

Declaration For Powder Ridge (A Planned Community Within The Powder Reserve)

Amended Article X, Section 10.2 Occupancy Restrictions

Applicable to all lots Phase 2 through Phase 7

Common Sense Amended in 2018 And Approved By Home Owners in 2019
2026 Update with paragraphs: (aa) Tract Lighting, (bb) Common Area Usage,
and (cc) Greenhouses

Section 10.2 – Occupancy Restrictions: All lots are subject to the following
occupancy restrictions.

(a) Architectural Control and Penalty. No change, refer to original section
10.2 of declaration.

(b) Structural Design and Appearance. Powder Ridge HOA wants to maintain
maximum home value for all owners. The primary consideration of the
Architectural Review Committee will be to keep the neighborhood looking
desirable to facilitate maintaining property values. Overall appearance of the
dwelling will be an important consideration for approval, and the Architectural
Review Committee may waive any requirements at any time at its sole discretion.

(c) Dwelling Cost, Quality and Size. No change, refer to original section 10.2
of declaration.

(d) Permanent, Detached Structures (Outbuildings). Shed/Storage Unit: Is
defined as a single permanent detached outbuilding, which must follow the
following criteria and must be maintained:

- (1) Constructed of wood materials only. No Metal, plastic, resin, vinyl, aluminum
or similar structures shall NOT be allowed.
- (2) Constructed on a secured foundation and not larger than ten (10) feet by
twelve (12) feet and no greater than twelve (12) feet in height.
- (3) Paint color, gutters, roof shingles and siding (T-11, sheet wood siding must be
similar to that of the primary dwelling (home on lot).
- (4) Any outbuilding (shed) does not need to be within a fenced area providing
that the shed and back yard are kept to a “reasonable” standard of presentation.
The Executive Board will further develop this reasonable standard.

(5) The outbuilding (shed) must be located in the back part of the lot, behind the front line of the house (anywhere in the back yard) and finished so as to blend into the surroundings as much as possible.

(6) Shall NOT obstruct the approach of any fire hydrant, or any other public utility and shall not interfere with the drainage of water on any lot.

(7) When a shed is placed at the very back of a lot, the homeowner must comply with Anchorage Ordinance (AO) 2000-143 (S-2), which requires a ten (10) foot undisturbed vegetative buffer at the rear of each lot listed below in para (g) Driveway, Structure Locations, Clearing Limits & Setback Lines.

(e) Siding, Roofs and Colors.

(1) No metal buildings shall be constructed or maintained on any lot, and metal roofs are not permitted. T1-11, sheet wood siding, or like material, may be used in construction of dwellings or permanent, detached structures only on a side that is not visible from any street or where visibility is completely blocked due to major offsets in the dwelling. Chimneys shall be enclosed with framing when visible from the street.

(2) All paint, stain and roof colors, materials and textures must comply with those approved by the Architectural Review Committee. Exterior paint colors should be soft, earth tones which blend into the natural surroundings. The color of gutters and downspouts shall match the color of the surface from which they project or be an approved accent color. The intent is to have pleasing and differing colors and textures from house to house.

(3) Home exteriors should be repainted when required due to fading or chipping. Repainting depends on many things but usually should be done every 10-12 years. Home owners are required to submit a design review prior to repainting, even when the colors remain the same.

(f) Slope Stabilization and Sedimentation Control. No change, refer to original section 10.2 of declaration.

(g) Driveway, Structure Locations, Clearing Limits & Setback Lines. No change, refer to original section 10.2 of declaration.

(h) Completion of Exteriors. No change, refer to original section 10.2 of declaration.

(i) Temporary Construction Structures. During major renovation projects homeowners shall be permitted to temporarily place a small container (such as a go-mini conex) in their driveway. Any temporary container shall NOT be placed in the street. Homeowners shall include their plan to temporarily store a container on their driveway on their design review that they submit to the Architectural Review Committee for approval. If the project is internal and otherwise would not require a design review, homeowners will submit one for the approval of the

temporary storage container. Architectural Review Committee approval for temporary storage container shall be for not longer than 90 days. Any extension required must be resubmitted to the Architectural Review Committee for approval.

(j) Driveway Paving and Snow Removal and Location of Utilities.

(1) All driveways shall be paved with black asphalt or gray concrete unless otherwise approved in writing by the Architectural Review Committee. Driveways will be sealed as needed (recommend every 3-5 years) to maintain the driveway and keep up a desirable appearance. Utilities shall be underground and located within the approved clearing limits or existing cleared areas. Any utility connections of work that disturbs or damages subdivision open spaces, pathways, roads, curbs or buffer vegetation must be repaired or replaced by the lot owner.

