



Design Guidelines

Version 1.2

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I. INTRODUCTION TO SADDLEHORN

A. Saddlehorn's Mission

Saddlehorn is a Montana recreation community that overlooks the beautiful Flathead Lake, is bordered by four million acres of public lands, and neighbors the artisan village of Bigfork, one mile away. Saddlehorn is building a community with mountain and lake recreation facilities.

B. Saddlehorn's Vision

In the family tradition of the great lodges of the American West, Saddlehorn is about living responsibly in Montana. Montana's traditional way of life is preserved at Saddlehorn by saving our resources and helping our neighbors. Saddlehorn celebrates Montana, that place of big spaces, wide-open possibilities, and Western hospitality, where people are as open and inviting as the land.

Saddlehorn's vision engages these families with the land, using the land as inspiration. Physical interaction with nature is stimulated with the provision of paths and trails for socializing, hiking, and bicycling. The layout of the community and the recreation facilities it provides is structured to appeal to and inspire a variety of ages, from seniors to families with children.

C. Saddlehorn's Sustainability Commitment

Like the National Parks, Saddlehorn has clustered the developed areas and saved open space for everyone. Carefully planned trails connect neighbors to recreational facilities and open space.

Site Development, Landscape, and Architectural Design Guidelines will enhance the development of your homesite as it relates to the overall Saddlehorn community. These

Design Guidelines assure that Saddlehorn's homes conserve and protect the natural environment.

Saddlehorn believes that you can live in elegance and style symbiotically with nature. These Design Guidelines will be the regulating standard used by the Architectural Review Committee (ARC) for approving building and landscaping applications, prior to the work taking place, on each homesite.

D. Saddlehorn Homes

Saddlehorn's interest is to appeal to a diverse group of people and ages. Most homesites joins a common area with trails and access to other recreation facilities.

Saddlehorn offers homesites ranging in size from one-quarter acre to nearly two acres. Each homesite has unique characteristics that allow for a variety of home sizes to be constructed. Steps to be taken to manage the character of the homes built on all the home-sites are:

1. An architectural review process has been established to ensure the integrity of the Saddlehorn Design Guidelines.
2. A minimum open space buffer of twenty feet (20') separates the property boundary of each Camp from the road right of way.
3. Buildable Areas have been designated for each homesite to protect view corridors and to provide the appropriate community alignment. Restricting the disturbance area to these Buildable Areas increases the effective open space within the community.

E. The Purpose of this Document

This document prescribes and explains the Design Guidelines for all construction within Saddlehorn.

These Design Guidelines provide specific information to property owners about acceptable means, methods, and materials for designing their homes, and the basic procedures to follow in order to smoothly proceed through the design review, and construction process. Basic site and building design tenets are addressed throughout this document, with the intent of promoting an environment that responds to the needs of all the residents of this community.

II. DESIGN GUIDELINES

The following guidelines are subject to change upon decision by the Architectural Review Committee (ARC). Clients, Designers, Architects, Contractors and all others involved in the use of these guidelines must verify that they are using the most current version of this document. Certain capitalized words or phrases used in these Design Guidelines have the same meaning as set forth in the Declaration of Covenants, Conditions and Restrictions for Saddlehorn, as the same may be amended from time to time.

A. Site Design

Buildable Area - DIAGRAM OF BUILDABLE AREA

Saddlehorn has an approved final plat recorded at the Flathead County Planning Office. Each homesite has a defined Buildable Area and orientation within which a home can be built. This Buildable Area has been selected for optimal overall positioning in relation to environmental impacts to the site and community, as well as to the roads and trails. The homesite's Buildable Area may be an irregular shape. Utility connections and driveways are not included in the Buildable Area.

The Buildable Area shall include all improvements such as driveway turn-arounds, parking areas, buildings, patios, porches, and accessory buildings. In some cases, the owners and their architects may present a design solution that might not exactly fit within the Buildable Area. In such cases, the homeowner may propose minor modifications to the Buildable Area for consideration by the ARC. The ARC may approve minor changes to the Buildable Area, giving special consideration to modifications which demonstrate respect for the natural elements, visual impact on neighboring homesites, curb appearance, protection of view sheds, corridors, and skylines, and avoidance of highly prominent sites.

Grading & Drainage

Before grading can commence, the owner shall submit a final site plan/grading plan which will conform to the master drainage plan available from Saddlehorn and include the following:

1. Both existing and proposed topographic contours
2. Drainage
3. Placement of fill materials
4. Transportation and deposit location of excess materials
5. Mitigation plans for construction mess and soil tracking
6. Storm Water Management. Every site must have an erosion control plan submitted

Grading

Grading is a combination of cuts, fills, and construction of retaining walls that prevent erosion on steep banks, and protect trees, foundations, and natural land forms.

