

**ARCHITECTURAL
CONTROLS AND
DESIGN GUIDELINES**

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Spring Creek Ranch - Jackson, Wyoming

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1. INTRODUCTION

Recorded covenants, conditions and restrictions for Spring Creek Ranch, including the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Spring Creek Ranch dated January 10, 2017 and recorded April 14, 2017 in Book 943, pages 545-604 (the “CCRs”) establish a general plan for the subdivision development, improvement, management and maintenance of Spring Creek Ranch and create an Architectural Committee to approve or disapprove prior to construction all plans for residential and commercial structures, including additions and alterations, and related landscaping.

Initially promulgated in 1983 and amended from time to time thereafter, these By-Laws, Administrative Procedures, and Design Guidelines have been adopted to facilitate the processing of applications for the requisite approvals.

2. BY-LAWS OF THE ARCHITECTURAL COMMITTEE

2.1 POWERS.

The CCRs provide that no construction, replacement, addition or alteration of a building, structure, fence, other improvements of any kind or exterior painting or decorative alteration or removal of trees or other vegetation, or any landscaping or planting (collectively, "construction") shall be commenced or effected on any Unit, until complete, final plans and specifications therefore, including a plot plan showing the location and nature of such construction and the proposed color scheme, design thereof, and the quality of materials to be used have been submitted to and approved in writing by the Architectural Committee.

The Committee may withhold approval of plans, specifications, and plot plans –

- Because of non-compliance with any of the specific conditions, covenants, and restrictions contained in the CCRs or in the standards and design guidelines of the Committee;
- By reason of the Committee's reasonable dissatisfaction with the location of the structure, the elevation, color scheme, finish, design, proportions, architecture, engineering, shape, height, style and appropriateness of the materials used therein, the kind, pitch or type of roof proposed to be placed thereon, the planting, landscaping, size, height or location of trees; or
- Because of the Committee's reasonable dissatisfaction with an or all other matters or things which, in the reasonable judgment of the Committee, would render the construction inharmonious or out of keeping with the general plan of improvement of the Project, namely the resort and recreational project consisting of residential units, and hotel units and related facilities and infrastructure known as Spring Creek Ranch, or with the improvements erected elsewhere in the planned unit development.

The Committee, with the approval of the Board of Directors of the Spring Creek Homeowners Association, is to promulgate reasonable standards and design guidelines from time to time against which to examine requests for approval and is to adopt such rules and procedures as may be required to carry out its duties under the CCRs.

2.2 REPRESENTATIVES.

2.2.1 Committee Members.

The Committee Members (the "Members") shall be elected and appointed as provided in the CCRs. The Committee may also select an architect or other professional consultant (the "Committee's Consultant") to advise the Committee, assist with plan review and perform site visits.

2.2.2 Term of Office, Resignation and Removal.

Members shall serve such terms as provided in the CCRs: A Member shall serve for a term of one year and until his/her successor is elected or appointed, or until his/her death, resignation or removal, whichever is earlier. The foregoing notwithstanding, it is the policy of the Association to elect and appoint Members with the prospect of serving a term of two (2) years, with the second year term subject to confirmation.

Members may resign at any time by giving written notice to the Chairman or Secretary of the Committee and to the President of the Association.

Members that are elected by the Owners are subject to removal with or without cause by majority vote of the Owners present either in person or by proxy and entitled to vote at a meeting or an adjourned meeting properly noticed and at which a quorum is present. Members that are appointed by the Board of Directors of the Association are subject to removal with or without cause by a majority vote of the Directors.

Vacancies created by a vote of the Owners at any meeting shall be filled by vote of the Owners at such meeting. Vacancies created by a vote of the Directors at any meeting shall be filled by vote of the Directors at such meeting. Vacancies created upon tender of resignation by a Member shall be filled by vote of the remaining Members.

Any person elected or appointed to fill a vacancy shall serve for the remainder of the term of the Member who resigned or was removed.

2.2.3 Place of Meeting.

All meetings of the Committee shall be held at the principal office of the Association, or at any other place or places within or without the State of Wyoming as may be designated at any time by resolution of the Committee or by written consent of all Members.

2.2.4 Regular Meetings.

Regular meetings of the Committee shall be held without call the first Tuesday of each month at 9:00 AM Mountain Time. If the first Tuesday is a federal holiday, the regular meeting shall be held the following Tuesday. Notice of such regular meetings of the Committee is hereby dispensed with, although a posting that regular meetings will be held the first Tuesday of each month at 9:00 a.m. shall be made on the Spring Creek website and in the Association's office. Occasionally during a regular meeting the Committee decides to adjust the date or time of the next regular meeting. Any adjustment to a regular meeting date or time can be obtained by contacting Spring Creek. Meetings may be cancelled if there are no major submittals to be reviewed.

2.2.5 Special Meetings.

Special meetings of the Committee for any purpose or purposes may be called at any time by the Chairman or, if he is absent or unable or refuses to act, by the Vice-Chairman, or by any two Members. Written notice of such special meetings shall be given to each Member, either personally or by sending a copy of the notice, by electronic mail, first class mail or telefax, charges pre-paid, to his/her address appearing on the books of the Association or supplied by him/her to the Association for the purpose of notice. If the Member or Director supplies no address, notice shall be deemed to have been given him/her if mailed to the principal office of the Association. If such notice is mailed, it shall be deposited in the United States mail at least forty-eight (48) hours prior to the time of holding of the meeting. If such notice is delivered personally, it shall be delivered at least twenty-four (24) hours prior to the time of the holding of the meeting. Such notice shall specify the place, the day and the hour of the meeting, and the general nature of the business to be acted upon at the meeting.

2.3 OFFICERS

2.3.1 Officers.

The officers of the Committee shall be a Chairman, Vice-Chairman, Treasurer and Secretary. No person may hold any office or offices of the Committee who is not a Member, except the Treasurer and Secretary may be non-Members. Officers shall be elected by a majority of the Members.

2.3.2 Term of Office, Resignation and Removal.

Officers shall be elected each year at the first regular Committee meeting following the annual homeowner's meeting. Any officer may be removed either with or without cause by a majority of the Members at the time in office, at any regular or special meeting of the Committee. Any officer may resign at any time by giving written notice to the Committee or to the Chairman or the Secretary of the Committee. Any such resignation shall take effect at the date of the receipt of such notice or any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

2.3.3 Vacancies.

A vacancy in any office because of death, resignation, removal or any other cause shall be filled by the Committee at a regular or special meeting.

2.3.4 Chairman.

The Chairman shall be a Member, shall have general supervision, direction and control of the business and affairs of the Committee, shall preside at all meetings of the Members, and shall be a member of all standing committees, if any. He shall have such other powers and duties as may be described by the Committee or by the By-Laws.

2.3.5 Vice-Chairman.

In the absence or disability of the Chairman, the Vice-Chairman shall perform all the duties of the Chairman, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the Chairman. The Vice-Chairman shall have such other powers and perform such other duties as from time to time may be prescribed for him by the Committee or by the By-Laws.

2.3.6 Secretary.

The Secretary shall keep, or cause to be kept, a book of minutes at the principal office of the Association, or at such other place as the Committee may order, of all meetings of the Committee, with the time and place of holding, whether regular or special, and if special how authorized, the notice thereof given, the names of those present and the proceedings thereof.

2.3.7 Treasurer.

The Treasurer, who shall be the Treasurer of the Association, shall keep, or cause to be kept, a record of the fees and deposits collected by the Committee at the principal office of the Association, or at such other place as the Committee may order.

