through structural expression and materials representing those buildings found in western ranch and mountain communities. The Headwaters Club Golf House and Sport Club and Office Building located on site 1B of the West Commercial area all represent the intent of these guidelines.

The guidelines contained in this document focus on the design of buildings in the Village and Commercial areas in Teton Springs.

- An architectural vocabulary that emphasizes a western ranch and/or mountain heritage
- Complex buildings made up of different heights and forms
- Exterior surfaces that harmonize with the natural landscape as well as provide an outer skin that will withstand the climate extremes.
- Windows recessed to give an appearance of substantial wall thickness, strength and durability
- Natural and stained, rather than painted, finishes.
- Excepting the Lodge, broad, overhanging pitched roofs with a minimum overhang of 24 inches and a minimum roof pitch of 5' vertical in 12 of distance (5:12).
- Typical western ranch and/or mountain details like porches, stone, rustic timber and log detailing and strong structural expression.

The design of the commercial buildings at Teton Springs should work together as a composition of compatible, albeit distinct, architectural solutions: no individual building should stand so apart in its design as to detract from the visual harmony of the community, or compete with the natural character of the site.

It is required that the owner retain competent assistance from a licensed architect. Additional assistance from other licensed design professionals such as a civil engineer and a landscape architect is also recommended. The owner and their chosen consultant(s) should also carefully review the Protective Covenants as well as the Development Guidelines prior to commencing the design review process.

### **1.1 General Design Considerations**

It is the intent of Teton Springs to build upon the architectural traditions of the area, and allow a diversity of individual architectural expression within an overall unity that characterizes a distinctive community. The Guidelines also seek to ensure that buildings remain subordinate to the grandeur of the surrounding natural landscape.

To express authentic, traditional structural systems and construction techniques and express the western ranch and/or mountain style, structural elements of the wall and roof should be visibly expressed on the exterior of the building. Selected columns, beams, purlins, brackets, rafter tails, trusses, etc. that make up the roof, decks, porches, balconies and building wall structures should be exposed. These elements are to consist of true dimensional lumber (not fabricated or boxed) and finished in rustic natural textures and colors.

Traditional trusses, braces, brackets and column spacing and sizes should be used where needed to keep the appearance of unsupported spans and cantilevers consistent with the structural properties of the visible logs and/or timbers. Design and detailing of these materials is to result in an authentic-appearing structure.

### **1.2 Building Height**

The maximum height limit established by the Teton County Zoning Regulations for commercial buildings is 45. For lots 5 & 6 of the East Commercial area, the height limit is 25 feet. All measurements are from the existing grade prior to commencement of any construction activity. All sites in the commercial areas may include basement levels.

### **1.3 Building Mass and Form**

Buildings need to be asymmetrical in form. Exterior volumes should express the nature and organization of interior spaces to provide articulation of walls and roofs.

## 1.4 Building Projections

The use of porches, courtyards, and patios for climate control and/or outdoor space and circulation is encouraged. Such projections must be designed as integral elements of the building using compatible forms and materials.

All roof and wall projections including flues, vents, and other equipment must penetrate the roof behind the ridge and must be compatible in height and material with the structure from which they project and/or painted to match the roof or wall cover as applicable.

Free standing external pad-mounted equipment such as required for A/C units or garbage storage, must be integrated into the building through the use of walled or fenced enclosures.

## 1.5 Roofs

Roofs potentially have the greatest impact upon the overall image of Teton Springs from many public viewpoints, community spaces and individual lots. For that reason, roof design will be one of the most carefully considered elements for design review by the DRC.

Large unbroken expanses of single pitched roof will not be approved by the DRC. Gable and hip roof forms with dormers, and limited shed roofs are to be used. Flat and mansard roof forms may be considered at the discretion of the DRC. Internal volumes and groups of uses within the building should be expressed by changes in roof planes.

The roof pitch, form, color, texture and reflectivity are all key design considerations to ensure minimal visual impact. In general, roofing materials are to be non-reflective, textured and a variegated dark color. Unit roofing materials such as wood shakes or shingles that meet all applicable fire retarding standards, slate roofs, oxidized copper shingles and composite thick butt asphalt shingles are all encouraged. Standing seam metal roofs and oxidized corrugated metal roofs may be approved if they are an integral part of the overall building aesthetic. Metal roofs must have a non-reflective surface and a muted dark color.

Broad roof overhangs can create deep shadow lines that reduce the appearance of the wall expanse and add visual interest to the overall structure. A minimum overhang of 2 feet, measured horizontally, is required on all but flat roofs. All roof overhangs and porch projections must remain within the building envelope. Other architectural roof elements such as corbels, rafter tails, and decorative cornices are encouraged to create shadow patterns, visual depth, and interest.

A minimum roof pitch of 5:12 (a slope of 5 inches vertical in 12 inches horizontal) is required. Porch roofs and limited shed roofs are exempt from this requirement and may have a minimum pitch of 3:12. The lower pitched roofs will be limited to a maximum of 30% of the roof and will be reviewed on a case-by-case basis by the DRC.

Roof mounted mechanical equipment is required to be fully enclosed and/or screened from off-site view. Roof mounted solar collectors may be approved if they are integrated into the structure and do not appear as an add-on unrelated to the overall design.

Roof colors should be selected to be compatible with the surrounding natural landscape and integral to the exterior color palette of the house. Approved colors are as follows:

- Black
- Dark greens
- Browns
- Dark Grays
- Natural cedar shingles

## **1.6 Doors and Windows**

Entries, doors, and windows are visually prominent features and can convey an initial impression of either appropriate or inappropriate design for the setting. In general, doors and windows must be recessed into the outside wall for both aesthetic and functional purposes.

Openings for windows and doors are to be appropriate to the structural expression of the building. For example, if windows or doors are located in a stone wall, they are to be topped with a properly scaled lintel or arch. In wood or timber structures, properly sized columns, trusses and lintels can accommodate larger window openings. All windows and doors are to be designed with sills.

All glass areas are to appear recessed and shaded. Specifically, larger areas of glass are to be shaded by projecting roof overhangs, balconies or porches, so that their visibility and reflections are minimized as seen from off-site. Window frames and mullions are to project out beyond recessed glass surfaces to provide further shading and to emphasize the wood and/or stone structure and the windows chosen from the manufacturer must have a 1 inch recess between the window frame and sash.. These recessed and shaded surfaces and the resulting shadow lines help to break up and articulate wall planes to minimize visual monotony, add visual strength to the structure and give the appearance of substantial wall thickness and durability.

The exterior color of the window frames shall be harmonious with the building color palette. Glass may be coated or tinted to control solar heat gain, but a reflective mirrored appearance will not be approved. All glazing is to be double-pane as a minimum for energy conservation.

Doors and windows shall be wood and/or glass or metal. Vinyl, plastic or other artificial materials will not be approved for doors or windows.

## **1.8 Exterior Walls and Finishes**

An excessive vertical or horizontal expanse of a wall plane may visually compete and contrast with the natural surroundings forming a dominant structure that cannot aesthetically blend or harmonize with its setting. To avoid this condition, wall surfaces shall be articulated for the purpose of adding interest and alleviating visual monotony. A continuous wall plane may be visually broken by one or more of a variety of design treatments listed below. The intent of any of these methods of articulation is to create a change in the appearance of the wall surface, utilizing color, form, depth, material, or textural variations. Strong shadow lines resulting from different architectural treatments are an effective means to achieve this objective.

