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## **OAKS AT DEER VALLEY GUIDELINES ON BUILDING AND DESIGN**

The Board of Trustees (the “**Board**”) of the Oaks at Deer Valley Homeowners Association, Inc., a Utah nonprofit corporation (the “**Association**”) hereby adopts these Oaks at Deer Valley Guidelines on Building and Design (the “**Guidelines**”) in accordance with Article 2 of the Declaration Of Covenants, Conditions And Restrictions For The Oaks At Deer Valley (the “**Declaration**”) and applicable amendments (collectively, the “**Amendments**”) to the Declaration as part of the Association’s governing documents effective \_\_\_\_\_, 2023 (the “Building and Design Guidelines Effective Date”).

### **Purpose Of These Guidelines**

Deer Valley is an area of remarkable natural beauty. These Guidelines, along with the Association’s other governing documents, are intended to preserve and enhance that beauty by encouraging thoughtful design and construction that complements the landscape and the community.

## **ARTICLE 1**

### **GENERAL BUILDING AND DESIGN PROVISIONS**

1. These Guidelines will be administered by the Architectural Committee elected by the owners of the Oaks at Deer Valley and subject to the oversight of the Board of Trustees, along with any consultants or contractors it may employ.
  - a. The Architectural Committee must confer with the Board of Trustees prior to employing any consultants or contractors.
2. These Guidelines replace and supersede all previous design guidelines or except those provisions relating to design or construction set forth in the Declaration.
3. These Guidelines apply to any work that establishes or alters the footprint or external appearance, from any direction, of a Structure or significantly alters the topography of a Lot. All such work must obtain prior written approval from the Architectural Committee in accordance with these Guidelines, the Declaration and Amendments, and the Bylaws.
4. The Architectural Committee will exercise its best judgment to see that improvements, construction, landscaping, and alterations on the lands within the Oaks at Deer Valley Subdivision conform and harmonize with the natural surroundings and with existing Structures with relation to external design, materials, color, siting, height, topography, grade and finished grade elevation. Design review necessarily involves determinations of

aesthetic matters which are subjective and may change as the composition of the Architectural Committee changes and as the preferences and desires of the community change. The Architectural Committee's determinations regarding the interpretation and applicability of these Guidelines and the Design Guidelines are final subject to appeal to the Board of Trustees or to the owners at the Annual Meeting.

5. The Architectural Committee will rely on these Guidelines, the Declaration, the Bylaws, and the governing documents of the Association in conducting evaluations of proposed buildings, construction, alterations, improvements, and landscaping.
6. Variances are governed by the procedure set forth in Article 2, Section 3 of the Declaration.
7. The Architectural Committee, the Board, and the Association are not responsible for any design or construction defects.
8. The design review process established in the governing documents is separate and independent from the Park City building permit process. All improvements on any Lot must conform to applicable codes adopted by Park City for residential buildings (Park City Building and Land Management Codes). If a project requires a building permit from Park City, that permit must be obtained and filed with the Architectural Committee before construction can begin. The plans submitted to Park City for permit must be identical to the plans approved by the Oaks at Deer Valley Architectural Committee. The Architectural Committee does not review and is not responsible for ensuring compliance with Park City Building or Land Management Codes except to the extent that a code section is incorporated herein by reference.
9. Definitions. All definitions provided in the Declaration and Amendments that are not explicitly listed below are incorporated to these Guidelines. For the purposes of these Guidelines, the following definitions shall apply:
  - a. Building: any building constructed on a Lot.
  - b. Structures: any improvement to a Lot, including Buildings, sidewalks, decks, patios, dwelling houses, garages, swimming pools, water features, waterfalls, ponds, parking areas, driveways, curbs, walls, barriers, fences, railings, stairs, ramps, bridges, tennis courts, sports courts, antennas, and flag poles.

## **ARTICLE 2 PLANS AND SPECIFICATIONS**

1. Complete architectural plans and specifications for any work to which these Guidelines apply must be submitted to the Architectural Committee in accordance with Article 2 of the Declaration. These Guidelines shall apply to improvements as set forth in Article 2, Section 2 of the Declaration.
2. Consistent with the Declaration and Utah law, the Architectural Committee may assess fees to cover the costs of review.
  - a. New Construction and Major Renovations: An initial fee of \$1,500.00 shall be paid to the Oaks HOA to cover the costs and expenses of review upon submission of

architectural plans and specifications for any new construction or significant renovations. In addition to the initial fee, the Owner shall also reimburse the Oaks HOA for all costs and expenses for design or other consultant review.