2.4 MEETINGS

2.4.1 Entry of Notice.

Whenever any Member has been absent from any special meeting of the Committee, an entry in the minutes to the effect that notice has been duly given shall be sufficient evidence that due notice of such special meeting was given to such Member as required by these By-Laws.

2.4.2 Waiver of Notice.

The attendance of a Member at a meeting shall constitute a waiver of notice of such meeting, except where a Member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

2.4.3 Quorum.

The presence of a majority of Members then in office, excluding presence by proxy, shall be necessary to constitute a quorum for the transaction of business, except to adjourn as hereinafter provided. Participation in a telephone conference or other electronic means, such as Skype or Fuze, constitutes "presence at a meeting". Every act done or decision made by a majority of the Members present at a meeting duly held at which a quorum is present shall be regarded as the act of the Committee, unless a greater number is required by the Declaration and provided that at least three (3) votes shall be required to approve all new buildings and structures, as well as, additions to existing improvements. Proxies shall not be permitted for purposes of determining a quorum or voting.

2.4.4 Adjournment.

The Members may adjourn any meeting to meet again at a stated time, place and hour, provided, however, that in the absence of a quorum the Member or Members present at any meeting, either regular or special, may adjourn from time to time, until the time fixed for the next regular meeting of the Committee. Notice of the time and place of holding an adjourned meeting need not be given to absent Members if the time and place is fixed at the meeting adjourned.

2.4.5 Action Without Meeting.

Any action required or permitted to be taken by the Committee may be taken without a meeting if a majority of Members shall consent in writing (including via email) to such action. Such written consent shall be noted in the minutes of the next regular meeting of the Committee. Such action by written consent shall have the same force and effect as a majority vote of such Members as if they were personally present.

2.5 REVIEW OF PLANS.

2.5.1 Review of Plans.

The Committee shall, by the enactment of appropriate rules, specify the procedures for the submission and approval of plans, specifications and other materials submitted to it by an Owner of any portion of the Property or their agents (the "Applicant"). The Committee's approval, or approval with conditions, or disapproval (with a statement of the reasons therefor), of any such plans, specifications and other materials shall be given in writing within a reasonable time, not to exceed sixty days, after the meeting during which said plans, specifications and other materials were reviewed. If the Committee shall disapprove of any

such plans, specifications, or other materials, it shall send notice of its disapproval to the person or persons applying for said approval at the address set forth in the application therefore within such sixty days. If notice of disapproval is not so sent, the plans, specifications and other materials submitted shall be deemed to have been approved by the Committee.

2.5.2 Requirements for Plans.

All plans and specifications for any new building or other improvements, grading or landscaping shall be prepared by a qualified architect, engineer or landscape designer or landscape architect. See Administrative Procedures Section 3.2 below for specific requirements for plans and specifications.

2.5.3 Standards of Review.

The Committee shall, in reviewing plans, specifications and other materials submitted to it, consider the harmony of external design and location of the proposed building or other improvements, grading or landscaping in relation to surrounding structures and topography. Such review shall consider, without limitation, location of the structure, the elevation, color scheme, finish design, proportions, architecture, engineering, shape, height, style and appropriateness of the materials used therein, the kind, pitch or type of roof proposed, relationship of improvements to the site, driveway type and location, building location, grading design, landscaping design, including planting, size, height or location of trees, and harmony with the general plan of improvement of the Project (as defined in the CCRs).

2.5.4 Variances.

The Committee is authorized to make exceptions to the Guidelines where it deems appropriate. An exception may only be considered if it does not create a substantial conflict with another guideline herein. The approval of the Committee of any exception shall not be deemed to be a waiver by the Committee of its right to object to any of the features or elements embodied in such exception, if or when the same features or elements are embodied in any subsequent plans, specifications or plot plan submitted for approval as herein provided. Nothing herein shall authorize the Committee to grant variances reserved to the Board of Directors of the Association pursuant to Paragraph 12 of Article XV.

2.5.5 Prosecution of Work After Approval.

After approval by the Committee of any plans, specifications or other materials, the construction, alteration or other work described in such plans, specifications or other materials shall be performed as promptly and diligently as possible and in complete conformity with such plans, specifications or other materials. Failure to accomplish such construction, alteration or other work within two years after the date of approval, or such longer period as may be specified by the Committee in any case, or to complete the proposed work strictly in accordance with said plans, specifications or other materials shall operate automatically to revoke the approval of the Committee.

If, after such plans, specifications and plot plan have been approved, the construction is altered, erected, or maintained otherwise than as approved by the Committee, such alteration, erection and maintenance shall be deemed to have been undertaken without the approval of the Committee having been obtained as required by this Declaration.

After the expiration of one year from the date of completion of any construction, said construction shall, in favor of purchasers and encumbrances, in good faith and for value, be deemed to comply with all of the provisions hereof unless, prior to the execution of a deed or mortgage, a notice of such noncompliance or noncompletion shall be executed by the Committee or its authorized representative and be filed of record in the office of the County Clerk of Teton County, Wyoming, or legal proceedings shall have been instituted to enforce compliance with these provisions.

The approval of the Committee of any plans, specifications or plot plan submitted for approval as herein specified shall be deemed approval thereof for the construction and reconstruction of the improvements contemplated thereby, but shall not be deemed to be a waiver by the Committee of its right to object to any of the features or elements embodied in such plans, specifications or plot plan, if or when the same features or elements are embodied in any subsequent plans, specifications or plot plan submitted for approval as herein provided.

The Committee and its duly appointed agents shall have the right to enter upon any portion of the Property at any reasonable time or times to observe the progress or status of any such construction, alteration or other work.

2.5.6 Recordation of Notice.

Upon approval of any plans, specifications and other materials, the Committee shall, upon written request from the person submitting the same, provide such person with a statement of approval in a form appropriate for recordation. The Committee may record a notice to show that any work has not been approved or that any approval given has been automatically revoked.

2.5.7 Rule Making Authority.

The Committee shall adopt rules and regulations interpreting or implementing the provisions of the CCRs pertaining to the design of buildings and other improvements. A copy of such rules and regulations as from time to time adopted, amended or repealed, certified by a Member of the Committee, shall be maintained in the office of the Association and shall be available for inspection during normal business hours by any owner or prospective owner of an interest in the Property, or any architect or agent of any such owner or prospective owner.

2.5.8 Liability of Committee Members & Consultants.

No Member of the Committee shall be liable to any person for his decisions or failure to act in making decisions as a Member of the Committee as provided in the CCRs. In addition, the terms of CCRs related to liability of Members shall extend to the Committee's Consultant.

2.6 MISCELLANEOUS

2.6.1 Amendments.

These By-Laws may be amended or repealed, or new By-laws may be adopted at any meeting of Members; provided, however, that nothing contained in these By-Laws shall conflict with the Declaration. Amendments to By-Laws must be approved by the Board.

3. ADMINISTRATIVE PROCEDURES

3.1 IMPROVEMENTS REQUIRING REVIEW

All improvements that have an impact on the appearance of the community require review and approval by the Architectural Committee, including, but not limited to new residences, accessory structures, remodels, land alteration by grading, landscaping including fences, patios, exterior lighting, pools, decks and planting. All improvements shall be reviewed with the current Design Guidelines rather than those that were in place at the time Applicant purchased its property.

Interior only remodels also require a submittal, but only for the purpose of approving a construction staging plan and schedule, which impacts the community during the course of construction (see 5.15). The only submittal requirement for an interior only remodel is a Construction Site Plan (see 3.2.2.2) and a description of the planned construction schedule.

