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EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK

The Powder Horn

Residential Development Standards

June 1, 2018

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Adoption of the Powder Horn Residential Development Standards

The undersigned, as the duly appointed members of the Design Review Committee, adopted the following resolution of May 21, 2018:

Pursuant to the authority granted to the Design Review Committee in the Declaration of Covenants, Conditions and Restrictions for the Powder Horn;

Resolved, that the Residential Development Standards attached hereto be, and hereby are, adopted by the Design Review Committee as The Powder Horn Residential Development Standards, effective as of June 1, 2018.

S L Johnson

Stephen L. Johnson,
Vice President/Treasurer

STATE OF WYOMING)
) SS
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 12th day of June, 2018 by Stephen L. Johnson acting in his capacity as Vice President/Treasurer of the Powder Horn Homeowners Association, Inc.

Witness my hand and seal

Kathy J Siroky

Notary Public

My commission expires July 14, 2020

KATHY J. SIROKY - NOTARY PUBLIC
COUNTY OF SHERIDAN STATE OF WYOMING
My Commission Expires July 14, 2020

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Adoption of
THE POWDER HORN

RESIDENTIAL DEVELOPMENT STANDARDS

The undersigned, as of the duly appointed members of the Powder Horn Home Owners Association and the Design Review Committee adopted the following resolution on May 21,2018.

Resolved, that the Residential Development Standards attached hereto be, and hereby are, adopted by the Design Review Committee as the Powder Horn Residential Development Standards, effective as of June 1, 2018.

DRC Representative

PHHOA Representative

Homer Scott, Jr. Powder Horn Developer

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LEGAL DESCRIPTION OF PROPERTY SUBJECT TO RESIDENTIAL DEVELOPMENT STANDARDS

The Residential Development Standards contained herein shall pertain to all phases of the Powder Horn Ranch development, including those lands described or referenced below, and shall also extend to any additional lands which are or have been annexed into the Powder Horn Ranch development and made subject to the Declaration of Covenants, Conditions, and Restrictions for the Powder Horn, recorded on September 27, 1995 in Book 375 at Page 563, and as amended thereafter, said lands being located in Sheridan County, Wyoming.

Lands described in Instrument No. 351073, recorded 7/6/00, Book 416, Page 166

Lands described in Instrument No. 482768, recorded 7/29/04, Book 455, Page 327

Lands described in Instrument No. 521384, recorded 9/30/05, Book 467, Page 582

Lands described in Instrument No. 526562, recorded 12/02/05, Book 469, Page 600

Lands described in Instrument No. 605614, recorded 4/14/08, Book 494, Page 782

Lands described in Instrument No. 639192, recorded 4/30/09, Book 505, Page 268

Lands described in Instrument No. 679364, recorded 9/21/10, Book 518, Page 716

Lands described in Instrument No. 679979, recorded 9/24/10, Book 519, Page 10

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The Powder Horn
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1. Statement of Purpose

The Powder Horn RESIDENTIAL DEVELOPMENT STANDARDS have been created to provide direction to Owners for the improvement of their properties, to establish thresholds for design quality and the suitable application of materials, and to ensure sensitivity to each site's environment and its neighbors. These guidelines constitute the standards and requirements to which each Owner must adhere, subject to waivers or variances granted by the Design Review Committee. A comprehensive design review process has been established encompassing the following:

1. The **Pre-Design Conference**, during which time each Owner along with his Architect/designer may review their ideas and the natural aspects of the lot with a representative of the Design Review Committee before any plans for a home's design are prepared. This meeting must include the Owner, designer (if selected) and builder (if selected).

2. The **Preliminary Submittal**, at which time the Design Review Committee can review conceptual plans to ensure conformance with these Standards before the design team finalizes the design.

3. The **Final Submittal**, at which time the Design Review Committee can review final construction documents to confirm that they are consistent with the previously approved preliminary plans. In addition to the construction documents, final plans must include:

    1) All exterior elevations shown on proposed finished grade with existing contours clearly indicated.

    2) Proposed ridge height(s) measured from existing grades.

    3) A Site Plan, which includes at least the following items: property lines, setbacks, utility and drainage easements, existing and finish contour intervals, spot elevations along roadway and at the entry driveway and any utility meter locations, landscaping and detailed sprinkler/irrigation system design, location of structures and other improvements, and other items requested by the Design Review Committee.

    4) Exterior finish materials (including siding, trims, roofing, fascias, metal flashings, gutters, downspouts or other items requested) and indications of exterior colors including color and texture of paved surfaces.

    5) Square footage calculations of habitable areas.

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The design review process is intended to operate concurrently with the plan review process required by Sheridan County for obtaining a building permit. However, The Powder Horn design review process is independent of the Sheridan County technical plan review process and is solely intended to enforce The Powder Horn Residential Development Standards.

Therefore, each Owner (or Owner's agent) shall bear the responsibility for a proposed structure's adherence to all applicable county zoning and building code standards.

2. Site Planning and Landscape Guidelines

Climate, terrain, soil geology, drainage and existing vegetation are all important factors which warrant consideration during the design of any improvement to properties within The Powder Horn.

2.1 Soils Report

A site specific Soils Investigative Report is required for all residential development at The Powder Horn. A copy of the complete report will need to be submitted to the Design Review Committee for their permanent record.

2.2 Building Setbacks

No portion of any residential structure or accessory building may be constructed closer to a property line than the established minimum building setbacks described below. In the event of conflict, the greater setback requirement shall prevail.

Required minimum building setbacks from property lines:

*Front: 25 feet for lots of 15,000 square feet and larger; 20 feet for lots smaller than 15,000 square feet. This minimum setback is applicable to all lot boundaries, which abut a road right-of-way.

Side: 10 feet for lots of 15,000 square feet or larger; 8 feet for lots smaller than 15,000 square feet.

Golf course: 25 feet when abutting the golf course.

**Rear: 25 feet for lots of 15,000 square feet or larger; 20 feet for lots smaller than 15,000 square feet.

* For residential designs, which incorporate a side entry garage, the

Design Review Committee may reduce the requisite front setback by up to 5 feet when measured to the side-wall (of the garage), which faces the street.

** For corner lots with frontage along two road rights-of-way, or lots of irregular shape, County Building Officials may assign the rear setback designation to a property boundary based upon the lot's configuration; the Owner (or his agent) shall bear the responsibility for contacting the County to confirm the rear setback determination for such a lot prior to the preparation of a Preliminary Site Plan for improvements.

2.3 Site Work

No excavation or fill will be permitted on any lot except where specifically allowed by the Design Review Committee due to terrain considerations; every attempt should be made to balance cut and fill with minimal use of retaining walls and/or engineered pads. The Design Review Committee may place a "Limits of Disturbance" notation on the Site Plan so as to minimize the disturbance of a lot during construction. Use of adjacent lots during construction shall not be permitted without the consent of the adjacent lot owner(s). The owner-applicant shall obtain any such approval letter(s) from adjacent lot owner(s) who consent; and the owner-applicant shall provide a copy of such approval letter(s) to the Design Review Committee for its files.

If any adjacent lot is disturbed with the consent of its owner, that adjacent lot shall be graded, reseeded, and returned to preconstruction conditions; and, construction pathways shall be eliminated.

Some of the lots at The Powder Horn may have existing trees within their boundaries. Those trees must be preserved where possible; more particularly, the retention of trees over 6 inches in diameter or taller than 15 feet is strongly encouraged. Any cutting of trees or removal of significant vegetation must first be approved by the Design Review Committee with the following exceptions; the pruning of dead limbs, the removal of dead trees and the cutting and removal of trees with a trunk diameter of 6 inches or less which are bowed, leaning, severely misshapen, diseased or with sparse foliage.

