

THE DESIGN GUIDELINES  
FOR MELODY RANCH RESIDENTIAL UNIT TWO - FIRST FILING

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**Introduction**

The *Design Guidelines for Residential Unit Two - First Filing* Promulgated and implemented by Melody Ranch Development, LLC as Declarant is a supplementary document to the *Declaration of Protective Covenants for Melody Ranch, Residential Unit Two - First Filing*. While some information from the CC&R's pertinent to architectural and construction details have been repeated here, the CC&R's should be consulted for complete information. In the event of any conflict the CC&Rs will prevail.

SECTION A

MASTER LANDSCAPE PLAN

1. Philosophy / Purpose

The visual quality of the Melody Ranch is based on its expansive open space and the vistas to the surrounding mountains. This expansive open space character is not uncommon in Jackson Hole because ranchers kept the land open and free from trees (except along ditches and creeks) for grazing or to raise hay on the irrigatable lands. The basic premise of the Master Landscape Plan is to preserve this open character and replicate the historical approach to the landscape development of ranches.

There are two key components to the historical landscape development of ranches. First, trees and shrubs are allowed to grow in areas where the land cannot be utilized for raising hay or grazing. These are areas of poor soils, gullies, steep slopes, creeks, and along irrigation ditches. Second, the ranchers planted trees and shrubs around their homesteads primarily for protection from the summer sun or winter winds. The existing mature landscape seen at the ranches in the valley contribute to the scenic quality and beauty of the valley due to their maturity and appropriateness within the open space.

The open spaces preserved in the Melody Ranch are an effort to provide every dwelling unit an opportunity to look out onto open space much as the ranches do. Within these open spaces only native cottonwood trees, willow bushes, aspens, and other native plants will be allowed to grow. Trees and shrubs in the open spaces will be planted in or along the ditches and roads, around the ponds, and at street intersections and entrances. The predominant characteristic of the Melody Ranch will be of clustered development set in open grazing areas surrounded by mountains.

The focus of the landscape improvements by the developer will be to:

- Upgrade the existing cottonwood and willow plantings along the South Manning Ditch below the bench running parallel with Highway 89 to help screen the proposed development from Highway 89;
- Introduce native planting groups to form focal points at each road intersection;
- Develop natural landscapes in the landscape easement along the South Park Loop Road;
- Provide natural plantings in and along the ponds and ditches in the open space recreational areas;
- Maintain irrigation systems to the open space areas in order to keep the existing pasture and grazing areas intact.

## 2. Pathways and Trails

a. Residential Unit *Recreational* Trails. Trails will be constructed by Melody Ranch through the recreational and agricultural open space areas to link the residential areas of the ranch to the regional trail system. The construction will occur incrementally as development of adjacent areas progresses. The trails will utilize a curvilinear alignment to provide visual and physical interest. The separation of the trails from the roadway will increase safety.

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SECTION B  
SUBMITTALS AND FEES

1. General Information. No building, structure, sign, fence, refinishing or improvement of any kind shall be erected, placed or permitted to remain on any structure, lot or tract, and no excavation or other work which in any way alters any lot from its natural or improved state existing on the date such lot was first conveyed in fee by declarant to an owner shall be erected, placed, done, or permitted to remain on any structure, lot or tract until the plans, specifications and exterior material samples and color selections therefor have been approved in writing and a building permit has been issued by the Architectural Review Committee (hereinafter referred to as "Committee"). Plans for buildings for the refinishing or improvement of the same shall include scaled floor plans, exterior elevations indicating height, a list of exterior materials, and a site plan. Plans and elevations shall clearly show all external features and materials for all structures. They shall show garages, porches, decks, stoops, chimneys, vents, doors and windows, trim, and special architectural features. Site plans shall show the elevations of finished floors and existing and finished grades, existing trees or shrubs, and shall show the entire site and the location of all rights-of-way, easements, buildings, decks, driveways, parking areas, fences and utilities. Specifications shall describe all exterior finishes. Site plans shall include proposed driveways, landscaping, irrigation, finish grading and drainage patterns for the site.

2. Preliminary Drawing. Preliminary drawings are helps for both the lot owner and the Committee. They provide an opportunity for both parties to consider concepts and designs prior to a large expenditure of time and money in working drawings. The preliminary drawings need to include all four elevations, a site plan and a floor plan.

3. Working Drawing Working drawings are required for the Committee to give final approval and issue a building permit. Working drawings must be of sufficient detail for a contractor to complete all facets of the project. Three copies of proposed plans and related data shall be furnished to the Committee, one of which will be retained by the Committee for its' records. Any approval given by the design committee shall not constitute a warranty, express or implied, of compliance with any applicable building or safety codes or for any other purposes other than the authority for the person submitting the plan -to commence construction.

No incomplete or partial applications for Building Permits, for any purposes, will be acted upon by the Committee. The Committee will act upon applications, after they are complete in all respects, within thirty (30) days.

Roof, siding and trim samples, with selected colors applied, must be submitted with final drawings.

No excavation may begin prior to final approval from the Architectural Review Committee.