1. Only excavations necessary for the construction of dwellings or improvements shall be permitted on any homesite.
2. Homesite owners and builders are required to minimize disruption from grading when possible, and to use existing natural drainage paths.
3. Slopes shall not exceed a 2:1 grade unless a licensed civil or soils engineer can demonstrate that the slope is stable and will not succumb to erosion.
4. If the homesite's Buildable Area is positioned on a slope of more than 25%, a geotechnical report is required.
5. Erosion and sedimentation controls are required to be in line with local building regulations.
6. Finish site grading shall not produce runoff to adjacent properties. The finish site shall be graded to retain rainfall with maximum percolation in planted areas.
7. Landscaping will be installed in a manner which doesn't interfere with the storm drainage improvements nor which traps or ponds water adjacent to the buildings.
8. Large rocks produced from the building site can be used for landscaping but may not overpower the site.

Drainage Systems

The mountain setting requires proper drainage to accommodate snow and rain runoff. Saddlehorn will assist homesite owners in identifying typical runoff patterns and encourage maintenance of natural patterns. Natural drainage corridors can handle historic runoff, whereas the additional runoff is to be retained on site. Through design, the drainages need to appear natural, and be safe and adequate to meet runoff demands.

1. Drainage Materials, Structures, and Vegetation
 - a. Drainages will blend with the natural landscape by utilizing native rock materials.
 - b. Drain pipes, culverts, and tiles will be hidden from direct sight.
 - c. Cut and fill slopes are to be immediately re-vegetated with native plants, rocks, and materials to match the natural landscape.
 - d. If the re-grading cannot occur before winter, the cut slopes must be stabilized and seeded for the winter.

Retaining Walls, & Erosion Control

Natural features are preferred over manmade retaining walls. However, some slopes will require retention by manmade construction. Native rocks are the preferred material for site walls. Railroad ties or treated timbers are not permitted as the primary part of the wall.

Vertical portions of retaining walls may not exceed five feet (5') and shall be stepped back to limit the visible and apparent height. The setbacks will include planted terraces to allow for natural vegetation to enhance what could otherwise be conceived as a

barrier. Each wall will be reviewed on an individual basis.

The tops and ends of the walls need to blend with the natural contours of the land; the walls should not be ended abruptly, but transition smoothly into the adjacent hillside. In order to appear part of the land, no walls will be capped with a material other than the stone used in the wall.

Driveways & Parking

Driveways

Saddlehorn has an engineered driveway that accesses the Buildable Area of each homesite and complies with County standard. The homesite owner may propose modifications to the approved driveway access for consideration by the ARC. All such modifications must comply with Flathead County standards.

The approved driveway for a homesite is the only approved vehicular access for the residence. The entry driveways shall be limited to 12 feet (12') in width, except where enlarged for a turn-around or the garage entry. The turn-around must be located within the Buildable Area.

If concrete is used and colored, the finish must be of earth colors. If curbs are required for drainage, they must be of native rock not PVC or metal.

Parking

Each building homesite allows a maximum of three parking places (in addition to the garage) within the Buildable Area.

Garages

Garages shall be a supporting element to the homes. Garages will appear as smaller built elements of similar style to the main dwelling. No garage face will provide for more than two garage doors. Garage doors are limited to 10 feet in height.

Utilities & Easements

All utilities are to be underground.

Utility services, including water, sewer, electricity, gas, phone, and cable, are provided to the edge of the road right of way closest to the homesite's driveway corridor. It is the responsibility of the homeowner to extend these services from this point to the Buildable Area and pay all applicable hook-up and service fees.

Easements

1. The Saddlehorn Community Association (SCA) will maintain the roads, rights of way, community storm drainage systems and utility easement corridors.
2. The twenty-foot (20') buffer between the homesite's property line and the road will be an open space corridor used to maintain the natural presentation of the streetscape and to provide an easement corridor for possible trails and utilities

maintained by SCA.

3. A global utility easement between each homesite, within the neighboring set backs, will allow for SCA access and maintenance as required.
4. Each homesite owner is responsible for construction and maintenance of his/her own driveway, including the portion that feeds into the main road.
5. All structures must not cross easements including both the foundation and the roof eaves.

Fences & Gates

Residential fences and gates as full enclosures are not allowed.

Home Services, Network Dishes, & Antennas

In order to maintain the beauty of Saddlehorn, trash and garbage containers, outdoor work areas and outdoor equipment including satellite dishes, antennas, and other infrastructure required for the ongoing services of the home are to be screened from offsite views. Location of these items to be approved by the ARC.

