

**MILLCREEK SUBDIVISION
ARCHITECTURAL CONTROL BUILDING GUIDELINES
AND BUILDER/OWNER AGREEMENT**

PURPOSE AND INTRODUCTION:

The developers of this project, with your help as Builder/Owner (hereafter “Builder”), hope to create the finest mid-priced housing project in Boise. With our mutual participation in the following Architectural Guidelines and builder Agreement, we will create a living environment in which the homeowner will take great pride. It is our goal to create a business environment in which the participation Builders will prosper.

The purpose of the Architectural Control Building guidelines and Builder Agreement is to set forth the criteria by which each plan will be accepted and evaluated for approval by the Architectural Control Committee. It is nearly impossible to write down all of the criteria but we have enumerated the basic guidelines to assist you in designing the houses for your lots.

OBTAINING ARCHITECTURAL APPROVAL:

Prior to commencement of construction in Millcreek, the Builder must obtain written Approval of his plans and specifications from the Millcreek Architectural Control Committee. To obtain Approval, the Builder is required to submit the following information:

1. The “Application for Architectural Approval” attached hereto as exhibit “A”.
2. A complete Site Plan with a scale of 1/8” equals 1’ showing the lot boundaries, the location of the house, driveway, walkways and patio. It must include easements, setbacks, and all other items listed on the Application checklist.
3. A complete Floor Plan at a scale of 1/4” equals 1’, showing the square footage of each floor, the total square footage and all other items listed on the Application checklist.
4. Building Elevations (all views) at a scale of 1/4” equals 1’ showing all exterior features, including but not limited to, all items on the Application checklist.
5. A Landscaping and Drainage Plan which includes all items on the Application checklist. (See also “Landscaping Plan” and “Drainage Plan” sections in this document).
6. The Builder will be required to paint a 1’ x 2’ sample of the exterior paint on the garage for approval. A sample of the exterior masonry may be left at the site also. Also needed are the brands, colors and style numbers used, which can be written on a piece of paper or on a swatch. Then notify the Architectural Control Committee for written approval. Approval is required prior to proceeding.

7. Payment of the Architectural Review Deposit must be submitted with the Application for Architectural Approval.

ARCHITECTURAL REVIEW DEPOSIT:

A deposit of \$1,250.00 shall accompany each Application submitted for Architectural Approval. Upon timely and satisfactory completion of the house, painting and landscaping, \$1,100.00 will be refunded to the Builder and \$150.00 will be retained to cover the costs incurred by the Architectural Control Committee.

Unless otherwise approved of by the Architectural Control Committee, to qualify for a refund, all work must be completed within 6 months from the date of written Architectural Approval. Contact the Architectural Control Committee, in writing, once house and landscaping construction are complete. A member from the Architectural Control Committee will review the plans, construction, landscape, etc. If this is satisfactory, a \$1,100.00 refund will be issued to the Builder. Should an Architectural Control Committee member have any questions or notice any discrepancies, the member will contact the Builder in writing to resolve the situation.

If the application is rejected, \$1,150.00 will be returned.

APPROVALS:

The Builder will, in most cases, be notified of the Architectural Control Committee's action within 7 working days from the date of submission. In the event the application or plan must be modified, the Architectural Control Committee will endeavor to make the request in writing within 7 working days. However, the restrictive covenants allow the Committee up to 30 days to act on the application; therefore, the Builder may not assume that the plans have been approved without modification until 30 days after the date of submission.

In the event the Builder wishes to make modifications during construction, the Builder must resubmit plans to the Architectural Control Committee and receive written approval for all modifications prior to any changes being made.