The exterior walls of any building are required to be surfaced with more than one material, but not more than four. One material should be dominant over the other(s) and they should express a logical structural relationship. To maintain this logical structural relationship, exterior finish materials should not make a transition from one to another at outside corner locations unless visually appropriate details occur at that location to mitigate the material change. Stone is required on every building and at a minimum it must be utilized at the base of several building masses. The type of stone veneer will be critically reviewed by the DRC and it should appear natural and indigenous to the immediate area. Cultured stone is acceptable and must meet the same specifications as natural stone. Stucco may be approved if it is used sparingly and in conjunction with other materials. If approved, it must be dark in color, with a light reflectivity of 40% or less, and incorporate frequent control joints and significant textural qualities.

Texture can be introduced into a wall surface by the use of shingles, shiplap boards, board and batten, logs, stone, and rock. Jogs or steps in the wall surface, site walls distinguished from the building wall by height and/or alignment, recessed openings, significant vegetation masses, roof overhangs, porches and trellis structures all add articulation to the wall expanse.

Natural finishes and stains shall be used on the majority of exterior materials. Stains and sealers will protect and enhance the intrinsic qualities of the material to which they are applied. Painted surfaces will only be allowed on window and door trim and on exterior doors.

## **1.9 Color**

Exterior wall stains and trim colors must be chosen from a palette of approved colors. These colors have been carefully chosen for their compatibility with the natural environment, their harmony with each other, and the overall aesthetic goals of the Guidelines.

A minor amount of accent color on trim work may be considered appropriate by the DRC. Because of the emphasis on natural materials, finishes which complement and enhance the material's intrinsic qualities are encouraged. Colors should complement and blend with, rather than contrast with, the surrounding natural environment. Colors should generally be recessive; particularly those used for roofs and walls. Acceptable color tones are listed below. Specific color samples must be submitted for approval.

- Black
- Browns
- Natural wood
- Grays
- Dark greens

### **1.10 Texture**

Textures are to be incorporated throughout a structure in order to create a variety of light and shadow at all scales. Building forms are to be complex; with setbacks, overhangs, porches, and varied skylines. Walls, roofs, and windows are to be made up of clearly defined smaller elements.

A richness of architectural detailing including columns, brackets, corners, rafter tails, corbels, eaves, railings, and doors will provide approvable micro-textural elements.

Materials are to appear closer to their natural state rather than manufactured in appearance. Rough, rather than smooth, textural quality materials will more likely meet with DRC approval.

### **1.11 Resource Conservation**

Teton Springs encourages environmentally friendly practices through the selection of “green” building materials.

Teton Springs encourages the use of appropriate passive energy technologies and the utilization of products made from recycled materials. The DRC will actively support the use of additional resource conservation measures in the design of all new structures in ways that are compatible with the intent of the Development Guidelines.

### **1.12 Solar Applications**

Solar applications are encouraged by the DRC. However, they must be integrated into the design of the building and/or its landscape and should not appear as an add-on unrelated to the overall design. Non-reflective components are to be used wherever possible.

### **1.13 Golf Course Sites**

As is the case with all golf course properties, the potential hazard of golf balls must be considered when designing a building. The site owner is responsible for a design that mitigates the hazards of a building on the golf course.

The DRC, HOA and Developer are not responsible for any damage or injuries that can and may occur when a building is constructed adjacent to the golf course.

## **1.14 Exterior Lighting**

All exterior lighting installed or maintained on any structure shall be placed so that the light source is screened or shielded. No light shall be emitted which is unreasonably bright or causes unreasonable glare. Without limiting the generality of the foregoing, no spotlights, floodlights or other high-intensity lights shall be permitted without the prior written approval of the Development Review Committee. The Master Development guidelines may contain standards for exterior lighting including, without limitation, standards for hue and intensity. It is the intent of the Teton Springs Community to support the Dark Skies Initiative to the extent possible by eliminating excessive lighting while providing a safe commercial environment.

## **SITE PLANNING & LANDSCAPE DESIGN**

The native landscape at Teton Springs is of a remarkable quality consisting of grassy meadows, natural springs and spring creeks and the evergreen and aspen covered hillsides that form the western backdrop to the project.

The Landscape Guidelines have been formulated to ensure that the natural beauty of the site is enhanced by the addition of landscape elements within the commercial areas.

The Guidelines contain recommendations regarding the installation of landscape architectural elements. The recommendations provide a framework through which the design details of each building will work together to create a sense of harmony throughout the Teton Springs community.

An extensive list of appropriate plant material has been formulated to provide a basis for plant selection compatible with the mountain valley environment of Teton Springs.

Suggested use of herbicides and pesticides with an emphasis on limited applications of these chemicals through appropriate planting, maintenance, and watering practices as recommended by the DRC.

### **2.1 General Design Considerations**

Landscape is a major component in the establishment of Teton Springs's community image. Commercial owners should plan on budgeting at least 5% of their construction budget for landscaping. The siting of buildings and the design of the landscape surrounding them is as critical as the architecture of the buildings themselves. The site design and building must work in unison to create a western vernacular of buildings set into an agrarian landscape. The employment of a licensed Landscape Architect is strongly encouraged for proper landscape design.

The following landscape concepts are recommended to enhance the ranch vernacular:

- Continuity of rolling grasslands
- Vegetation planted in clusters of like species
- Vegetation ecosystems created to compliment the adjacent native environment
- Landscape elements used to define spaces and frame views.

### **2.2 Building Envelopes**

Each commercial site has a defined building envelope. The building envelope is recorded on the building envelope map with Teton County and establishes reasonable front yard, side yard, and rear yard setbacks. The maximum building height has been established by the zoning

process of Teton County and is subject to approval of the DRC. These conditions comprise the three-dimensional volume within which all structures must be built.

### **2.3 Combining Lots**

If an owner owns two contiguous commercial sites and wants to combine the two sites into a single site with a reconfigured building envelope, the owner may do so with the consent of the DRC. When combining sites, the owner should consider that while joining two or more sites may provide more open space, a relocated building envelope may also have an adverse impact on the views and privacy of other nearby sites, the scale of a new larger building relative to surrounding sites and/or buildings or common areas and therefore may not be approved by the DRC.

The plat for the newly configured single site must also be approved by Teton County and recorded by Teton County.

All expenses associated with recording the new site and pursuing any required government approvals are the responsibility of the owner of the site.

### **2.4 Site Design**

The site design of each commercial building shall blend with the overall mountain valley setting of Teton Springs. To the extent possible, all landscape improvements should incorporate, rehabilitate, and enhance existing vegetation, utilize indigenous species, and minimize areas of intensive irrigation.

All landscape plans should respond to and integrate the landscape designs, grading plans, and plant materials of adjacent residential homesites, commercial sites, golf land, community spaces and streetscape.

New plantings must respect view easement restrictions, screen any potentially intrusive uses from view, and help define use areas within the site.