4. Fees

a. Architectural Review Fee. The sum of One Hundred Dollars (\$ 100) for each residential lot, and One Hundred Fifty Dollars (\$150) for each multiple dwelling lot shall be submitted, along with the proposed building, site, or alteration plans to the Committee to cover the expense of reviewing said plans. This amount may be increased from time to time by the Committee as necessary. Both preliminary and working drawings are included in this fee. The fee must be paid when the initial set of drawings is submitted.

b. Damage Deposit. Because construction activities can cause damage to subdivision roads and landscaping, a refundable damage deposit of one thousand dollars (\$ 1,000.00) is required prior to the issuance of a building permit by the Architectural Review Committee. The \$ 1,000 deposit does not limit the lot owner's liability; all costs incurred to repair damage off site of the owner's building envelope are the responsibility of the lot owner.

5. Permits From Other Agencies. The review and permit process required by the Architectural Review Committee does not replace or eliminate any other agencies. If Teton County, DEQ, Army Corps of Engineers, etc. require permits, copies of those permits must be submitted to the Committee.

6. Occupancy Certificate. An Occupancy Certificate must be obtained from the Committee before any improvement may be occupied. No improvements shall be occupied until all exterior improvements, including fireplaces, are completed and the yard light is installed. The Occupancy Certificate will contain a certification by the owner that the improvements comply with all covenants, conditions and restrictions, except those for which variances have been granted, and that the exterior of the improvement has been completed according to the approved specifications.

No water or sewer hookups will be effected until an Occupancy Certificate has been issued. All such hookups must be inspected and approved by a designated Committee inspector. Additional inspection may be required by the Town of Jackson or by Teton County, and, if such approval is required, no water or sewer hookups shall be effected until such inspection and approval is completed.

No fill, dirt, construction material or other items may be placed on any site until the Design Committee has issued a Building Permit.

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SECTION C  
GENERAL DESIGN

1. General Standards

The following standards and restrictions are applicable to the construction, remodeling, alteration, and exterior refinishing of any and all improvements and site preparation upon each lot classified as residential or attached dwellings. The standards and provisions of the site design, building design, general restrictions and use restrictions will be enforced by the Homeowners' Association as a part of the CC&R's.

2. Design Character

All buildings shall be of a western ranch or mountain design in order to achieve design compatibility with existing ranches characteristic of the area and to provide materials which are compatible with a high alpine environment. Low, rambling and informal structures are encouraged in order to relate to the terrain and physical features of the Melody Ranch.

All improvements shall be of new construction. Prebuilt, component, or modular construction shall be permitted only when it cannot be distinguished from conventional construction and only upon specific approval of the Design Committee, which approval of pre-built or modular construction may be withheld completely.

a. Exterior materials shall be of rough or re-sawn natural wood, peeled log, stone, exposed aggregate concrete, or other similar rough textured natural materials. Where exteriors of natural wood are utilized, the term shall be construed to exclude plywood, pressed wood or pressed board, and shall apply to all siding, fascia, porches, decks and all other exterior areas, except soffits, doors, garages doors and windows. No fiberglass garage doors shall be permitted. Metal doors must be painted in oxidized earth tones and must be painted and maintained according to the manufacturer's specifications. Roof materials shall be cedar shake or shingle, heavy weight asphalt shingle, ribbed metal with a flat nonreflective colored finish. The term "heavy-weight asphalt shingle" shall be construed to mean nothing less than 325 pounds per square.

b. Exterior finishes shall be semi-transparent or heavy bodied stains, or pigmented or clear non-glossy preservatives. Glossy painted finishes shall not be permitted. All exposed metals shall have a satin or dull colored finish, or shall be satin or flat color anodized or painted.

c. Exterior colors for wall and roof surfaces shall be subdued and in the earth tone range. Traditional ranch colors of deep barn red, forest green and ocher may be used. Any shade of white for doors or trim is not permitted. Color samples, on pieces of all exterior materials and roofing materials to be used, shall be submitted to the design committee for approval.

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SECTION D  
BUILDING DESIGN

Not more than one single family residence shall be constructed on any residential site and not more than the prescribed number of dwelling units shall be constructed on any multi-family site. A detached guest suite, without cooking facilities or other accessory building may be permitted if it is linked with a fence, trellis, or other architectural feature to the primary residence and is of similar design character.

1. Floor Area. The minimum floor area for any single family residence on Lots 1 through 5 shall be not less than 1,500 square feet and on Lots 6 through 13 shall be not less than 2,000 square feet, both exclusive of a garage, carport or unenclosed porches or decks. The minimum floor area of any single-family residence on Category II lots shall be not less than 1,100 square feet and for Categories III and IV lots shall be not less than 1,200 square feet, exclusive of a garage, carport or unenclosed porches or decks. A minimum of 800 square feet of floor area shall be constructed at grade level, and no dwelling unit on a multi-family site shall have a floor area less than 700 square feet.

Based upon specific review, variances to these requirements may be granted by the Design Committee to meet special circumstances.

