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**DESIGN REGULATIONS
OF
POWDER HORN SUBDIVISION**

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These Design Regulations have been established by the Powder Horn Subdivision Design Review Board in accordance with the Declaration of Covenants, Conditions and Restrictions for Powder Horn Subdivision. As these Design Regulations are subject to amendment from time to time, it is the responsibility of each interested party to obtain a copy of the most recently revised version.

I. OVERVIEW

A comprehensive design review process has been established pursuant to these Design Regulations, providing each owner the opportunity to draw upon the expertise and knowledge which has been acquired during the planning and development of Powder Horn Subdivision. Since the preservation and enhancement of landscape at Powder Horn Subdivision are of primary concern, the Design Review Board has been established and charged with the responsibility of insuring that these principles are adhered to throughout all phases of development.

For this reason, the design review process has been established, encompassing the following five phases:

- (1) The Pre-Design Conference, during which 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 Board before any plans are prepared.
- (2) The Preliminary Submittal, at which time the Design Review Board can review conceptual plans to insure conformance with the Design Regulations before the owner finalizes his design.
- (3) The Final Submittal, at which time the Design Review Board can review final construction documents to confirm that they are consistent with the previously approved preliminary plans.
- (4) The Pre-Construction Conference, during which each builder may review the construction regulations with a representative of the Design Review Board to insure understanding of, and future compliance with, these regulations.
- (5) The Final Inspection of the improvements by a representative of the Design Review Board to determine whether actual construction has been completed in strict compliance with the approved plans and Design Regulations.

The Design Review Process was developed to provide adequate check-points throughout the design and development phases, so that time and money are not wasted on plans and designs which do not adhere to the Design Regulations or to the overall principles of Powder Horn Subdivision. This process is a proven and streamlined one and will not result in time delays, provided each owner performs in the spirit with which the Design Regulations are intended, namely, a sensitive approach to the development of his lot within this unique community.

It is strongly recommended that an owner retain competent professional services for planning and design to insure a thorough analysis and understanding of a particular lot and the owner's special needs and living patterns, as well as to provide the ability to communicate to the Design Review Board the concept and design of a proposed residence or improvement.

The Design Review Process is intended to operate concurrently with the plan review process required by Archuleta County for obtaining a building permit. However, the Powder Horn Subdivision Design Review Process is independent of the Archuleta County Plan Review and is solely intended to enforce the Powder Horn Subdivision Design Regulations.

2. SITE PLANNING AND LANDSCAPE GUIDELINES

The climate, terrain and existing vegetation at Powder Horn Subdivision are all important factors which must be considered in the design of any improvements to properties within its borders. It is the intent of the following guidelines to insure environmentally sound and aesthetically pleasing development at Powder Horn Subdivision for the mutual benefit and enjoyment of all its members.

2.1 SITE WORK

No excessive excavation or fill will be permitted on any lot except where specifically allowed by the Design Review Board due to terrain considerations; every attempt should be made to balance cut and fill with minimal use of retaining walls and engineered building pads.

2.2 GRADING AND DRAINAGE

Site grading and drainage must occur with minimum disruption to the lot, without altering natural drainage patterns as runoff leaves the lot, and without causing conditions that could lead to unnecessary soil erosion.

2.3 ACCESS DRIVES

The location of Access drives must be approved and shall be constructed only in accordance with that approval.

2.4 UTILITIES

All utilities must be placed underground, except temporary lines during construction of a residence. Electric and telephone have been provided for each lot at the property line. All disturbed areas must be restored to their natural condition.

During the development of the plumbing design for each residence, absentee owners should seriously consider the installation of a residential fire sprinkler system to provide an additional measure of protection of their investment during prolonged periods of vacancy.

Electrical service has been provided to the transformer cabinets near the property line. Trenching from the transformer cabinet to the residence is the responsibility of the owner and shall be routed to minimize disruption to the existing landscape; disrupted areas shall be restored to their original condition.

It is required that before any construction begins on any lot within the subdivision that anyone commencing such work shall call 1-800-922-1987 to determine the location of utility lines on any subject lot or common area.