(2) Snow Removal: 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. (AO 24.80.090)

(k) Lawns and Landscaping.

(1) All lot owners shall submit a landscape plan to the Architectural Review Committee for approval for any changes to their lot's landscaping. All disturbed areas on a lot shall be landscaped by the lot owner with trees, shrubs, mulch and grass and seed, weather permitting, no later than the first growing season after completion of construction of the primary structure on the lot.

(2) Tree planting, especially in the front yard will contribute to a positive appearance for the neighborhood. The planting of trees is up to the individual home owner, however the planting of at least one tree is strongly encouraged for all lots to keep the neighborhood looking good. Home owners with larger lots are encouraged to plant multiple trees.

(3) Steep slopes (steeper than 1.5:1) shall be stabilized with rock or retaining walls.

(4) All lawns are to be maintained free of excessive weeds, and shall maintain a "well kept" appearance while not fertilizing in excess to kill all weeds. It is extremely difficult to eliminate all dandelion and clover from yards in Eagle River, AK, however homeowners must be proactive to win the war on weeds.

(5) lawns shall be mowed regularly to maintain a "well kept" appearance. Weather dependent, lawns shall be mowed and trimmed whenever growth exceeds five (5") inches. Lawns that exceed six (6) inches are not maintaining the "well kept" appearance that the HOA desires. Lot owners shall plant and mow and maintain unpaved road right-of-ways next to their lot.

(6) Fertilizer shall be used sparingly not more than two (2) times per year to minimize adverse runoff water quality.

(l) Trees.

(1) No live trees may be removed from any lot except those trees within the Architectural Review Committee approval. 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 each lot owner to remove only damaged or dead trees from their lot, and to repair and maintain all trees on their lot.

(2) Minor tree surgery to enhance views 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 topsoil and re-vegetated immediately as weather conditions permit.

(m) Sight Distance. No change, refer to original section 10.2 of declaration.

(n) Drainage. Any alteration of natural drainage is the responsibility of the party changing grades. A lot owner who plans to change the grade of their lot will first apply and receive approval of the Architectural Review Committee. Lot owners shall make provisions for water runoff so that it does not negatively impact other lot owners or the common elements.

(o) Fences.

(1) Fences are to be constructed of wood materials only (no chain link, hogtied fences allowed). Weather treated construction grade materials such as fir and hemlock may be used for posts and stringers but only cedar or redwood may be used for the facing. The fence shall be constructed so that posts and stringers are located on the inside of the fence (facing the interior of the lot) and facings or rails are on the outside of the fence.

(2) Fences shall not exceed six (6) feet in height.

(3) Only split rail fence will be allowed in the front yard of a lot. These fences cannot obscure clear vision areas and cannot exceed 4 feet in height. All front yard fences need written approval of the Municipality of Anchorage AND the Architectural Review Committee prior to building

(4) For approval of a fence to be constructed after initial construction of the house on a lot, the lot owner shall submit at least thirty (30) days before the anticipated commencement of fence construction a plan showing the location of the fence and proposed fence design for approval by the Architectural Review Committee.

(5) Fences shall be maintained as needed to retain an appealing appearance. Home owners shall maintain their fences as needed to include staining and repairing any damaged portions of the fence. Compliance inspections will cite any fence that has not been maintained and is in need of improvement.

(6) Behind the fence: Home owners must comply with all applicable Muni regulations as far as what is behind their fence, and the HOA wants all homeowners to keep their yards looking good with and without a fence. For example putting up a badminton net over the weekend is acceptable, but putting up a regulation sized volleyball net for weeks at a time that is not behind a fence is a violation of this compliance amendment.

(7) Dog runs shall only be permitted behind the house on a lot and, when permitted, shall be concealed by a wooden fence.

(p) Signs. No sign of any kind shall be displayed to public view on any lot with the following exceptions:

(1) A sign of not more than six (6) square feet advertising the property for sale or rent.

(2) A sign used by the builder or Declarant to advertise the property during the construction or sales period.

(3) A small sign advertising that the property is under a security or surveillance system such as ADT.

(4) No sign shall be nailed or affixed to trees. Any sign shall comply with the current Anchorage Muni zoning regulations applicable to signs.