2. Building Height. The maximum building height of any residential structures shall not exceed twenty-two (22) feet for Lots 1-5 and twenty-four (24) feet for all other lots. Two-story houses shall only be permitted with the specific approval of the Design Committee. If a multi-level house is permitted, the same shall be designed so that not more than thirty percent (30%) of the total exterior wall length shall exceed a wall height of ten (10) feet, measured from finished grade to fascia. The maximum height of detached garages, carports or accessory buildings shall not exceed fifteen (15) feet.

Garages with habitable space above shall not exceed twenty-two (22) feet in height for Lot 1-5 and twenty-four(24) for all other Lots, except as is otherwise provided herein, all heights shall be measured at any cross section of the structure from finished grade to the highest point of the structure immediately above. For the purposes of this Section the elevation of finished grade shall not be more than two (2) feet above existing grade. Projections such as chimneys or other structures not enclosing habitable space shall not be subject to the maximum height restrictions.

Solar Collectors shall be a minimum of two (2) feet below the roof ridge elevation and a minimum of four (4) feet above the roof eave or fascia elevation.

3. Roofs.

a. The roof form is an important element in the architectural character of the design. Gable, shed, hip and even curved roof forms are common elements of western vernacular architecture. The use of dormers, porches and shed roofs is encouraged to add vitality to the roof form.

b. Roof Pitch. Roofs shall have pitches not less than 6:12 in slope. Pitches of 4:12 and 5:12 are acceptable for attached shed or secondary roof planes only. On the smaller affordable and attainable lots, the Committee will have discretion to consider other roof pitches as long as the western architectural character is clearly preserved. Second stories should be designed into roof forms utilizing dormers and shed roofs to avoid unbroken and two story wall surfaces and to create visual interest.

c. Roof overhangs of three (3) feet or greater are encouraged to maintain the western design, to control heat gain from summer sun, and to protect siding from roof snow. Roof overhangs of less than two (2) feet must be approved by the Committee. Special discretion regarding overhangs will be exercised by the Committee for structures on the smaller "attainable" and "affordable" lots.

d. Roof material. Various roof materials are acceptable, including wood shakes, wood shingles, heavy weight asphalt shingles, ribbed metal and composite shingles similar to wood shakes. All roofing materials must meet a minimum Class B, fire -resistive classification. All roofing finishes must be flat (not glossy) and non-reflective.

4. Foundation. Exposed foundations of concrete or other masonry construction shall not have an exposed surface, which exceeds a height of 8" above finished grade. Such surfaces shall be painted or stained a dark recessive color.

5. Doors. Wood doors, fiberglass, metal clad and vinyl insulated exterior home doors are allowed. Garage doors must be wooden or wood-clad; fiberglass garage doors are not allowed. All doors must be stained or painted to blend with siding colors and kept in good repair.

6. Porches and Decks. Covered porches and trellises add to the character of western buildings, while creating functional spaces and weather screens for residences. They are encouraged on all lots to enhance the public streetscape.

7. Solar Collectors. Solar collectors may be of any construction, materials or pitch required for efficient operation, but they shall not be placed on any structure in a manner which causes objectionable glare to any neighboring residence. Solar collectors shall be integrated into the structure of a residence, garage, carport, or accessory

building and shall not be freestanding. Solar collectors shall be permitted only upon specific approval of the Design Committee.

8. Garages. The impact of garages and garage doors is to be minimized by siting, overhangs, covering doors with siding and other materials, colors etc. The front yard wall of garages with side entry may be located within fifteen (15) feet of the front property line, as long as the rear yard line of the residence is set back thirty-five feet.

9. Fireplaces. All housing units shall be subject to such county wide fire place/solid fuel burning device regulations that are in effect at the time of issuance of Building Permits for the subject units.

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SECTION E  
SITE DESIGN

1. Setbacks. For each lot in Melody Ranch Residential Unit Two, the street, side and rear lot boundaries, along with their corresponding setbacks, have been defined in *Table1-Melody Ranch Residential Unit Two - First Filing Setback Standards*. Setbacks from common area property lines may be waived, and other setbacks may be increased at the discretion of the Committee in order to enhance variety in the development, create an interesting streetscape and preserve views from neighboring lots.

The Minimum Rear Yard setback gives the distance, in feet (ft) that all buildings, and structures over four (4) feet in height, must be set back from the rear lot lines, in general. In some cases, accessory structures may be allowed a lesser setback. In other cases, the specific standards for a particular development option may supersede these general setbacks.

2. Grading and Drainage.

a. A grading and drainage plan must be submitted for review by the Architectural Review Committee. The following information shall be shown on the plan:

- 1) boundary and easements,
- 2) house driveway and walkway locations,
- 3) existing and proposed topography (not less than 2-foot contour interval),
- 4) house finish floor elevations,
- 5) adequate spot elevations showing finish grade around the house,
- 6) slopes of all driveways and walkways,
- 7) berms and landforms, and
- 8) drainage patterns.

b. Finish grading is required to ensure that surface water runoff will drain away from buildings and not impact adjacent properties.

- 1) Minimum gradient for pervious surfaces around buildings is 6" in 10'.
- 2) Minimum gradient for impervious surfaces around buildings is 1" in 10'.
- 3) All lots shall maintain positive drainage away from the house for a minimum of ten (10) feet.
- 4) No grading shall occur off-site unless approved by the Committee.