Application for Architectural Approval and commencement of construction after obtaining such approval shall be made and done within a reasonable time following closing on purchase of the Lot. The time required to satisfy the conditions of a building permit or of Approval by the Architectural Control Committee does not extend the time for completion hereafter set forth. The Approval may be conditioned on compliance with conditions listed on the "Application for Architectural Approval" form or on conditions imposed by the Architectural Control Committee. In the event the house is not constructed, painted, and landscaped in accordance with the plans and information submitted and approved, or as modified and approved, the Builder will be notified in writing to make the necessary corrections. If Builder does not make the necessary corrections immediately, the Architectural Control Committee may elect to make the corrections and assess the lot in accordance with Article 6.2 of the Declaration of Covenants, Conditions, Restrictions, and Easements and the deposit shall be forfeited by the builder. In addition, the

Architectural Control Committee may refuse to accept future applications of any Builder who has failed to comply with Architectural Guidelines or the terms and conditions of any Approval in the subdivision, provided that such refusal of future applications shall not eliminate the requirement of Approval by the Architectural Control Committee before construction of improvements is commenced on the subject Lot or any other Lots previously conveyed to the Builder.

The construction of the dwelling and associated structures, shall be prosecuted diligently and continuously from time of commencement until full completion, within the time hereafter provided, including painting and landscaping.

COVENANT TO BUILD:

Builder hereby covenants to abide by these Architectural Guidelines and the Covenants, Conditions, Restrictions, and Easements, which are incorporated herein by reference. Unless otherwise approved in writing, Builder further covenants within six (6) months of receiving approval from the Architectural Control Committee, to complete construction of a residential structure on the Lot in compliance with the requirements imposed by the Architectural Control Committee. These covenants shall survive the closing and the conveyance of title to the Lot to Builder.

ARCHITECTURAL CONTROL COMMITTEE:

The Architectural Control Committee shall consist of four members appointed by Millcreek's Board of Directors. Three members shall constitute a quorum, and any action by the Committee may be taken upon affirmative vote of a majority of the members present at any meeting at which a quorum is present. The Architectural Control Committee may meet without advance notice.

All submission and inquiries shall be directed to the following:

Millcreek Board of Directors
Care of MGM Management
PO Box 1246
Meridian, ID 83680

CONSTRUCTION AND DESIGN GUIDELINES:

Following is a list of construction and design guidelines for houses in Millcreek Subdivision. These guidelines do not constitute and in no respect should be considered as a modification to the recorded Declaration of Covenants, Conditions, Restrictions and Easements for Millcreek Subdivision (the "Declaration"), and in case of conflict, the declaration shall control.

HOUSE ORIENTATION:

Houses having an “L” shaped footprint should be oriented to maximize the open front yard. A plan (Exhibit B) is attached showing how each house is to be oriented on each lot. The Architectural Control Committee may grant exceptions.

SETBACKS, HEIGHT, COVERAGE AND AREA:

Setbacks shall be determined by the Architectural Control Committee but in no event shall be less than required by applicable zoning ordinances. Ada County zoning ordinances presently required minimum setbacks of 20 feet for front yard and street side yard; 15 feet for rear yard; and 5 feet per story for other side yards.

Lot Coverage – 35 percent maximum

Building Height – Corner lots are limited to 1 story. Other lots may not exceed 35 feet and 2 stories maximum. Walk out basements are not considered a story.

Ground Floor Area:

One story house – 1200 square feet minimum

Two story house -- 700 square feet minimum

Basements are encouraged.

DUPLICATION OF HOUSES:

Houses with substantially identical floor front elevations shall not be constructed so close together that the fronts of both houses are visible from any one location.

GENERAL DAMAGES:

The Builder shall inspect all on-site improvements prior to commencement of construction and report any problems to the Millcreek Board of Directors. Unless notified, the improvements will be considered in good repair and all damage occurring during construction will be the responsibility of the Builder. Repairs must be made before or at the time of the completion of the house and request for Architectural Review Deposit refund.

EXCAVATION:

Care should be taken to insure that damage to adjoining property does not occur. If damage does occur, the Builder is responsible for promptly making the necessary repairs. All dirt and debris not used in construction is to be removed from the area at the Builder's expense.