Exhibit A provides a comprehensive list of approved plant materials. The DRC will consider plants not included in Exhibit A and may approve their use if they are compatible with the climate and the aesthetic objectives of Teton Springs.

Evergreen trees and shrubs should be used where visual screening is an important functional requirement of the landscape. However, care should be exercised in the placement of evergreen trees to avoid compromising the solar access requirements of both the home and adjacent properties. Long term growth and maintenance should be considered when developing the landscape plan.

No synthetic or artificial plant materials such as “Astroturf” or imported exotic inorganic materials such as “white rock” or “lava rock” will be approved by the DRC in any location potentially visible from off-site of the building site.

*Landscape Planning Areas.* Each commercial site can be considered in three zones; front yard, side yard, and back yard. The front yard is the public face of the building, the side yard defines and separates adjacent buildings, and the back yard is the private outdoor living space but may also be visible from public spaces such as the golf course or open space.

*Front Yard.* The front yard landscape design should provide continuity along the streetscape, compliment the vegetation planted in the right-of-way and form a welcoming entrance to the commercial building. Landscape elements shall be used to enhance the architectural design, soften long expanses of the facade, and screen utilities and parking. Graceful transitions shall be made between lawn/garden spaces and native/xeriscape spaces.

Where applicable, bluegrass sod shall be placed in the front yard along the entire front property line to create a continuity between the right-of-way sod and the commercial building. Native seed areas will be allowed in the side and back yard zones. All seeded areas, shrub beds, and gardens visible from off site shall be maintained in a clean, weed free condition. Vegetation may not be used to form a wall that hides the building from the street. Low undulating landforms shall be permitted provided they blend with existing grade, do not exceed a slope of 4 feet horizontally to 1 foot vertically, and do not affect offsite drainage. Play structures and outbuildings are not permitted.

*Side Yard.* The side yard landscape design should provide privacy and screening between adjacent buildings. The DRC will consider long term effects to the owner’s site and adjacent properties when evaluating the design. Large stature trees that encroach on neighboring properties, block views, or create substantial shade may not be approved.

Utilities and service areas are permitted in the side yard provided they are screened from off site view. All seeded areas, shrub beds, and gardens visible from offsite shall be maintained in a clean, weed free condition. Due to the narrow cross section of most side yards, landforms will only be permitted by special review.

*Back Yard.* The back yard landscape design should provide private outdoor spaces and continuity with adjacent uses such as golf course rough, open space areas, or undisturbed native areas. Landscape elements shall be used to compliment the architecture of the building.

Property lines that adjoin association common areas, with sod shall have bluegrass sod placed along the entire property line to create continuity between the common area and the commercial building. Property lines that adjoin common areas with native areas shall recreate the native environment along at least 50% of property line to create continuity between the common area and the commercial building. For commercial sites that adjoin non-landscaped common areas

that exist between property lines and roadways and or paths, shall be landscaped by the commercial entity in a manner consistent with the overall common area landscape plan, or if none exists, consistent with landscaping of existing developed commercial lots such as the Club buildings. Property lines that adjoin public spaces with sod All seeded areas, shrub beds, and gardens visible from offsite shall be maintained in a clean, weed free condition. Vegetation may not be used to form a wall that hides the building from the public spaces.

Low undulating landforms shall be permitted provided they blend with existing grade, do not exceed a slope of 4 feet horizontally to 1 foot vertically, and do not effect offsite drainage. Play structures and outbuildings are not permitted.

## **2.5 Minimum Planting Requirements.**

Each commercial building is required to plant a minimum of 6 trees and 10 shrubs per 1,000 square foot of gross structure square footage. All trees and shrubs planted must meet the minimum size requirements suggested by the DRC.

## **2.6 Right-Of-Way Landscaping**

Developer installed landscaping in the right-of-way generally consists of sod, shrubs, and trees planted in clusters along the street. Irrigation systems, sidewalks and paths may also be present in this zone. Owners are not allowed to install or alter landscaping in this area.

Due to the importance of the right-of-way landscape features, any damage caused to this area by the owner or owner's operators shall be repaired in a timely fashion by the owner utilizing materials and construction techniques to match existing landscape elements. The owner shall notify the Teton Springs Master Association of any damage that has occurred to the landscape elements within 24 hours of the occurrence. The disturbance shall be temporarily repaired or made functional within 24 hours and permanently repaired within 2 weeks of the disturbance. If damage to the landscape elements is not repaired within 2 weeks, the Master Association shall perform the repairs and subsequently charge the owner for all costs incurred.

## **2.7 Commercial Irrigation**

Each commercial building is required to install and maintain an underground electrically controlled irrigation system. The Master Association or Teton Springs Water and Sewer will provide untreated irrigation water for use on a fee basis or water from a domestic source on a fee basis. A stub service will be provided on the rear lot line and the lot owner will be responsible for installation of a standard tap facility and water meter.

Due to the dry climate in Idaho, lawn areas, trees, shrubs, and gardens will require permanent irrigation throughout the summer. Native seed areas and xeriscape gardens will require

irrigation for the first few years to establish the plant material. Irrigation may be removed from these areas upon establishment of healthy sustainable plant material.

## **2.8 Right-Of-Way Irrigation**

An underground irrigation system is installed in the street right-of-way. This system consists of mainline and electric cables placed approximately 30 inches below grade, lateral lines approximately 12 inches below grade, valve boxes placed at grade, electronic control clocks set above grade, and pop-up irrigation heads placed at grade. Damage caused to any part of the irrigation system jeopardizes the functioning of that irrigation zone and thus effects the health of the streetscape plantings in that area.

Due to the importance of the right-of-way irrigation system, any damage caused to this system by owner or owners operators shall be repaired immediately by the owner utilizing materials and construction techniques to match the existing system. The owner shall notify the Teton Springs Master Association immediately of any damage that occurred so that the zone may be turned off until it is repaired. The owner shall repair the system to full working condition within 24 hours of occurrence. If damage to the system is not repaired within 24 hours, the Master Association shall perform the repairs and subsequently charge the owner for all costs incurred.

New driveway construction will occur over the existing irrigation system. The owner shall locate the driveway to effect as few irrigation heads as possible. Driveways will not be allowed over valve box or control clock locations except by DRC approval. Teton Springs will be responsible for relocating valve boxes and control clocks with the costs to be paid for by the owner.

In the event that irrigation heads are affected by driveway construction, the owner shall install new irrigation heads located to maintain the previous irrigation pattern. The owner is also responsible to place a 6 inch PVC sleeve under the entire width of the new driveway at a depth of 12 inches below grade. This sleeve is necessary to accommodate future repairs or adjustments to the irrigation lateral line.

The materials and construction techniques to be used in the irrigation repair are as follows:

1. Mainline: 4" to 6" (match existing) ring seal 200 PVC installed 12" below grade. Fittings to be deep socket solvent weld. Flood trenches to ensure soil compaction and minimize future settling of trenches.
2. Electrical Wiring: match existing wiring, meet all applicable codes.
3. Lateral Line: 1" or 1.5" (match existing) Class 200 PVC installed 12" below grade. Fittings to be deep socket solvent weld. Flood trenches to ensure soil compaction and minimize future settling of trenches.
4. Spray Head: match existing spray heads, same manufacturer, product and volume. Match existing irrigation patterns to ensure double coverage and eliminate dry zones. Care shall be taken to avoid over spray onto hard surfaces such as paths or street.