(q) Animals. No farm animals, sled dogs, livestock, including horses or poultry of any kind shall be raised, bred or kept on any lot excepting that a total of three (3) dogs, cats or other pets may be kept, provided they are not kept, bred or maintained for any commercial purpose. Lot owners with more than three small pets shall request an exception from the Executive Board. All pets shall be tethered, fenced or otherwise restrained at all times. No pet shall be allowed to run freely. Lot Owner is responsible for removing its pets' feces from all areas of the Planned Community *(i.e. lots, open spaces, streets, bike trails, sidewalks, easements, etc) immediately. No vicious dog, as defined by the Executive Board, shall be kept on any Lot.

(r) Nuisances. No change, refer to original section 10.2 of declaration.

(s) Easements. No change, refer to original section 10.2 of declaration.

(t) Waste material.

(1) No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. All such matter shall be kept in sanitary containers. No outside burning shall be allowed without the Executive Board's written approval. 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: in a storage shed, completely enclosed and located or connected to the exterior wall of the dwelling.

(2) On the day of garbage pickup. Trash cans will be set out no earlier than the morning of pick-up days, and promptly put away the evening of pick-up day. Trash cans must be stored out of view.

(u) Storage (and Recreational Vehicles).

(1) Bulk Fuel storage is prohibited. Home owners are permitted to store limited quantities of fuel used for lawn mowers, chain saws, ATVs etc...

(2) Recreational vehicles are defined for this Powder Ridge Community document as: All vehicles, boats, trailers (of any kind), campers, motorcycles, recreational vehicles, snow machines, all-terrain vehicles, and cross country vehicles of any type of vehicle defined by the State of Alaska Department of Motor Vehicles.

(3) No recreational vehicle of any type shall be parked in the street for more than twenty-four (24) hours at any time per Anchorage Municipality code.

(4) Recreational Vehicles (including trailers) may be parked on the driveway only between May 1st and October 31st of each year. There is no time restriction on how long homeowners may keep their Recreational Vehicles and/or trailers parked in their driveway between May 1st and October 31st of each year. If parked on the street in front of the home, parking is restricted to 24 hours per the Municipality of Anchorage code.

(5) Recreational Vehicles (including trailers) may not be parked on the driveway between November 1st and April 30th of each year. Recreational Vehicles (including trailers) must be stored, located and maintained behind the front of the dwelling and within the minimum dwelling setback lines under section (g) above.

(6) A seasonal exception shall be granted for snow machine trailers only during the winter months (Nov-April). This exemption does not apply to any recreational vehicle or ATV trailer. To meet this exemption trailers with snow machines must show that they are being used during the winter and not just parked there for storage.

(7) 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 Ridge.

(8) No stored recreational vehicles shall be covered in any manner with tarpaulins or other unsightly coverings as determined, in its sole discretion by the Architectural Review Committee.

(9) No lot or street may be used for the storage of equipment, materials or merchandise used or to be sold in any business or trade.

(10) Homeowners who can demonstrate an exceptional need to park their Recreational Vehicles (including non-snow machine trailers) on their lot beyond October 30th must ask for and receive, in writing, an exception from the Executive Board.

(v) Vehicles.

(1) No vehicle may be abandoned or allowed to remain on any lot for more than thirty (30) days if it is not in operational condition,

(2) All vehicles on any lot must be licensed.

(3) 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 that area of the subdivision in a continuous manner.

(4) No commercial vehicles shall be parked on lots or street except during the time necessary for loading or unloading.

(5) All owners shall comply with the parking ordinances of the Municipality of Anchorage which are applicable to residential neighborhoods.

(6) No vehicle will be parked, or will block common areas, bike trail, driveways, mail boxes, or sidewalks.

(7) No vehicle will be parked in the middle of a cul-de-sac.

(8) Junk motor vehicles/boats/planes/all terrain vehicles/buses/taxis/limousines/snow machines/motorcycles/dirt bikes and trailers of any kind will not be permitted on any lot at any time.

(9) Any vehicle that is improperly/illegally parked as a public nuisance will be impounded at the registered owner's expense.

(w) Antennae and Satellite Dishes.

(1) Antenna and Satellite Dishes: Only such antennae and Satellite Dishes as must be permitted under the Federal Communications Act of 1996, as it may be amended, are permitted within the planned community.

(2) Each lot is limited to not more than one antenna per lot.

(3) The number of satellite dishes per lot is not limited as some systems require two or three dishes.

a. Any satellite dish must be placed on the home owner's property. Satellite dishes will not be placed on green belts or in buffer areas outside lot lines.

b. If the home owner changes providers any old dishes must be removed, and one property may not have dishes for more than one provider on that lot at the same time.

