

HILLVIEW CROSSING TOWNHOMES DEVELOPMENT COVENANTS

As required by the conditions of approval imposed upon the Project by the Missoula City Council, the following Development Covenants are in addition to those set forth in the Declaration and shall run with the land and be binding upon and inure to the benefit of the Lot Owners within the Project.

1. Radon Mitigation. The EPA has designated the Missoula area as having a high radon gas potential (Zone 1). Therefore, the Missoula City-County Health Department recommends that all new buildings incorporate radon resistant construction features.

2. Wood Stoves. The Missoula City-County Air Pollution Control Program regulations prohibit the installation of wood burning stoves or fireplaces inside the Air Stagnation Zone. This development is inside the Air Stagnation Zone. Pellet stoves that meet emission requirements or natural gas or propane fireplaces may be installed. Pellet Stoves require an installation permit from the Health Department.

3. Energy Efficiency. Builders should consider using energy efficient building techniques such as building orientation to the sun, appropriately sized eaves, wind breaks, super insulation techniques, day lighting, passive solar design, photovoltaic cells, and ground source heat pumps for heating/cooling. Ground Source heat pumps are usually more efficient and so create less pollution than other systems for heating and cooling. Increased energy efficiency reduces air pollution, reduces the need for people to use cheaper heating methods that pollute more and helps protect the consumer from energy price changes.

4. Parking. Parking is prohibited on the north side of Road A and the north side of Road B.

5. Private Road Construction and Maintenance. All owners acknowledge that private road construction, maintenance, drainage facilities and snow removal for Road A and Road B are the obligation of the owner or the Association and the City of Missoula is in no way obligated to perform such maintenance or upkeep until the roads are brought up to standards and accepted by the City of Missoula for maintenance.

6. Revegetation and Weed Management. Attached is a Revegetation Plan and Weed Management Plan approved by the Missoula County Weed District. The Association and Lot Owners, as applicable, shall provide for the revegetation and weed management as provided in plan.

7. Amendment to Development Covenants. All provisions of these Development Covenants, may not be amended or deleted without prior written approval of the governing body, the Missoula City Council.