CONSTRUCTION BUILDINGS:

No buildings or structures are to be erected on any lot for the purpose of a temporary construction shelter or storage of construction material.

ROOFS:

Roofing material shall be asphalt shingles of a type and color approved by the Architectural Control Committee. Approval shall be provided in writing by the Architectural Control Committee before installation.

Homes are to have a roof pitch of not less than 5/12 pitch.

CHIMNEYS:

Exterior surfaces of chimney are to be of hardboard, stucco, wood, stone or brick. Chimney chase enhancers are required, except on masonry chimneys.

ROOF METALS:

All metal flashings, chimney caps, roof jacks and other miscellaneous roof metals shall be painted to blend with roof materials.

EXTERIOR WALLS AND TRIMS:

Stucco, wood and hardboard siding with full-bodied stains and paints are acceptable for exterior use, provided that stucco cannot be used as an accent only. Colors and material treatments shall be continuous and consistent on all elevations to achieve a uniform design.

Homes on corner lots are to be finished in the same material and trim as the front along all street sides.

Trimming of windows and doors in a contrasting color is discouraged. Colors shall be compatible with surrounding homes. Prior approval of exterior colors is required.

Masonry wainscot is discouraged, except where it is an element of the architectural design and is specifically approved by the Architectural Control Committee.

WINDOWS AND DOORS:

Wood, white clad and bronze anodized metal are approved for windows, door frames, skylights and garden windows. Mill finished aluminum windows are not acceptable.

AIRPORT INFLUENCE AREA NOISE LEVEL REDUCTION REQUIREMENTS:

Millcreek is situated in a Airport Influence Area, requiring that special precautions be taken to insure that each dwelling constructed in the project is soundproofed to provide a noise level reduction of at least 25 dB. The applicable requirements are attached to these Guidelines as Addendum "A" for your convenience. Conformity with these requirements

is the responsibility of Builder. Nothing contained in these Guidelines or in the recorded covenants shall be construed to override the requirements for soundproofing.

UTILITY METERS:

Utility meters are to be placed in an unobtrusive location and either concealed behind a fence or screened from view with landscape plantings. Location is to be shown on the Site Plan.

GUTTERS AND DOWN SPOUTS:

All gutters and down spouts are to be continuous and shall be colored to blend with the surface to which they are attached. Therefore gutters and down spouts may be a different color.

MAILBOXES:

The location of mailboxes has been predetermined by the Postal Service. Mailboxes and standards shall be of uniform color and design approved by the Architectural Control Committee.

OUTSIDE MECHANICAL EQUIPMENT:

Heat pumps, compressors or other mechanical equipment may not be located in the front yard, front side yard or within 15 feet of the corresponding plane of the house. They must be screened from view from streets, common areas and, where possible, from surrounding houses. In determining placement, every reasonable effort must be made to minimize noise to surrounding houses. Location is to be shown on the Site Plan.

UTILITIES:

Connections to all utilities must be underground. Materials must conform to Idaho State Code and must be inspected by all proper governmental agencies.

PRESSURIZED IRRIGATION:

The Nampa & Meridian Irrigation District provides pressurized irrigation water service to all lots in Millcreek. Builder must install and hook up a pressurized irrigation water sprinkler system for all yard areas on the lot. It is not permissible to hook up the sprinkler system to the domestic water system. The sprinkler system must meet the requirements of the Architectural Control Committee and the Nampa & Meridian Irrigation District. An assessment will be charged for the pressurized irrigation water service, per the Covenants, Conditions, Restrictions and Easements, regardless of usage.

LANDSCAPING PLAN:

Prior to installation of landscaping, a Landscaping and Drainage Plan must be approved in writing by the Architectural Control Committee and must meet, at a minimum, the following standards:

All yard areas are to be maintained in a professional manner and fully landscaped with sod, trees, and shrubs. The front yard landscaping shall include a minimum of 2 – 2” caliper trees, 8 – 5 gallon shrubs and 8 – 1 gallon shrubs. Landscaping for side front yards and rear yards or side yards adjoining common areas shall include a minimum of 1 – 2” caliper tree, 4 – 5 gallon shrubs and 4 – 1 gallon shrubs for each respective yard.