The owner is required to have the Master Association's approval of right-of-way irrigation adjustments prior to issuance of Certificate of Occupancy.

## **2.9 Site Grading and Drainage**

Site grading shall be used to provide adequate drainage within the building site, as well as enhance the aesthetic qualities of the building. Due to the western character of the neighborhood, imposed severe grade changes and steep berms are not allowed. Existing vegetation and site features shall be protected from potential damage from site grading.

Surface drainage shall not drain to adjoining sites 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. Wherever practical, natural drainage courses should be protected and existing drainage patterns maintained. New drainage ways are to be designed to appear and function like

natural drainage ways. Impervious surfaces are to be minimized and excessive cut and fill is discouraged. Grading is not permitted outside the property line.

All topsoil disturbed by grading operations must be stockpiled within the construction area, and reused as a part of the site restoration/landscape plan.

Grading is to be designed a combination of cuts, fills, and occasional retaining walls that protect existing vegetation and blend into and/or appear to be extensions of existing natural land forms. Whenever possible natural slopes are preferable to structures. Retaining walls, where visible from off site, are to be built of rock or stone, and/or treated timber. Structures exceeding four feet in height should be battered and stepped to include ample planting pockets. Slopes should not exceed a slope of three feet horizontally by one foot vertically unless there are extenuating circumstances. Disturbed areas are to be revegetated and blended into the surrounding environment.

Developing a proper drainage plan will be the responsibility of the owner. Ensure that when driveways intersect streets that any existing road shoulder drainage patterns are maintained. Any drainage damage that may occur from one site to other sites or common areas because of a change in natural conditions will be the responsibility of the owner of the site that caused the unnatural drainage flow. Approval of a drainage plan by the DRC does not make the Committee liable or responsible to the owner or others with respect to the adequacy of the engineering or otherwise, but merely implies compliance with the intent of these Guidelines and with design aesthetics. Committee approval does not eliminate or reduce the obligation of the owner to comply with all legal requirements and be responsible for all damages arising from changes in natural conditions.

## **2.10 Vehicle Access/Driveways**

The street scene of Teton Springs has been carefully planned to include certain street trees and landscape features. The interruption of this landscape feature can have a significant impact on the appearance and character of a site. Driveway entrances are platted for the Village and Commercial areas and there will be no changes to these driveways.

## **2.11 Parking**

Parking areas have been designated on the plat for the Village and Commercial areas. Parking access and owner parking rights are outlined in the Declaration of Protective Covenants for the Sub-Association.

Outdoor parking or storage of boats, trailers, motor homes, buses, campers and trucks over one ton is forbidden except for lots 2A and 2B in the West Commercial Area. In this area,

boats and boat trailers may be parked to facilitate the Fishing Guide Service located upon this site.

## **2.12 Site Utilities**

All site utilities are to be installed underground in alignments that minimize grading, tree clearing, and other physical impacts on the site. To the extent possible and with the approval of the utility company, utility boxes are to be located and/or screened so that they are not visible from offsite.

Satellite dishes are not permitted in the commercial areas without prior approval of the DRC.

## **2.13 Exterior Service Areas**

Outdoor work/storage areas and outside equipment such as mechanical equipment, must be completely screened from offsite views by using walls and/or fences and incorporating them into the building design. In addition to screening, garbage can storage areas must also be made inaccessible to wildlife.

## **2.14 Fences, Walls, and Gates**

In order to preserve a continuous rural character, no fences, walls or gates will be approved.

Site walls, privacy fences or screen walls that are a visual extension of the architectural design of the commercial building will be permitted within the building envelope and within the side yards that do not abut streets. They may be used to separate the private areas from the rest of the building envelope and/or as a screening element for parking and service areas otherwise visible from other sites or public areas. These walls may be used to articulate horizontal and vertical building planes. The standards that shall apply to the use and treatment of site wall are listed below:

- Freestanding site walls and fences shall have a maximum exposed height of 8'-0" measured from the lowest natural grade adjacent to the wall.
- Site walls may not be used to delineate property lines or buildings envelopes. Site walls are typically used for screening and/or defining outdoor living spaces.
- The colors of the walls must be compatible with the residential exterior walls and conform to the same exterior color requirements.

- Finish materials on all site and building walls must be continued down to finished grade so as to eliminate exposed or unfinished foundation walls.
- The objective to minimize site disturbance suggests balanced cut and fill grading solutions, and thus, in turn, reduces the need for tall retaining walls. However, if retaining walls are required, they may not exceed a height of 6 feet for a fill slope condition, and not more than 8 feet in a cut slope condition.
- Terraced retaining walls must be offset horizontally by sufficient distance to support viable plant materials.
- No site wall may continue in an unbroken plane for more than 30 linear feet without written approval from the DRC.

All site walls, privacy fences and screen walls must be approved by the DRC.

### **2.15 Terraces, Paths, Hardscape Areas**

Patios, terraces, paths, and outdoor stairs shall transition smoothly between the natural topography and the building. Natural materials such as stone, rock, and wood are recommended for these elements.

### **2.16 Exterior Landscape Lighting**

In order to maintain a rural character and to preserve the views to the night sky, exterior lighting is to be minimized. Lighting should be used to meet the requirements of safety and easy identification of entrances on buildings. Exterior lights should be compatible with the design of the building.

Subdued landscape accent lighting may be incorporated into the landscape design. The light source shall not be visible from offsite with the exception of lantern style fixtures. Low wattage bulbs or frosted glass should be used in lantern type fixtures to soften the impact of the point source of light.

Uplights and flood lights will not be permitted if the lightsource creates an unreasonable impact from neighboring properties. Lighting within exterior courtyards or private yard spaces may include uplighting and other design accent lighting provided it does not unreasonably impact other property. Down lights or path lights may be used to light paths and terraces.

In general, light sources and all conduit and junction boxes should be concealed, and the lowest wattage bulb for any given application is recommended. Lamps over 75 watts may not be approved. Lamps should be color-corrected metal halide or incandescent. Sodium vapor, mercury vapor, or other “colored” lights are not permitted, except as approved by the DRC for security purposes. Decorative Christmas lighting is permitted between November 15 and

January 7.

In order to allow each owner the flexibility and freedom to creatively resolve unique conditions, the DRC will ultimately consider the acceptability of each installation and its resultant light levels and visual effects on surrounding properties on a case by case basis.

## **2.18 Tree Removal**

The removal of existing trees and shrubs on sites is to be avoided, but may be approved by the DRC where necessary to accommodate a new structure. Clearing for view corridors and solar exposure may be considered by the DRC provided it does not increase the visual impacts on adjacent sites, public spaces, or offsite visibility of the building.

## **2.19 Address Markers**

Address markers must be approved by DRC. The marker must have downlighting as approved on the elevation and/or exterior finishes plan submitted to the DRC.

For reasons of visibility in emergency situations, landscape planning must also address the marker's visibility from the street as the landscape elements mature for each of the above locations. Additionally, lighting should be maintained in good working order and should be controlled by a timer or an automatic, photo-cell controlled switch.