3.2 PLAN SUBMITTAL REQUIREMENTS

Applicant is responsible for submitting 7 sets of plans to the 5 individual Members, the Secretary and the Committee's Consultant. These plans must be received at least ten (10) days before the first day of the month in which a design review is requested. All plans, specifications or other materials shall be submitted in hard copy and in PDF or other electronic format. All submittals become the property of the Committee. Submittals printed at half size are encouraged, however one full size set of Final Drawings must be provided to the Secretary. Before any submittal is considered Applicant must have submitted the deposit, fees and the signed Owner's Acknowledgment of Guidelines.

Design review meeting scheduling and plan distribution information for the committee members may be obtained by contacting the Secretary at:

Architectural Committee Secretary
Spring Creek Ranch
PO Box 4780
1800 Spirit Dance Road
Jackson, WY 83001
307-733-8833

In the absence of the Secretary, please contact the Spring Creek Homeowner's Association at the same address and phone number.

For all submittals, Applicant must notify neighbors in writing of their pending submittal. Applicant shall submit copies of letters or emails sent to neighbors as part of their submittal to the AC.

3.2.1 First Submittal - Preliminary Drawings.

The submittal of Preliminary Drawings is mandatory and critical to the review process and can assist Applicants with identifying issues and understanding the requirements of the Design Guidelines early in the design process, potentially avoiding costly revisions at a later date. The signed Applicant's Acknowledgement of Guidelines, Review Fee and Compliance

Deposit must be submitted with the Preliminary Drawings for the First Submittal to be considered complete and ready for Committee review. In the sole discretion of the Committee, the Second Submittal may be waived if the First Submittal contains all information needed to review the proposed improvements. The following drawings are required for the First Submittal:

1. Vicinity Map: to show the location of the project site relative to surrounding lots and townhomes.
2. Plot Plan (Existing Conditions): to scale showing: property lines, setbacks, sidewalks, easements (utility, conservation, etc.), buildings and other improvements, dimensions, direction of north, existing utility connection points.
3. Grading Plan (Proposed Conditions): to scale showing: contours, flow lines, finished grades, limits of disturbance, silt fence, proposed utility locations and proposed impervious surface square footage broken down by building footprint, driveway and other sidewalks, patios, etc. Submittals for additions/modifications to existing improvements should clearly delineate the amount of existing impervious surface and any proposed addition. The roof plan of the building with roof ridge elevations should be shown on the grading plan. While the Construction Site Plan is not required until the Second Submittal please keep these critical items in mind.
4. Landscaping plans: to scale showing: conceptual planting scheme, general constructions and installed materials.
5. Roof plan: to scale showing pitch, valleys, hips, materials.
6. Floor Plan: to scale including: balconies, decks, atriums, provisions for automobile parking, including carports and garages, storage buildings, square footage of total living area of residence, dimensions.
7. Exterior Elevations: to scale including: all exterior elevations, dimensions, materials, colors, textures, line of natural finished grade.

3.2.2 Second Submittal - Final Drawings.

The letter from the Committee approving Preliminary Drawings should be transmitted with the second submittal and will materially expedite the review procedures if all noted concerns have been addressed. The following drawings are required:

1. Final Drawings: to include: all of the drawings noted in the Preliminary Drawing Submittal which have been further developed to include additional details, sections, and any other information requested by the Committee.
2. Construction Site Plan (Construction Conditions): to scale showing: limits of disturbance, silt fence, construction fence enclosing the limits of disturbance (in an environmentally sensitive color: dark green or black), stockpile areas (including cut/fill calculations and analysis showing total import/export of material), material staging areas (lumber, stone, etc), chemical toilet location, dumpster location, job trailer location (if any), temporary parking areas on site (include vehicle count for each area), location for crane operations (if any), location for pump-truck operations (if any), proposed utility locations, provisions for dust control.

3. Grading Plan (Proposed Conditions): to scale showing: contours, flow lines, finished grades, cut/fill calculations, limits of disturbance, proposed impervious surface, silt fence, proposed utility locations, notes to contractor regarding requirement for water meter and pressure reducing valve.
4. Landscape Plan: to scale including: fences, walls, trellises, arbors trees, groundcovers, shrubs, exterior walkways, patios, sprinkler system, slope stabilization, grading, dimensions, materials, sizes, exterior lighting, if any.
5. Exterior colors and finishes: to include either color sample board or elevation sheet with color chips attached and a clear indication as to which surface the color relates.
6. Detailed specifications for all proposed work including specific description of all exterior materials. The Committee may require samples of exterior materials if specifications are unclear.
7. Lighting Plan: to scale including: exterior and interior lighting, descriptive information on switching/controls (specifically dimmers/timers), lumen calculations (total and per entrance), window coverings to shield interior lighting.

3.2.3 Modifications.

All significant changes to the approved Construction Drawings must be submitted to the Committee for approval before they are constructed. For example, the addition, deletion or significant movement of windows and doors requires submittal of a modification, however minor adjustments to window openings would not. Similarly any change to the site plan, exterior materials/fixtures, building footprint, roofline, etc. requires submittal of a modification, however relocation of interior walls or changes to interior materials/fixtures would not. Modification submittals should be made using the approved drawings with clouded areas clearly indicating all proposed changes. If minor in scope the Committee encourages modification submittals to be made via electronic mail. The Committee may, but is not required to, review minor modification submittals before its next regularly scheduled meeting.

3.3 COMPLIANCE DEPOSIT & REVIEW FEES

3.3.1 Compliance Deposit

Concurrent with the First Submittal (Preliminary Drawings) a deposit shall be required. Submittals will not be considered unless the deposit has been submitted. Deposits shall be \$20,000 for new construction, \$10,000 for remodels or additions on individual lots and \$5,000 for remodels or additions on townhomes. Make checks payable to the Spring Creek Ranch Homeowner's Association. This deposit shall be placed in an interest bearing account. The Committee shall have the right to levy fines against this deposit for (i) non-compliance with or violations of the CCRs, and/or the Architectural Controls and Design Guidelines, and/or (ii) costs incurred by the Association for the mitigation of such non-compliance or violations. After an Applicant completes construction and successfully completes the final Site Visit required by these Guidelines with no violations noted and provides as built documents in accordance with Section 5.11, the deposit or remaining portion thereof shall be returned to the Applicant.

3.3.2 Review Fees

Concurrent with the submission of Preliminary Drawings a non-refundable review fee shall be paid. Preliminary Drawings will not be considered unless the review fee has been paid. Review fees shall be \$5,000 for new construction, \$2,000 for remodels or additions and \$500 for landscaping only additions to existing homes. Modifications to previously approved plans, if implemented during the initial construction/remodel/addition shall require an additional fee of \$250 per modification submittal. Make checks payable to the Spring Creek Ranch Homeowner's Association.

If, in the discretion of the Committee, and with approval of the SCHOA Board, it is necessary to have additional professional review by an architect, engineer, or landscape architect outside the scope of the standard review covered by the Review Fee, the Committee may employ such assistance after written notification to the Applicant. The Applicant shall be given seven days written notice of the Committee's intent to incur the cost of additional review stating why the additional review is needed and the estimated cost. If the Applicant objects the matter will be referred to the Board for a final decision. The objection period may be extended for good cause in the discretion of the Committee. The Applicant shall reimburse the Committee for all professional fees and expenses incurred by the Committee as a direct result of the proposed improvements regardless of the amount of the Committee's estimate which shall not be binding. Time spent by such professional to review any proposed improvement shall include, but not be limited to, attendance at any Committee meeting. These professional fees and expenses shall be paid prior to any final decision on the proposed improvement being rendered by the Committee. Failure to timely pay the professional fees and expenses shall constitute an assessment against the Applicant's property, which may be collected the same as any other regular or special assessment.