2.5 WALLS AND FENCING

Any type of walls or fencing, including materials, height and design, must be approved by the Design Review Board. No barbed wire, razor wire or other fencing materials which are injurious or dangerous to wildlife or persons shall be used on any Lot.

2.6 MECHANICAL EQUIPMENT

No roof mounted or wall mounted mechanical equipment will be permitted. Any exterior mechanical equipment required must be ground mounted adjacent to the residence and shielded from view by walls of sufficient height to buffer sounds.

3. ARCHITECTURAL DESIGN STANDARDS

The following architectural standards have evolved in response to climatic and aesthetic considerations at Powder Horn Subdivision.

It is the intent of these standards to evoke a sympathetic response to the character of this high valley region, promoting architectural design compatible with the natural landscape that is environmentally sound.

3.1 SIZE

It is expected that residences will exceed 2,000 square feet of living area; except and unless there are special circumstances or unique design solutions, which can only be approved by the Design Review Board.

3.2 HEIGHT OF STRUCTURES

Notwithstanding the setback/vertical limits set forth on the plat, Ridge lines shall not exceed a height of 35 feet above natural grade directly below.

Flat roof parapets shall not exceed 29 feet in height from adjacent natural grade.

3.3 FOUNDATIONS

The following exterior treatments are required:

1. Foundation walls must be finished in a material compatible with and repeated in the construction of the residence, or screened from view by backfill and landscape.
2. Foundation piers must be screened from view by exterior wall materials continued to finished grade, or through the use of skirting, backfill and landscape.

3.4 EXTERIOR MATERIALS

There exist many traditions in high country architecture which will be encouraged at Powder Horn Subdivision along with certain regional adaptation.

Exterior materials should generally be natural materials that blend and are compatible with the native landscape. The predominant exterior materials will consist of wood or native stone, including shingles.

beveled horizontal or vertical board siding, board-on-board and hant, field-stone, stucco or brick. Some combination of materials may be required.

Plywood siding is prohibited unless the applicant can demonstrate to the Design Review Board that the specific proposed application would result in a finished appearance indistinguishable from an individual board siding application.

The use of metal or fiberglass siding, composition asbestos siding is prohibited.

The aesthetic merits of any combination of exterior materials are subject to review and approval by the Design Review Board in order to maintain the architectural integrity and consistent visual experience of Powder Horn Subdivision.

3.5 ROOFS

The predominant roof material at Powder Horn Subdivision will be architectural grade composition fiberglass shingles, with a minimum weight of 300 pounds per square. Colors shall be natural earth tones, and color scheme shall blend to the exterior colors as outlined in Section 3.7. Slate, flat concrete tiles or other similar roofing materials may be considered and approved in the sole discretion of the Design Review Board.

The use of asphalt shingles of standard thickness, any type of barrel or "S" tiles, asphalt roll roofing, or reflective metal surfaces (including propanal) is prohibited.

3.6 CHIMNEYS AND OUTDOOR FIRES

Due to the extreme fire danger usually present in this high forest region, all chimneys must be equipped with a U.L. or I.C.B.O. approved spark arrester, including outdoor fireplaces.

3.7 EXTERIOR COLORS

The color of exterior materials must generally be subdued to blend with the natural landscape. Earth tones are recommended, although accent colors which are used judiciously and with restraint may be permitted.

In no case will colors approaching the primary range (red, blue and yellow) be permitted, except on trim.

It is the intent at Powder Horn Subdivision to preserve the appearance of the natural landscape and preclude the use of colors that would appear out of place and, therefore, offensive to the eye.

3.8 WINDOWS AND SKYLIGHTS

The glass of windows and skylights must not be highly reflective, nor may their frames consist of reflective material that is left unfinished. This especially applies to aluminum frames which must be anodized or finished with baked enamel.

3.9 BUILDING PROJECTIONS

All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing, gutters, downspouts, utility boxes, porches, railings and exterior stairways shall match the surface

from which they project, or must be of an approved color. All building projections must be contained within the building envelope.

3.10 SOLAR APPLICATION

Passive solar design is encouraged. Active solar applications can result in excessive glare and reflection, and can only be approved by the Design Review Board if they are integrated into the structures or landscaping on a lot and are not visible from any other lot or common area.

