

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS
FOR VALLEY VISTA ESTATES**

The following shall be Amendments to the original Declaration of Covenants, Conditions, and Restrictions for Valley Vista Estates Subdivision as recorded on June 27, 2002 as Instrument No. 148904 in the records of Teton County, Idaho and shall be effective for the Valley Vista Estates Subdivision Development upon recording and shall apply to the subdivision as it appears on the Final Plat; and the following was duly amended and passed in accordance with Article IX Section 9.8 of the existing CC&R's whereas at least 2/3 or 67% of the Lot Owners signed an instrument amending the Declaration as follows:

AMENDMENT #1: Amend Article V Section 5.8 by removing it in its entirety and replacing it with the following:

Section 5.8 Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots. Nothing herein shall prohibit the HOA from assessing lots where construction has not begun at a different rate than lots where development or construction has begun.

AMENDMENT #2: Amend Article V Section 5.9 by removing it in its entirety and replacing it with the following:

Section 5.9 Date of Commencement of Annual Assessments; Due Dates. All lots within the development are subject to HOA dues or assessments as established by the Board. The assessments may assessed and collected annually, quarterly, or monthly within the discretion of the Board. As soon as ownership of a lot or parcel is acquired, that owner shall become responsible to pay the assessment which shall be consistent amongst all like lots within the development. The Board does have the authority to assess lots that have not begun any construction or development at a lower rate than lots where construction or development has commenced. Construction or development shall be defined as any the commencement of any structures, improvements, cultivation, or excavation on the parcels

AMENDMENT # 3: Amend Article VI Section 6.2 by removing in its entirety and replacing it with the following:

Section 6.2 Site Committee – Organization. There shall be a Site Committee organized as follows: The Site Committee shall consist of three (3) people who are not required to be members of the HOA. All members of the Site Committee shall be appointed by the Board of Director either upon expiration of a term of office, or to fill an unexpired term of office should a vacancy occur prior to the expiration thereof. The term of office for members of the Site Committee shall be two (2) years. The Board, at its

Recorded Electronically
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County Teton
Date 9/5 Time 15:04

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discretion, shall set an anniversary date to be used in determining the start and end dates for Site Committee terms of office.

AMENDMENT #4: Article VI Section 6.5 shall be amended by keeping it intact in its entirety and by adding a reference to “see the attached Packet for New Residential Construction” including additional Site Committee Rules and Regulations that are the now-existing Packet and Site Committee Rules, but which may be updated from time to time without the requirement of recording the updated version. This amendment has the Current Site Committee “Packet for New Residential Construction” including Rules and Regulations attached herewith.

AMENDMENT #5: Amend Article VI Section 6.11 by removing in its entirety and replacing it with the following:

Section 6.11 Plan Approval – Fees. A reasonable fee shall be assessed by the Board for review of plans submitted to the Site Committee. Said fee is currently no less than \$700.00 but may be raised from time to time when appropriate. \$300 of this amount shall be paid to the Site Committee and \$400.00 is for inspections.

AMENDMENT #6: Amend Article VIII Section 8.4 (m) by keeping it in its entirety and adding the following to the end of the currently existing language:

Pursuant to I.C. Section 15-115, Fines may be imposed for a violation of these covenants and restrictions pursuant to the rules or regulations of the homeowners’ association, and these covenants clearly provide the authority for the assessing of fines for any violations.

A majority vote by the Board shall be required prior to imposing any fine on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowners’ association.

Written notice by personal service of certified mail of the meeting during which such vote is to be taken shall be made to the member at least thirty (30) days prior to the meeting.

In the event the member begins resolving the violation prior to the meeting, no fine shall be imposed as long as the member continues to address the violation in good faith until fully resolved.

No portion of any fine may be used to increase the remuneration of any board member or agent of the board.

No part of this section shall affect any statute, rule, covenants, bylaw, provision or clause that may allow for the recovery of attorney’s fees.

The Board of the HOA shall have the authority to create a “fine schedule” or fine offenders on a case by case basis at their discretion.

AMENDMENT #7: Amend Article IX Section 9.1 by keeping it in its entirety and adding the following to the end of the currently existing language:

Pursuant to I.C. Section 15-115, Fines may be imposed for a violation of these covenants and restrictions pursuant to the rules or regulations of the homeowners’ association, and these covenants clearly provide the authority for the assessing of fines for any violations.

A majority vote by the Board shall be required prior to imposing any fine on a member for a violation of any covenants and restrictions pursuant to the rules and regulations of the homeowners’ association.

Written notice by personal service or certified mail of the meeting during which such vote is to be taken shall be made to the member at least thirty (30) days prior to the meeting.

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No portion of any fine may be used to increase the remuneration of any board member or agent of the board.

No part of this section shall affect any statute, rule, covenants, bylaw, provision or clause that may allow for the recovery of attorney’s fees.