## **DEVELOPMENT REVIEW PROCEDURES**

This section provides a guide to the design review process for the Teton Springs community. The process involves a series of meetings between the owner, their design professionals and the DRC. It begins with an informal introductory meeting and concludes with the completion of construction. Along the way are a series of meetings, or check points, designed to ensure a smooth and efficient review of the new design or improvements to an existing building.

The DRC is committed to assisting owners through the design review process and has a variety of educational and guidance materials available to assist them. As opposed to a “regulatory review agency,” the DRC should be thought of a member of the owners design team.

### **3.1 Design Review Process**

Improvement plans will be carefully reviewed by the DRC to ensure that the design is compatible with both Teton Springs as a whole, and to the particular site. This design review process must be followed for any of the following improvements:

- Construction of all new buildings;
- The renovation, expansion or refinishing of the exterior of existing buildings including repainting with the same color as previously approved by the DRC; and
- Major site and/or landscape improvements except for replacement of plant species similar to those previously approved by the DRC.

The DRC evaluates all development proposals on the basis of the Teton Springs Guidelines. Most of the Guidelines outlined in this document are written as relatively broad standards and the interpretation of these standards is left up to the discretion of the DRC.

Other development standards are more definitive, or absolute design parameters and it is the intention of this design review process to ensure that all improvements comply with these absolute standards.

The design review process takes place in four steps:

1. A pre-submission conference
2. Preliminary design review
3. Final design review, and
4. Inspections

Any improvement, as described above, will require and must be preceded by the submission of an application package accompanied by an application fee and the required plans and specifications describing the proposed improvements. Incomplete applications will not be accepted by the DRC.

It is required that the Owner retain assistance from a competent, licensed architect. Additional assistance from other licensed design professionals such as a civil engineer and a landscape architect is also recommended. The owner and their chosen consultant(s) should also carefully review the Master Declaration of Protective Covenants (CC&R's) as well as the Development Guidelines prior to commencing the design review process.

Having secured final design approval from the DRC, the Owner will also have to meet all the submittal and approval requirements of the County of Teton to obtain a building permit.

### **3.2 Pre-Submission Conference**

Prior to the preparation of any materials for formal DRC review the Owner and his consultant(s) are required to meet with representatives of the DRC for a Pre-submission conference. The purpose of the meeting will be:

1. To discuss the particular characteristics and any restrictions on development of the site;
2. To review any preliminary building program the owner may choose to offer; and
3. To ensure that the owner understands the requirements, fees, and schedule of the design review process.

This informal review is intended to offer guidance prior to initiating any investment in preliminary design, and is a very important step in the overall process.

### **3.3 Preliminary Design Review**

After the pre-submission conference in order to continue the process, the owner may initiate preliminary design documents.

A checklist of the required preliminary development documents includes:

- Site plan
- Site topography
- Floor plans
- Elevations
- Outline of exterior materials, finishes and colors
- Preliminary landscape plan, considering adjacent properties and view corridors

This preliminary review step in the process is intended to avert wasted time and professional fees that result from pursuing a design solution which is in conflict with the standards contained in these Guidelines.

*3.3.2. Preliminary Design Review Meeting.* Upon receipt of the required documents and staking of the property, the DRC will notify the owner of the scheduled meeting date to review the preliminary development documents. The DRC will review and comment on the application at the meeting, allow time for discussion, and subsequently provide the owner with a written record from the meeting.

The comments of the DRC on the preliminary submittal shall be advisory only, and shall not be binding upon either the owner or the committee. Additional review meetings may be necessary to review corrected and/or new materials. Corrected materials must be provided to the DRC a minimum of five (5) working days prior to the next regularly scheduled meeting.

### **3.4 Final Design Review**

Within one year of preliminary design review the owner shall initiate the final design review process by submitting a written application together with the required final development documents and the appropriate fee.

A checklist of required final development documents include:

- Site plan
- Landscape plan
- Floor plans
- Elevations
- Construction specifications
- Samples of exterior materials and colors
- Cut sheets for doors, windows and exterior lighting

*3.4.1 Final Design Review Meeting.* Upon receipt of the required documents, the DRC will notify the owner of the scheduled meeting date of review the final development documents. The DRC will review and comment on the application at the meeting, allow time for discussion, and subsequently provide the owner with a written record from the meeting.

Additional review meetings may be necessary to review corrected and/or new materials. Corrected materials must be provided to the DRC a minimum of five (5) working days prior to the next regularly scheduled meeting.

*3.4.2 Final Design Approval.* The DRC will issue final design approval in writing within fifteen (15) days of a vote for approval at a final design review meeting. Final design approval is site specific, and should not be construed to establish precedent for other sites.

If the decision of the DRC is to disapprove the submission, the committee shall provide the owner with a written statement of the basis for such disapproval to assist the owner in modifying or redesigning the project so as to obtain the approval of the committee.

### **3.5 Resubmittal of Plans**

In the event that final submittal are not approved the by DRC the owner will follow the same procedures for a resubmission as for original submittal. An additional design review fee may be required for each resubmission as required by the DRC.

Upon receipt of final approval from the DRC, the owner has 6 months in which to commence construction. If more than 6 months elapse, the owner must resubmit plans to the DRC for re-review. The purpose of this guideline is that the Design Guidelines may be amended from time to time and the DRC reserves the right, in their sole discretion, to apply any new or amended guideline to a home that has not begun construction within 6 months of receipt of their final approval. An additional design review fee may be required for a re-review as required by the DRC.

### **3.6 Appeals Procedure**

The owner has the right to appeal decisions made by the DRC. The owner can initiate such an appeal procedure by submitting in writing a document stating the reason for the appeal. The DRC will set a meeting date to review the appeal and notify the owner of such date. The owner or representative must be present at the meeting to review the appeal. The DRC will render a decision at a scheduled meeting and provide the reasons for denying or approving the appeal in writing within fifteen (15) days.

The owner also has the right, as a last resort, to appeal to the Executive Board of the Teton Springs Master Association if they consider that all the established avenues of communication with the DRC have been exhausted.

### **3.7 Building Permits**

The owner may apply for all applicable building permits from the County of Teton only after receiving final design approval from the DRC. Prior to the start of actual construction, the lot owner will be required to pay a utility fee to Teton Springs.

### **3.8 Subsequent Changes**

Additional construction, landscaping or other changes in the improvements that differ from the approved final design documents must be submitted in writing to the DRC for review and approval prior to making changes.

### **3.9 Work in Progress Inspections**

During construction, the DRC or its authorized representative has the right to check construction to ensure compliance with approved final design documents. These inspections are specified in Section 3.13 of this document. If changes or alterations have been found which have not been approved, the DRC will issue a Notice to Comply. Failure by the DRC to provide the Notice to Comply shall not be deemed a waiver or release of the committee's right to enforce any provisions of these Guidelines.

### **3.10 Notice to Comply**

When as a result of a construction inspection the DRC finds changes and/or alterations which have not been approved, the DRC will notify the owner within three (3) days of the inspection describing the specific instances of non-compliance and will require the owner to comply or resolve the discrepancies.