Signs

Each homeowner at their own expense is required to install a homesite identification sign designed to the specifications provided by Saddlehorn. Placing signs on trees is strictly prohibited. Temporary signage of any type is not allowed within Saddlehorn.

Lighting

Homes will strive to minimize light pollution to downtown Bigfork or neighboring homesites. Lighting will be provided for safety and ease of identification of entrances, driveways and walkways. Lighting should not be used to up-light architectural elements or landscape elements (up-lighting trees). Exterior lighting is limited to within the Buildable Area. Only when determined appropriate by the ARC will exterior lighting be permitted outside the Buildable Area.

Temporary Christmas lighting is exempt from late November thru mid-January.

Trash Containers

Wildlife, including bears, frequent the grounds of Saddlehorn. Trash containers and trash gathering areas must be made inaccessible to wildlife by using architectural features such as walls and rock barriers integrated into the building design. Trash containers and or area will be bear proof.

All residences will provide individual trash containers that meet local collection standards. Portable or individual trash containers should be stored in a contained area.

Swimming Pools, Hot Tubs, & Tennis Courts

Private outdoor swimming pools and tennis courts are not permitted on individual homesites. Outdoor spas are permitted as approved by the ARC. Outdoor spas must be screened from view of adjacent homesites and located within the Buildable Area.

Wildlife

Wildlife is always a consideration when planning in a mountain setting. Wildlife, including bears, mountain lions, deer, elk, skunks, raccoons, bobcats, and fox, will frequent Saddlehorn. Attracting wildlife alters their natural migration and eating patterns and may put their lives in jeopardy. The intent is to blend the residential community with the wildlife for the co-existence of both. All homeowners must be careful not to lure wildlife to their house. Common mistakes that lead to wildlife causing damage are negligent handling of trash, inadequate trash containers, open bird feeders that attract bears, open dog food that attracts raccoons, skunks, cats and others, ponds, water features, and vegetation and flowers that attract deer and elk and other wildlife.

1. The more natural the plantings the fewer wildlife problems will occur
2. Wildlife fencing is not permitted to protect plantings
3. Ornamental plants should be close to the house to minimize wildlife impacts
4. Bear proof trash containers will be reviewed by the ARC
5. Compost piles will be prohibited

One of the attractions to Saddlehorn is the wildlife and through good practices everyone can live in harmony and enjoy their presence.

B. Landscape Design

General Landscaping

The Natural Area is that portion of the homesite which lies outside of the Buildable Area and must remain as natural mountain landscape. This Natural Area includes all indigenous vegetation and land features such as drainage corridors, and steep slopes. This protected Natural Area becomes nature's footprint and ensures that the mountain environment that was present before construction remains. Landscaping within the Natural Area is restricted. Cleaning of debris and limited trimming are allowed and in certain cases supplemental landscaping is permitted. In the event that re-vegetation of a natural area must occur, only indigenous plant varieties are to be used.

PRIVATE AREA DIAGRAM - The Private Area is that part of the Buildable Area which is not visible from adjacent residences, streets, public spaces, or common areas. Often this area is a result of clustering building components to create courtyard spaces. The Private area is the only portion of the Buildable Area that may include irrigated turf and individual gardens. The Private Area is intended to be the least restrictive with respect to the plants, shrubs, and trees that may be planted within this zone although all must be native or adapted perennials, shrubs, and trees.

Tree Removal

Tree cutting is a carefully reviewed process. Oversight of the forest beyond the homesites is the responsibility of SCA. Diseased or problem trees and vegetation on homesites, are required to be removed or treated by the owners.

The removal of trees from a homesite is discouraged whenever possible. The ARC

must authorize all tree removal. Any trees proposed to be removed within the buildable area need to be clearly marked. In some cases removal of trees is needed for disease control and fire reduction. Diseased trees that can potentially spread disease to adjoining trees must be removed at the request of SCA for the overall health of the surrounding forest.

Unauthorized removal of a tree growing outside the buildable area is subject to a substantial fine to the owner. The ARC has set fine limits described in the **Saddlehorn Community Schedule of Fees**.

Wildfire Planning & Safety Features

Saddlehorn is a forested mountain setting that has the potential for wildfire under extremely dry conditions. Each landowner needs to evaluate and prepare in the event of a wildfire. The Firewise Communities Organization and website (www.firewise.org) provides many techniques for creating a more fire resistant dwelling. A 30-foot (30') safety zone is required around each structure with a minimum amount of dry grasses, limbs and fuels. Trees in this zone should have low-lying shrubs and grasses trimmed from beneath them. Also, proper pruning of these trees helps to remove low lying fuels for fires. Firewood should not be stacked directly adjacent to the house.