- b. Upgrades and Minor Renovations: An initial fee of \$500.00 shall be paid to the Oaks HOA when a request is made to review drawings, plans, or other supporting documentation for exterior renovations and upgrades which, in the sole discretion of the Architectural Committee, are substantially similar to what is in existence at the time of submission.
    - c. Maintenance: No fee shall be required for the review of drawings, plans, or other supporting documentation for maintenance projects that involve only the replacement of existing materials or colors with new product of the same color. While no fee is required for review, Architectural Committee review and approval of proposed maintenance projects is still required prior to the commencement of any work. Maintenance on less than 10% of a dwelling's exterior surface where materials, color, texture, and finish remain the same and a building permit is not required do not require approval from the Architectural Committee.
3. After plans have been approved but before beginning construction, the owner must pay to the Association a performance deposit of \$10,000.00 for any New Construction and Major Renovations. For projects that are determined to be Upgrades and Minor Renovations, a \$3,000 performance deposit is required to be paid to the Association. A performance deposit is not required for Maintenance projects. If any provision of the Design Guidelines is violated during construction, the Association may deduct from the deposit any fines and attorney fees incurred because of the violation. The deposit shall be refundable to the owner upon satisfactory completion of all construction in accordance with approved plans, minus any deductions made pursuant to this Section.
4. The following plans and specifications must be submitted to the Architectural Committee to obtain approval for any work to which these Guidelines apply:
  - a. Site Plan: For projects that are classified as New Construction or Major Renovation, a Site Plan must be prepared by a licensed engineer or surveyor. The Site Plan must show existing and finished elevation contours, roof plan, walks, driveways, fences, retaining walls, drainage, utility locations, significant trees and shrubs, any exterior lighting not attached to the Structure, decks, hot tubs, swimming pools, etc. at a minimum scale of 1" =20'. It must also show all property lines, limits of disturbance, setback lines, and easements of record. The location of adjoining Lots and Structures must also be shown. The Site plan must show the location of existing and proposed drainage systems, including culverts and headwalls, all utility lines, and the location of utility meters, including heights. The Site Plan must include roof ridge heights sufficient to show that roof complies with height requirements.
  - b. Landscape Plan: Replacements or spot planting may be performed at the discretion of the Owner. New planting should follow the patterns characteristic of the site and its surroundings and should harmonize with them as much as possible. In the event of new construction or major landscape renovation, a landscape plan must be

submitted to the Architectural Committee for review and approval. Landscape plans should consider the sun and views of neighboring lots so that existing patterns of sunlight and existing view corridors are not obscured by new plantings. Landscape plans must show the location of all existing and proposed trees, shrubs, ground cover, flowers, grasses, and landscape elements at a minimum scale of 1" = 20 feet. A plant schedule listing all plant material by botanical and common name, the number to be used, their size, condition, and any special care necessary must be included.

- c. Exterior Elevations: For projects that are classified as New Construction and Major Renovation, a minimum of four different elevation views are required that show existing and finished grades, all exterior features, including location of utility meters, the type of roofing materials, the location of subsurface and foundation drains, and the height of the roof above the existing natural grade demonstrating that the roof complies with height requirements.
- d. Cross Sections: For projects that are classified as New Construction or Major Renovation, cross sections must be provided showing ground to roof elevation (height) throughout the Structure. Height must comply with Article 2 of the Declaration, the Design Guidelines, and these Guidelines.
- e. Architectural Drawings: All required drawings and plans must clearly state: (a) the scale; (b) the orientation; (c) the subdivision and lot number; (d) the owner's name; (e) the architect or home designer's name and telephone number; and (f) the date.
- f. Exterior Lighting: Exterior Lighting must comply with local Dark Sky Regulations. Exterior Lighting must comply with the Design Guidelines. The objective of exterior lighting is to provide discrete exterior lighting, illuminating only what needs to be lit. Exterior lighting sources should be shielded and directional.
- g. Color Samples: Exact samples of all exterior and roof colors must specify the color, material, manufacturer, and location of each material and color to be used. Exterior color samples submitted electronically must be the same as noted in the exterior material schedule located in the plans submitted for approval. 3D models are an example of appearance only, they are not recognized for color approval. The material schedule located in the plans will be referred to during construction. Colors should be consistent with the overall scheme of the neighborhood and comply with the Design Guidelines.

### **ARTICLE 3 SPECIFIC DESIGN CRITERIA**

- 1. Site Design Generally: All Structures must be specifically designed to fit the site rather than adjusting the site to fit the Structure. Structures should be designed so that they relate well to neighboring Structures and the natural landscape of the community.
- 2. Setbacks: All Structures (other than structures that connect to a street, such as driveways and walkways) on all Lots shall comply with City code requirements for setbacks and limits of disturbance.