### **3.11 Certificate of Compliance**

Upon completion of work, the owner must request a Certificate of Compliance. The DRC will make a completion inspection of the property within twenty-one (21) days of the request, and if the DRC determines that the improvements have been completed in accordance with the DRC approval, a Certificate of Compliance will be issued within seven (7) days of inspection. If it is found that the work was not done in compliance with the approved final development documents, the DRC will issue a Notice to Comply within three (3) days of inspection.

### **3.12 Non-Liability**

Neither the DRC nor any member or employee will be liable to any party for any action, or failure to act with respect to any matter if such action or failure to act was in good faith and without malice.

### **3.13 Development Review Schedule**

The DRC will make every reasonable effort to comply with the time schedule for development review outlined below. However, the DRC will not be liable for delays that are caused by circumstances beyond their control. The DRC will provide design review according to the following schedule;

1. Pre-submission conference
  - Meeting scheduled within fourteen (14) days of receipt of written request
2. Preliminary design review
  - Application documents to be submitted fourteen (14) days prior to the next scheduled DRC meeting.
  - Written comments from DRC provided to Owner within forty-five (45) days
3. Final Design Review
  - Application documents to be submitted fourteen (14) days prior to the next scheduled DRC meeting, and within one year of Preliminary Design Review.
  - Written comments from DRC meeting and/or written notice of Final Design approval provided to owner within forty-five (45) days.
4. Site Staking and Construction Fencing
  - Owner must install construction fence around perimeter of site and stake all the building envelope and all building corners. Upon fence and staking, the DRC will verify site for approval.
5. Sewer Application
  - Upon site approval, DRC will provide a City of Victor sewer application. The application must be submitted with drawings to the City for approval prior to obtaining a building permit from Teton County.
6. Building permits
  - Owner applies to County of Teton for all applicable building permits.
7. Construction Inspections.
  - Construction area inspection with the builder prior to any site disturbance, and within seven (7) days of receipt of written request.
  - Final inspection within twenty-one (21) days of receipt of written request for Certificate of Compliance, and prior to request for a Certificate of Occupancy from County of Teton.
  - Certificate of Compliance with DRC approval issued within seven (7) days of inspection.

### **3.14 Application Fees**

It is the responsibility of the Design Review Committee to collect all fees for new construction, remodels and renovations that are applicable within the Teton Springs Community. These fees include, but are not limited to, the DRC Review Fees, Water & Sewer Hook-up and Metering Fees, Performance Deposits, Address Markers, Builder's Fees and Telephone/Cable

Hook-up Fees. All of these fees may be amended from time to time and the fee in effect shall be the fee on the date when the DRC Preliminary Design Review takes place.

### **3.14.1 Design Review Fees**

In order to defray the expense of reviewing plans and related data, and to compensate any consulting architects, landscape architect, and other professional, the Covenants establish submission fees payable each time an application is made to the DRC. These fees shall be paid prior to the Pre-submission Conference.

1. New Construction
  - a. \$3,000.00
  - b. This fee covers a total of three meetings, the Pre-Submission, Preliminary Design Review and Final Design Review.
2. Remodel
  - a. \$1,000.00
  - b. This fee covers a total of three meetings, the Pre-Submission, Preliminary Design Review and Final Design Review.
3. Additional Meetings
  - a. \$1,000.00 per additional meeting after three meetings
  - b. This fee shall be paid prior to each additional meeting

These fees are subject to revision annually.

### **3.14.2 Performance Deposit**

After the DRC approves an owner's Final Design, and prior to commencing construction activity, the Owner shall deliver a Performance Deposit to the DRC, as security for the Owner's full and faithful performance of the construction activity in accordance with its approved final plans, the Development Guidelines and Master and Sub-Association Declarations of Protective Covenants.

The amount of the Performance Deposit shall be \$15,000, or a Bond for 100% of the estimated construction costs (whichever the owner chooses). The Deposit shall be delivered to the DRC, by certified or cashier's check or by wire transfer. Letters of credit will not be accepted.

The DRC shall administer each Performance Deposit as follows:  
The DRC shall hold the Performance Deposit as security for the owner's full and faithful performance of its construction activity in accordance with its approved final plans, the Master Development Guidelines and Section 4.17 of the Master Declaration of Protective Covenants. No interest will be paid on the Performance Deposit to the applicant or owner.

- a) The DRC may use, apply or retain the whole or any part of a Performance Deposit to the extent required to reimburse the DRC for any cost which DRC may incur, or may be

required to incur, by reason of an owner's non-compliance in respect of the Master Development Guidelines and Section 4.17 of the Master Declaration of Protective Covenants. The DRC shall be entitled to a fee in an amount equal to 15 percent of the amount of any costs incurred by DRC to cure any non-compliance by an owner, which fee may be paid from the Performance Deposit. If the amount of the Performance Deposit is not sufficient to cure any such non-compliance by an owner, DRC may apply the Performance Deposit in a manner which best mitigates the effects of such non-compliance. In addition, DRC may use, apply or retain the whole or any part of a Performance Deposit to pay to DRC any fine imposed by DRC. The DRC may impose a fee of \$1,000 against the owner for the first violation of any non-compliance. For each subsequent violation of that same term or condition, DRC may impose a fee in twice the amount of the fee imposed against the owner for the owner's last violation of that same term or condition. The owner shall pay any fee imposed under this term within five days after the owner receives written notice thereof.

- b) The DRC's decision to use the Performance Deposit as permitted hereunder shall be at the sole and absolute discretion of the DRC.
- c) If DRC so uses part or all of the Performance Deposit as set forth in subparagraph (b) above, then the owner shall, within five days after written demand therefore from DRC, pay DRC the amount used to restore the Performance Deposit to its original amount. Neither the owner nor any other party shall have any rights of any kind or nature against DRC, its officers, agents, employees, directors or attorney arising out of DRC use of the Performance Deposit, unless DRC is grossly negligent, or intentionally acts in bad faith.
- d) DRC shall be under no obligation of any kind or nature to take any action to comply with all regulations pertaining to the construction activity.
- e) Any part of the Performance Deposit not used by the DRC as permitted by subparagraph (b) above shall be returned to the owner within 30 days after the issuance of a certificate of compliance for the home by the DRC. No portion of the Performance Deposit shall be returned to the owner upon the DRC's issuance of a temporary certificate of compliance. The DRC may condition its issuance of a temporary certificate of compliance upon its receipt from the owner of funds sufficient to increase the amount of the Performance Deposit to an amount equal to that portion of the construction activity that remains to be completed.

### **3.14.3 Water & Sewer Hook-Up Fees & Building Permit Process**

The Water & Sewer Hook-Up Fee paid to the HOA is a combined fee charged by the City of Victor and Teton Springs Water & Sewer Company. The HOA collects this fee on behalf of these two utilities. A portion of the Hook-Up fee paid to the HOA is distributed to the City of Victor to pay their Hook-Up fee and a portion is paid to the Teton Springs Water & Sewer Company.