Stairs & Pathways

Outdoor terraces, stairs and pathways are unique features and should blend into the natural environment, vegetation, retaining walls and structures. Native rock is the preferred material. Wood planks are acceptable. Mown paths are acceptable. Railroad ties are not permitted.

Stone & Masonry

Native stone (native stone is grey, brown, rust, etc.) is the preferred material. Any other indigenous stones (beach rock, field stone, local sandstones and limestone) will be acceptable material choices upon approval by the ARC. Methods of stacking rocks must meet a standard consistent with the theme of Saddlehorn architecture.

Irrigation

Drip irrigation systems are necessary for new plantings and landscaping. Pop-up sprinkler heads will be needed for turfs and lawns in the Private Area, so are allowed. All shall be equipped with a master shut off valve.

Plantings - General

Each homesite owner shall develop a landscape design that fits with the natural landscape.

Plantings – Trees

Preservation of trees is paramount at Saddlehorn. The initial site survey is to highlight all deciduous trees of two inch caliper or greater (measured at chest height) and of a four inch (4") caliper for coniferous trees. The ARC will review and verify the survey for accuracy. It is permitted and encouraged to clear deadfall from the Buildable Area. Tree and brush removal inside and outside the Buildable Area must be reviewed by

ARC prior to removal.

In a few cases where the roofline may exceed the height of natural trees, tall native trees should be planted.

Noxious Weeds

Noxious weeds are a potential problem and require ongoing management using sustainable, non-toxic techniques whenever possible. The SCA will carefully monitor for noxious weeds and have the ability to remove, spray, burn, or eradicate as needed. Owners will be notified of problem weeds on individual homesites. If the homesite owner does not address the weed problem within 14 days of notice from the SCA, the SCA shall be authorized to cure the weed problem in a safe manner at the owner's expense. If lack of payment ensues, the SCA will issue a lien.

C. Building Design – Overall Design Image

Reiteration of the Vision

Saddlehorn is a Montana recreation community. Buildings are to be integrated into the overall setting and to not detract from the natural visual quality.

Maximum Building Area

Maximum Building Area includes only the conditioned living space in a building; it does not include garages, porches, covered outdoor links to other structures, etc. Saddlehorn's main dwellings are required to be 4,000 square feet or less of conditioned space. Conditioned space is defined as the area within the thermal boundary of the building regardless of whether space is directly or indirectly conditioned. Secondary residences must be approved by the ARC. The location must fit within the building footprint and may be attached by a breezeway that blends with colors and materials of the main structure. These secondary structures must comply with all building design guidelines.

Minimum Building Area

There is no minimum square foot requirement for any of the residential buildings, subject to ARC approval.

Building Height

Height limitations are placed on the residential buildings in Saddlehorn to promote the traditional blending of the buildings into their specific settings. Building height (exclusive of chimneys) will be thirty-five feet (35') maximum, from existing grade to ridge, and no flat roof building will be over thirty feet (30') high.

Building Massing, & Scale

Structures will be placed on the site so as not to compete with or overcome the beauty of the natural surroundings. The building needs to support the space and not supplant it.

Walls

Walls are not to exceed two and one-half (2½) stories in height. Wall planes will be stepped back or interrupted with balconies in order to avoid vertical wall planes higher than eighteen feet (18').

Roofs

Roofs are often perceived as the fifth elevation of a building; they are an integral component of the building profile and massing. The roof height will be subsidiary to the building height limit, and the heights of the nearby mature trees. Roofs are protective elements. Western pioneers used simple roofing devices to ease their lives; these practices are still applicable today.

Large uninterrupted roof planes are not allowed. Such planes would dominate the building and not provide for the desired interplay of roof and building mass. Roofs should be articulated into smaller elements with broken ridgelines to reduce the apparent size of the building.

1. Roofing Materials

The following roofing materials are acceptable:

- a. Roof material systems are to have Class A fire retardant rating.
- b. Slate and fabricated slate shingles, dark and natural in appearance.
- c. Metal roofing is acceptable. Such roofing will have a non-reflective finish. Corten steel and rusted metal roofing is acceptable.
- d. Wood shakes and sawn shingles.
- e. Roof colors are to be of a natural tone to fit within the community.

2. Gutters, Downspouts, & Rain Chains

Visible flashing, gutters or downspouts are to be minimized.