2.4 Grading, Drainage and Subsoil Conditions

Site grading must be accomplished with minimum disruption to a lot, without altering natural discharge points of surface drainage from a lot, and without creating conditions that could precipitate unnecessary soil erosion, slippage or subsidence. Residential design for hillside lots (having a variation of footprint of a proposed structure), must incorporate slope conditions into the design solution, so that the proposed structure terraces or steps with the natural slope. Artificial benching of

sloped sites to create an engineered pad to accommodate a 'flat lot design' is not allowed.

Surface drainage upon and across any lot must be carefully considered. Existing points of entry and exit to and from a lot by historic surface drainage must be respected. Any improvement, which creates an obstruction, to surface flows which results in a back up or concentration of storm waters onto a neighboring lot or tract is strictly prohibited. Ground floor levels should be established at a vertical elevation such that final placement of backfill, walks, driveways and porches will produce a positive drainage away from the structure in all directions.

Subsoil conditions and ground water levels vary dramatically throughout Sheridan County. The consultation of a professional soils engineer for the assessment of foundation design determinants and the depth to ground water is required for all sites within The Powder Horn. Basements may be ill advised on some low-lying wetter sites, and sump pumps should be incorporated into the design of below-grade living spaces where deemed necessary. The inclusion of foundation waterproofing and a perforated pipe foundation drainage system are recommended along uphill and side hill foundation walls on hillside lots.

2.5 Driveways

A single driveway is encouraged to access each lot. A double entry loop driveway may be considered and/or recommended by the Design Review Committee where site determinants such as lot slope, frontage, width and configuration would allow sufficient room for an uncrowded and aesthetic double entry design.

The driving surface of the entry drive and guest parking may be asphalt, embossed or textured concrete, plain concrete with or without an integral color, brick pavers, paving stones or a combination thereof.

Unless tight site conditions provide no alternative, driveways should be wide enough to allow for adequate maneuverability onto the site. Some sites may warrant a more generous drive, but most shall typically be restricted to a 16'-0" wide dimension at the "throat" of the driveway. The throat shall be defined as the distance from the edge of road to the setback line. The throat may be subject to a radius or flared transition when adjoining the street or interior paved surfaces. These areas shall be reviewed in conjunction with each submitted driveway design, but as a general rule, shall not increase the drive width by more than four to six feet on either side of the driveway at the point of transition.

The slope of the driveway shall not exceed 10%. In addition, the driveway should be designed to provide a transitional slope when adjoining the roadway or on-site parking area of no more than 5%.

2.6 On-Site Parking

Each single-family residential dwelling shall provide an enclosed garage space to shelter a minimum of two conventional automobiles or pickups, and sufficient driveway space (within the boundaries of the lot) for the parking of at least two guest automobiles or pickups. A pickup is defined as having less than 1.0 ton capacity.

The garage must provide adequate dimension to house large vehicles as well as provide some storage capability. Garage minimum clear interior dimensions shall be 22 feet wide x 22 feet deep for two car garages.

Homeowners who possess trucks (truck or pickup larger than 1.0 or more ton capacity), non-operating or non-licensed automobiles, buses, motor homes, fifth wheel trailers, camper trailers, camper vehicles (except camper shells mounted upon pickups), hauling trailers, horse trailers, boats, motorcycles, snowmobiles, jet ski machines, ATV's, golf carts or any other motorized vehicle (other than a conventional automobile or pickup), must store or park such vehicles within an enclosed garage (screened parking areas do not qualify as an enclosed garage or storage area). Over-the-road tractors, flat bed trucks, work vehicles (not an automobile or pickup), and farm tractors are not allowed for enclosed storage.

The maximum number of owner vehicles allowed in the owner's open driveway area is four.

On-site outdoor parking areas for vehicles shall be approved concrete or asphalt surfaces. Gravel, grass, or dirt surfaces will not be permitted.

The parking of a guest's recreational vehicles, trucks with campers, fifth wheel trailers, or other guest items (exclusive of automobiles or pickups) is limited to 72 hours at a time. School buses are prohibited. There is no time restriction for a guest's car or pickup. The parking of an owner's ATV, camper, fifth wheel trailer, travel or hauling trailers, boats, snowmobiles, golf carts, jet ski machines, and recreational vehicles outside of the enclosed garage or storage area is restricted to 72 hours at a time. It is not intended for vehicles to be simply moved and repositioned, and the frequency of the parking of vehicles shall be monitored so as to preclude abuse of the policy.

Owner over-the-road tractors, flat bed trucks, farm tractors, garden tractors, and bobcats are restricted to daylight parking only. Delivery and Repair trucks are

allowed for daylight parking only. Work vehicles (not an automobile or pickup) are prohibited from on-site parking.

2.7 Utilities

Utility services are stubbed to the property lines of each lot. Water, electric, telephone and cable television service locations are clustered (usually with those of one adjacent lot) in a utility easement located near one of the front corners of the lot. Sewer system and natural gas extensions are stubbed to the property line(s), which lie closest to their respective service mains. The extension of services from these stub locations to the residence shall be the responsibility of each Owner. Information regarding current tap and service fees as well as connection procedures, may be obtained by contacting the respective utility companies and the Powder Horn.

2.8 Walls & Fences

Site walls or fences must appear as a visual extension of the residence, incorporating similar or compatible materials, colors and finishes whenever possible. Fences or privacy walls may be constructed of brick or stone masonry, stucco over concrete masonry, wood board (cedar or redwood), split rail, natural log, ornamental iron, coated chain link, or a tasteful combination thereof. Galvanized chain link and wire fencing are prohibited, except that wire fencing may be allowed as an infill to wood board, split rail, or log fencing described above. Fencing and privacy walls may not exceed six feet in height above finished grade. Fences and privacy walls may be constructed solely for the purpose of enclosing or partially enclosing recreational areas such as patios or swimming pools. Privacy walls and fences enclosing entire or substantially all of an Owner's property are expressly prohibited. All fences and/or privacy walls must be approved by and are at the discretion of the Design Review Committee.

Exception:

On all lots which abut the Golf Course, it is anticipated that the Developer will construct and maintain the golf course fence. This particular fence shall consist of a two-pole fence with a natural seal coat. The fence shall be approximately 42 inches high from finished grade. If the Owner of a golf course lot wishes to construct a fence of the type previously described, any such fence within the golf course setback, as defined in Section 2.2. must be of the same transparent pole fence design as described above.

Segments of fencing which extend outward from the sidewall of a residence must be held back from the front corners of the residence a minimum distance of ten feet. Fences may not encroach into any street frontage setback.

Wood fences must be double faced so that the stringers and posts are partially concealed: Wood slats shall be of cedar or redwood, 4 to 8 inches in width, installed vertically or horizontally. Wood fences must have a continuous horizontal wood cap; uncapped slat ends will not be allowed. Fences may be left natural with linseed oil based preservative application, or may be stained or painted. Wood fences not conforming to these requirements are subject to a variance and conditional approval per waiver or submittal of a variance application. Refer to Section 5.12.

Structural retaining walls may not exceed an above-grade height of six feet. Multiple terraced retaining walls must be utilized where the overall height of retained earth exceeds six feet. Retaining walls may be constructed of cast concrete, engineered brick or concrete masonry; however all exposed wall surfaces and edges must be treated with an approved finish, such as brick or stone veneer, painted stucco or a split-face texture with custom color so as to blend unobtrusively with its natural surroundings. All retaining walls must include suitable drainage systems and weep holes to relieve the impacts of ground water and hydrostatic pressure.

Dry-stacking retaining walls of native stone do not require any supplemental facing or finish. All dry-stack retaining walls over two feet in height must slope against the grade a minimum of 4:1, (one foot back for each four feet in height). Dry-stack retaining walls must not be subjected to watershed run-off.

Steeply graded sites or designs suggesting the inclusion of retaining walls along driveways, adjacent to steep building conditions or at exterior patios and decks will be reviewed as necessary design components and must have representative plans reflecting such. Retaining structures of this type must be included and fully described in the applicant's initial submittal and be included in the initial scope of construction. These structures shall not be subject to deferral (landscaping) or future consideration. The Design Review Committee will determine the necessity for these structures. No construction work shall commence without the approved design of integral retaining structures.