Upon receipt of Final Approval from the DRC, payment of all associated fees and receipt of Staking Approval from the DRC, the DRC will issue a City of Victor Hook-Up Fee Application showing the amount that has been paid to the HOA for the City of Victor portion of

the Hook-Up Fee. Upon receipt of the Application from the DRC, the owner must take the Application to the City for an authorized signature. After receipt of this signature, the owner must take the Application to Teton County, whereby the Building Permit may be obtained.

Should the City increase their Hook-Up fee in the time period between the issuance of the Application and receipt of Application Signature by City officials, the owner is required to pay the difference between the original amount paid to the HOA and the new Hook-up Fee charged by the City.

## **DESIGN REVIEW COMMITTEE**

### **4.1 Design Review Committee Membership**

The DRC will consist of a minimum of three members. Each person will hold office until such time as they have resigned, or removed, or a successor has been appointed. members shall be appointed by the Executive Board of Teton Springs.

Members shall serve staggered two year terms. There is no limit to the number of consecutive terms which can be served by any member.

Any member of the DRC may resign from the DRC at any time upon written notice stating the effective date of the member's resignation to the Association. Any member may be removed at any time by the Executive Board with or without cause.

### **4.2 Functions of the Committee**

The principal functions of the DRC are as follows:

- To consider and act upon such proposals or plans submitted to it in accordance with the Design Review Procedures established in Section 3.0 of these Development Guidelines.
- To amend the Development Guidelines as deemed appropriate with final approval of amendments contingent upon the Executive Board's concurrence.
- To perform any duties assigned to it by the Declarant or the Association as set forth in this document and the Protective Covenants.

The Executive Board may hire or appoint a secretary for the DRC, and shall provide appropriate compensation for any such secretarial services. The DRC shall have the right to establish one or more sub-committees to perform one or more of the functions of the DRC.

### **4.3 DRC Meetings**

The DRC will meet monthly or as needed to properly perform its duties. The Committee's actions on matters will be by a majority vote of the Committee. Any action required to be taken by the Committee may be taken without a meeting if a consent in writing, setting forth the action so taken is signed by a majority of the Committee members.

The Committee will keep and maintain a record of all actions taken by it, and report in writing to the Executive Board all final actions taken by the DRC. The powers of this Committee relating to design review will be in addition to all design review requirements imposed by the County of Teton.

#### **4.4 Compensation**

The Executive Board has the right to set compensation for DRC members. Compensation may be revoked or changed at any time by the Executive Board with or without cause. Professional consultants retained by the DRC to assist them in carrying out their responsibilities may be paid such compensation as the DRC determines appropriate.

#### **4.5 Amendment of Development Guidelines**

The DRC may, from time to time and in its sole discretion, adopt, amend and repeal by unanimous vote, rules and regulations to be incorporated into, or amendments of the Development Guidelines which, among other things, interpret, supplement or implement the provisions of the Development Guidelines. All such rules and regulations or amendments, as they may from time to time be adopted, amended or repealed, will be appended to and made a part of the Development Guidelines. Each owner is responsible for obtaining from the DRC a copy of the most recently revised Development Guidelines.

#### **4.6 Non-Liability**

Provided that Committee members act in good faith and without malice, neither the Committee nor any member will be liable to the Association, any owner or any other person for any damage, loss or prejudice suffered or claimed on account of:

- Approving or disapproving any plans, specifications and other materials, whether or not defective;
- Constructing or performing any work, whether or not pursuant to approved plans, specifications and other materials;
- The development or manner of development of any land within Teton Springs;
- Executing and recording a form of approval or disapproval, whether or not the facts stated therein are correct; and
- Performing any other function pursuant to the provisions of the Development Guidelines or the CC&R's.

## **CONSTRUCTION & BUILDER REGULATIONS**

### **5.1 Introduction**

To assure that the construction of any improvements on a site will occur in a safe and timely manner without damaging the natural landscape, adjacent sites, or common improvements of Teton Springs including but not limited to roadways, paths, common areas, open space or landscaping and to further assure that there is no disruption of residents or guests, or impact the quiet enjoyment of their homes, businesses and/or property.

To achieve this intent, these regulations will be enforced during the construction period from the commencement of construction until the Certificate of Compliance has been obtained by the DRC. The contractor must provide a signed copy of the most recent construction and builder regulations to the DRC prior to commencement of work.

Construction will not begin until the Construction Mitigation Plan has been received and approved by the DRC, all fees have been paid, a building permit has been obtained from the County of Teton and a damage performance deposit or bond has been placed with the DRC.

### **5.2 Builder Eligibility**

In order to undertake work for Owners within Teton Springs, any builder or contractor must provide the names, addresses, and phone numbers of their last five customers and agree to a customer satisfaction survey which will be kept on file by the DRC and made available to prospective customers.

All registered builders will agree to provide additional information such as credit information and current financial statements to any prospect on request.

### **5.3 Pre-construction Conference**

Prior to commencing construction, the builder/contractor must meet with an authorized representative of the DRC to review the Construction and Builder Regulations and the Construction Mitigation Plan with the DRC. The intent of this meeting is to assure mitigation and management of the construction process for the benefit of all property owners within the common interest community. At this meeting the builder/contractor or owner must bring a copy of the building permit issued by the County of Teton.

### **5.4 Construction Area**

Prior to the commencement of any construction activity the builder/contractor will provide the DRC with a detailed plan of the proposed “construction area” showing the area in which all construction activities will be confined, and how the remaining portions of the site will be protected.

The construction area plan will designate the location and size of the construction material storage and parking areas, and the locations of the chemical toilet, temporary trailer/structure, dumpster, debris storage, fire fighting equipment, utility trenching, and the limits of excavation. The plan should clearly identify the methods proposed for the protection of adjacent areas, such as fencing, flagging, rope barricades or other means to be set up prior to construction.

Architects, contractors, and sub-contractors will not be permitted to display any signs on any sites within Teton Springs other than the general contractor sign upon a construction trailer.

### **5.5 Access to Construction Areas**

Access to the construction site for all vehicles will be limited to access via Route 33 and interior route established by the DRC prior to the commencement of any construction activity. If such a route is violated, the DRC may establish a fine system in order to enforce construction traffic routing. All fines shall be assessed against the performance deposit on file with the DRC for the project. It is the general contractor responsibility to make sure any sub-contractors are following the development and construction guidelines.

### **5.6 Vehicles and Parking Areas**

Parking for construction personnel vehicles or machinery other than with the DRC approved construction area on site, will occur only in specific areas designated by the DRC so as to minimize damage to the existing landscape, and adjacent properties. Construction crews will not be permitted to park on adjacent sites (without written approval from the property owner that is forwarded to and recorded by the DRC) or any other unapproved areas.

### **5.7 Storage of Materials and Equipment**

All construction materials, equipment and vehicles must be stored within the fenced boundary of the DRC approved construction area, and outside any tree protection fencing located within the approved construction area. Equipment and machinery is to be stored onsite only while needed for activities specific to the commercial construction project.

### **5.8 Construction Activity Times**

The time of construction will be limited to the period from 7:00 am until 7:00 pm Monday through Friday, 8:00 am until 6:00 pm on Saturdays and national holidays, and 12 noon until 6:00 pm on Sundays. If work is permitted during off times, a representative for the General Contractor must be on-site to monitor the work of any sub-contractors. Temporary living

quarters for the owner, builder, contractor, or their employees will not be permitted.