Chimneys

Chimneys are major vertical elements to a home's design. Chimneys are preferred to be finished in stone rather than wood or stucco materials. A spark arrestor is needed on all chimneys. A raised stone cap may serve as a fire arrester. Metal caps may be used if hidden from view with a stone parapet. No decorative or copper (unless weathered) caps are permitted.

Firewood

Firewood storage methods and locations are also to be considered at the onset of any design. A firewood storage area needs to be identified on the site plan in the initial plan review submittal. Convenience and proximity to the home should be considered, yet stacking large amounts (in excess of daily needs) of firewood against the house is not permitted. Firewood is not allowed to be stacked between trees. A separate structure is advised for wood storage. Large, brightly colored tarps will not be an acceptable means of firewood preservation. Visible woodpiles larger than two cords are not permitted on site.

Fire Pits

Fire pits must be constructed for safety and be all rock, or steel surrounded by rock. Fire pits will be approved based on appropriateness of location, spacing from trees and structures, visibility from the neighbors and smoke considerations. From time to time, notice may be given to prohibit outdoor fire pit use during dry weather conditions. Fire pits need a gas source supply in event of smoke, dry conditions and burning restrictions.

Colors

Colors of siding, trim, window mullions, doors, and any other aspect of the exterior design are to be selected to blend into the mountain treed landscape. In general, this will require colors that are similar to, but darker than the natural tones. Opaque stains on wood siding and trim are to be avoided in order to preserve the natural grain of the material. Reflective finishes are not allowed. All colors and materials are subject to review and approval by the ARC.

Out Buildings

All structures within the building footprint--including open air structures, site furnishings, play structures, and art work--are to be designed as blending with the main building in terms of materials, colors and style and must be approved by the ARC.

III. DESIGN REVIEW & APPROVAL PROCEDURES

A. Administrative Organization

The Saddlehorn Community Association (SCA) has been formed to implement, administer, and enforce the Declaration and other pertinent documents. The SCA is governed by a Board of Directors elected by the SCA members as outlined in the Declaration. The SCA maintains the roads and rights of way, providing plowing and street cleaning as required, as well as storm drainage. The Architectural Review Committee (ARC) is established as an arm of the SCA to administer and enforce these Guidelines.

B. Committee Organization

The ARC is comprised of three to five members familiar with Saddlehorn Design Review Guidelines.

The ARC will meet monthly or on an as needed basis and will review all new construction and modifications to existing homes and homesites. All applications will be reviewed in accordance with Saddlehorn Design Guidelines. The interpretation of these Guidelines is left to the discretion of the ARC. It is the intent of the design review process that all designs comply with intent of these Design Guidelines.

C. Committee Duties

To maintain quality construction and high standards, careful review is required. The process consists of meetings between the homesite owner, the architect/designer, and the ARC before construction, during design, and ends upon completing construction. Throughout the construction process the ARC will provide reviews to ensure all aspects of the design guidelines are met. Variations from the Guidelines must be applied for in advance of construction.

It should be noted that this section regarding Construction Regulations is intended to apply to initial construction of an approved structure as well as any subsequent remodel, addition or other alteration approved by the ARC.

D. Purpose of Design Review

The purpose of this section is to help guide an Applicant (Owner, Builder, Architect, Designer or Representative of each) through the review and approval process of the ARC. The Saddlehorn Design Guidelines must be followed for any of the following activities as they apply:

1. Construction of new buildings, outbuildings, decks, and patios
2. Renovation, expansion, or refinishing the exterior of existing structures
3. Landscaping improvements or changes to a homesite
4. Interior renovations as they apply to exterior requirements for parking, safety, square footage limitations, lighting, access, uses, and/or building codes.

E. Design Review Procedures

The Application Process

Each homesite within Saddlehorn possesses unique characteristics. Individual owners also have their own unique needs and desires. Therefore, the ARC has the authority to approve deviations from these Design Guidelines, provided the design change does not have a negative impact on the community. In addition, the owner must demonstrate that the proposal is consistent with the overall objectives of these Guidelines and that adjoining homesites are not directly affected. It should be noted that deviations will be limited to only the most creative design solutions to meet unique situations. Any proposed deviation is evaluated by the ARC in their sole discretion on a case-by-case basis. An approved deviation in no way amends these Guidelines.

The application process for each proposed new construction is as follows:

1. Pre-planning Meeting

The applicant schedules a pre-planning meeting with the ARC at a time convenient to both parties. This meeting is for the benefit of all parties involved and will provide introductory information to establish the overall regulations and identify any special restrictions or considerations for the area.