Playground equipment must be submitted for review. Colors and materials for these structures must be subtle and non-obtrusive to neighboring views and shall be enclosed and screened with approved fencing materials conforming to the Residential Development Standards Section 2.8.

Prior to installation, the Design Review Committee must approve all fence designs and playground equipment including selected materials and anticipated colors.

2.9 Outdoor Storage

Outdoor areas housing trash containers, maintenance or service equipment such as, but not limited to lawn mowers and overflow storage, shall be screened from all

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adjacent properties by a solid wall or fence conforming to Residential Development Standards Section 2.8. Clotheslines are not permitted.

2.10 Mechanical Equipment

Roof mounted mechanical equipment is prohibited. Any exterior mechanical equipment must be wall or ground mounted adjacent to the residence. Wall mounted equipment must be pre-finished or painted to blend unobtrusively with adjacent wall materials; ground mounted equipment must be enclosed by walls or fencing or landscaping of sufficient height and density to screen the equipment from view, and to buffer sound as well.

2.11 Antennas, Satellite Dishes and Flagpoles

Antennas and traditional large diameter (4 feet and larger) satellite dishes are not allowed. 18-inch diameter "direct" television dishes are acceptable provided they are of approved finish color (stained, painted or a standard pre-finished color), which will blend with surrounding materials and are situated in a non-obtrusive location such as a niche in a building wall or behind a privacy wall. Owners desiring a larger dish or supplemental receiving device must first obtain approval from the Design Review Committee. The dish or equipment must be sufficiently concealed or screened so as not to be visible from any neighboring properties, tracts or rights-of-way. Any on-site antennas required for the purpose of radio transmission related to fire protection or police/security matters will be allowed, but the configuration thereof shall be subject to Design Review Committee approval.

Owners wishing to display flags must submit plans for such to the Design Review Committee for conditional approval. Plans must clearly delineate the size of the standard and of the flag and any proposed lighting for the flags. Unless raised and lowered every day, American flags must be provided illumination. The intensity of such illumination must be sensitive to the neighbors and to the neighborhood.

2.12 Sign Guidelines

All permitted builder and contractor signs, regardless of type, are subject to the approval of the Design Review Committee for style, design, color, text, location and duration of exhibit, prior to their placement for display.

No sign or signs shall be displayed to the public view from any lot or any common area except that:

1. During construction of a new home or major addition, general contractors may display a single construction sign, no larger than nine square feet, in accordance with these Standards, Section 4.17.

2. After completion, the general contractor, Developer or builder of a market home may, with the consent of the Design Review Committee, continue the display of his construction sign, for advertising and sales purposes, until such time that a contract for sale has been executed.

3. Individual lot owners or realtors may, with the consent of the Design Review Committee, display a single tasteful "For Sale" sign, no larger than four square feet. Rental signs are not allowed.

4. Security signs indicating a home's protection system shall be permitted, with the consent of the Design Review Committee. Such signs shall be ground or wall mounted and shall be no larger than one square foot in size. These signs will be limited to two per lot (one for the front yard and one for the rear yard).

5. Development related signs owned and erected by the Developer shall be permitted. Major project identification signage shall be submitted to the County Planner for review and record.

Signs for temporary single events, such as a Family Reunion, or similar temporary occasion sign, may be permitted for a specific period of time, upon approval by the Design Review Committee of a written request by the Owner describing the nature of the sign and the requested period of display (24 hour maximum).

2.13 Lighting

The Developer has implemented a uniform street lighting scheme. Supplemental lighting adjacent to the right-of-way may be no taller than 72 inches above grade. Additional site lighting is permitted within the lot's boundary, provided such lighting does not result in excessive glare toward the street or neighboring properties. All exterior lighting must be a low-level subdued intensity and is subject to approval by the Design Review Committee.

2.14 Swimming Pools and Spas

Freestanding above ground pools are prohibited. In-ground pools must be constructed clear of all required setbacks in accordance with Sheridan County regulations. Outdoor spas must be skirted, constructed upon a patio or deck structure with all piping and related equipment screened from view.

Proposed location(s) on site may warrant additional landscaping, screening or fencing to be provided at pool and spa locations. These provisions will be identified with submitted proposals and in relation to the proposed pool/spa location, orientation and the effect on neighboring view corridors.

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2.15 Basketball Backboards

Wall-mounted or freestanding basketball backboards will be allowed subject to Design Review Committee approval. Support posts and brackets and the backboards for freestanding and wall-mounted basketball goals shall be painted to blend unobtrusively with their visual backdrop surroundings.

2.16 Lot Restrictions

Except for "compounds" (resulting from the combined development of two or more lots) no more than one residence may be constructed on any lot. Other outbuildings such as detached garages may be constructed, provided they are a visual extension of the main residence. All detached garages must have a cement driveway extending from the detached garage to a public street or existing driveway. The minimum square footage of any detached garage shall be 670 square feet. Sheds will not be permitted. All outbuildings must be approved by and are at the discretion of the Design Review Committee.

As a normal procedure, the Design Review Committee must approve the design aspects of all proposed "Compounds". The approval of a replat of such lots is not a direct function of Design Review Committee. These lots and the combination thereof must be coordinated with the staff at Sheridan County Planning Department.

2.17 Landscaping

Each new residence shall provide landscaping to include a combination of trees, grass, and areas of shrubs and ground cover in their design. Xeriscape will be approved only in minimal applications.

The Design Review Committee must approve all plans prior to commencement of landscape improvements, including but not limited to gazebos, pergolas, patios, decks, etc.

Large specimen trees and dense clusters of plant material will be limited to those areas of each lot where they will not restrict prominent view corridors. Noxious and illegal plants or plant species, which are potentially destructive to the natural environment, will not be permitted. Native and non-exotic species of plants shall be utilized wherever possible.

All landscaping areas must be sufficiently maintained so as not to become overgrown or unsightly. No weeds or underbrush shall be permitted to grow or remain on any lot. All lots shall be mowed and clear of any trash, debris or waste

by the lot Owner or his contractor of choice. The Powder Horn Homeowners Association (PHHOA) reserves the right to maintain untended lots and charge the property owner for costs incurred.

2.18 Varying Standards

The provisions of these Standards may differ in their application to the development of Cluster Home Tracts. Cluster Home Tracts are currently identified as areas A and B. Refer to "Supplement for Cluster Tracts".

3. Architectural Design Standards

3.1 Sizes

Residences intended for construction within The Powder Horn will exceed 1,500 square feet of residential floor area.

The floor area of garages, storage and mechanical rooms which access only from a garage or the exterior of the structure, and open air decks or patios (roofed or unroofed), are excluded from inclusion in the residential floor area calculation. The floor area of a screened porch or deck, which is equipped for closure and use during winter months, or any similarly convertible space, shall be included. The projected area of an interior stairwell of a multi-story residence shall be counted only once at its lowest level; stair landings at each primary floor level shall be included within the floor area of that level.

3.2 Prefabricated Buildings

No building that is constructed off-site and requires transportation to any lot, whole or in partial assembly will be permitted; this includes mobile homes, stock modular buildings, or any other structure requiring transportation and set up in a partially completed state.

However, structures that are assembled off-site and completely disassembled for transportation, including log cabins or customer designed modular buildings, may be permitted. The aesthetic merits of any such structures are subject to review and approval by the Design Review Committee.

Temporary construction offices, which have been approved by the Design Review Committee for limited duration, are exempted from this restriction, but must satisfy all other concerns relating to condition, appearance, color and location.

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3.3 Height of Structures

All residences at The Powder Horn will have pitched roofs with a minimum pitch of four feet in twelve and a maximum pitch of twelve in twelve (except for a bam style gambrel roof which may have a fifteen in twelve pitch for a starter panel on each side). However, up to one-third of the horizontal roof area of any residence may be flat, in combination with pitched roofs across the remainder.