3.4 REVIEW TIME

The Committee must either approve or disapprove a specific submittal within a reasonable time, not to exceed sixty days, from the date of the Committee meeting during which the Applicant's submittal was reviewed.

4. DESIGN GUIDELINES

4.1 SCOPE AND APPLICATION

These guidelines apply to the design and construction of single family residences and accessory buildings and related grading and landscaping on individual lots at Spring Creek Ranch. Design and construction of multifamily projects, including townhouses, condominiums, and detached structures, are subject to separate standards of the Architectural Committee.

Upon Committee approval of plans, a development or building permit must be obtained from Teton County by the Owner. Evidence of County approval must be submitted to the Committee at the time the Applicant requests a pre-construction meeting. Construction shall not begin until all necessary approvals have been obtained both from the Architectural Committee of Spring Creek Ranch and from Teton County.

The purpose of these guidelines is to provide guidance during the design review phase. These guidelines have been designed to maintain a high quality of community appearance, to assure compatibility of all development of land and structures, and to protect real estate from impairment or destruction of value, and indeed to enhance its value.

The value of the community is greatly enhanced by its rural character and natural scenic beauty. The maintenance of these values in the design character of all improvements shall be the primary consideration in design development and review.

The guidelines are primarily directed at improvements that are exposed to external view, including exterior furniture or furnishings such as deck or patio furniture. Therefore, there is no review requirement for interior design, except for interior furnishings visible from outside the structure such as window coverings. It must be noted, however, that successful design of external elements all have one thing in common: they are logical, controlled extensions of the total plan of the house. Elevations should never be confused with "facade." It must not be something thoughtlessly placed on the front of a house to dress it up.

In the event that the Design Guidelines do not specifically cover a proposed improvement, the general criteria for design and review shall be: Will the item proposed maintain or enhance the character of the community? Is the improvement compatible with the high quality, rural contemporary image? Does the item seem inappropriate to the spirit and identity of Spring Creek Ranch? In addition, the committee may deviate from any specific element of these Design Guidelines if the overall effect created by the improvement is compatible with the general criteria.

Where there is a conflict in these Design Guidelines the most restrictive regulations shall apply.

All development shall conform to the following as amended and in effect from time to time:

1. These guidelines and all other applicable rules and regulations of the Architectural Committee;
2. The recorded Covenants, Conditions and Restrictions of Spring Creek Ranch;
3. Teton County Comprehensive Plan, Land Development Regulations, and Building Codes; and

4. Any supplemental covenants, conditions, and restrictions as may be applicable. This includes, but is not limited to, the following supplemental design guidelines approved by the Spring Creek Architectural Committee:
 - a. Supplementary Design Guidelines – the Homes at Amangani (First Filing), dated May 1, 2002 and as may have been subsequently amended and approved.
 - b. Attachment 1 to Minutes of Special SCAC Meeting Commencing June 25, 2010 – Applicable to the Homes at Amangani Second Filing.

These guidelines and the concerns of the Architectural Committee are directed to matters of design, appearance, and compatibility. The Committee expresses no opinions on matters of structural suitability or integrity.

A development or building permit must be obtained from Teton County by the Owner. The Architectural Committee expresses no opinion as to the appropriateness of the design from an engineering or performance perspective. The Owner is referred to the Teton County Comprehensive Plan, Land Development Regulations, and Building Codes for guidance and assistance on design criteria, including snow loads, wind velocities, heating and cooling assumptions. Energy conservation measures are recommended, including appropriate insulation of roofs, walls and foundation spaces, glazing and weather stripping, caulking, and energy conservation and solar design.

4.2 ARCHITECTURAL DESIGN SCOPE AND APPLICATION

4.2.1 Building Form and Scale

The building form and scale shall relate to the use of the building as a single family residence. The mass or elements of a building shall not overwhelm the scale of man.

Building forms shall not be so exaggerated that they dominate the general residential character of the community. The form should not assert itself, but blend with the environment.

4.2.2 Exterior Materials, Textures and Colors

The total building and its related elements should be visually unified to provide an order and coherence, not only with themselves, but with the surrounding environment. The desired harmony of elements does not imply a requirement for monotonous repetition, but rather a conscious continuity in the design. Nature, for instance, represents a very strong coherent order without monotony. In nature there are found symmetrical and asymmetrical objects, angular and curvilinear forms, rough and smooth textures, and the like. The characteristics of the site represent a strong natural order. The design of improvements should complement rather than detract from that order. Materials, textures and colors shall not assert themselves, but reflect the natural environment. Natural wood and stone are materials that can easily blend with nature and their use is therefore encouraged. The quality of these materials, however, can be destroyed when paint or other solid coatings are applied. The natural weathering of wood siding or shingles not only fits the rural character, but also can be quite contemporary in appearance.

Stucco is not normally associated with a rural environment and therefore should either be avoided or used very carefully to avoid a "suburban tract home" appearance.

To guide the selection of materials the following rating is provided. Materials have been rated on their normal ability to reflect the desired rural and natural appearance.

Generally acceptable:

Earthtone colors, rough sawn wood siding (unfinished or with transparent stain), natural rock and stone, logs, shingles and shakes (wood or metal), sod roofing, other forms of metal roofing having similar texture, color and appearance as existing wood shingles and shakes.

Generally unacceptable:

Bright or assertive colors, ribbed metal roofing and siding (standing seam, batten seam, corrugated), mission tile roofing, asphalt shingles, corrugated fiberglass, stucco, used brick, painted masonry, mirrored glass, aluminum or plastic siding.

If an Applicant requests a variance for a metal roof, then a full scale mock up of the eave shall be a requirement for the Second Submittal.

4.2.3 "Style"

Urban, European, Classic Revival, Colonial Cape Cod, Spanish Mission, Oriental, are all architectural styles that were appropriate for a particular place at a particular time. The architectural style for Spring Creek Ranch should not reflect an image of another place or another time. It should be based on the identity of the project and its natural environment. There is not one particular "style" for Spring Creek Ranch, but rather an image that should be maintained. That image could be described as Rustic Western. The maintenance of that image is of primary importance to protect (and improve) real estate from destruction of value, and indeed to improve its value.

4.2.4 Relationship to Site

Buildings and other improvements should be individually designed for the site on which they are to be placed. The site and its relationship to other structures, scenic values and climatic orientation should be the dominant factors in the design of the buildings. Some key site determinants and their influences are the following (see also Section III, Site Plan):

1. View of house: Houses should be designed and sited to minimize the impact and silhouette of urban forms on the natural landscape.
2. Natural Terrain: Houses should be designed and sited to conform to the natural terrain as much as possible.
3. View from House: Houses should be sited to take advantage of views and to minimize interference with views from other lots and subdivisions on the Property. A house that sits within the designated building envelope and conforms to applicable height restrictions will be considered as having minimized interference with other lots.
4. Exposure to Climatic Conditions: The arrangement of the building and its elements should be related to the natural design factors of sun, wind and rain. Fenestration should be considered with exposure to natural elements in mind. The use of exposure reducing elements such as overhangs and trellises should be designed as an integral component of the architectural design.