3. Erosion Control and Drainage. Each owner of a Lot is required to ensure that no erosion or water drainage will occur on the owner's Lot that may adversely affect neighboring properties or roads. Surface drainage systems (swales, culverts, retention basins) are preferred over closed underground systems. If closed underground systems must be used, release points must be designed to avoid erosion.
4. Grading: Excessive cutting or filling is not allowed when it can be avoided and will not be approved without adequate justification. Grading not related to building access or drainage is not allowed. All grading must give the appearance of natural contours. No disturbance of hillsides is permitted unless approved by the Architectural Committee.
5. Driveways and Parking: Steep driveways are allowed only when no other solution is practical. Adequate culverts must be provided where drives and walks cross ditches and drainage trenches. Every culvert must have concrete headwalls on both ends with the curb flush with the finished driveway surface. The minimum width of any driveway shall be 12 feet. Where possible, driveways shall parallel the slope to lessen site impact. The driveway shall align itself with the intersecting road at approximately 90°. Retaining walls must be used with cuts more than 8 feet. Fill areas shall be contoured at 2 feet horizontal to 1 foot vertical slopes. If the disturbed area fails to catch existing grade within ten vertical feet, a retaining wall shall be used.
6. Siting: Structures must be sited to minimize disruption of the view of or from adjoining property owners and may not straddle or penetrate a ridge line when it can be avoided and will not be approved without adequate justification.
7. Paved Areas: Paved areas must be kept to a practical minimum.
8. Scale: Buildings should be scaled in a way that harmonizes with the area and its natural features. Buildings should not overpower the landscape and should be scaled in a way that minimizes unbroken expanse of Buildings and creates visual interest.

#### **ARTICLE 4 SPECIFIC STRUCTURE DESIGN CRITERIA**

1. Minimum Size. Residential Structures must have a minimum of 4,000 square feet and may not exceed a maximum of 10,000 square feet. without including basements (unless otherwise approved by the Architectural Committee), garages, balconies, porches, and patios.
2. Exterior Materials. No more than three wall materials are allowed on any Structure, and large stucco facades, ceramic tile, plastic siding, or aluminum siding are not permitted. The Architectural Committee may, by variance, allow the use of stucco or other unallowed exterior materials on up to no more than 50% of the external surface area per side of a Structure. Native rock may be used but manufactured stone is not permitted. Construction materials used for external walls must be natural wood or natural stone or covered by natural wood or natural stone. Aluminum siding, plywood, T-111 pressed board, steel siding, vinyl siding, fiber cement siding, or cinder block may not be used as an external finishing material.

3. Exterior Colors. Paint and stain colors on external surfaces must be warm, earth-tone hues relating to the surrounding area. All bright or brilliant colors are prohibited. White is not permitted as the primary color on a Dwelling. Black is not a permitted color as the primary color on a Dwelling, however black windows and window trim is permitted. Any stucco surfaces that are allowed must be finished with an earth tone color. All bare metal surfaces must be refurbished to match earth tone hues. Flashing or roof gutters or other metal fittings on the exterior of Structures must be painted to match adjacent materials. Copper surfaces do not require paint.
4. Windows. Only wood, wood clad with aluminum, or fiberglass windows are allowed. Dark earth tone colors, including black, are permitted. White, light gray or light cream resembling white are not permitted colors. No bare aluminum is permitted on windows, storm doors, storm sash or screen frames. Smokey or dark bronze tinted glass is permitted, but mirror glass is not permitted. Windows shapes should be made up of rectangles, squares, or trapezoids.
5. Decks. Deck surfaces and trim materials may be constructed from wood or composite materials with a wood grain surface. These must be colored with earth hues.
6. Railings and Barriers. Railings and barriers may be constructed of wood, composite materials, metal, or glass. Colors for all railings, barriers, supports, frames must be dark earth tone colors, including black. Wood or composite materials must be painted in earth tone colors. Glass barriers must be clear glass or tinted to earth tone hues. Frosted or mirror glass is not permitted. Decorative railings that include scrolls or twists are not permitted. Wrought iron is not permitted except for railings and balusters. Rod railings are permitted. Weathering steel may be used for landscape retaining walls and accents.
7. Roofs. Roof shape, sloping, and color is a major element of building form. It should be clear from looking at the building, that the function of the roof is to provide covering for the building rather than to serve as a major design or massing element. Roofs descending from the ridge of the predominant main roof must have the same slope, but do not have to be the same length. Roofs must be an earth-tone hue. Garage and outbuilding roofs must have continuity of design with the house roof, including using the same materials. Snow guards must be included in areas where snow sliding would be deemed as a possible hazard. Cold roofs are recommended. Roof flashing must be of a color harmonious with the roof and upper wall surfacing. All roofs shall be covered by “Class A” fire resistant roofing materials and must be designed so that all roof areas drain.
  - a. Roof Types.
    - Permitted Roof Types:
      - Partial hip roof