- 5) No ditches may be altered without approval by the Committee.
- 6) All disturbed areas shall be re-vegetated in accordance with the planting guidelines in this document and the Teton County Land Development Regulations.

3. Impervious Surfaces. The minimum setback for impervious surfaces from the site boundary lines shall be as prescribed in the following Table 2, Maximum Impervious Surface Requirements.

4. Watercourses. All structures shall be setback a minimum of 50 feet from all streams and creeks; and a minimum of 15 feet from irrigation ditches. The area protected by the setback shall remain free from development, parking, open storage of vehicles, refuse or any other material. Disturbances within the setback area are limited to ones which are essential to permit either a road or utility crossing and shall be limited to the minimum area that is feasible. A stream or creek means a body of running water that is neither one of the identified rivers nor an irrigation ditch, and has an average annual flow of three (3) cfs or greater including return water from sub-irrigation practices.

5. School Bus Facilities. School bus turn outs and shelters for children will be constructed at locations mutually agreed to by the School District and the Ranch.

6. Automobile storage. Automobile storage shall be provided for a minimum of two outdoor and two indoor parking spaces, in a garage for each dwelling unit. Parking spaces, whether interior or exterior, shall have minimum dimensions not less than ten feet wide by twenty feet long and shall be readily accessible by a driveway. All parking spaces and driveways shall have a paved surface of either asphalt or concrete. Garages shall not be converted to other use.

7. Fence. All fencing shall comply with the Fence Design Standards adopted by the Design Committee. No fences shall be constructed forward of the front setback line of any lot. Fences shall be classified into the following general categories:

a. Privacy fence is a fence, which is architecturally integrated with a building and is located within the building setback lines and behind the front and/or rear line of the dwelling. Privacy fences may be of solid construction and may be eight feet in height.

b. Control fence is a fence, which is located on an interior side or rear property line and is intended primarily to limit the access of residents or animals. Control fences shall be of visually open construction, shall not exceed four feet in height and shall not extend beyond the front yard line of the dwelling.

c. Open space fence is a fence, which is located on any property line, which abuts a common open space or right-of-way. Open space fences shall be of a

uniform design adopted by the architectural committee and shall not exceed four feet in height. Such fences shall be visually open in character.

d. Boundary Fence. A five-foot high wire mesh and log post with log top rail fence will be built in increments along the northerly boundary of the Ranch.

8. Exterior Lighting. Free-standing exterior lighting fixtures or standards may be placed on the front of each lot, and the style and location of each shall be approved by the Design Committee in order to standardize such lighting fixtures. Light standards shall not exceed 75 watts, and will be designed to operate automatically from dusk to dawn, either by means of a light sensor or an automatic timer. All other exterior lighting shall be reviewed and approved by the ARC to ensure that light will not disturb adjoining residents.

9. Utilities. Utilities shall be installed underground. No independent water or sewage disposal system shall be permanently installed on any site. Each lot shall be connected to a common water and sewage disposal system and shall be subject to an initial connection fee and monthly service charge. No antenna, other than a "mini" disk, shall be installed on any structure or lot so that it is visible from any other lot, except that one temporary television antenna, not exceeding a height of five feet above the roof, may be provided on each lot until such time as a common cable television system is available, after which such temporary antenna shall be promptly removed.

10. Attached Residential Dwelling Unit Projects. Attached residential dwelling unit projects shall have common open space set aside within the project for passive and active recreation. The area of the common area including front yard and side yard landscaping shall be 35% of the gross site area. To the extent possible all dwelling units shall face on the common open space.

11. Ranch Operations Area. Ranch operations areas adjacent to the elk migration corridors and routes shall not be fenced off from the adjacent pastures with continuous fences. Individual corrals, training areas, barns and sheds shall be allowed.

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SECTION F  
LANDSCAPING DEVELOPMENT

1. Trees and Landscaping

a. Philosophy It is the intent of the Melody Ranch Residential Unit Two Development to not only maintain, but enhance where possible its unique character which owes much to its setting in an open meadow. Flexibility in the landscaping design of individual lots is encouraged to promote community character enhancement and help integrate the development into the existing Ranch Development.

Landscaping for each lot should utilize plants naturally occurring in Jackson Hole. Owners should strive to complement structures with landscaping elements as opposed to simply "decorating" the site. A quality landscape design compliments and reinforces form, color and texture in the architecture as well as providing wind protection, shade and screening.

b. General. No trees or brush growing on any Lot shall be felled or trimmed nor shall any natural areas be cleared, graded or formal lawn areas constructed, or landscaping performed on any Lot without the prior written permission of the Architectural Review Committee. All landscaping shall, at a minimum, conform to the master landscaping plan and planting schedule incorporated into the final development plan for the Subdivision. Each owner of a Lot shall provide, prior to issuance of a building permit on said lot, financial assurances satisfactory to the Committee, for the costs of landscaping necessary to comply with the Landscape Plan for said lot.

c. Standards. Each lot owner is required to install the equivalent of two (2) plant units of landscaping as defined in Section 4150 of the Teton County Land Development Regulations.