3.11 CHANGES OR ADDITIONAL CONSTRUCTION

Changes or additions to the approved plans before, during, or after the construction must first be approved by the Design Review Board.

4. CONSTRUCTION REGULATIONS

In order to insure that the natural landscape of each lot is preserved and the nuisances inherent in any construction process are kept to a minimum, the following regulations shall be enforced during the construction period of all improvements at Powder Horn Subdivision.

Any violation of these regulations by the owner's agent, representative, builder, contractor or subcontractor shall be deemed a violation by the owner.

4.1 CONSTRUCTION TRAILERS

Upon commencement of construction, a construction trailer or portable field office may be located on the building site. The type, size and color of any portable office must be approved by a representative of the Design Review Board during the preconstruction conference. At the same time, the provision of temporary power and telephone will be determined. A construction trailer may not remain on a site for a period of time exceeding six months without written approval of the Design Review Board.

4.2 TRASH RECEPTACLES AND DEBRIS REMOVAL

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 this purpose to contain all lightweight materials or packaging. Trash receptacles must be emptied at least once a week at an appropriate off-site facility.

Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the lot or in Powder Horn Subdivision.

Heavy debris, such as broken stone, wood scrap, or the like must be removed from the site immediately upon completion of the work of each trade that has generated the debris.

Concrete trucks may be washed out only in areas approved by the developer, and never on a lot at Powder Horn Subdivision; concrete washout areas will be clearly posted.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore, or affecting other lots or any open space. Any clean-up costs incurred by the Design Review Board or the Association in enforcing these requirements shall be payable

by the owner. Dirt, mud, or debris resulting from activity on each construction site shall be promptly removed from public or private roads, open spaces and driveways or other portions of Powder Horn Subdivision.

4.3 SANITARY FACILITIES

Each owner or builder shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets must be located within the building envelope.

4.4 CONSTRUCTION ACCESS

The approved access drive will be the only construction access to any lot.

4.5 VEHICLES AND PARKING AREAS

Construction crews shall not park on, or otherwise use, undeveloped portions of lots or open space. All vehicles shall be parked within the building envelope or in the right of way adjoining the lot. Changing oil or other vehicle maintenance is prohibited.

4.6 DUST AND NOISE CONTROL

The contractor shall be responsible for controlling dust and noise from the construction site, including the removal of dirt and mud from public or private roads that is the result of construction activity on the site.

The playing of radios or use of other audio equipment by construction crews during the improvement of any lot at Powder Horn Subdivision is prohibited.

4.7 MATERIAL DELIVERIES

All building materials, equipment and machinery required to construct a residence on any lot at Powder Horn Subdivision must be delivered to and remain within the boundaries of each lot. This includes all building materials, earth-moving equipment or machinery that will remain overnight.

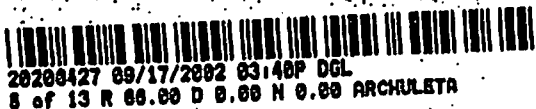
4.8 FIRES AND FLAMMABLE MATERIALS

Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard, are prohibited. At least one 10-pound ABC-Rated Dry Chemical Fire Extinguisher shall be present and available in a conspicuous place on the construction site at all times.

No fire of any type for any reason will be permitted on a construction site at Powder Horn Subdivision.

4.9 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 and approved or required by the Design Review Board, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.



5. DESIGN REVIEW PROCEDURES

Plans and specifications shall be submitted to the Design Review Board in accordance with the following conference and submittal requirements and review procedures.

5.1 PRE-DESIGN CONFERENCE

Prior to preparing preliminary plans for any proposed improvement, it is mandatory that the owner and/or his architect meet with a representative of the Design Review Board to discuss proposed plans and to resolve any questions regarding building requirements at Powder Horn Subdivision. This informal review is to offer guidance prior to initiating preliminary design.

