

DECLARATION FOR POWDER VIEW

(A Planned Community within the Powder Reserve)

Amendment to Article X, Section 10.2 Occupancy Restrictions

This is an amendment to the Declaration for Powder View (A Planned Community within the Powder Reserve) recorded on October 3rd, 2014, Serial No. 2014-0040071-0 in the Anchorage Recording District, Third Judicial District, State of Alaska.

The purpose of this amendment is to clarify and update section 10.2 of the Declaration for Powder View. This amendment shall replace section 10.2 of the original Declaration for Powder View, in its entirety.

This amendment was adopted by the approval of Owners owning in the aggregate not less than sixty-seven percent (67%) of the voting power.

Article X, Section 10.2 of The Declaration for Powder View is amended to read as follows:

Section 10.2 – Occupancy Restrictions. All Lots are subject to the following occupancy restrictions. For all subsections which require approval of the Architectural Control Committee, the following applies: overall appearance of the dwelling and lot will be an important consideration of approval, and the Architectural Control Committee may waive any requirements at any time at its sole discretion.

- (a) *Architectural Control and Penalty.* No construction, clearing or site grading shall begin on any Lot until the Architectural Control Committee has approved the proposed activity in writing. A Lot layout plan showing house, driveway and clearing limit locations shall be plotted in compliance with the requirements of this Article by a registered surveyor at the Lot Owner's expense. This surveyor-certified plot plan shall be delivered by the Lot Owner to the Architectural Control Committee thirty (30) days prior to anticipated commencement of construction. After initial construction of the house on any Lot, plans for any additional modifications, outbuildings, or fences shall be submitted by the Lot Owner to the Architectural Control Committee thirty (30) days prior to anticipated commencement of construction. Construction may not begin until written approval of the plot plan is received. A penalty of One Hundred Dollars (\$100) per day may be assessed by the Executive Board against a Lot Owner for unapproved construction activity.
- (b) *Structural Design and Appearance.* The Developer/Declarant of the Declaration for Powder View (A Planned Community within the Powder Reserve) wishes to create a superior residential neighborhood which exhibits a wide range of harmonious designs, appearances and colors so that Powder View maintains a distinctive character. Thus, no set of building plans may be replicated or repeated (less than 30% change of the house front) within four Lots in any direction from the Lot that is readily visible along a street frontage from the Lot which a design has been submitted to the Architectural Control Committee. No maximum or minimum roof pitch is specified, but approval of the Architectural Control Committee will be based on the

visual impact of the roof on the Lot and on neighboring Lots, dwellings, roads and open spaces. Overall appearance of the dwelling will be an important consideration of approval, and the Architectural Control Committee may waive any requirement at any time in its sole discretion.

- (c) *Dwelling Cost, Quality and Size.* Unless otherwise approved in writing by the Architectural Control Committee and the Executive Board, no dwelling shall be permitted on any Lot at a cost of less than seventy-two percent (72%) of appraised value of the structure and Lot combined, it being the intention and purpose of this covenant to assure that all dwellings shall be of a quality and workmanship and materials substantially the same or better than that which can be produced on the date of this Declaration is recorded, at the minimum cost stated here for minimum permitted dwelling size. All dwellings with the exception of ranch-style dwellings, must have at least 2,000 square feet of living area, not including garage area or outbuilding area. Ranch-style dwellings must have at least 1,800 square feet of living area, not including garage area or outbuilding area.
- (d) *Detached Structures (Outbuildings).* A single detached outbuilding no larger than eight (8) feet by ten (10) feet and no greater than twelve (12) feet in height may be constructed on a Lot, and must be within the side or back yards behind the front line of the house, T1-11 siding as well as wood lap siding or like material can be used on any outbuilding, and the structure must be located on the Lot and finished so as to blend into the surroundings as much as possible. Metal, aluminum, or similar structures shall not be allowed.
- (e) *Siding, Roofs and Colors.* No metal buildings shall be constructed or maintained on any Lot, and metal roofs are not permitted. Only lap wood siding, or like material, may be used in construction of dwellings. Chimneys shall be enclosed with framing when visible from the street. All paint, stain and roof colors, materials and textures must comply with those approved by the Architectural Control Committee. The intent is to have pleasing and differing colors and textures from house to house.
- (f) *Slope Stabilization and Sedimentation Control.* Slopes shall be stabilized and sedimentation controlled at all times during construction. All construction shall comply with the Municipality of Anchorage, the Alaska Department of Environmental Conservation, and EPA Storm Water Pollution Prevention Plan requirements.
- (g) *Driveways, Structure Locations, Clearing Limits, and Setback Lines.* Driveway and structure locations are to be staked according to the Lot layout plan approved by the Architectural Control Committee. Unless waived by the Architectural Control Committee, structures must be located outside of the following setbacks:
- Front Yard: Minimum of twenty five (25) feet.
 - Secondary Yard: Minimum of fifteen (15) feet.
 - Side Yard: Minimum of seven (7) feet.
 - Rear Yard: Minimum of twenty (20) feet.