The following lots in Millcreek Subdivision No. 1 are Shade Restricted Lots (Shade Restricted Lots which are also Solar Lots entitled to be protected from shade created on an adjacent lot are identified by an asterisk (*)):

Block 1: Lots 5, 12*, 13*, 14, 15* and 16*, 17, 19*

Block 2: Lot 1*

Block 3: Lots 4, 7*, 8*, 9*, 10*, 13, 14*, 15*, 19, 20*, 21*, 24*, and 25*, 26

Block 4: Lots 1, 2*, 8, 9, 16, 17, 23*, 24*, 25, 29, 30*, and 31

Block 5: Lots 3* and 4*

Block 6: Lots 8, 10, 11*, 12*, 13*, 14*, 15*, 16*, 17, 23*, 24*, 25*, 26*, 27* and 28

Block 7: Lot 1*

Block 9: Lots 1, 2*, 3*, 4*, 5*, 6*, 7*, and 8*

All landscaping shall be completed within 30 days after initial occupancy by the Owner, weather permitting. Special consideration and extensions may be granted from November 1 to April 1 upon written approval of the Architectural Control Committee.

DRAINAGE PLAN:

The drainage plan which is included in the Landscaping and Drainage Plan must show grading which is consistent with building and street elevations and must make adequate provision for on-site drainage from roofs, driveways and other impervious surfaces. The drainage plan shall be subject to the review and written approval of the Architectural Control Committee.

FENCING; HEDGES:

Specifications for fencing must be submitted for Architectural Control Committee written approval (See Application for Architectural Approval).

No fence, hedge or boundary wall situated anywhere upon any lot shall have a height greater than six (6) feet above the finished graded surface of the ground upon which such fence, hedge or wall is situated, unless otherwise approved by the Architectural Control Committee. No fence shall be constructed or finished, except as may be specifically approved by the Architectural Control Committee. Please see Section 7.6 of the

Covenants, Conditions, Restrictions and Easements for detailed specifications for fences and fence locations.

“Good neighbor fencing” (alternating panels) along interior lot lines between houses is required. If Builders are going to install fencing adjacent to other Builders’ sites, they are encouraged to share the cost of fences on adjoining property lines.

Fences facing streets and common walkways between houses must be installed good side out.

Fences facing other common areas and parks must be of open design. Design and materials are subject to approval of the Architectural Control Committee.

RECREATIONAL VEHICLES:

Recreational vehicles are not permitted in the subdivision, unless they are in a garage or screened in a manner specifically approved for that lot by the Architectural Control Committee. Exception may be made for a brief period (not to exceed 48 hours) for loading and unloading purposes, and visitors may park recreational vehicles for not more than 72 hours.

SIGNS:

Not more than one Realtor sign and one Builder sign shall be allowed on any building lot at any one time. All signs shall be maintained and kept in an upright position. Builder and Realtor signs are not allowed in any of the common areas.

MISCELLANEOUS EXTERIOR ISSUES:

Basketball backboards or posts shall not be installed without prior written approval of the Architectural Control Committee as to materials and positioning. At a minimum, backboards shall be free standing, constructed of plexiglass or acrylic materials, and shall be supported by a removable metal post or posts, painted white or to blend in with the color of the house and anchored in a metal sleeve set in concrete. Backboards must be perpendicular to and adjacent to the driveway, or to the side of the house, or shall be located in the backyard, so as not to constitute a nuisance or visual obstruction to adjacent homeowners.

Permanent in-ground clothes line poles or supports are prohibited.

JOB SITE MATINENCE

Job sites are to be kept as clean as possible during construction. All dirt, nails, gravel and other building materials must be removed from the street and sidewalk daily. Work vehicles are not to be parked in front of occupied houses or blocking streets. Power and water must not be used from existing dwellings without permission of owner.