(x) Preferred Process For Reporting Violations of Compliance: The Executive Board strongly encourages one homeowner to talk to their neighboring homeowner about any perceived violation of compliance before elevating the complaint to the Executive Board through the HOA's Management Company. However, the Board understands that in some cases talking to the neighbor is not possible without making things worse. Skipping the first step below is not a violation of these compliance restrictions.

The following are the preferred steps to take in order to resolve perceived compliance violations with your fellow home owner:

- (1) First, the homeowner who perceives a compliance violation should talk to the homeowner who is perceived to be in violation.
- (2) Second, if the homeowners can not resolve the issue between them, then the homeowner who perceives a compliance violation will contact the HOA's Management Company by email or by phone.
- (3) Third, the HOA's Management Company will contact the Executive Board by email with the information on the possible violation. The Executive Board will then look into the situation, review the applicable documentation and possibly contact one or both homeowners.
- (4) Fourth, the Executive Board will direct the HOA's Management Company to send a compliance violation letter, dismiss the matter or possibly place the issue on the agenda of the next Executive Board Meeting.

(y) Holiday decorations. Holiday decorations shall not remain on dwelling or lot permanently. Temporary holiday lights are permitted commencing September 15th and shall be removed no later than May 1st annually.

(z) Compliance Inspections. The HOA's Management Company is responsible to conduct a compliance inspection on a monthly basis. The inspection will identify violations of non-compliance of non-compliance per the declaration. The results of the monthly inspection will be forwarded to the Executive Board for review. After the Executive Board reviews the inspection results the Board will instruct the Management Company as to what action (letters/fines) shall be sent to homeowners.

(aa) Professionally installed permanent security or accent lighting. New item approved by PR-HOA Board in April 2022. Homeowners may install permanent accent lighting on their house providing it complies with the following restrictions:

(1) Lights, wiring and materials will be hidden behind existing trim or finishes, so as to not be seen from the street.

(2) All materials will match existing trim and building finishes.

(3) The exterior aesthetic of the home will remain harmonious with the home and community.

(4) If able to change to other colors for the holidays, lights shall remain white during the May 1st-September 15th window.

(bb) Common area usage and restrictions: New item approved by PR-HOA Board in April 2024. The Powder Ridge HOA (PRHOA) owns and maintains 11 common tracts throughout the Powder Ridge community. Homeowners have been using these areas in a variety of ways including but not limited to walking paths, Nordic skiing trails, personal property storage, driving motorized vehicles, and to gain access to their (homeowners') backyards. This new paragraph explains compliance restrictions for these common areas.

(1) Homeowners are permitted to use common areas for exercise, dog walking, and winter sports that are non-motorized. Responsible pet owners are **REQUIRED** to clean up any poop from their dogs while walking on PRHOA common area land.

(2) Vehicles may traverse common areas, year round, to reach the back of a homeowners property, providing there is an existing right of way parcel (unimproved road) that parallels the common area.

(3) Overnight parking or storage of any vehicle, trailer, boat or recreational vehicle **IS NOT Permitted** on common area tracts.

(4) Maintenance (i.e. snow removal) in common tracts will not be provided by the PRHOA.

(cc) Greenhouses: New item approved in June 2025 by PR-HOA Board. One greenhouse meeting the following restrictions may be built on a homeowners lot. Homeowners are allowed one greenhouse with or without one shed. Greenhouses must receive prior HOA Board approval through the "Design Review" Process that can be found on the Board's property management website. An "as built" is required with the design review, and the homeowner must show the proposed location of the greenhouse.

Additional restrictions for greenhouses include:

(1) Constructed of wood with glass or polycarbonate/plexiglass panels (No plastic of any kind allowed). It is Recommended that the greenhouse be constructed with a treated wood or concrete flooring.

- (2) Constructed on a secured foundation and no larger than 7 feet by 8 feet and no greater than 12 feet in height.
- (3) Paint color, gutter, roof shingles and siding must be like that of the primary dwelling (home on lot). If constructed with treated wood, then no paint is required.
- (4) The greenhouse shall only be permitted behind the the front of the house.
- (5) The greenhouse will only be used for plants and planting equipment; no other storage of any kind will be allowed to include animals.
- (6) The greenhouse must be kept maintained to prevent mold and structural degradation such as broken glass/polycarbon/plexiglass panels.