No portion of a structure (except for chimney elements) may exceed a true vertical height of 30 feet above original natural grade directly below. On difficult steeper lots where the average slope across the footprint of the proposed structure exceeds 15%, the Design Review Committee may allow an additional two feet of height for a limited unobtrusive ridge projection at its down slope terminus. Such relief will be considered on a case-by-case basis, and may not be construed as a blanket waiver for a sloping lot in general. It is the intent of these standards that the roof design for homes on sloping sites step down with the grade to integrate with the natural setting.

Parapet walls at flat roofs may not exceed a true vertical height of 22 feet above existing natural grade directly below.

3.4 Foundations

All unfaced visible surfaces of concrete masonry or concrete foundation walls and piers must receive a stucco or mortar-wash finish and shall be painted to blend unobtrusively with adjacent materials. The Design Review Committee in lieu of the stucco/mortar-wash applique may consider exposed aggregate concrete or textured concrete block with an approved integral or applied color.

Foundation walls must step down with the grade change of sloping sites so that its exposed surface does not exceed a vertical height of five feet above finish grade at its greatest exposure. As an alternative to stepping the top of the foundation, the wall may be faced with siding in the same plane as the wall surface above to minimize foundation wall exposure.

Where the vertical distance from the underside of a ground floor deck structure (along it's perimeter edge) exceeds 30 inches above finish grade below, the deck edge must be skirted with wood latticework or wood siding to screen the cavity beneath the deck. Foundation walls, which occur under a skirted deck, that are no longer visible are exempt from the facing requirement as stated above.

All structures built on lots with a gross slope greater than 20 percent shall have a foundation designed by a Professional Structural Engineer licensed in the State of Wyoming.

3.5 Exterior Materials

Traditional western styles of architecture will be encouraged at The Powder Horn along with certain southwest region and European adaptations. Exterior wall materials will consist of native stone, brick, and wood materials including steel siding, EIFS and stucco, shingles, natural logs, beveled or tongue and groove board siding.

In addition, higher quality synthetic siding such as aluminum, steel, fiber cement, etc. can be considered when in the opinion of the Committee, these materials would be virtually indistinguishable from their natural wood counterpart when viewed from the street or adjacent properties.

Stucco may be used as an accent material, or may be considered for use as the predominant exterior finish material, when used in tasteful combination with other allowed materials when warranted by the particular design style of the submittal. Potential allowable stucco-dominant styles would include adaptation of the European half-timber style, or the Spanish Territorial styles of the southwest. The aesthetic merits of any combination of exterior materials are subject to review, comment and approval by the Design Review Committee in order to maintain the architectural integrity and consistent visual experience of The Powder Horn Community of Homes. The Design Review Committee reserves the right to require additional trim components when aesthetically warranted.

3.6 Roofs

As previously stated, all residences at The Powder Horn will have pitched roofs with the exception that up to 1/3 of the total horizontal roof area may be flat.

Allowable slope roof forms include gable, hip, Dutch-hip, gambrel, or shed (in contemporary styles, or in combination with other traditional roof forms). Geodesic domes, mansard roofs, and A-frames are prohibited. Perimeter parapet walls must screen all portions of flat roofs.

Allowable roofing materials include fire retardant wood shakes or shingles, slate, flat concrete or clay tiles, non-reflective metal roofing with standing seams or battens, or premium dimensional asphalt shingles with a weight of 275 pounds per roofing square or greater.

The use of composition shingles of standard or medium thickness, untreated wood shingles, any type of barrel or "S" tiles, asphalt roll roofing, (except on limited flat roof elements), reflective metal roofing or roofing accessories, is prohibited.

All exposed metal, vinyl or PVC piping on the roof, (except for approved prefinished products), including, but not limited to, flashing, vent pipes, chimneys, ridge or eave vents, and skylight frames, shall be primed and painted to blend unobtrusively with adjacent materials. All roof forms, both pitched and flat, are subject to the height limitations prescribed by Section 3.3 of these standards.

3.7 Chimneys, Outdoor Fires and Fireplaces

Chimney enclosures are subject to the same material limitations described in preceding Section 3.5. Chimneys must be concealed within a chimney enclosure. Free standing exposed chimney pipes will not be allowed.

No wood or coal burning furnaces, gas stoves or fireplaces will be allowed. All interior and exterior fireplaces shall be natural gas burning appliances.

3.8 Exterior Colors

All color schemes must be approved by the Design Review Committee prior to their application to any portion of a residential structure.

The color combination of exterior materials should generally be subtle and tasteful to blend with neighborhood and landscape. However, brighter accent colors, which are used judiciously and with restraint, may be permitted. Traditional white, muted pastels, beiges, earth tones and grays are acceptable wall colors.

Colors approaching the primary range (red, blue and yellow) are discouraged, as are drastic contrasts in value (light to dark). Roofing materials should be of darker tones, avoiding whites, off whites, bright colors, light pastels, or highly reflective metal surfaces.

3.9 Windows, Doors, Skylights and Home Address Numbers

Highly reflective glazing materials and reflective sun screening films are prohibited for use on windows, glazed doors, and skylights or for other exterior applications. In addition, all metal windows, doors, skylight frames, etc. must be painted, anodized or pre-finished with baked enamel. Raw metal components, especially aluminum or galvanized iron, are prohibited. All homes shall have address numbers. Address numbers shall be at least four inches in height with a minimum stroke width of 0.5 inch, on a contrasting background. All address numbers shall be lit at night or be reflective so that they are clearly visible from the street at all times.

3.10 Building Projections

All projections from a residence or other structure including but not limited to chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, mail boxes,

porch railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials. All building projections must be contained within the building setbacks unless a variance is requested.

3.11 Garages

Each residential dwelling shall provide a garage suitable for the shelter of two or more automobiles. Garages shall be proportioned to provide adequate stall depth for parking. Minimum stall dimensions shall be 22' x 22' for two cars.

As a rule, garage doors directly or obliquely facing the roadway must be attached to the primary residential structure and must be recessed a minimum of twelve (12) inches from adjacent wall areas. The surface of the garage door must be recessed 12" from the plane of the garage for additional relief at the primary garage or at the garage nearest the road. Additional garage door surfaces can directly align with the garage wall surface with no further recess required. The soffit(s) above a recessed garage door must be flush with the outermost plane of the garage.

Garage door surfaces perpendicular to the structure with a prominent visual connection to the primary residence (in the form of a connecting breezeway, privacy wall or landscaped link), may be allowed by the Design Review Committee on a case-by-case basis. Open carports are not allowed.

When garage bays exceed two, the third (and fourth) door(s) must occur in a secondary building plane, offset by 32 inches minimum, to avoid a continuous uninterrupted wall of three or more garage doors or car bays. Garage doors may be wood, wood composition, insulated panel, or heavy-gauge metal panel. Lightweight hollow metal overhead doors, which are vulnerable to damage from even moderate potential impacts (such as a basketball) will not be allowed. Garage doors shall be pre-finished, painted or stained to blend appropriately with the approved color scheme of the residence.

3.12 Solar Applications

Passive solar design is encouraged. Active solar designs will be evaluated on a case-by-case basis. Active solar applications integral with the design of the residence with minimal obvious visual impacts may be favorably evaluated.

3.13 Changes or Additional Construction

The Design Review Committee, during or subsequent to their initial construction must approve all changes or additions to the approved plans before the alteration may be implemented.

3.14 Residential Fire Sprinkler System

Any structures located above the 4,160 ft. contour shall be equipped with residential fire sprinkler systems, unless the Owner or Owner's agent obtains written verification from the Big Horn Fire District or the Sheridan County Planning Commission that other appropriate fire protection measures are in place.

4. Construction Regulations

4.1 Purpose

In order to ensure that all neighboring properties are respected and the inconveniences associated with and accommodations required for any construction process are kept to a minimum, the following regulations shall be enforced during the construction period of all improvements at The Powder Horn. Any violation of these regulations by an Owner's agent, representative, builder, contractor or subcontractor shall be deemed a violation by the Owner.