5. Drainage: The design and siting of the house shall not significantly alter the natural drainage of the site.

4.3 SITE PLAN

4.3.1 Driveways

The driveway is a dominant element of the streetscape. The repetition of 20' driveways every 40' would not only be monotonous, but would express a community design theme contrary to that expressed in these guidelines. The use of a common driveway serving two or more residences can drastically reduce the negative impact on the streetscape. This arrangement need not reduce the privacy or use of one's property, and would enhance the image of the community as it is viewed by most - and that is from the street.

4.3.2 Building Standards and Location

The following standards are applicable to Spring Creek Ranch:

Supplemental CCRs: Applicant shall demonstrate that the submittal complies with all special restrictions imposed supplemental CCRs which are applicable to Applicant's Unit.

Impervious Surface: Specific impervious surface allowances have been estimated for each lot at Spring Creek Ranch. The Applicant should confirm those estimated impervious surface allowances with the Committee Secretary before commencing design. Any request for additional impervious surface must be made at First Submittal. NOTE: The maximum floor area and maximum site development standards adopted by Teton County on September 12, 2006 are not applicable to development at Spring Creek Ranch.

Minimum Dwelling Size: 1,500 square feet

Maximum Site Coverage: Building envelopes typically have been provided for all Lots. Those building envelopes prescribe the set backs for all buildings and structures. All buildings and structures for any Lot including architectural projections of buildings such as chimneys, eaves, outside stairways, and stairway landings, balconies, decks, patios, terraces, and porches, must be constructed within the building envelope for such Lot.

Notwithstanding these restrictions on the location of improvements, eave overhangs and chimney masses for residences within the Homes at Amangani Second Filing may extend beyond their respective building envelopes, up to a maximum of four (4) feet.

Maximum Building Height: In accordance with Teton County height restrictions, plats or supplemental CCRs.

Minimum Off-Street Parking: Two Stalls, One covered

Minimum Setbacks from Property Lines: Defined by building envelope for each lot or various supplement CCRs.

Guest Houses: The purpose of Guest Houses at Spring Creek Ranch is to provide separate living quarters for the family, guests, and/or employees of residents. The intent is that Guest Houses are clearly incidental, subordinate, and secondary to the principal residential use of a property. A Guest House shall not be permitted unless a property has an existing primary residence or the submittal contains the design for both types of structures. The building form and scale of a Guest House shall integrate well with the primary residence. A guest House

may only be rented in conjunction with the rental of the primary residence. All Guest Houses shall also conform to the requirements of Teton County for Accessory Residential Units.

Water Meters: All plans shall note that a water meter must be obtained from Spring Creek Management (at Applicant's expense) and installed by the Applicant.

Pressure Reducing Valve (PRV): All plans shall note that a PRV must be installed on the water service by the Applicant.

In addition to building standards, the following siting guidelines are presented (see also Section 4.2.4, Relationship to Site):

1. **Automobile Storage:** At least one covered stall is required. The additional stall may be unenclosed if it is visually screened by the use of earth forms, planting or architectural elements. The Committee may require additional parking to be provided (1) for residences containing more than 3,000 square feet and (2) for any lot where the Committee feels there is insufficient off-street parking available nearby.
2. **Fenced Area:** No fences are permitted in portions of lots covered by open space easements. The fenced area shall not exceed the area of the building envelope for each lot.

Example:

Building Envelope: 5,000 square feet

Maximum Fenced Area: 5,000 square feet

3. **Use of Open Space Areas:** No improvements or landscaping shall be constructed outside the building envelope except as necessary for access (driveway, retaining walls, etc.) to the building envelope. Landscaping that does not obstruct views from neighboring properties may be considered outside the building envelope. Applicants proposing landscaping outside the building envelope shall submit drawings showing the impact on surrounding properties view corridors to the Teton Range from Glory Bowl to Mount Moran.

Notwithstanding these conditions and restrictions on landscaping outside of building envelopes, the landscaping on each Lot within the Homes at Amangani Second Filing shall be designed and planted to ensure coordinated planting and topography across individual Lots. It shall further ensure that when mature, the landscaping causes the structures on each Lot to blend with other nearby structures in Spring Creek Ranch as well as create a landscape buffer between the perimeter of the Homes at Amangani Second Filing and the structures contained therein. Achievement of such a landscape buffer will require that the landscape design and plantings for each Lot include the perimeter area of the Homes at Amangani Second Filing falling on the Lot outside of its building envelope. This includes the perimeter area between the building envelope and any adjacent Spring Creek Ranch road, and the perimeter area between any structure and the respective Lot line where there is no Spring Creek Ranch road. For this purpose, the term Spring Creek Ranch road excludes drives and driveways located solely within the Homes at Amangani Second Filing for access to Lots therein.

4.3.3 Grading and Drainage Design

The reshaping of the natural terrain to permit access and construction shall be kept to the absolute minimum. Where possible the improvement should be designed to conform to the terrain rather than the reverse, and to blend into the natural landscape. Cuts and fills must be feathered into the existing terrain. Retaining walls and cribbing should utilize natural materials such as wood timbers, logs, rocks and textured board-formed or color-tinted concrete. Slope of cut and fill banks should be determined by soil characteristics for the specific site to avoid erosion and promote revegetation opportunities, but in any case should be limited to a maximum of 2:1 slope. Draining patterns within the site may be modified, but the location and amount of runoff drainage leaving the site shall not change. Storm drainage shall not connect into the sanitary sewer systems. Runoff from impervious surfaces such as roofs and pavement areas should be directed to natural or improved drainage channels or dispersed into shallow sloping vegetated areas. Where grading is necessary, the following guidelines shall apply:

1. Transition Design: The angle of the graded slope shall be gradually adjusted to the angle of the natural terrain.
2. Angular Forms: Angular forms shall not be permitted. The graded form shall reflect the natural rounded terrain.
3. Exposed Slopes: Graded slopes shall be concealed wherever possible. At no time shall an exposed slope bank exceed 10 feet in height. Exposed manmade slope banks shall be adequately landscaped:
 - a. To provide erosion protection;
 - b. To conceal planar forms; and
 - c. To insure visual harmony with natural terrain.
4. Soils: Analysis of soils and geology is recommended for foundation and grading design.

4.4 LANDSCAPE DESIGN

4.4.1 General

Landscape scale and overall landscape design shall be such that one senses the new vegetation is integral with the natural landscape rather than contrasting or imposing. Landscaping for any site shall integrate with all adjacent properties. Manicured or groomed yards shall be within areas defined by fences, walls, rocks, or other natural site features. The concept of community involves by its very nature a common character and coherence. To strengthen this community identity the following standards shall apply:

1. Planting Requirements: Trees: Planting a reasonable number of trees is allowed. However, consideration for water usage must be considered given the constraints on the community water system. One for each 500 square feet of area is recommended. Species shall be selected from plant list in "Plant Materials" Section. Formal patterns are not desired. When preparing a planting plan, Applicants should consider the current HOA Tree Height Regulations.

2. Shrubbery and Groundcover: No specific minimum requirements, but selection of materials shall be from plant list in "Plant Materials" section. The amount of manicured lawn area should be limited.
3. Statues, Mailboxes, Fountains & miscellaneous: In general, the typical statues and other ornamentation found in urban and suburban front yards would not be consistent with the maintenance of a prestigious rural contemporary community image. The evaluation of items will be made using the criterion of whether or not the item maintains the high quality rural character and established community standards of appearance.
4. Irrigation: All planting shall have adequate irrigation to insure its viability. However, water conservation is also a critical consideration. Landscaping that minimizes the need for extensive permanent irrigation is encouraged.
5. Hard Surface Areas: The hard surface areas such as entry walks, driveways and patios shall be designed as an integral component of the architectural design. Driveway and pathway surfaces should not present dust or erosion problems. The monotony of a large unbroken smooth surface should be avoided. The integration of textured surfaces such as brick, heavy wood timbers, texture concrete, etc., is encouraged. Informality and innovation are recommended in hard surface design.