d. Section 4150, Teton County Land Development Regulations: Standard Plant Units. This Section describes a standard landscaping element called a "plant unit." It serves as a basic measure of plant material upon which are based the standards of this Division. Each standard for landscaping in this Division is described in terms of the number of plant units. Four (4) interchangeable plant unit alternatives are identified in the following Table, Plant Unit Alternatives. Any two (2) or a combination of these four (4) alternatives, A through D may be used. Some of the alternatives, however, may be required upon review of the proposed landscape plan. For example, where year-round screening is needed,

Alternative Unit C or D may be required. Plant sizes given in the following table are minimums. All landscaping shall be in scale with the development proposed, and shall be of adequate installed size to clearly achieve the purpose of the required landscaping, i.e., screening, buffering, softening of structural mass, community character enhancement, etc.

An applicant may be relieved from the standard plant units specified in the following table if it can be demonstrated to the Architectural Review Committee that the design intent of the proposed project is compromised by the use of the plant units as specified in this table. In order for the Committee to grant relief, the applicant shall show that the alternative proposal meets the objectives of softening and integrating the project into the existing landscape.

e. Plant guidelines. The following plant types are provided as guidelines: three (3) inch caliper canopy tree - cottonwood or aspen; six (6) to eight (8) foot large shrub or multi- stem trees - chokecherry or amur maple; number five (5) container shrub - dogwood or willow; eight (8) foot evergreen - spruce.

f. Substitutions for standard plant units. The following substitutions in plant units may be made where it is demonstrated that the substitution achieves the objectives of the standard plant unit for which it is being substituted.

1) Movable planters. Ten (10) square feet of permanent or movable planters containing flowers, flowering shrubs or similar vegetation may be substituted for four (4) number (5) container shrubs. Notwithstanding, moveable planters shall not be substituted for required landscaping in parking lots.

2) Bench. One (1) bench seating at least two (2) people or a similar seating arrangement may be substituted for one (1) canopy tree.

| <b>Plant Unit Alternative</b> | <b>Quantity, Size, &amp; Type of Plants Required</b> |
|-------------------------------|--|
| <b>Alternative Unit A</b>     | 1 3" caliper canopy tree                             |
|                               | 6 6'- 8' large shrubs or multi-stem trees            |
|                               | 4 #5 container shrubs                                |
| <b>Alternative Unit B</b>     | 2 3" caliper canopy trees                            |
|                               | 2 6'- 8' large shrubs or multi-stem trees            |
|                               | 3 8' high evergreens trees                           |
| <b>* Alternative Unit C</b>   | 3 6'- 8' large shrubs or multi-stem trees            |
|                               | 3 8' high evergreens trees                           |
|                               | 2 #5 container shrubs                                |
| <b>* Alternative Unit D</b>   | 3 8' high evergreens trees                           |
|                               | 3 6'- 8' large shrubs or multi-stem trees            |
|                               | 3 #5 container shrubs                                |

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SECTION G  
CONSTRUCTION

1. Noise. Although construction hours will be controlled, loud (92dB) noise, such as heavy equipment operation, shall be prohibited between 6:00 and 8:00 a.m. and on weekends, except as may be approved by the Committee. Non-muffled trucks, cars and motorcycles are prohibited. Construction radios (i.e., 2-way radios) are allowed, but non-construction radios are prohibited.
2. Refuse Removal. No lumber, cut grass, scraps, construction debris, refuse or trash shall be kept, stored or allowed to accumulate on any lot for more than seven (7) days, including during the construction period. Contractors must submit to the Architectural Review Committee a plan for the disposal of construction debris prior to the beginning of construction.
3. Vehicles. Construction vehicles are not allowed to park on or impede traffic on roads.
4. Oversight. It shall be the sole responsibility of the owner to maintain all the tenets of the Design Guidelines and the CC&R's during construction. Failure to do so shall result in stoppage of construction. The Committee shall have the authority to make judgments in the best interest of all the property owners in Melody Ranch Residential Unit Two.
5. Inspections. Prior to beginning any work on the site the owner shall advise the Architectural Review Committee of the construction schedule. The Committee or a representative member may make periodic inspection, to ensure compliance with the final design. Field problems and/or any reasonable request for changes to the approved plans shall be brought to the attention of the committee prior to action. Non-compliance with approved drawing will result in stoppage of construction.
6. Site Protection. The general contractor shall be responsible to protect the site and natural vegetation as much as possible during construction by controlling parking and the storing of materials.
7. Driveway Base. A driveway base for site access must be completed prior to initiation of any other construction activities on any lot. Said base must be inspected and approved by representative of the Design Committee prior to initiation of any other

construction. After completion of the driveway base, all vehicles shall use the driveway base as the sole means of access to the lot from adjoining streets. A special assessment will be levied against the lot and its owner for the purpose of repairing any damage caused to adjoining asphalt street as the result of the failure to observe this requirement.

8. Building- Completion. All exterior improvements covered by the specifications contained in the application for which a Building Permit is issued must be completed within one (1) year of issuance of the Building Permit.