In the event that an Owner or the Agent of an Owner violates these Residential Development Standards or any determination or decision of the Design Review Committee, the matter will be referred to the PHHOA. The PHHOA has the authority and power to handle the alleged violation as a breach of the Covenants and Restrictions that apply to the Owner's property and run with the land, and to enforce the determination or decision of the Design Review Committee as a part of those Covenants and Restrictions.

The continued or habitual violation of these Standards by a general contractor, sub-contractor, or materials supplier will result in the withdrawal by the PHHOA Covenant Compliance Committee of his/their permission to perform work at The Powder Horn.

4.2 Health and Safety Compliance

All applicable statues, ordinances, or rules pertaining to safety and health, hazardous materials, toxic substances or wastes, including all relevant occupational safety and health act (OSHA) regulations and guidelines must be observed at all times.

4.3 Construction Trailers

Upon commencement of construction, a construction trailer or portable field office may be located on the building site totally within the lot's perimeter. The type, size and the color of any portable office must be approved by a representative of the Design Review Committee prior to its placement on the lot.

The field office may not be placed on-site earlier than two weeks prior to the actual onset of continuous construction activity. A construction trailer may not remain on site for a period of twelve months time without written approval of the Design Review Committee.

4.4 Trash Receptacles and Debris Removal

The Powder Horn has the right to charge Owner/builder for clean up.

Owners and builders shall clean up all trash and debris at the end of each day. An approved trash receptacle must remain on the site at all times for the purpose of containing all lightweight materials or packaging. The receptacle must be positioned on the site alongside the construction access drive, clear of adjacent road right(s)-of-way and neighboring properties. Trash receptacles must be emptied on a timely basis to avoid overflow or refuse; disposal shall be at a suitable off-site facility. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the lot or within The Powder Horn. Heavy debris such as broken brick or stone, wood scrap, or the like must be removed from the lot and The Powder Horn immediately upon completion of the work of each trade that has generated debris.

All concrete washouts, from both trucks and mixers, must occur within the developed area of the lot in a location where it will ultimately be removed or covered by backfill, or in a location that may be designated by The Powder Horn, in its sole discretion, for concrete washout. Washout in road rights-of-way, setbacks or on adjacent properties is strictly prohibited.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore in the judgment of the Design Review Committee or a detriment to other lots or open space. Any clean-up costs incurred by The Powder Horn or the PHHOA in enforcing these requirements shall be payable by the Owner and/or the general contractor. Dirt, mud, or debris resulting from activity on each construction site shall be promptly removed from public or private roads, open spaces, driveways, or other portions of The Powder Horn.

4.5 Sanitary Facilities

Each Owner or builder shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets must be located sensitively within the lot's perimeter, clear of all road rights-of-way and adjacent properties.

4.6 Construction Access

Construction access to any lot may only occur from its primary street frontage.

Access across the golf course or over open space tracts, or across any neighboring lot is strictly prohibited unless a consenting letter of approval from the Owner(s) of adjoining lot(s) is on file with the Design Review Committee.

4.7 Vehicles and Parking Areas

Construction personnel may only park upon the residential lot where they work or along the one side of the primary street frontage of the lot. For lots with narrow street frontage, and during very busy construction periods involving multiple trades, such that all construction vehicles cannot be confined to the site proper or its immediate frontage, the overflow vehicles may be temporarily parked along one side of nearby road frontages. During these limited occurrences, vehicles must be parked off the pavement, parallel to the roadway, to allow continual unconstrained access by normal traffic and emergency vehicles, including fire trucks. Vehicles may not be parked on neighboring lots, in nearby driveways, or on open space or golf course tracts unless a consenting letter of approval from the Owner(s) of adjoining lot(s), or, as to Golf Course encroachment, a letter of permission from The Powder Horn Ranch, LLC, or The Powder Horn Ranch -2, LLC is on file with the Design Review Committee. No overnight parking is permitted.

The changing of oil or other vehicle maintenance is prohibited.

4.8 Excavation Materials and Blasting

If any blasting is to occur, the Design Review Committee must be notified two weeks in advance and appropriate approvals must be obtained from Sheridan County officials, by the Owner or his contractor. Blasting may only be done by licensed demolition personnel, with all requisite insurance coverage as mandated by Design Review Committee and by county and/or state statutes, specific to their blasting activity at The Powder Horn. The Design Review Committee shall have the authority to require in writing the documentation of anticipated seismic effects, with confirmation such effects will not be injurious to other persons or properties, public or private, and that all appropriate protection measures have been utilized.

All surplus products of excavation, including blasting, must be removed from The Powder Horn once rough excavation has been completed. On site stockpiling of rock, gravel, or soil shall be limited to those materials intended to reuse for backfill and final grading.

4.9 Dust and Noise

The contractor shall be responsible for controlling dust and noise from the construction site. Dirt and mud deposited on public or private roads as the result of construction activity shall be promptly removed or the PHHOA will bill any cost associated with the removal through the action of the PHHOA to the Owner/Builder.

The sounds of radios or other audio equipment that present an audible nuisance to any adjacent or nearby property need to be controlled. These devices need to be closely monitored by construction personnel. Repeated violations of this provision will result in the total prohibition of any on-site use of radios or audio equipment during construction.

4.10 Material Deliveries

All building materials, equipment and machinery required to construct a residence on any lot at The Powder Horn must be delivered to and remain within the property boundary of each lot, clear of all road rights-of-way and adjacent lots or tracts. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes and any other equipment or machinery that will remain at The Powder Horn overnight. Material delivery vehicles may not drive across adjacent lots or tracts to access a construction site. Material deliveries may not occur on Sunday without a letter of approval issued by the Design Review Committee.

4.11 Firearms

The possession or discharge of any type of firearm by construction personnel on any construction site, lot, or common property within The Powder Horn, is prohibited.

4.12 Alcohol and Controlled Substances

The consumption of alcohol or use of any unprescribed controlled substance by construction personnel on any construction site, lot, or common property within The Powder Horn, is prohibited.

4.13 Fires and Flammable Material

Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard, are prohibited. The PHHOA Covenant Compliance Committee may request to inspect sites and homes under construction for compliance.

No on-site fires are allowed.

4.14 Pets

A member of any construction crew may bring no pets, particularly dogs, onto the property.

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4.15 Preservation of Property

The use of or transit over common property or amenity, including the golf course, is prohibited. Transit over or the use of any other lot requires written approval from the impacted lot Owner. Construction personnel shall refrain from parking, eating, depositing rubbish or scrap materials (including concrete washout) on any neighboring lot, tract or right-of way unless the Owners of the adjacent properties are notified and a letter of understanding is forwarded to the Design Review Committee.

4.16 Restoration of Property

Upon completion of construction, each Owner and builder shall clean his construction site and repair all property which has been damaged, including but not limited to, restoring grades, planting shrubs and trees as approved or required by the Design Review Committee, and repair of streets, sidewalks, utilities, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing.

The Owner and general contractor shall be held financially responsible for the cost of site restoration/re-vegetation and refuse removal necessitated on any and all adjacent properties as a result of trespass or negligence by their employees or subcontracted agents.

4.17 Construction Signage

Temporary freestanding construction signs shall be limited to one sign per site not to exceed nine square feet of total surface area. This sign is intended primarily for job site identification; therefore, it must be located within the lot's boundary, facing the street frontage of the lot. It may identify the general contractor and designer by name with address, license number and telephone number(s) and it may identify the job site by lot number or Owner's name. The sign shall be free standing and shall not exceed four feet in height above natural grade. The sign's design, color, style, text, duration of display and location upon the lot must be approved in advance by the Design Review Committee.

The construction sign may not be erected on a site earlier than two weeks prior to the onset of continuing construction activity and must be removed within two weeks of the issuance of a certificate of occupancy by the County or immediately upon the passage of 30 calendar days without significant construction activity. The general contractor of a completed market home may apply to the Design Review Committee for continuation of his construction sign for advertising and sales purpose after construction has been completed, until such time that a contract for sale has been executed.