4.4.2 Fencing and Miscellaneous Details

1. Fencing: Fence design is an integral component and extension of the building design. The fence shall be designed to be compatible with the total surrounding environment. Fences shall be a horizontal see-through type such as split rail or buck fences except for screening service areas where fences shall be solid and compatible with the structure. All fences shall be of wood construction, left natural, stained, or oiled, but not painted. Fencing shall not be used to define the limits of property ownership, but for the creation of exterior privacy. (See also Section 4.3.2 Building Standards and Location.)
2. Tree Removal: Existing trees and major shrubs shall not be removed without the consent of the Committee.
3. Items to be screened: The following items shall not be exposed to public view:
 - Air Conditioning units, or other mechanical devices
 - Television, or other antennae
 - Refuse storage containers
 - Clothes drying lines
 - Boat, camper or motor vehicular storage
 - Areas for prolonged storage of building materials
 - Basketball backboards
 - Electric meter panels
 - Gas meters

-Satellite dishes (provide location and screening details)

-Generators

-Any other items that tend to deteriorate the appearance of the community

4. Noise Sources: Sources of noise such as air conditioning compressors and speakers should be installed in such a manner so that they will not disturb neighbors.
5. Exterior Service and Storage Areas: Areas shall be provided for trash containers, utility tanks, the storage of patio furniture, and maintenance and recreational equipment. These areas shall be screened from the view of the public and adjacent property owners. Trash containers shall be inaccessible to wildlife. Walls enclosing these areas shall be compatible with the materials and integral with the forms of the residence.
6. Utilities: Connections from trunk utility lines to individual structures must be underground. No individual septic and leachfield systems, nor individual wells are allowed without written approval of the Architectural Committee and the Association. **No exterior antennae shall be erected without written approval of the Architectural Committee.**
7. Solar Panels: These panels and the associated mounting frames can be unsightly. The reflectivity of these panels can also negatively impact surrounding properties. If an Applicant proposes solar panels they will only be approved if the Applicant can demonstrate to the Committee's satisfaction that the panels will not be visible from any other property at Spring Creek Ranch. Submittals should include visual studies from surrounding properties clearly demonstrating that the proposed solar panel location(s) are not visible or to appear as typical exterior building material in harmony with the balance of the structure.

4.4.3 Plant Materials

All proposed plant materials should be taken from the latest Teton County, Wyoming LDR Native Plant Species List (see current link below). These materials are recommended for use due to their natural non-assertive appearance, their tolerance to drought, and their local availability. Other plant materials not on this list may be used, but specific approval by the Committee is required. Substitutions should be avoided unless they are native to Jackson Hole. Introduction of nonnative species, especially grasses and shrubs and forbs could be disastrous for the native vegetation.

<http://www.tetonwyo.org/plan/pdplan/docs/2008NativePlantList.pdf>

Plant species recommended for the reclamation of disturbed areas or utility corridors only:

<u>Shrubs</u>	lbs./ac.
Artemesia tridentata vaseyana (Sagebrush)	2
Artemesia tripartita (Three-tip sagebrush)	3
Symphoracarpus oreophilus (Snowberry)	2
<u>Grasses</u>	
Poa secunda (Sandberg's Bluegrass)	1
Festuca idahoensis (Idaho Fescue)	3

Agropyron spicatum (Bluebunch wheatgrass)	3
Stipa columbiana (Needle & threadgrass)	<u>1</u>
Total	15 lb./ac.

4.4.4 Lighting

The residential areas of Spring Creek Ranch are areas of low ambient brightness, if not intrinsically dark. Controlling light pollution and light trespass, both nuisance glare and high illuminance levels, are of particular concern. Lighting proposals shall address the normal circumstance where off-site observers might be affected. Lighting is to be minimal, and used primarily to meet the minimum requirements of safety.

Interior lighting. Glazing to take advantage of the scenic vistas is presumed to be an important part of residential design at Spring Creek Ranch. Accordingly, interior lighting can contribute to both light pollution and light trespass. The Applicant shall consider the following factors:

1. Avoid direct light hitting glazing. Select, locate and mount fixtures to control and contain light within the residence. Use indirect lighting and well-shielded fixtures. Visible bulbs shall not be used on chandeliers and other decorative light fixtures if they are visible from outside the home.
2. Use dimming controls and timers on interior architectural lighting.
3. Emphasize indirect lighting of ceilings to provide soft ambient light throughout.
4. Demonstrate consideration of the following factors: window coverings, reflective quality of interior (and exterior) surfaces, fixture design and nature or type of glazing.

Exterior Lighting. Lighting is to be minimal and used essentially to meet the minimum requirements of safety. All outdoor lighting shall be installed in such a manner and be so shielded that the cone of light falls within the perimeter of the building envelope. Ambient light traveling outward and upward shall be reduced to the greatest extent possible by shielding fixtures and limiting intensity. Fixtures mounted on the surface of the buildings or contiguous hardscape, such as decks or balconies, shall be installed in such a manner and be so shielded that the cone of light falls within the constructed surfaces. For example, light from up-lights shall be fully contained by soffits or overhangs. Light from down lights shall be limited to the porch, patio or stairs. All lighting shall be fully hooded or shielded by metal, wood or other opaque covers to completely conceal the lamp source from direct view so that no illumination source or glare creates a nuisance to any adjoining property. For example, mica shields over a fixture only partially conceal the lamp source and are therefore not acceptable.

Outdoor lighting other than fixtures placed on the structure at entrances and exits is prohibited. Output of exterior light fixtures at any entrance or exit shall not exceed 5,500 lumens in the vicinity of the main entrance or exit or 2,500 lumens in the vicinity of any secondary entrance or exit. Total luminance from all exterior lighting placed on the structure shall not exceed 10,000 lumens.

Minimal lighting of pedestrian hazards, such as stairs and obstacles, is acceptable. Illumination shall not exceed lumens equivalent to the lumens produced by a 25 watts incandescent lamp. Fixtures shall have a total cut-off of light at an angle less than ninety

(90) degrees. Landscape lighting is prohibited except where landscape lighting is used for minimal lighting of pedestrian hazards. Continuous lighting of pathways and driveways is not permitted.

5. CONSTRUCTION REGULATIONS

Construction shall not begin until final plan approvals have been issued by the Architectural Committee ("Committee") and a building permit has been obtained from Teton County. Once begun, construction must be completed with expedition, strictly in accordance with the approved final plan, to include completion of landscaping.

Applicants are responsible for all actions of their agents, architects, engineers and contractors.

5.1 BUILDING PERMITS

Upon Committee approval of final plans a development or a building permit must be obtained from Teton County prior to commencement of construction. A copy of the permit must be provided to the Secretary when requesting the pre-construction meeting.

5.2 EXCAVATION AND GRADING

Extreme care must be taken to assure that trees and other vegetation not authorized for removal are not damaged. Also brush, surplus soil and other excavated debris must promptly be removed from the building site. Blowing dust from grading must be controlled by watering or other approved means. No grading shall occur outside the limit of disturbance noted on the Grading Plan. If any change is made to the limit of disturbance a formal request must be made to the Committee.