Dumpsters are the responsibility of the Builder and shall be kept orderly at all times and emptied on a regular basis

All contractors and subcontractors shall be directed to leave their dogs at home. They are an irritant and potential danger to Realtors, buyers, and homeowners.

Courtesy is required from all parties. In particular, no loud radios or speeding are to be permitted in the subdivision.

It shall be the Builder's responsibility to enforce compliance with these rules and regulations by the Builder's subcontractors.

COMPLIANCE WITH GOVERNMENTAL REQUIREMENTS:

The Builder has full responsibility for compliance with all governmental rules, regulations, codes, ordinances, and laws which may apply. *You are advised to review these requirements in detail before preparing your final construction plans.* Reference to these requirements contained elsewhere in these Guidelines is for convenience only and is not a substitute for review of the ordinances themselves.

The Architectural Control Committee assumes no responsibility for the review of submitted information for compliance with governmental requirements of any kind, and no approval granted by the Committee may be construed to express any opinion with respect to such compliance.

GENERAL:

Builders working in this project are expected to maintain a good reputation in business. They must take care of their call-backs and warranty work in a timely manner and they must be easily accessible to realtors, customers and governmental officials.

The provisions of these Architectural Building Guidelines and Builder Agreement are severable in that the invalidation of any of the covenants or restrictions by judgment or court order shall not affect any other provision hereof, which shall remain in full force and effect.

In the event of litigation to enforce this Agreement, the Builder shall be responsible to reimburse the reasonable attorney fees and costs incurred therein by the Millcreek Board of Directors or by the Architectural Control Committee for Millcreek Subdivision, or both.

ACKNOWLEDGMENT:

Builder acknowledges that Builder has received the foregoing Agreement and the Declaration of Covenants, Conditions, Restrictions and Easements and agrees to abide by them and by the terms and conditions of Approvals received from the Architectural Control Committee.

DATED this _____ day of _____, 20_____.

BUILDER/OWNER:

ADDRESS:

AUTHORIZED SIGNATURE:

PHONE: _____

TITLE: _____

MOBILE: _____

APPLICATION FOR ARCHITECTURAL APPROVAL

**MILLCREEK SUBDIVISION
ADA COUNTY
BOISE, IDAHO**

THE UNDERSIGNED does hereby apply to the Architectural Control Committee of the MILLCREEK SUBDIVISION for approval of the residential dwelling and herewith submits plans, specifications and elevations. The undersigned covenants and agrees that any residential dwelling built upon the real property designed below shall be build in accordance with plans, specifications and elevations submitted herewith.

The Undersigned has read the MILLCREEK SUBDIVISION Architectural Control Building Guidelines and will comply with said Guidelines.

Location of Property for which application is being made:

STREET ADDRESS

LOT

BLOCK

MILLCREEK/WATERSILK SUBDIVISION
ADA COUNTY
BOISE, IDAHO

The Undersigned further agrees to provide the ARCHITECTURAL CONTROL COMMITTEE with the following documents and information to be retained by the Millcreek Subdivision – Architectural Control Committee until completion of construction is approved.

The Undersigned specifically understands and agrees that the approval of plans, specifications, elevations and other information and documents required to be submitted is at the sole discretion of the Architectural Control Committee.

The Builder agrees to make the house purchaser aware of all the requirements of the Architectural Control Committee and the Covenant, Conditions, and Restrictions when the house is sold.

Builder agrees to build this house in accordance with plans submitted to the Architectural Control Committee subject to the changes that may be approved or required by the Architectural Control Committee.

Builder agrees to hook landscape sprinkler system to the pressurized irrigation system in accordance with the requirements of Millcreek Subdivision and Nampa Meridian Irrigation District.

DATED this _____ day of _____, 20__ at Boise, Idaho.

Building Contractor:

By: _____

Purchaser (if pre-sold)

By: _____