Individual signs, or construction sign attachments identifying individual subcontractors, tradesmen, or suppliers are prohibited; identification of licensed

tradesmen, when required by State or County statutes, shall be confined to the posting location of the building permit. The Design Review Committee may remove and dispose of all non-conforming signs.

4.18 Daily Operation

Daily working hours for each construction site shall be from 7:00 a.m. to 6:00 p.m., Mountain Standard Time, or 7:00 a.m. to 7:00 p.m., Daylight Saving Time, Monday through Saturday of each week. All construction work including material deliveries must cease on Sunday of each week and on all holidays.

4.19 Site Visitations

Due to the inherent danger associated with an active construction site, visitors to any site should be limited to those persons with official business relating to the construction activity, such as construction workers and tradesmen, building officials, Design Review Committee representatives, sales personnel and the Owner.

Construction personnel should not invite or bring family members or friends, especially children, to the job site.

4.20 Construction Insurance Requirements

All contractors and sub-contractors must post evidence of insurance with their lot Owner and the Design Review Committee, prior to entering the construction premises. Confirmation shall be evidenced in the form of a valid Certificate of Insurance naming the Owner, the PHHOA, The Powder Horn Golf Club, and The Powder Horn L.L.C., a limited liability corporation, as the certificate holders. The required insurance must provide coverage not less than the applicable limits of coverage relating to workmen's compensation. The minimum limits of liability shall not be less than $500,000.00 each for general liability and automobile liability. General liability coverage shall contain provisions for contractual liability and broad form property damage.

The certificate shall provide for 30-day notice to the certificate holders in the event of cancellation or material change in the limits of coverage.

5. Design Review Procedures

Site-specific, slope-sensitive design shall be fundamental at The Powder Horn. Design drawings should evolve from the careful and thorough analysis of a site's specific setting and features, especially slope when applicable. Therefore, Owners and their designers should refrain from approaching a site with a predetermined design, expecting to "make it fit", with little regard for natural constraints. For example, an

off-the-shelf residential design for a flat site will assuredly require significant modification and redesign to make it suitable for construction on a hillside site. The Powder Horn has established this review procedure to assist each applicant through the design process in its appropriate sequence, towards a fitting design solution for each lot. Plans and specifications shall be presented to the Design Review Committee in accordance with the following conference and submittal requirements.

5.1 Pre-Design Conference

Prior to preparing preliminary plans for any proposed improvement, it is mandatory that the Owner and/or his Architect/designer meet with the Design Review Administrator and at least one other member of the Design Review Committee to discuss proposed building intentions and to resolve any questions regarding building requirements at The Powder Horn. This informal review is to offer guidance prior to initiating a preliminary design.

5.2 Preliminary Design Submittal

Owner or the Owner's agent is to submit the plans and respond fully to all itemized Design Review Committee conditions. When the preliminary design is complete, and only after Owner's Architect or designer has approved all plans, its submittal for consideration must include the name of the licensed General Contractor selected by the Owner and all of the following exhibits. No review will commence until the submittal is complete.

1. Site Plan (scale at 1" = 10' or 1/8" = 1'-0'), showing the entire property, location of the proposed residence and any accessory buildings, driveway, parking area, existing and proposed topography, proposed finished floor elevations, any trees of 8 inch diameter or greater at chest height, special terrain features to be preserved and trees to be removed, if applicable.

2. Survey (scale 1" = 10' or 1/8" = 1'-0'), by a registered land surveyor or licensed civil engineer showing lot boundaries and dimensions, topography (2 feet contours or less), significant terrain features, all trees of 8 inch diameter or greater at chest height, edge of pavement, and utility locations.

3. Floor Plans (scale 1/4" or 1/8"= 1'- 0") showing proposed finish floor elevations.

4. All Exterior Elevations (scale 1/4" or 1/8"= 1'- 0") showing both existing and proposed grade lines, plate heights, ridge heights, roof pitch and a preliminary indication of all exterior materials and colors.

5. A conceptual Landscape Plan.

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6. Any other drawings, materials, or samples requested by the Design Review Committee.

A non-refundable design review fee, which is to be adjusted by the Design Review Committee from time to time, must accompany the initial submittal. The applicant is to contact the Design Review Committee, The Powder Horn Sales Office or the PHHOA Board of Directors to determine the current fee. This fee has been established to partially cover the cost of compensation of any professional design consultant retained to advise and assist the Design Review Committee (See Section 6.6 of these Standards).

A preliminary design will not be considered for review unless this fee has been paid. See Section 3.1 of these Standards relating to the determination of residential floor area.

Additional fees may be charged for changes to a proposed plan, changes or additions to an existing structure, landscape plan or the late or incomplete submittal of plans. The Design Review Committee will establish charges for changes.

The submittal shall consist of one set of prints, which shall be retained by the Design Review Committee.

5.3 Preliminary Design Review

The Design Review Committee will meet to review the submittal and will respond in writing within 10 days after their meeting barring unavoidable delays, but no later than 30 days after the effective date of submittal.

Members of the Design Review Committee will not discuss results of reviews with an Owner or his Architect or builder, and no Owner, Architect or builder shall have the right to attend any meeting of the Design Review Committee unless specifically requested by the Design Review Committee.

The Design Review Administrator may discuss the results of a review with the Owner, his builder or Architect in an effort to clarify any issues, give guidance and/or recommendations that may result in a favorable review.

Any response an Owner may wish to make regarding the results of a design review must be addressed to the Design Review Committee in writing.

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5.4 Final Design Submittal

After preliminary approval is obtained from the Design Review Committee, the following documents are to be submitted for final review. No review will commence until the submittal is complete.

A letter responding to all itemized conditions from the Preliminary Review will need to accompany the submittal.

1. Site Plan (scale at 1" = 10' or 1/8"= 1'-0"), showing the entire property, adjacent roadway(s), the location of the residence and any accessory buildings, driveways, parking areas, existing and proposed topography, finished floor elevations, any protected plants or special terrain features to be preserved, trees to be removed, all utility sources and connections, site walls, and building setbacks and the location of any retaining structures.

2. A Soils Investigative Report.

3. Floor Plans (scale 1/4"= 1' - 0") fully dimensioned showing finished floor elevations relative to existing and final grades. Drawings shall include all floor levels, including basements. Drawings shall show room dimensions, door locations, stairway locations, bearing wall locations and locations of bearing posts/columns supporting upper levels, and the square footage of all floor levels including basements and garages.

4. Roof Plan (scale 1/4" = 1' - 0") showing all roof pitches and drainage devices.

5. Building Section(s) (scale 1/4" = 1'- 0" or larger) indicating existing and proposed grade lines.

6. All exterior Elevations (scale 1/4" = 1'- 0") showing both existing and proposed grade lines, plate heights, roof pitch, a clear indication of exterior materials, trim components, gutters and downspouts as well as any anticipated changes in color.

7. Paint chips and/or stains indicating actual exterior material surfaces and any literature as requested by the Design Review Committee depicting or further describing all exterior materials will need to be reviewed. See Section 5.5 of these Standards for deferment of proposed color selections.

8. Complete Landscape Plan (scale 1" = 10' or 1/8"= 1'-0"), showing the mature size and type of all proposed plants, all decorative materials or borders, all retaining structures, an irrigation/sprinkler plan showing system coverage and overlaps, etc. See Section 5.5 of these Standards for deferment of Landscape Plan.

9. Foundation Plan (responding to the Soils Report), Framing Plans and associated details.

10. Exterior lighting plan, switching diagram and fixture "cut sheets".

11. On-site staking of all building corners and other improvements, if requested by the Design Review Committee.

12. A detailed schedule for construction will need to be submitted. This schedule will need to highlight critical milestones, i.e. excavation, framing, roofing, interior work, substantial completion and landscaping.

The submittal shall consist of one set of prints, which shall be retained by the Design Review Committee.