No trees over 3" diameter one foot above grade will be removed, without prior approval by the Board.

During construction erosion shall be minimized through proper soils stabilization and timely revegetation. The Contractor shall implement all control measures outlined in the approved erosion control and revegetation plan. These measures shall be maintained/repaired throughout construction.

5.3 NOISE

Although construction hours will not be controlled, loud noise is prohibited between 6:00 p.m. and 8:00 a.m. and altogether on weekends and major holidays. Loud noise includes heavy equipment such as site lifts, forklifts, dump trucks, earthmoving equipment and generally any type of machinery containing a backup alarm. It also includes outdoor use of compressors and saws. Music shall be played at a volume that is not disruptive to adjacent lots. Blasting must be done between the hours of 9:00 a.m. and 6:00 p.m. on weekdays only. Vehicle jake braking is **ABSOLUTELY PROHIBITED**.

5.4 PROTECTION OF PROPERTY

All construction activity shall be contained within the limits of disturbance shown on the Construction Site Plan. The limits of disturbance shall be continuously marked with construction fence in an environmentally sensitive color: dark green or black. Construction fence shall not be removed for any period of time and shall be promptly repaired if damaged. Access to the lot shall be only from the approved road adjoining the site. Any common ground, adjacent lots or roads damaged during construction shall be promptly restored to their original condition to the satisfaction of the Committee. If restoration is not accomplished by the end of the growing season following completion of construction, all

required repairs will be performed by Spring Creek Homeowners Association with all costs thereof charged to the person in whose name the building permit was issued. In addition, Applicant is responsible for clean-up and reclamation of all surrounding areas outside the limits of disturbance (e.g., road shoulders) impacted by Applicant's project.

5.5 CONSTRUCTION STAGING & PARKING

Adequate staging area for stockpiling of construction materials and vehicle parking shall be provided and shown within a designated construction area. **MATERIALS, DEBRIS, AND VEHICLES SHALL NOT BE PERMITTED OUTSIDE THE BOUNDARIES OF THE DESIGNATED CONSTRUCTION AREA.** The entire construction area shall be kept clean and free from trash, paper, debris, scrap materials, and other unsightly substances. Employee parking shall be contained to the areas noted on the approved Construction Site Plan. Parking on Spring Creek Ranch roads is NOT ALLOWED. If additional parking is needed during certain phases of construction a request for use of Spring Creek Ranch maintenance area parking may be made the Spring Creek Ranch management.

5.6 ROAD CONDITIONS

The entrance to the Ranch is a critical first impression. Vehicles and heavy equipment must not be staged in this entrance area. All vehicles must adhere to road signs and speed limits. Contractors shall undertake regular dust mitigation, by watering or other appropriate means. Contractors shall promptly sweep roads clean of gravel, mud, dirt and other debris deposited during construction period.

Weight Limits: Vehicle weight limits on Spring Creek Roads shall comply with Wyoming Department of Transportation limits for secondary roads:

- Single Axle: 20,000 lbs.
- Tandem Axle: 36,000 lbs.
- Triple Axle: 42,000 lbs.
- Each Wheel: 10,000 lbs.
- Each Tire:

Steering: 750 lbs./inch of tire width

Other tires: 600 lbs./inch of tire width

- Gross Weight: Based on distance between first and last axle (WYDOT maximum Gross Weight Table II)

To prevent road damage and minimize road repair costs Spring Creek HOA may impose temporary or seasonal weight restrictions equal to 60% of the regular limits above when road surface is failing due to saturated road subgrade or the thawing of frozen road subgrade. Temporary weight restrictions will be determined by Spring Creek HOA Board of Directors. Notification of temporary or seasonal weight restrictions will be provided to all Applicant/Owner's with active permits. SCR Management shall govern compliance with the regulations under HOA Board direction.

5.7 FIRE PREVENTION

The butte's landscape is particularly prone to brush fires. All parking shall be on paved or bare surfaces, not on wild grass or sagebrush areas. Cigarette butts shall be contained. Burning of debris is restricted to times allowed by Teton County. Contractor must contact all appropriate parties for approval, including the Fire Department and Spring Creek Management, before any burning takes place.

5.8 ANIMALS

No animals shall be allowed on site either running free or restrained.

5.9 UTILITIES

Applicant is required to have knowledge of all easements stated within the Declaration and upon the recorded plat and survey of the property. Amendments to these easements can only be granted by the entities involved with the specific approval of the Committee.

Prior to construction or connection of any utility, the contractor is required to submit a written request to the pertinent utility company 48 hours before starting construction. Any excavation work to be performed on or near streets shall be scheduled with Spring Creek Ranch management. Interruption of normal traffic by barricades or excavation shall be confined to a period not to exceed 56 hours. No street shall be barricaded more than one-half the total width at the same time. All excavations within the paved portion of a street shall be immediately repaired to its original condition under the direct supervision of Spring Creek Ranch management.

5.10 PROPERTY BOUNDARIES AND SETBACKS

It will be the responsibility of the Applicant to determine the limits of the property and observe the legal setback requirements.

5.11 SIGNS & TEMPORARY STRUCTURES

One discreet sign naming pertinent parties such as the general contractor, architect and lending institutions will be permitted during construction only, but no other signs may be displayed. The sign shall be located within the building envelope **and not more than 150 square inches in size**. The sign is to be completely removed upon completion but not later than the filing of the Notice of Completion.

A small job office (maximum 10'x24') and secured storage (maximum 10'x15') may be maintained on the site. The job office and secured storage shall be removed within 10 days after completion of the permanent building. Temporary living quarters for workmen or the owner will not be permitted.

A permanent water connection and temporary enclosed chemical toilet must be available during all of construction. Chemical toilets should, if possible, be screened from view and be located away from neighbors.

5.12 CONSTRUCTION OBSERVATION SITE VISITS

It shall be the responsibility of the Applicant, to request a site visit a minimum of seventy-two (72) hours prior to the time in which the site visit is required. The Applicant, or its Contractor, must be present at the time scheduled for the site visit. If the Applicant or

Contractor fails to attend the site visit, at the option of the Committee representative, the site visit may be rescheduled. The Committee shall not be held responsible for any delay or damage incurred as a result of insufficient notice of site visit requirements, extraordinary circumstances or rescheduling due to failure of the owner or contractor to attend.

For new construction projects the following site visits must be scheduled with the Committee:

1. First Site Visit: Shall be conducted after the construction survey has indicated property lines, setback lines, utility easements, utility lines, driveway location, building corners, retaining walls and protected vegetation. Trees to be removed should be clearly marked with ribbon. **This site visit must be completed prior to start of construction**, but after the installation of silt fence, construction fence and other erosion control measures.
2. Second Site Visit: Shall be conducted after contractor receives the Certificate of Placement from the surveyor. A copy of this document shall be provided to the Committee.
3. Third Site Visit: Shall be conducted when all rough framing is completed. All framed openings, roof sheathing, and foundation work shall have been completed.
4. Fourth Site Visit: Shall be conducted when the Applicant provides a permanent Certificate of Occupancy, all work is completed pertaining to external appearance including painting, roofing, line grading, landscaping/reclamation and clean-up of the entire site.

For remodels and additions the following site visits must be scheduled with the Committee:

1. First Site Visit: Shall be conducted after all changes have been laid out clearly indicating their proposed location.
2. Second Site Visit: Shall be conducted after all work is complete and site has been cleaned up.

The schedule of site visits shall also appear prominently in the drawings. If requested or issues are noted copies of all site visit reports shall be given to the Applicant and Contractor.