### **5.9 Construction Trailers/Temporary Structures**

Any owner or builder/contractor who desires to bring a construction trailer or the like to Teton Springs must obtain written approval from the DRC. The DRC will work closely with the applicant to site the trailer in the best possible location to minimize impacts to the site and to adjacent site owners. All such facilities must be removed from the site prior to issuance of a Certificate of Compliance.

### **5.10 Sanitary Facilities**

Sanitary facilities must be provided for construction personnel onsite in a location approved by the DRC. The facility must be screened from view from adjacent residences, businesses and roads, and maintained regularly.

## **5.11 Debris and Trash Removal**

Builder/contractor and all sub-contractors must clean up all trash and debris on, and in the area of the construction site at the end of each day. Trash and debris must be removed from each construction site at least once a week and transported to an authorized disposal site. A heavy, wind proof construction project dumpster shall be used at each job site and must be placed upon the construction site. Lightweight material, packaging, and other items, must be covered or weighted down to prevent wind from blowing such materials off the construction site. Builder/contractor are prohibited from dumping, burying or burning trash anywhere on the site or elsewhere in Teton Springs.

During the construction period, each construction site must be kept neat and tidy to prevent it from becoming a public eyesore, or effecting adjacent property. Dirt, mud, or debris resulting from activity on each construction site must be promptly removed from roads, open spaces, and driveways or other portions of Teton Springs. Any cleanup costs incurred by the DRC or the Association in enforcing these requirements will be charged against the performance deposit on file for the project.

## **5.12 Excavation, Grading, and Tree Protection**

The builder/contractor will take extreme care during excavation to assure that trees not authorized for removal are not damaged. All trees remaining within an approved construction area must be properly tagged and protected prior to the commencement of any grading operations. Every effort must be made to reduce compaction and/or disturbance within the drip line of all trees located within and outside an approved construction area.

Blowing dust resulting from grading operations must be controlled by watering. During construction, erosion must be minimized on exposed cut and/or fill slopes through proper soil stabilization, water control and revegetation. The builder is responsible for the implementation of all erosion control techniques as may be required by State or local agencies. Grading operations may be suspended by the DRC during periods of heavy rains or high winds. All topsoil disturbed by grading operations must be stockpiled within the construction area and reused as part of the site restoration/landscaping plans.

To minimize dirt and debris on and damage to common area roadways, during all construction activity, commencing with excavation and until such time as driveways and landscaping are installed, all driveway and parking areas are to be covered with a minimum of two inches of three-quarter inch screened rock. Additionally, the contractor is responsible for assuring that dirt and debris do not enter adjacent properties or enter the ponds and/or waterway systems. In the event that the DRC finds that a site is negatively impacting the common area roadways, adjacent properties or the ponds and/or waterway systems, the owner must clean and/or make repairs immediately upon notification by the DRC, including the addition of more screened rock if requested. In the event that the DRC must take action to clean or make repairs, the cost of this shall be the responsibility of the owner and will be charged against the

Performance Deposit as outlined in Section 3.14.1, Performance Deposits.

### **5.13 Damage Repair and Restoration**

Damage and scarring to other property, including open space, adjacent homesites, roads, driveways, and/or other improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the person causing the damage or the owner of the site. Upon completion of construction, each owner and builder will be responsible for cleaning up the construction site and the repair of all property which was damaged, including but not limited to restoring grades, planting shrubs and trees as approved or required by the DRC, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing. Any property repair costs as mentioned above, incurred by the DRC or the Association will be charged against the Performance Deposit. Failure to remedy damage as directed by the DRC may result in a registered or preferred builder being suspended from Teton Springs program, or deducted from the damage and performance deposit or performance bond posted by owner.

### **5.14 Inspections**

In addition to the building inspections required by the County of Teton the following inspections must be scheduled with the DRC:

1. Site inspection - the construction area, all corners of proposed buildings, the driveway, extent of grading and protected vegetation must be staked, together with the locations of any temporary buildings. This inspection must be completed prior to any site clearing or disturbance of existing grade.
2. Final inspection - this inspection must be done prior to any application to the County of Teton for a Certificate of Occupancy.

### **5.15 Pets**

Pets belonging to construction personnel are not allowed within Teton Springs.

### **5.16 Security**

Security precautions at the construction site may include temporary fencing approved by the DRC. Security lights (except those with motion detectors) audible alarms and guard animals will not be permitted.

### **5.17 Noise**

Builder/contractors will make every effort to keep noise to a minimum. Radio sound will be kept at a low level to minimize disturbance to neighbors and wildlife.

## **5.18 Builder Impact Fee**

A non-refundable Impact Fee shall be collected prior to the commencement of construction for the purpose of mitigating impacts from construction and assisting the HOA in off-setting costs associated with construction activities. Payment of this impact fee, in the amount to be determined by the DRC and amended from time to time, does not absolve the builder/contractor from any provision of the Master Declaration of Covenants, Sub-Association Covenants, Master Rules & Regulations or Construction and Builder Regulations.

## **5.19 Deliveries**

Deliveries must be scheduled and managed by the builder/contractors so as to not block roads, driveways or access to other areas within Teton Springs. Any damage to adjacent sites, common areas, landscaping, open space, unimproved areas or improvements caused by delivery activity, parking or construction activities will be charged against the Performance Deposit. This includes damage caused by non-construction vehicles which must partially or completely leave a roadway to avoid construction activity.

## **5.20 Construction Mitigation Plan**

A Construction Mitigation Plan must be submitted to the DRC prior to commencement of construction and will be reviewed at the Site Inspection Meeting. The plan shall include, but not be limited to addressing the following items:

- › Trash mitigation, waste container locations, waste dumping schedules
- › Daily debris and trash removal plan
- › Lay down and material storage location and management plan
- › Delivery management plan
- › Off-site damage plan
- › Off-site disturbance plan
- › Employee & contractor/sub-contractor parking plan
- › Sanitary Facility Plan
- › Construction Fencing Plan
- › Construction Site Access Plan
- › Construction Trailer and/or Temporary Structure Plan
- › Excavating, grading and material storage Plan

## **EXHIBIT A**

### **PLANT LIST SUGGESTIONS**

#### **Trees:**

- # Narrowleaf Cottonwood (seedless)
- # Quaking Aspen
- # Golden Willow
- # European Mountain Ash
- # Amur Maple
- # Hawthorn
- # Canada Red Cherry
- # Choke Cherry
- # Crabapple (varieties)

#### **Evergreen Trees:**

- # Colorado Spruce
- # Scotch Pine
- # Limber Pine
- # Bristle Cone Pine

#### **Shrubs:**

- # Wildrose (varieties)
- # Snowberry
- # Flowering Almond
- # Redtwig Dogwood (varieties)
- # Caragana (Siberian Pea Shrub)
- # Potentilla (varieties)
- # Honeysuckle
- # Sumac
- # Lilac
- # Spirea
- # Bittersweet

#### **Evergreen Shrubs:**

- # Dwarf Mugo Pine
- # Buffalo Juniper
- # Tam Juniper
- # Bar Harbor Juniper