In addition to the above mentioned, the pre-planning meeting will address:

1. Property boundaries
2. Easements and utilities
3. The Buildable Area
4. Architectural theme and design considerations
5. Building program and construction considerations for contractors, to include but not limited to construction materials and debris containment, heavy equipment and materials staging, and weed abatement on heavy equipment tires and tracks.

2. Initial Plan Review

The applicant must submit a Plan Review Package with digital copies at least 20 days before the ARC meeting. The Plan Review fee, which can be determined using **Saddlehorn Community Schedule of Fees**, is to be submitted at this time. The submitted Initial Plan Review Packages are to include:

1. Existing homesite conditions and improvements with photographs
2. Proposed Landscape Plans
3. Proposed Site Plans at 1" = 20'
4. Floor Plans, Exterior Elevations (all elevations) at 1/8" = 1'-0"
5. Exterior Materials and Colors Board
6. Roof Design at 1/8" = 1'-0"
7. Vehicle and pedestrian access identified on survey
8. Entry driveway, turn-around and parking identified on survey
9. Montana Licensed survey of property boundaries and site plan (a minimum of 1"=20')
10. Licensed survey to include easements, Buildable Area, the home footprint, homesite topography at 2' intervals, significant features, rocks, water, all trees of larger than 4" caliper with species identified.

3. Final Plan Review

Architectural

1. One full paper set of plans and a digital file of plans (minimum 1/4"=1'-0").
2. Foundation and wall plans
3. Floor plans for each level and exterior plans
4. Roof plan indicating maximum elevations for each roof and snow slide areas
5. Overall building dimensions and total square footage
6. Site sections (minimum 1"=20'-0" »)
7. Distance to adjacent homesites and structures
8. Distance to adjacent roads, trails and easements
9. Building height calculations from finished grade
10. Exterior finishes, rock work, pillars, decks, patios and railings
11. Fireplace details, chimney height and cap details
12. Plan to include exterior color scheme – (3"x5" samples required)
13. Trim details, soffit/facia, window head and sill details
14. Staking the homesite structures 10 days prior to the design review meeting
15. A plan for construction vehicles, and the maximum number of construction vehicles parked on the site before providing a system of transporting workers from a central

area.

16. A plan for addressing spring break-up thaw conditions, tracking and mud.
17. A plan for construction staging materials and garbage containment.

Landscape

1. Proposed new landscaping (minimum scale 1"=20'-0")
2. Designated amounts of soil disturbance
3. Re-vegetation specifications, reseeding, mulching, drainage provisions, and erosion control
4. Exterior lighting plan, light fixtures and designs
5. Entry treatments, gates and posts

Grading

1. Existing and proposed contours at 2' intervals
2. Spot elevations
3. Drainage patterns
4. Retaining walls, height and materials
5. Driveway, parking and snow removal plan
6. Scale (1"=20'-0")

F. Implementation

Pre-Construction Meeting and Field Staking

After receiving Final Approval from the ARC and prior to the commencement of construction a pre-construction meeting must be held with the property owner or owner's representative, the builder, and a representative of the ARC. At the pre-construction meeting all Construction Regulations will be reviewed and discussed. The General Contractor will provide a detailed Construction Plan that will identify the area of construction, the limits of disturbance, lay-down areas, construction access drive and parking areas, temporary building size and location, erosion control measures, dumpster location, temporary toilet location, and location of any special equipment such as a tower crane. Prior to the pre-construction meeting the General Contractor shall survey the primary corners of the buildings, survey the limits of construction disturbance, and have a temporary fence erected for the protection of existing vegetation outside of the limits of disturbance. Written approval of the Construction Plan, survey, and fencing shall be obtained from the ARC Representative prior to the start of any construction activity including site clearing and excavation.

The primary corners of all building, limits of construction disturbance, and center line of driveways must be field staked by a licensed surveyor and approved by the ARC prior to the initiation of any construction activity.

Hours of Construction

Hours of construction shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays. On Sundays, interior work is permitted from 11:00 a.m. to 4:00 p.m. No exterior work on Sundays is permitted without prior

written approval from the ARC.

G. Inspections

Construction may begin after the final plan approvals have been issued by the ARC; such approval is only granted after the Final Plans and Compliance Fee have been submitted.

The ARC may enter a construction site at any reasonable time to inspect the progress of construction activities and ensure compliance with the approved final plans and these regulations. If construction is out of compliance, the ARC maintains the right to stop construction until compliance is met. A “Certificate of Compliance” is issued by the ARC and owners may not occupy or otherwise use any constructed improvement until they have received a Certificate of Compliance from the ARC. This fee is discussed in Article K below.