In the event additional site visits are required due to violations discovered during the course of scheduled or nonscheduled site visits, the Owner shall be required to reimburse the Committee for these added costs.

The owner and/or contractor having been informed by the Committee of the alleged violation assumes full responsibility for the continuance of the work in violation or any work or activity which may preclude subsequent observation of the alleged violation.

In the event of a dispute or disagreement regarding the alleged violation, it will be the sole responsibility of the Applicant to uncover the work for discovery of the alleged violation at no cost to the Committee whether or not the alleged violation is or is not sustained.

5.13 AS BUILT DOCUMENTS

To provide for the safety and welfare of the Spring Creek community, the Applicant is required to provide the following information upon completion of construction and development:

1. One Copy of the approved site plan, revised or “redlined”, signed and dated to locate all utilities, aerial or buried, existing and newly constructed, including power, gas, telephone, cable television, water and sewer. The site plan shall be annotated to locate accurately the exterior locations of all entrances and exits to structures, electrical panels and main switches, gas meters and shut-offs, water shut-offs, any other meters for any other utilities, and any fire alarms, hydrants, and fire fighting apparatus. A redlined and annotated sheet from the working or construction drawings may be provided to satisfy this requirement.
2. A schematic drawing on 8 ½” x 11” paper accurately identifying interior locations for any of the above, to the extent such information is not provided on the site plan in “1” above.

5.14 ENFORCEMENT/FINES

The Applicant/Owner shall require the Contractor and any other representatives to comply with these Guidelines and Regulations. If a violation is observed by the Committee or the Board or the management of Spring Creek Ranch receives a written complaint, the following steps will be taken:

5.14.1 First Offense

A representative from Spring Creek Ranch Management will visit the site. They will document the visit as to date, time and to whom they spoke. The representative will also cite the violation, describe the corrective action needed, the timeframe within which the violation must be corrected and provide the Owner with a copy. This is an official warning. No fine is imposed.

5.14.2 Second Offense (for same violation)

A representative from Spring Creek Ranch Management will visit the site. They will document the visit as to date, time and to whom they spoke. The representative will also cite the violation, describe the corrective action needed, and provide the Owner with a copy. A fine of \$1,000.00 will be imposed for each violation.

5.14.3 Third Offense (for same violation)

A representative from Spring Creek Ranch Management will visit the site. They will document the visit as to date, time and to whom they spoke. The representative will also cite the violation, describe the corrective action needed, and provide the Owner with a copy. A fine of \$2,000.00 will be imposed for each violation.

5.14.4 Documentation

Any time the Board issues a written warning or levies a fine for a violation of the Design Guidelines, to the extent practicable the Board shall corroborate the alleged offense by taking a photograph of the offense if possible. An offense may be witnessed by, and a picture taken by, any member of the Board of Directors, its officers, consultants or any unit owner.

Notwithstanding, photographic proof shall not be a requirement in proving a violation of the Design Guidelines, but rather is merely a suggested corroboration of the violation.

5.14.5 Notice

Upon the levying of any fine, the Board shall send written notice of the fine to the Owner, together with a description of the alleged offense. The Owner may then request that they be heard at any regularly or specially scheduled Board meeting held within sixty (60) days of the notice. The Board shall give an offending Owner the opportunity to contest the matter and otherwise present their case, at which time the Board shall render a decision by majority of the Board of Directors, whether to levy the fine or fines. The AC shall bear the burden of proving the violation by a “preponderance” of the evidence, i.e. “more likely than not”.

5.14.6 Other

In the event the Owner does not notify the Board within thirty (30) days of the date of the notice, the Owner shall be deemed to have waived the hearing and the fine shall be imposed and collected.

Any fine or fines levied by the Board shall constitute an assessment against the offending owner’s property which may be collected the same as any other regular or special assessment.

Each day an Owner is in violation of the Design Guidelines shall constitute a separate offense for which a Third Offense fine amount may be imposed.

5.15 LIMITED REMODEL CONSTRUCTION DURING THE SUMMER SEASON

Construction activity can be disruptive of the peace and quiet of owners and guests alike, particularly in the subdivisions of townhouse condominiums, both Spirit Dance Estates and Harvest Dance Estates, where residences have common walls and where construction staging necessarily takes place in the Site Common Area, but elsewhere as well. The potential for inconvenience and nuisance is particularly high in the summer months, when owner and guest occupancies are historically at their highest, approaching 100%.

1. Any remodel construction, in a townhouse condominium and otherwise, whether interior or exterior, requires submission of a proposed construction plan and schedule for review and approval of such construction plan and schedule by the Committee. Committee approval is also required prior to construction for architectural plans for any exterior improvements.
2. Remodel construction in a townhouse condominium between June 15 and September 15 shall not be approved unless it is demonstrated to the satisfaction of the Committee and to the immediate neighbors that any inconvenience to neighboring townhouse condominiums is very likely to be minimal.
3. Construction plans and schedules for remodel construction in dwelling units other than townhouse condominiums shall demonstrate concern for the impact of construction activity, including staging of materials and parking of vehicles, on the peace and quiet of the immediate neighborhood, and shall be subject to review and approval of the Committee.

5.16 HOLD HARMLESS

Applicant agrees to indemnify and defend HOA, Committee, its consultants and agents from any and all claims, actions, or lawsuits made against them as a result of the AC's approval, denial or rejection of any building plans made in the scope and course of its duties. This indemnity includes any damages or liabilities incurred as the result of any error, omission or oversight of any violation of the Declaration, Guidelines or Building Code. This indemnity will include the costs and expenses including reasonable attorney fees in defending any such actions or lawsuits, and reimbursement for any judgment rendered against HOA and/or AC as contemplated herein. Such indemnity will not include gross negligence or intentional misconduct on behalf of the HOA, Committee, or its members.

The Applicant shall recognize his sole responsibility in conforming to all Codes and Covenants and shall not depend upon the advice, consent or concurrence of any member of the Committee or the Committee's Consultant as authority for permission to deviate in any way from legally applicable Codes, Covenants, restrictions or requirements. All site visits performed by the Committee or their agents are solely for their benefit and is not intended to be for the benefit of any other persons, firm or corporation.

In no event will acceptance of documents by the Committee constitute acknowledgement or acceptance of any proposed or completed work which violates any portion of any applicable code administered by any regulatory agency having legal jurisdiction in the development area.

OWNER'S ACKNOWLEDGEMENT OF GUIDELINES &
LETTER OF AUTHORIZATION

_____, "Owner" whose
mailing address is: _____, as
owner of property more specifically described as: _____

HEREBY ACKNOWLEDGES receipt and review of the Architectural Controls and Design
Guidelines (Guidelines), and

HEREBY AUTHORIZES _____ as agent to
represent and act for Owner in making application for and receiving and accepting on Owners
behalf, any approvals required by the Spring Creek Homeowner's Association (HOA) relating to
the modification, development and improvement of land in Spring Creek Ranch. Owner agrees
that Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or
made any and all representations or promises contained in said submittal, and shall be deemed to
be aware of and to have authorized any subsequent revisions, corrections or modifications to
such materials. Owner acknowledges and agrees that Owner shall be bound and shall abide by
the written terms or conditions of approval, whether actually delivered to Owner or not. Owner
agrees to pay any fines and be liable for any other penalties arising out of the failure to comply
with the CC&Rs and Guidelines.

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on
behalf of a corporation, partnership, limited liability company or other entity, the undersigned
swears that this authorization is given with the appropriate approval of such entity, if required.

Signature

Date

Printed Name

Title