5.5 Deferral of Material, Color Selection or Landscape Plan

An applicant may wish to delay the confirmation of landscaping intentions and final color or stonework selections until some point in time after the start of construction in order to better visualize landscape considerations, or to test an assortment of potential colors with actual materials intended for use. The Design Review Committee will cooperate with the applicant in this regard, provided that no landscape work may be started, or color or material applied, until such time as the Committee has had the opportunity to review and consent to the final selections. We advise that the re-submittal occur before placement of any orders for materials to avoid potential restocking cost in the event of denial of the submitted item(s). Further, the provisions stated here should be a condition of Final Design Approval. Denial of the re-submittal or the failure to make a timely re-submittal to the Design Review Committee shall have the effect of voiding the approval in its entirety.

Additional design review fees for deferrals may be warranted as determined appropriate by the Design Review Committee.

5.6 Final Design Review

The Design Review Committee will meet to review the submittal and will respond in writing within 10 days after their meeting, barring unavoidable delays, but no later than 30 days after the effective date of submittal.

Members of the Design Review Committee will not discuss results of reviews with an Owner or his Architect or builder and no Owner, Architect or builder shall have the right to attend any meeting of the Design Review Committee unless specifically requested by the Design Review Committee.

Any response an Owner may wish to make regarding the results of a design review must be addressed to the Design Review Committee in writing.

5.7 Resubmittal of Plans

In the event of any disapproval by the Design Review Committee of either a preliminary or a final submittal, a resubmission of plans must follow the same procedure as an original submittal. The Design Review Committee can assess an additional design review fee (which correlates to the relative consulting costs for duplicitous review efforts), upon subsequent submittals, which diverge substantially from previously reviewed applications for the same site, whether previously approved or denied.

Design review fees which have been paid by an Owner for the Committee's review of his/her residential design, are not transferable to the credit of a new Owner, through the resale of a lot, unless the subsequent Owner proceeds to utilize, without modification, the previously reviewed design.

5.8 Commencement of Construction

Upon receipt of approval from the Design Review Committee pursuant to the Design Review Committee Checklist, payment of the Sewer Tap Fee, and having satisfied all applicable Sheridan County review processes, the Owner shall satisfy all conditions of approval and commence the construction or any work pursuant to the approved plans within one year from the date of such approval. Commencement of construction shall occur upon the pouring of concrete for the foundation of any residence or accessory building.

If the Owner fails to begin construction within this time period, any approval given shall be automatically revoked.

The Owner shall in any event, complete the construction of any improvement on his lot within 18 months after commencing construction unless the Design Review Committee has approved an alternative construction schedule per item 5.4.12. The Design Review Committee shall be the sole determiner as to when construction is considered complete.

If the Owner fails to comply with this schedule which the Design Review Committee has reviewed and approved, or, if the diligent and earnest pursuit of the completion of the improvement ceases for a period of one calendar month without the written consent of the Design Review Committee, or, if the diligent and earnest pursuit of the completion of the improvement is interrupted intermittently for a cumulative period of twenty-eight [28] days during any fifty-six [56] day period of time without the written consent of the Design Review Committee, then the Design Review Committee shall refer the matter to the PHHOA for enforcement.

Landscaping improvements must be installed in compliance with the approved plan within 12 months of the completion of construction, or should seasonal weather preclude the placement of materials, landscaping will commence when weather permits and be completed within a 12 month period.

5.9 Inspections of Work in Progress

The Design Review Committee may inspect all work in progress and give notice of noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the Design Review Committee of work in progress or compliance with these Standards.

5.10 Subsequent Changes

Additional construction or other improvements to a residence or lot, or changes during construction or after completion of an approved structure, including landscaping and color modification, must be submitted to the Design Review Committee for approval prior to making such changes or additions.

5.11 Non Waiver

The approval by the Design Review Committee of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any provision of these Standards shall not constitute a waiver of same.

5.12 Right of Waiver or Variance

The Design Review Committee reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

Upon submission of a written narrative request for a variance or waiver of one or more provisions of these Standards, the Design Review Committee might grant, at its discretion for good cause shown, from time to time, permission for Owners to construct, erect or install improvements, which are in variance with these Standards. No member of the Design Review Committee shall be liable to any Owner or other person for any claims, causes of actions, or damages arising out of the granting or denial of any variance request by the Owner or his agent. Each separately and apart from other such requests and the grant of a variance to any Owner shall not constitute a waiver of the Design Review Committee's right to strictly enforce these Standards against any other Owner.

Each such written request must identify and set forth in narrative detail the specific guideline or standard from which a variance is sought and describe in detail the exact nature of the variance sought. Any grant of variance by the Design Review Committee must be in writing and must identify in narrative detail both the standard from which a variance is being sought and the specific variance being granted.

5.13 Exemptions

Utility and maintenance buildings and structures located on non-residential tracts are exempted from the "Residential Development Standards" portion of this document. However, the Design Review Committee will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

The reconstruction by the Association or the Declarant after damage or destruction by casualty or otherwise of any common properties, which is accomplished in substantial compliance with "as built" plans for such common properties shall not require compliance with the provisions of these Standards.

Repainting or re-staining associated with the prudent maintenance of an existing residence does not require approval by the Design Review Committee, provided the paint/stain colors are identical to those initially approved by the Committee for application to the residence.

6. Design Review Committee Organization

6.1 Members

The Design Review Committee shall consist of at least three Homeowner Committee members. Each member shall hold his office until such time as he/she has resigned or been removed or his/her successor has been appointed as set forth herein.

Except as herein below provided, the right from time to time to appoint and remove all members of the Design Review Committee shall he reserved to and vested with the Developer. The PHHOA Board of Directors can make appointment recommendations to the Developer for consideration.

6.2 Delegation of Authority

The Design Review Committee may delegate its design and plan review responsibilities to one or more of its members, acting as a subcommittee of the Design Review Committee, and/or professional design consultants retained by the Developer and the PHHOA Board of Directors. Upon such delegation, the approval or disapproval of plans and specifications by such member or consultants shall be equivalent to approval or disapproval by the entire Design Review Committee.

6.3 Resignation of Members

Any member of the Design Review Committee may, at any time, resign from the Design Review Committee upon written notice delivered to the Developer.

6.4 Duties

It shall be the duty of the Design Review Committee to consider and act upon such proposals or plans related to the development of The Powder Horn that are submitted pursuant to the Residential Development Standards, to interpret and enforce the Residential Development Standards and to amend these Residential Development Standards when, and in a manner deemed appropriate by, the Design Review Committee.

6.5 Meetings

The Design Review Committee shall meet from time to time as necessary to properly perform its duties. The vote of a majority of the members shall constitute an act by the Design Review Committee.

The Design Review Committee shall keep on file all submittals and copies of all written responses to Owners to serve as record of all actions taken.

6.6 Compensation

Unless authorized by the Developer, the members of the Design Review Committee shall not receive any compensation for services rendered.

However, a professional design consultant, retained to advise and assist the Design Review Committee, and who is also serving as an appointed member of the Design Review Committee, may be paid such compensation as the Developer and other Design Review Committee members determine and as is endorsed by the PHHOA Board of Directors.

6.7 Amendment of Development Standards

The Design Review Committee, with the advice and guidance from the Developer and the PHHOA Board of Directors, may elect to periodically amend or revise any portion of these Residential Development Standards. All such amendments or revisions shall be appended to and made a part of the Residential Development Standards.

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6.8 Non Liability

Neither the Design Review Committee, any member thereof, nor the Developer, shall be liable to the PHHOA or to any Owner or other person for any loss or damage claimed on account of any of the following:

1. The approval or disapproval of any plans, drawings and specifications, whether or not defective.

2. The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.

3. The development, or manner of development of any property within The Powder Horn.

Every Owner or other person, by submission of plans and specification to the Design Review Committee for approval, agrees that he will not bring any action or suit against the Design Review Committee, any of its members, nor the Developer, regarding any action taken by the Design Review Committee. Approval by the Design Review Committee of any improvement at The Powder Horn only refers to The Powder Horn Residential Development Standards and in no way implies conformance with local government regulations. It shall be the sole responsibility of the Owner to comply with all applicable government ordinances or regulations, including but not limited to zoning ordinances and local building codes.