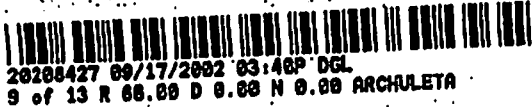
5.2 PRELIMINARY DESIGN SUBMITTAL

When the preliminary design is complete, plans that are submitted must include all of the following exhibits; no review will commence until the submittal is complete:

- (1) Site plan (scale at 1" = 10' or larger), showing the entire property, location of the proposed building envelope, the residence and all buildings, driveway, parking area, existing and proposed topography, proposed finished floor elevations, all trees of 8" diameter or greater, special terrain features to be preserved and trees to be removed.
- (2) Survey (scale 1" = 1' or larger), by a registered land surveyor or licensed civil engineer showing lot boundaries and dimensions, topography (2 feet contours or less), major terrain features, all trees of 4" diameter or greater, edge of pavement or curb, and utility locations.
- (3) Floor plans (scale 1/4" = 1' 0") showing proposed finished floor elevations.
- (4) All exterior elevations (scale 1/4" = 1' 0") showing both existing and proposed grade lines, plate heights, ridge heights, roof pitch and an indication of all exterior materials and colors.
- (5) If the Board deems it appropriate due to slope considerations or complexity of design, a study model may be required (same scale as site plan), which accurately depicts all the proposed improvements and their relationship to the site.
- (6) Any other drawings, materials, or samples requested by the Design Review Board.
- (7) A design review fee in the amount of 15 cents per livable enclosed square foot of the residence and accessory buildings.

5.3 POSTING OF PROPERTY

As soon as the submission of preliminary plans are completed, the Design Review Board will post a notice on the lot stating that plans have been submitted with respect to the lot and will be available for review by other owners. The lot will be posted for 7 days, during which time owners may submit written comments regarding the lot to the Design Review Board.



5.4 PRELIMINARY DESIGN REVIEW

The Design Review Board will review the plans and respond in writing within 10 days after the review, but no later than 30 days after a submittal is complete.

Results of reviews will not be discussed over the telephone by members of the Design Review Board 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 Board unless specifically requested by the Design Review Board.

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

5.5 FINAL DESIGN SUBMITTAL

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

- (1) Site plan (scale at 1" = 10' or larger), showing the entire property, location of the building envelope, the residence and all buildings, driveway, parking area, finished floor elevations, all utility sources and connections, and site walls.
- (2) Floor plans (scale 1/4" = 1'0") showing finished floor elevations.
- (3) Roof plan (scale 1/4" = 1'0") showing all roof pitches.
- (4) Building section (scale 1/8" = 1'0") showing existing and proposed gradelines.
- (5) All exterior elevations (scale 1/4" = 1'0") showing both existing and proposed grade lines, plate heights, roof pitch and an indication of exterior materials and colors.
- (6) Paint chips and literature as requested by the Design Review Board depicting or describing exterior materials.
- (7) Complete landscape plan (scale 1" = 10') showing size and type of all proposed plants, irrigation system, all decorative materials or borders and all retained plants.
- (8) On-site staking of all building corners and other improvements, as requested by the Design Review Board.

5.6 SITE INSPECTION

As soon as the submission of final plans is complete, a representative of the Design Review Board will inspect the lot to determine that the conditions as depicted in the final submittal are accurate and complete.

5.7 FINAL DESIGN REVIEW

The Design Review Board will review the plans and respond in writing within 10 days after the review, but no later than 20 days after a submittal is complete.

Results of reviews will not be discussed over the telephone by members of the Design Review Board 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 Board unless specifically requested by the Design Review Board.

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

5.8 RESUBMITTAL OF PLANS

In the event of any disapproval by the Design Review Board of either a preliminary or a final submittal, a resubmission of plans should follow the same procedure as an original submittal. An additional design review fee shall accompany each such submittal as required by the Design Review Board.

5.9 PRE-CONSTRUCTION CONFERENCE

Prior to commencing construction, the builder must meet with a representative of the Design Review Board to review construction procedures and coordinate his activities in Powder Horn Subdivision.

5.10 COMMENCEMENT OF CONSTRUCTION

Upon receipt of final approval from the Design Review Board, and having satisfied all Archuleta County review processes, the owner shall satisfy all conditions and commence the construction or any work pursuant to the approved plans within one year from the date of such approval.