In addition to any inspections required by a government agency, an owner is to schedule the following inspections with the ARC:

1. **Foundation, pre-construction**

After the foundation work is formed and before concrete is poured, the homesite owner shall request a visual inspection from the ARC. This observation is only for confirmation that the foundation is located in the approved location and of the approved configuration.

2. **Final Inspection**

Upon final completion of all portions of the construction, including all paving and landscaping, the homesite owner shall request a final inspection. If all of the construction is in compliance with the approved final plans and these regulations, the ARC will issue a Certificate of Compliance to the owner. If not in compliance, the owner shall promptly perform such remedial work as the ARC requires. The homesite owner’s deposit will be returned within thirty (30) days after the Certificate of Compliance is issued.

H. Expiration of Project Approval

The following provisions apply to the expiration of project approval:

1. An approval shall expire if the building or work authorized by the ARC has not commenced within twelve (12) months from the date of issuance of the approval or if the building or work authorized by the ARC is suspended or abandoned at any time after the work is commenced for a period of six (6) months.
2. After an approval has expired, no work can be recommenced until a new approval is obtained. The fee for a new approval shall be one-half of the amounts required for the original approval, provided that no changes have been made or will be made in the original plans and specifications for the work and that abandonment has not

exceeded twelve (12) months.

I. Architectural Review Committee Appeals Process

1. Submit an appeal to the ARC in writing within ten (10) days of the next scheduled meeting.
2. The ARC will render a decision at the next scheduled meeting.
3. If the ARC does not render a decision within twenty (20) days from the date of the scheduled meeting, Saddlehorn II LLC may render a decision that is final.
4. Disapproval will be documented in writing either by the ARC or Saddlehorn II LLC within thirty (30) days from the date of the meeting.

J. Architectural Review Committee's Rights & Remedies

If an owner or any owner representative violates any term or condition set forth herein, the ARC shall have the following rights and remedies:

1. Right to Cure
2. Right to Fine
3. Right to Sue for Injunctive Relief
4. Right to File a Lien

K. Construction Inspection & Compliance Fees

Saddlehorn II LLC or any ARC member may inspect the construction site throughout the building process for conformity to the application. A compliance fee of \$10,000 will be submitted to the ARC prior to construction. The fee will remain in escrow until the final review at completion of construction. No interest will be paid to the owner on this deposit. The Saddlehorn Community Association may use, apply, or retain all or any part of a Compliance Deposit to the extent required to reimburse the ARC for any cost which it may incur by reason of an owner's non-compliance. If the ARC uses part or all of the Compliance Deposit as set forth, then the owner shall, within five (5) days after written demand from the ARC, pay the ARC the amount needed to restore the Compliance Deposit to its original amount. Neither the owner nor any other party shall have any rights of any kind or nature against the ARC, its officers, agents, employees, directors or attorneys arising out of ARC's use of the Compliance Deposit, unless the ARC is grossly negligent, or intentionally acts in bad faith.

Directly following the final inspection meeting and approval of all completed grading, building, and landscaping, the fee will be returned within 30 days to the applicant with a Certificate of Compliance. The fee will be withheld only if a discrepancy exists. If a discrepancy exists for longer than 30 days from the inspection notice, the fee will be forfeited and additional fines will apply. Fines will be assessed by the ARC for blatant violations of Saddlehorn's Design Review Guidelines, not to exceed 100% of the cost of construction to bring the violation into compliance. Saddlehorn II LLC may impose a cease order and restrict the contractor's access to the community if a violation is