9. Parking. No parking is permitted on the street or on other lots during construction.

10. Fires. No fires are permitted on the property during construction.

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SECTION H

RESIDENTIAL AND ATTACHED DWELLING AREA: USES AND RESTRICTIONS

1. Residential Use. Each residential lot shall be used exclusively for residential purposes in accordance with Teton County Regulations. No commercial, retail or other business activities shall be conducted on or from any residential lot or multiple dwelling lot; provided, however, that nothing in this paragraph shall be deemed to prevent:

- Any artist, artisan or craftsman from pursuing his artistic calling upon the lot or dwelling unit owned by such artisan, if such artist, artisan or craftsman also uses such lot or dwelling unit for residential purposes, is self-employed and has no employees working on such lot or in such dwelling unit, and does not advertise any product or work of art for sale to the public upon such lot or dwelling unit;
- The leasing of any lot from time to time by the owner thereof, subject, however, to all of the restrictions as may be adopted from time to time by the Association.

2. Maintenance & Improvement. Each residential and multiple dwelling lot, and any and all improvements from time to time located thereon, shall be maintained by the owner thereof in good condition and repair and in such manner as not to create a fire hazard, all at each owner's sole cost and expense.

Maintenance by the owner shall include, but not be limited to, periodic staining of any exterior wood siding, and the landscaping and maintenance of yards, including weed control. Landscaping, including finish grading and seeding of a lawn, must be completed by the first June 1 occurring more than thirty (30) days after the Occupancy Certificate has been issued for that lot. If any owner fails to perform maintenance responsibilities, after written request by the Association to do so, the Association may perform maintenance work at the owner's expense.

3. Offensive Activities. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done or placed thereon which may be or become a nuisance, or cause unreasonable embarrassment, disturbance or annoyance to other owners in the enjoyment of their lots, or in their enjoyment of common areas. In determining whether there has been a violation of this paragraph recognition must be given to the premise that owners, by virtue of their interest and participation in the Melody Ranch are entitled to the reasonable enjoyment of the natural benefits and surroundings of the Melody Ranch. Without limiting any of the foregoing, no exterior speakers, horns, whistles, bells or other sound devices except security devices used

exclusively to protect the security of the lots and improvements located thereon, shall be paced or used upon any lot.

4. Domestic Animals. No domestic animals or fowl shall be maintained on any lot other than not more than two generally recognized house or yard pets, provided, however, that such animals shall at all times be restrained or leashed and provided further that subject to the provisions of the paragraphs above, and subject to such limitations as may from time to time be set forth in the bylaws of the association, which may reduce the allowable number, restrict the type of pet, or require that such pets be confined indoors. Horses shall not be permitted to be kept or maintained on any lot other than those so designated at the time of plat recordation, if suitable facilities are built thereon, and in the common area subject to the rules and regulations on the homeowners association and on the future developable property under such rules and regulations as may be established by the declarant. The homeowners association and declarant may prohibit all livestock grazing within the common area and future developable property if they so desire.

Pets which are permitted by the terms of this paragraph to be kept on any lot must be leashed or restrained within the lot and any that are not will be impounded by Teton County or by Association employees at the owner's expense. **Absolutely no animals are allowed on site during construction.**

5. Signs. No signs whatsoever, including, but not limited to, commercial and other similar signs, visible from neighboring property, shall be erected or maintained upon any lot except those signs which have received the specific approval of the Design Committee.

6. House trailers / other structures. No house trailer, mobile home, tent, teepee or similar facility or structure shall be kept, placed or maintained upon any lot at any time; provided, however, that the provision of this paragraph shall not apply to temporary construction shelters maintained during, and used exclusively in connection with, the construction of any work or improvement permitted by these covenants. No person shall reside in or live in such temporary construction shelters or facilities unless application is made therefor and approved by the Architectural Committee.

7. Recreational Environment. No trailer of any kind, truck camper, snow machine, boat or any other recreational or commercial vehicle shall be kept, placed or maintained upon any lot in such a manner that it is visible from neighboring property, unless the same is approved as a temporary construction facility as provided above.

8. Accessory Structures. No accessory structures, buildings, fences, garages or sheds shall be constructed, placed or maintained upon any lot prior to the construction of the main structure of the residence provided, however, that the provisions of this subparagraph shall not apply to temporary construction shelters used exclusively in connection with the construction of the main structure.

9. Garbage. All garbage and trash shall be placed and kept in covered containers, which shall be maintained so as not to be visible from neighboring property. The collection and disposal of garbage and trash shall be in strict compliance with such rules as may be adopted by the homeowners association, which may provide for common collection points. The maintenance of accumulated waste plant materials is prohibited. Each multiple family dwelling unit and residential unit, to the extent practicable, shall be designed to include trash compactors which shall be kept in good condition and use at all times. Each owner, in accordance with the billing of the collector shall pay the cost of garbage and trash collection.

All garbage and trash must be placed in bins and taken to designated collection points for removal. Construction refuse is not permitted at collection sites and must be removed from all lots and disposed of by the owner thereof. Accumulation of garbage and building materials constitutes a nuisance and may be removed by the Association at the owner's expense.