- (h) *Completion of Exteriors.* All houses must be enclosed and exteriors finished within twelve (12) months of the time construction begins, except that this time may be extended for compelling reasons at the discretion of the Architectural Control Committee to avoid hardship. No building shall be occupied prior to the completion of the exterior.
- (i) *Temporary Construction Structures.* Temporary construction structures up to 200 square feet in area may be permitted with the written approval of the Architectural Control Committee. These structures shall be for use only during the construction phase on a Lot, not to exceed one (1) year, and shall be promptly removed when no longer needed or within thirty (30) days of a written request for removal by the Architectural Control Committee. Temporary structures shall not be used as residences. Portable toilet facilities shall be provided on any Lot under construction unless a toilet facility to the construction workers is located within three hundred (300) feet of the construction site.
- (j) *Driveway Paving, Location of Utilities, and Snow Removal.* All driveways shall be paved with black asphalt or grey concrete unless otherwise approved in writing by the Architectural Control Committee. Utility installations shall be underground and located within the approved clearing limits or existing cleared areas. Any utility connections or work that disturbs or damages subdivision open spaces, pathways, roads, curbs or buffer vegetation must be repaired or replaced by the homeowner. All driveways shall be maintained in good repair. No person shall place, leave or deposit upon any street, avenue, alley, sidewalk, or other public place any accumulation of snow or ice which has been removed from a private driveway or parking area. Homeowners are encouraged to clear snow from the sidewalk within and directly in front of their lot to maintain a usable sidewalk throughout the winter, as they are able.
- (k) *Lawns and Landscaping.* All Lot Owners shall submit a Landscape Plan to the Architectural Control Committee for Approval. All disturbed areas on a Lot shall be landscaped by the owner weather permitting, not later than the first growing season after the completion of the construction of the primary structure on the Lot. Tree planting, especially in the front yard, shall be emphasized. Steep slopes (steeper than 1½:1) shall be stabilized with rock work or retaining walls. All lawns are to be maintained free of excessive weeds, mowed and trimmed, whenever growth exceeds four inches (4"). Lot owners shall plant and mow and maintain unpaved road right-of-way next to their Lot. Fertilizer shall be used sparingly not more than twice yearly to minimize adverse runoff water quality. Lot owners shall clean and remove any grass clippings within their driveway, sidewalk or roadway.
- (l) *Trees.* No live trees shall be removed from any Lot except those trees within the Architectural Control Committee approved clearing limits on that lot or as required by Paragraph (m), below. It is the intent of this provision that all persons purchasing Lots shall do their utmost to maintain the live trees and natural wooded surroundings of their properties. It shall be the responsibility of the Lot Owner to inform any construction personnel of these requirements and require them to take the necessary time and expense to make certain that (1) no more than 4 inches of dirt is placed over any live tree roots; (2) damaged roots and trees are painted with protective sealer to prevent dehydration; (3) root feeding of damaged trees is done in a timely fashion; (4) tree

surgery is done on all trees deemed unsafe or unsightly to correct the condition; and (5) roots exposed by machinery, etc. are covered by 4 inches of topsoil within thirty (30) days of their exposure. The Lot Owner, at the Lot Owner's expense, shall be responsible to replant within 1 year of completion of construction any trees outside of the approved clearing limits killed as the result of construction activity. Minor tree surgery to enhance view is allowed. Infested, diseased or dead trees shall be removed immediately, except when weather/snow cover does not permit their safe removal. Stumps shall be trimmed flush with the ground level or removed and covered by soil and revegetated immediately as weather conditions permit.

- (m) *Sight Distance.* No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) feet and six (6) feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the property lines adjacent to the street if extended in a straight line. The same sight line limitations shall apply to any Lot within ten (10) feet of the intersection of a street property line with the edge of the driveway pavement. No trees shall be permitted to remain within such clear vision areas unless the foliage is trimmed to a sufficient height to prevent obstruction of sight lines.
- (n) *Drainage.* Any alteration of natural drainage is the responsibility of the party changing grades. A Lot Owner changing the grade shall make provision for water runoff so that it does not negatively impact other Lot Owners or the Common Elements.
- (o) *Fences.* Whenever practicable, hedges, shrubs or trees shall be used for screening. Fences to be constructed at the time of house construction shall be shown and approved as part of the lot layout approval. For approval of a fence to be constructed after initial construction of the house on a Lot, the Lot Owners shall submit at least thirty (30) days before the anticipated commencement of fence construction a plan showing the location of the fence and the proposed fence design. Dog runs shall only be permitted behind the house on a Lot and shall be concealed by a wooden fence. Fences are to be constructed of wood materials only. Weather treated construction grade materials such as fir and hemlock may be used for the facing. The fence shall be stringers but only cedar or redwood may be used for facing. The fence shall be constructed so that the posts and stringers are located inside of the fence (facing the interior of the lot) and facings and rails on the outside of the fence. Fences shall not exceed six feet (6') in height. No fences are permitted in the front yard of a lot. Fences shall be maintained as needed to retain an appealing appearance, with prompt repair of damaged portions. Regular staining or sealing is encouraged.
- (p) *Signs.* No sign of any kind shall be displayed to public view on any Lot except as follows; a sign of not more than six (6) square feet advertising the property for sale or rent, signs used by the builder or Declarant to advertise the properties during the construction or sales period, and one small sign advertising the home is under the monitoring of a security or surveillance system. No signs shall be nailed or affixed to trees. Any sign shall comply with the current zoning regulations applicable to signs.