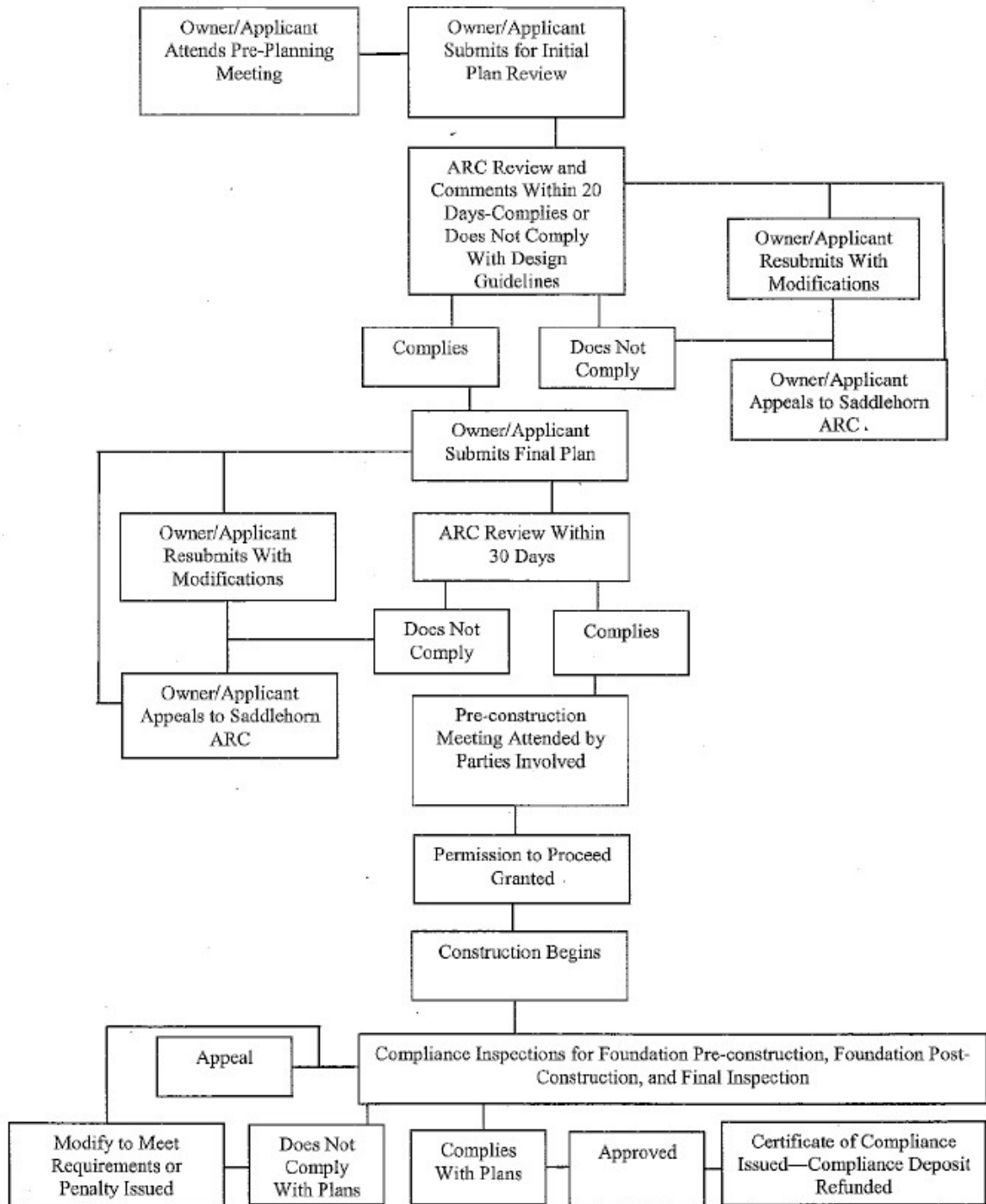
detected upon routine inspections and the contractor fails to immediately take steps toward correction of the situation to comply with the applicant plan. In the event of a violation, halting further construction of the area in violation is for the protection of the applicant as well as Saddlehorn. All contractors must be licensed in the State of Montana and meet all liability, worker's compensation, equal employment, and safety laws as well as Saddlehorn rules and regulations.

Architectural Review Committee Application Fee

1. The fee is based on the square footage of the structure. The fee must be included at the time of initial plan submittal.
2. The decision of the ARC will be final unless appealed by the applicant to the ARC within ten (10) days of the ARC decision. Fees are represented in the Fee Schedule.

L. Design Review Flowchart

Saddlehorn Community Design Review Flowchart



IV. CONSTRUCTION PROCEDURES

The ARC has made every effort to ensure that development within the Saddlehorn is conducted in a manner that will complement the beauty of the mountainous setting. It is recommended that all adjacent property owners establish communication with each other during the design and construction of the homesites.

The following procedures will protect the investment all homesite owners are making into the Saddlehorn community.

Roadway Maintenance

An owner shall repair any damage to roads caused by construction vehicles used in connection with the owner's construction activity and shall keep all such roads free and clear of mud, dirt, materials, rubbish, and debris resulting from the owner's construction activity. No road cuts, deletions, or additions shall be made without the consent of the ARC.

Blasting Restrictions

No blasting shall be performed on any construction site without the ARC's prior written approval. Blasting may be subject to special restrictions which shall be determined by the ARC in its sole and absolute discretion. Blasting approval and restrictions may vary from site to site.

Repair of Damage

Repair – to the original condition – of damage done to roads, commons areas, and any area outside the Buildable Area of a homesite shall be the responsibility of the homesite owner. The homesite owner will sign an agreement to this effect prior to the start of construction. (The homesite owner is encouraged to enter into a similar agreement with their contractor.)