10. Clotheslines. Outside clothes lines or other outside clothes -drying or airing facilities shall be maintained exclusively within a fenced service yard and shall not be visible from neighboring property.

11. Exterior Fires. There shall be no exterior fires whatsoever except barbecue fires contained within receptacles therefor and such fires as may from time to time be permitted by the association rules.

12. Firewood/Other Fuel. No firewood or other fuel supply may be placed or maintained upon any lot in such manner that it is visible from neighboring property.

13. Vehicle Parking. All vehicles shall be parked in designated parking spaces on the lot or on the spaces provided therefor on multiple dwelling lots. No vehicle may be parked on any street within the Melody Ranch or on any yard or common area on individual or multiple dwelling unit lots. No stripped down or junked motor vehicle or any sizable part thereof or any other apparatus for machinery shall be permitted to be parked or located on any lot, street or portion of the common area in the Melody Ranch. During construction, all cars used by workers must be kept on the lot.

14. Speed Limit. A speed limit of 15 miles per hour is hereby imposed on all roads within the Melody Ranch. Failure to observe the posted speed limits may result in revocation of the right to use of and access to all common areas, including roads, within the Ranch. This subparagraph is subject to any speed limits or enforcement authority, which is later adopted by any duly, empowered state, county or municipal authority.

MELODY RANCH DEVELOPMENT I LLC,  
a Wyoming limited liability company

By: Melody Ranch Development , Inc., a  
Wyoming corporation, as Manager and  
Member

By: \_\_\_\_\_  
David Quinn, President

ATTEST:

\_\_\_\_\_  
Dean Bark, Vice-President

APPROVED this 4th day of May, 1999.

BOARD OF COUNTY COMMISSIONERS  
OF TETON COUNTY, WYOMING

By: \_\_\_\_\_  
Chairman

ATTEST:

By: \_\_\_\_\_  
Sherry L. Daigle, County Clerk

**TABLE 1**

**MELODY RANCH RESIDENTIAL UNIT TWO-FIRST FILING  
SETBACK STANDARDS**

Based upon specific review, variances to these requirements may be granted by the Meadows At Melody Ranch Architectural Review Committee; no variances to County maximum height restrictions, impervious surface standards, minimum setbacks from wetlands, water courses or exterior boundaries of the Melody Ranch development may be granted without approval by Teton County.

**KEY:** The letter designation indicates which lot line is being described and the setback distance in feet from the corresponding boundary, street R.O.W. or wetland edge. See page 3 of 6 of this Exhibit for an explanation of the superscripts.

(N = north, E = east, W = west, SW = southwest, and NW = northwest)

| Lot # | Street Boundary (feet)                                 | Rear Boundary (feet)                        | Side Boundary (feet)   | Side Boundary (feet)     |
|-------|--|---|--|--------------------------|
| 1     | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-35 <sup>1)</sup> , 30 to 20 <sup>2)</sup> | S-15, 10 <sup>3)</sup>                                       | N-15, 10 <sup>3)</sup>   |
| 2     | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-35 <sup>1)</sup> , 30 to 20 <sup>2)</sup> | S-15, 10 <sup>3)</sup>                                       | N-15, 10 <sup>3)</sup>   |
| 3     | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-35 <sup>1)</sup> , 30 to 20 <sup>2)</sup> | S-15, 10 <sup>3)</sup>                                       | N-15, 10 <sup>3)</sup>   |
| 4     | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-35 <sup>1)</sup> , 30 to 20 <sup>2)</sup> | S-15, 10 <sup>3)</sup>                                       | N-15, 10 <sup>3)</sup>   |
| 5     | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-35 <sup>1)</sup> , 30 to 20 <sup>2)</sup> | S-15, 10 <sup>3)</sup>                                       | N-15, 10 <sup>3)</sup>   |
| 6     | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-65 <sup>1)</sup> , 60 to 50 <sup>2)</sup> | S-15 or 20 <sup>3)</sup>                                     | N-20 or 15 <sup>3)</sup> |
| 7     | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-65 <sup>1)</sup> , 60 to 50 <sup>2)</sup> | S-15 or 20 <sup>3)</sup>                                     | N-20 or 15 <sup>3)</sup> |
| 8     | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-65 <sup>1)</sup> , 60 to 50 <sup>2)</sup> | S-15 or 20 <sup>3)</sup>                                     | N-20 or 15 <sup>3)</sup> |
| 9     | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-65 <sup>1)</sup> , 60 to 50 <sup>2)</sup> | S-15 or 20 <sup>3)</sup>                                     | N-20 or 15 <sup>3)</sup> |
| 10    | E-15 <sup>1)</sup> , 20 to 30 <sup>2)</sup>            | W-65 <sup>1)</sup> , 60 to 50 <sup>2)</sup> | S-15 or 20 <sup>3)</sup>                                     | N-20 or 15 <sup>3)</sup> |
| 11    | E-15   | W-5 easterly of sewer easement              | S-15 or 20 <sup>3)</sup>                                     | N-20 or 15 <sup>3)</sup> |
| 12    | E-min. 15 from lot line AND 5 from sewer line easement | W-5 from Floodway                           | S-15 or 20 <sup>3)</sup> AND min. 5 from sewer line easement | N-20 or 15 <sup>3)</sup> |
| 13    | S-20   | W-20  | N-15   | E-20                     |
| 14    | E-15   | W-15  | N-8  | S-15                     |
| 15    | E-15   | W-15  | N-10   | S-8                      |
| 16    | E-15   | W-15  | N-8  | S-8                      |
| 17    | E-15   | W-15  | N-8  | S-8                      |
| 18    | E-15   | W-15  | N-8  | S-8                      |
| 19    | E-15   | W-15  | N-8  | S-8                      |
| 20    | E-15   | W-15  | N-8  | S-8                      |
| 21    | E-15   | W-15  | N-8  | S-10                     |
| 22    | NW-10  | S-8   | E-8  | SW-10                    |
| 23    | W-20   | E-15  | S-20   | N-15                     |
| 24    | W-15   | E-15  | S-25   | N-15                     |
| 25    | W-15 <sup>1)</sup> , 20 to 35 <sup>2)</sup>            | E-35 <sup>1)</sup> , 30 to 20 <sup>2)</sup> | S-15 or 20 <sup>3)</sup>                                     | N-20 or 15 <sup>3)</sup> |
| 26    | W-15 <sup>1)</sup> , 20 to 35 <sup>2)</sup>            | E-35 <sup>1)</sup> , 30 to 20 <sup>2)</sup> | S-15 or 20 <sup>3)</sup>                                     | N-20 or 15 <sup>3)</sup> |
| 27    | W-15 <sup>1)</sup> , 20 to 35 <sup>2)</sup>            | E-35 <sup>1)</sup> , 30 to 20 <sup>2)</sup> | S-15 or 20 <sup>3)</sup>                                     | N-20 or 15 <sup>3)</sup> |
| 28    | N-20   | W-20  | S-15   | E-15                     |