- (q) *Animals.* No animals, sled dogs, livestock, including horses or poultry of any kind shall be raised, bred, or kept on any Lot, except for two (2) dogs, cats, or other pets may be kept, provided they are not kept, bred, or maintained for commercial purposes. Additional pets may be approved by discretion of the board. All pets shall be changed, fenced, or otherwise restrained at all times. No pet shall be allowed to run freely. Lot Owner is responsible for removing its pet's feces from all areas of the Planned Community (i.e. open spaces, streets, bike trails, sidewalks, etc.) No vicious dogs, as defined by the Executive Board and based on prior documented behavioral disturbance, shall be kept on any lot. Lot owners shall prevent their dog from urinating or defecating on other privately owned lots.
- (r) *Nuisances.* No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance or danger to the neighborhood. Lot owners shall contain or control their animals to the extent necessary to eliminate nuisance (including but not limited to barking dogs) to their neighbors. Use of snowmachines, off road use of motorcycles or other all-terrain vehicles within the neighborhood is expressly prohibited. The Executive Board shall have the authority to establish a fine schedule and levy fines in sufficient amount to deter continuation of any activity determined by the Executive Board to be a nuisance.
- (s) *Easements.* Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting other than ground cover, or other material, which may damage or interfere with the installation or maintenance of utilities, which may change the flow of drainage facilities in the easement, or which may obstruct or retard the flow of water through the drainage channels in the easements, shall be placed or allowed to remain. The easement on each Lot, and all improvements in it, shall be maintained continuously by the owner of the Lot, except for those improvements for which a public authority or utility company is responsible. A foot or bike path or trail easement shall not be utilized by motor powered vehicles of any sort except for maintenance vehicles as approved by the Executive Board. No live vegetation shall be disturbed in any perimeter buffer easements, except where utilities and storm drainages are to be installed, and all disturbed areas must be revegetated with approved landscaping.
- (t) *Waste Material.* No Lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or others waste. All such matter shall be kept in sanitary containers. Construction waste shall be kept to a minimum on site and removed to the satisfaction of the Executive Board consistent with professional building industry standards. No incinerators or other equipment for storage or disposal of garbage, trash, rubbish, or other waste may be kept, maintained, or located at the exterior of any dwelling except (1) in a storage shed, completely enclosed and located or connected to the exterior wall of the dwelling; or (2) on the day of garbage pick up. No outside burning is allowed without the Executive Board's written permission.
- (u) *Storage.* Bulk fuel storage is prohibited; homeowners are permitted to store limited quantities of fuel used for lawn mowers, chain saws, ATVs, etc. No recreational vehicle of any type shall be parked in the street, on the front yard, of any lot at any time. Recreational vehicles may be

parked in the driveway for no more than 48 hours. No vehicles may be parked on grass-landscaped yard. All vehicles, boats, trailers, campers, snowmachines, all-terrain vehicles, and cross-country vehicles of any type, and all other similar types of property must be stored, located and maintained in the side yard, behind the front of the dwelling. No airplanes, ultra-light aircraft, helicopters, or similar devices or parts thereof shall be kept on any property within the subdivision. All permitted storage shall be in such a manner as to preserve the character of Powder View. No stored recreational vehicle shall be covered in any manner with tarpaulins or other unsightly coverings as determined, in its sole discretion, by the Architectural Control Committee. No Lot or street may be used for the storage of any equipment materials or merchandise used or to be sold in a business or trade.

(v) *Vehicles.* No vehicle may be abandoned or allowed to remain on any Lot for more than thirty (30) days if not in operating condition, and all vehicles on any lot must be licensed. No equipment such as bulldozers, work trucks, and road graders may be parked on any Lot or street except during that time it is actually working in the area of the subdivision in a continuous manner. No commercial vehicles shall be parked on Lots or streets except during the time necessary for loading or unloading. All owners shall comply with the parking ordinances of the Municipality of Anchorage which are applicable to residential neighborhoods. No vehicle shall be parked to block a bike trail or sidewalk.

(w) *Antennae.* Only such antennae as must be permitted under the Federal Communications Act of 1996, as it may be amended, are permitted within the Planned Community. No television antennas other than one satellite dish per Lot is permitted.