The Board of the HOA shall have the authority to create a “fine schedule” or fine offenders on a case by case basis at their discretion.

AMENDMENT #8: A new Article VII Section 7.5 titled “General Construction Standards” is hereby added as follows:

Section 7.5 General Construction Standards.

Construction Rules:

1. Construction work shall be completed from hours of 8am to 6pm Monday through Friday
8 AM to 6 PM Monday through Friday.

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2. Equipment, trucks and trailers must be parked on the lot and can only remain parked on the street for 48 hours.

Garage:

1. Minimum garage size is 24' x 24' it must be attached to the house. If two garage doors are being used the minimum size 9' wide by 7-10" feet tall. If one garage door is to be used the minimum width would be 18' wide and 7' 10" tall.

RV Pads:

1. RV's must be parked within 5 feet of the house and 10 feet from the property line the pad can be constructed of concrete or asphalt or a gravel pad that has a retainer built around it to hold the gravel in place.

Storage buildings and other outbuildings:

1. The storage units and location must be first approved by the HOA site committee. The unit must be painted and or stained to match your house.
NOTE: The storage unit must be set a minimum 5' off the property line. And if near the power utility box, you must get the specs for the distance from the box from the electric company.

Landscaping requirements:

1. Irrigation must be installed.
2. Sod or grass must be installed.
3. 6 trees and 5 bushes minimum
Deciduous type trees Aspens, Cottonwoods, must be 3' caliper (equal to minimum ball diameter 32' and or in a 45-gallon container. A 3.00" caliper trunk = 14' to 16' average height)
Spruce trees must be a minimum height 6'. The trees are measured from the top of the root ball to the top of the tree.
All bushes must be a minimum size 5 gallon.

Exterior Residential Lighting Guidelines:

Only Dark Sky Sky lighting will be approved by the HOA. To minimize the effects of light pollution, lighting should only light the area that needs it. Be no brighter than a 60-watt bulb and be fully shielded (pointing downward)No fixtures emit light above 90 degrees of light trespass (light falling where it is not intended, wanted or needed). Use timers, dimmers and motion sensors whenever possible. Flood lights must be on a manual timer and only use lighting sources with correlated color temperature (CCT) no higher than 3000 K.

External lights shall be shielded or hooded and must be located and constructed so that they do not create a nuisance or hazard. The lighting footprint must project downward and cannot project beyond the property boundaries. Fixture locations must be shown on the elevation plans. No fixture may be placed more than a maximum height of 10 feet

1. The first part of the document

describes the general situation

and the objectives of the study

2. The second part of the document

describes the methodology used

to collect and analyze the data

3. The third part of the document

describes the results of the study

and discusses the implications

4. The fourth part of the document

describes the conclusions

and the recommendations

5. The fifth part of the document

describes the references

used in the study

6. The sixth part of the document

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describes the list of abbreviations

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describes the list of symbols

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above the adjacent walking surface. Catalog sheets or photographs depicting the proposed fixture are required for review and approval prior to installation.

Acceptable exterior lighting may include the following:

Concealed Light Source: The light bulb shall not be visible from the front or sides of the light fixture. The opacity of the fixture shall be reviewed on a case-by-case basis.

Floodlights: A canopy-type floodlight cover, of an approved color, that shields the light source is acceptable provided the light is directed straight down.

Motion Detectors: The automatic light durational setting must not exceed five minutes and the sensitivity to movement must be properly adjusted so as not to create an annoyance. Any fixture that fails to meet the above specifications must be replaced prior to final inspection. At any time, the HOA may evaluate unduly bright lights that create a nuisance to adjacent owners or lighting complaints received. Safety considerations will be balanced against aesthetic/nuisance considerations in applying these restrictions. Giving existing homeowners one year to become compliant.

Parking in the common area behind the mailboxes can be used for overflow parking only from April 15th to November 15th, but is limited to a 72 hour stay. This is not to be used for storage of snowmobile trailers, campers or any recreational type vehicles. There is no parking during the winter months due the need for snow removal.

There shall be fines for beginning construction without an approved Design committee permit which shall be in accordance with the fine schedule adopted by the Board of the HOA.

There shall be fines for any dogs' at large, vicious dogs, or dogs not on a leash in accordance with the fine schedule adopted by the Board of the HOA.

There shall be a fines for any parking violations in accordance with he fine schedule adopted by the Board of the HOA.

House Rental Guidelines:

Renters are bound by the same standards as the Owners as far as rules, regulations, and fines, as set out by the HOA, and all renters must comply with these CC&R's and other rules adopted by the HOA.

The same above has been duly enacted and passed by vote of the requisite number of Owners (67%) within the subdivision; and the same has been signed by at least 67% of the lot owners.

BRIAN GIBSON
COMMISSION #51085
NOTARY PUBLIC
STATE OF IDAHO