See page 2 of 2 for key to superscripts.

**KEY TO SUPERSCRIPTS USED IN TABLE 1 OF  
MELODY RANCH RESIDENTIAL UNIT TWO-FIRST FILING  
SETBACK STANDARDS  
(Revised April 28, 1999)**

**Notes:**

- 1) Determines minimum setback when garage faces side boundary.
- 2) Determines street and rear setbacks when garage faces street lot line; the width of the street and rear setbacks may vary between the two ranges given; however, the combined width of the two setbacks must equal the total of the two mid-range values given, so that the width of the buildable site within the lot remains constant regardless of setback widths used.

For example:

Using lot 8; with a street setback of 20 feet, the rear setback must be 60 feet.

Mid-range value of street setback range is 25 feet.

Mid-range value of rear setback range is 55 feet.

Total of two mid-range values is 80 feet.

Thus, combined width of street and rear setbacks must equal 80 feet.

Again, using lot 8; with a street setback of 22 feet, the rear setback must be 58 feet.

- 3) Determines side-yard setbacks; the width of the side-yard setbacks may vary between the two ranges given; however, the combined width of the two setbacks must equal the total of the two mid-range values given, so that the width of the buildable site within the lot remains constant regardless of setback widths used.

For example:

Using lot 8; with a south side-yard setback of 20 feet, the north side-yard setback must be 15 feet.

Mid-range value of south side-yard setback range is 17.5 feet.

Mid-range value of north side-yard setback range is 17.5 feet.

Total of two mid-range values is 35 feet.

Thus, combined width of south and north side-yard setbacks must equal 35 feet.

Again, using lot 8; with a north side-yard setback of 19 feet, the south side-yard setback must be 16 feet.

- 4) Determines minimum setback when garage faces street lot line.
- 5) Determines side boundary setback if house is one-story; setback minimum is ten feet (10.00')

## MAXIMUM IMPERVIOUS SURFACE REQUIREMENTS

(Revised April 28, 1999)

| Standard                         | Lot Size        |                      |
|----------------------------------|-----------------|----------------------|
|                                  | 0.10 to 0.22 ac | 0.22 to 0.41 ac      |
| Impervious Surface <sup>1)</sup> | 55%             | 5,000 sf – 7,200 sf  |
|                                  |                 | 7,500 sf – 14,000 sf |

- 1) An allowable range of impervious surface area is stated for certain lot sizes. To determine the maximum allowable area for each of these lots, interpolate between the applicable range.

For Example:  
 maximum allowable impervious surface = smallest impervious surface in range + number derived from formula below

$$[(\text{given lot size}) - (\text{smallest lot size in range})] \times [(\text{largest impervious surface in range}) - (\text{smallest impervious surface in range})] \\ + [(\text{largest lot size in range}) - (\text{smallest lot size in range})]$$

Therefore, for a 0.25 ac lot:  
 maximum allowable impervious surface = 5,000 sf +  $\frac{[0.25 \text{ ac} - 0.22 \text{ ac}]}{[0.41 \text{ ac} - 0.22 \text{ ac}]}$  x  $\frac{[7,200 \text{ sf} - 5,000 \text{ sf}]}{[0.41 \text{ ac} - 0.22 \text{ ac}]}$  = 5,347 sf