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

The owner shall, in any event, complete the construction of any improvement on his lot within one year after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the owner due to labor strikes, fires, national emergencies or natural calamities.

If the owner fails to comply with this schedule, the Design Review Board shall either have the exterior of the improvement completed in accordance with the approved plans or remove the improvement, with all expenses incurred to be reimbursed to the Design Review Board by the owner.

5.11 INSPECTIONS OF WORK IN PROGRESS

The Design Review Board 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 Board of work in progress or compliance with these Design Regulations.

5.12 SUBSEQUENT CHANGES

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

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5.13 FINAL RELEASE

Upon completion of any residence or other improvement, the owner shall give written notice of completion to the Design Review Board.

Within 10 days of such notification, a representation of the Design Review Board may inspect the residence or other improvements for compliance. If all improvements comply with these Design Regulations, the Design Review Board may issue a written approval to the owner, constituting a final release of the improvements by the Design Review Board, said release to be issued within 30 days of the final inspection.

If it is found that the work was not done in strict compliance with the approved plans or any portion of these Design Regulations, the Design Review Board may issue a written notice of noncompliance to the owner specifying the particulars of noncompliance, said notice to be issued within 30 days of the final inspection.

The owner shall have 30 days from the date of notice of noncompliance within which to remedy the noncomplying portions of his improvement. If, by the end of this time period the owner has failed to remedy the noncompliance, the Design Review Board may take action to remove the noncomplying improvements as provided for in these Design Regulations including, without limitation, injunctive relief or the imposition of a fine.

5.14 NONWAIVER

The approval by the Design Review Board 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 of the Design Regulations shall not constitute a waiver of same.

5.15 RIGHT OF WAIVER

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

5.16 EXEMPTIONS

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

6. DESIGN REVIEW BOARD ORGANIZATION

6.1 MEETINGS

The Design Review Board 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 Board.

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

6.2 COMPENSATION

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

All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of their duties. Professional consultants and representatives of the Design Review Board retained for assistance in the review process shall be paid such compensation as the Design Review Board determines.

6.3 AMENDMENT OF DESIGN REGULATIONS

Until the designated "turnover" date, the Executive Board may, from time to time and at its sole discretion, amend or revise any portion of these Design Regulations. All such amendments or revisions shall be appended to and made a part of the Design Regulations.

Each owner is responsible for obtaining from the Design Review Board a copy of the most recently revised Design Regulations.

6.4 NONLIABILITY

Neither the Design Review Board, any member thereof, nor the developer, shall be liable to the Association 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 Powder Horn Subdivision.

Every owner or other person, by submission of plans and specifications to the Design Review Board for approval, agrees that he will not bring any action or suit against the Design Review Board, any of its members, nor the developer, regarding any action taken by the Design Review Board.

Approval by the Design Review Board of any improvement at Powder Horn Subdivision only refers to the Powder Horn Subdivision Design Regulations 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.

6.5 ENFORCEMENT

The Design Review Board may, at any time, inspect a lot or improvement and, upon discovering a violation of these Design Regulations, provide a written notice of noncompliance to the owner, including a reasonable time limit within which to correct the violation. If an owner fails to comply within this time period, the Design Review Board or its authorized agents may enter the lot and correct the violation at the expense of the owner of such lot; said expense to be secured by a lien upon such lot enforceable in accordance with the Declaration.

In the event of any violation of these Design Regulations, the Design Review Board may, at its sole discretion and in addition to restoration expenses, impose without limitation a punitive fine, commensurate with the severity of the violation.

6.6 SEVERABILITY

If any provision of these Design Regulations, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of the Design Regulations, 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 Design Regulations shall be constructed as if such invalid part were never included therein.



POWDER HORN DEVELOPMENT, LLC

Ray Harvey
By: Ray Harvey, Manager

STATE OF CALIFORNIA)
COUNTY OF ARCHULETA) ss.

Subscribed and sworn to before me this 16 day of September, 2002 by Ray Harvey,
Manager of Powder Horn Development, LLC. Witness my hand and official seal.

My Commission Expires:

MARCH 21, 2002

Stellar K. Loher
Notary Public