6.9 Enforcement

The Design Review Committee may, at any time, inspect a lot or improvement and, upon discovering a violation of these Residential Development Standards, shall report and document the alleged violation to the Board of Directors of the PHHOA. The PHHOA shall enforce the Residential Development Standards.

6.10 Reliance by Subsequent Owners

As to purchasers and encumbrances of a lot in good faith and for value, unless notice of noncompletion or nonconformance identifying the violating lot and specifying the reason for the notice, executed by the Design Review Committee, shall be recorded with the County Recorder and given to the Owner of such lot within one year after the expiration of the eighteen month time limitation for completion imposed under Design Guidelines Section 5.8, or, if later, within one year following completion of the improvement, or unless legal proceedings shall have been instituted to enforce compliance or completion within such one-year period, the completed improvement shall be deemed to be in compliance with plans and specifications approved by the Design Review Committee and in compliance with the architectural standards of these Residential Development Standards and the Declaration.

6.11 Obligation of Owners to Maintain Lots

The adoption of these Residential Development Standards, including the procedures for architectural approval shall not be construed as changing any rights, obligations or restrictions upon Owners to maintain or repair their lot as may otherwise be specified in the Declaration or the rules and regulations of the PHHOA.

6.12 Severability

If any provision of these Residential Development Standards, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of these Residential Development Standards, and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances, shall not be affected thereby, and the remainder of these Residential Development Standards shall be construed as if such invalid part were never included therein.

6.13 Address of the Design Review Committee

The address of the Design Review Committee shall be the address established for giving notice to the PHHOA, unless otherwise specified by the Design Review Committee. Such address shall be the place for the submittal of plans and specifications and the place where the current Residential Development Standards shall be kept.

7. Promulgation and Binding Effect

These Residential Development Standards are promulgated by and with the approval of the PHHOA, upon the advice and recommendation of the Design Review Committee in order to assure that the standards are properly and authoritatively promulgated in accordance with, and pursuant to the authority granted in Section 1, Declaration of Covenants, Conditions, and Restrictions for The Powder Horn (the Declaration), recorded September 27, 1995 in the public records of Sheridan County, Wyoming. These Residential Development Standards shall be deemed incorporated into the Declaration for all intents and purposes and shall be binding upon all lots within The Powder Horn project and upon all Owners or other persons having any interest in or to a lot within The Powder Horn project subject to the Declaration and any Supplemental Declaration involving the lots at The Powder Horn. In the event of a conflict of interpretation between these Residential Development Standards and the provisions of the Declaration pertaining to architectural control, standards or procedures, or to the Design Review Committee, the express provisions of the Declaration shall be controlling.

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The Powder Horn
Residential Development Standards Supplement for Cluster Tracts A & B and The Cottages at the Hub

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Preamble

These amendments are adopted as a SUPPLEMENTAL to the larger text THE POWDER HORN RESIDENTIAL DEVELOPMENT STANDARDS, and are applicable to the development of residential lots designated for cluster Home Tracts A and B or other designated areas within The Powder Horn. All standards, directives, guidelines and procedures of The Powder Horn Standards remain applicable to the development of Cluster Home parcels as well, except where specifically modified or amended by this Supplement.

This SUPPLEMENT FOR CLUSTER TRACTS is promulgated by and with the approval of the PHHOA, upon the advice and recommendation of the Design Review Committee in order to assure that the standards are properly and authoritatively promulgated and accordance with the Declaration, and pursuant to the authority granted therein to the Design Review Committee.

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1A) Statement of Purpose
(Addition to text)

These supplemental guidelines have been generated to provide direction to the Owners of CLUSTER HOUSING parcels for the development of their properties. These modifying parameters are focused upon the creation of an attractive and homogeneous community of homes, of more moderate profile and size, with a continuity of style, while still allowing sufficient opportunity for individual design flexibility within a constricted framework.

2(A) Site Planning and Landscape Guidelines

2.2 (A) Building Setbacks
(Addition to text of Section 2.2)

Side yard building setbacks can vary from the prescribed standards in planned developments consisting of multiple unit designed homes, i.e. The Powder Horn Cottages at the Hub. Setbacks shall be evaluated with each multiple unit design submittal, but shall not be less than the minimum setback determined by code. Unless otherwise stated, the required minimum code setback shall not be less than 5'-0" from an assumed property line when structures abut one another. Proposed side yard setbacks closer to the property line than 5'-0" must be constructed and protected in accordance with building code requirements and with the prior understanding and approval of The Powder Horn, The Powder Horn Design Review Committee and the Sheridan County Planning and Building Departments.

2.8 (A) Walls and Fences
(Addition to text of Section 2.8)

Only two styles of fencing will be permitted within the cluster tracts, the two-pole fence described in the exception to paragraph one, or wood fencing, as described by paragraph three. Stain or paint colors for wood fencing in the cluster tracts shall be limited to a range of medium to dark gray or earth tone color, as determined appropriate by the Design Review Committee.

3 (A) Architectural Design Standards

3.1 (A) Size
(Replace paragraph one with the following text)

It is expected that residences intended for construction upon a cluster home lot at The Powder Horn will exceed 1000 square feet of residential floor area. No

more that one-third of the total residential floor area of a cluster home may be located on the second story of the residence.

3.3 (A) Height of Structures
(Amendments to the text of Section 3.3)

The first sentence of paragraph one shall be amended to read:

All cluster homes at The Powder Horn will have pitched roofs with a minimum pitch of four feet in twelve and a maximum pitch of eight feet in twelve. Up to one-third of the horizontal roof area of any residence may be flat, or in combination with pitched roofs across the remainder.

The first sentence of paragraph two shall be amended to read:

As a rule, no portion of a cluster home structure (except for chimney elements) may exceed a true vertical height of 24 feet above original natural grade directly below.

Paragraph three shall be amended to read:

Parapet walls of fiat roofs may not exceed a true vertical height of 12 feet above existing natural grade directly below.

3.5 (A) Exterior Materials
(Replaces Section 3.5 in its entirety)

Within the cluster home parcels of The Powder Horn, exterior wall materials shall be limited to wood individual board siding, brick or stone masonry, stucco (EIFS) or a combination thereof. As an alternative to natural wood board sidings, the Design Review Committee may consider, on a case-by-case basis, the higher quality synthetic sidings, including but not limited to aluminum, steel or fiber cement composition products which, in the opinion of the Committee, would be virtually indistinguishable from their natural wood counterpart when viewed from the street or adjacent properties.

Pre-finished siding products must have a low-gloss wood grained finish. Wood and/or fiber cement composition products must possess a porous wood grained texture suitable for the application of stain or paint.

Masonry grouts should be of a non-contrasting color to blend unobtrusively with its brick or stone masonry counterparts.

3.6 (A) Roofs

(Delete paragraphs three and five in their entirety and add the following text and modifications)

Delete gambrel as an allowable roof form in paragraph two.

(Add the following text):

Allowable roofing materials for cluster home sites shall be limited to premium dimensional asphalt shingles with a weight of 275 pounds per roofing square, or greater.

All roof forms, both pitched and flat are subject to the height limitations prescribed by Section 3.3 (A) of this Supplement.

3.8 (A) Exterior Colors
(Replace paragraph one with the following text)

The color of wall materials for a cluster home shall be limited to a range of light to medium earth tones, beiges, or grays, provided however, that light gray with approximate white or off-white will not be permitted. The color of roofing materials shall be limited to natural wood, or a limited range of medium to dark earth tones or grays.

5.2 (A) Preliminary Design Submittal
(Add the following text)

In the event that a market builder chooses to reuse a previously approve design for construction on a non-adjacent lot, the Design Review Fee will be reduced to a flat rate of $100.00 for the second and subsequent reviews of an unmodified repeat design.