- Gable roof
- Full hip roof
- Flat roof (in moderation as a secondary roof shape with Architectural Committee approval)
- Prohibited Roof Types:
  - Mansard roof
  - Fake mansard roof
  - Gambrel roof
  - Joined shed roof
  - Curvilinear roof
  - Domed roof
  - Flat roof as predominant roof shape

b. **Roof Slopes and Overhangs.** Roof slopes should be between 4.5/12 and 8/12 unless otherwise permitted by the Architectural Committee. Roofs should not descend closer than 7 feet from the ground. Roofs must have a minimum overhang of 36 unless otherwise approved by the Architectural Committee.

c. **Roof Materials.**

- Metals permitted without coating or other finish:
  - Copper
  - Zinc
  - Terne
  - Kor-ten steel
- Metals permitted if color coated in an approved color:
  - Aluminum
  - Steel
- Roof tiles permitted if in an approved color:
  - Clay tiles
  - Concrete tiles
- Other Permitted Materials:
  - Heavy Architectural asphalt-composition shingles
  - Fire-resistant wood shingles
  - Sod roofs (this material requires a flat roof and is subject to approval by the Architectural Committee)
- Prohibited Roof Materials:
  - Wood shingles without fire-resistant treatment
  - Roof murals
  - Tar
  - Gravel

8. **Roof Appurtenances.** The location of roof appurtenances, such as dormers, clerestories, and skylights, is critical to avoid an over-decorated, visually confusing appearance.

- a. Dormers. Dormers may be placed at the roof eave or within the field of the roof. Shed, gable, and hip dormer shapes are permitted. Swooped dormers are not permitted.
  - b. Ornaments. In general, roof ornaments, such as finials, scroll work, and decorative turrets, are discouraged, and may only be used with Architectural Committee approval.
  - c. Clerestories. Clerestories should be placed within the field of the roof and cannot extend to the eave line.
  - d. Skylights. Skylights can be flush against the roof or up to 3 feet above the roof's surface and should not be placed at an angle with the roof plane. Skylights shall not extend to the eave line.
  - e. Chimneys. Chimneys shall comply with Article 4 Section 2 – Exterior Materials. A flat top is preferred, and side venting of the flue, with a flat cap and spark arrestor, is recommended. Exposed metal chimneys are prohibited.
  - f. Rooftop Stairs, Mechanical, and Electrical Areas. Rooftop access stairs, elevator shafts, vent shafts, mechanical equipment areas, and similar appurtenances must be confined within the roof and within the roof dormers and shall not protrude from the roof to form awkward-looking appurtenances. Cold roof ridge ventilators are permitted.
9. Height. The height of a Structure may not exceed 28 feet, or be less than 16 feet, measured as the vertical distance from the natural grade to a point midway between the lowest part of the eaves or cornice and the ridge of a hip or gable roof.
10. Solar Energy Systems. Solar energy systems, if used, must be integrated into the building or site design and constructed so as to minimize their visual impact. The Architectural Committee must approve the aesthetics of solar panels to be installed. The use of solar shingles is strongly recommended as an alternative to raised solar panels.
11. Drains. Roof, surface, and subsurface drains may not be connected to sanitary sewers. Subsurface and roof drains should be directed to an adequate gravel sump, where soil permits, rather than permitted to drain onto open ground.
12. Ornamentation. Fake facades, imitations, Swiss or Tyrolean motifs, and gingerbread ornamentation is not permitted. Any detailing from "period" architecture is not permitted.

Design and character of ornamentation must be compatible with the surroundings and harmonious with the look of the neighborhood.

13. Exterior Lighting. All exterior lighting must comply with the Park City Land Management Codes, Dark Sky Regulations, and these Guidelines.
14. Signs. Signs or advertising devices, including without limitation commercial, political, informational, or directional signs or devices, may not be erected or maintained on any Lot except as permitted by this paragraph. All permitted signs must not be illuminated and must otherwise comply with applicable laws and regulations. Permitted signs are:
  - a. Political signs and flags no larger than three square feet may be displayed during the three months preceding an election and must be removed two weeks after the election to which they pertain.
  - b. A sign no larger than six square feet identifying the architect and a sign no larger than six square feet identifying the prime contractor may be displayed during construction, and a sign no larger than three square feet identifying the real estate company may be displayed during active construction and marketing of a Lot. Signs under this provision must be removed within two weeks after the date of completion of construction or the date of sale of the Lot, whichever is applicable.
  - c. A security company sign no larger than one square foot in area and no higher than three feet may be displayed.
  - d. The Architectural Committee may approve other signs including:
    1. signs necessary to identify ownership of the Lot and the Lot address.
    2. signs necessary to provide directions.
    3. signs necessary to advise of rules and regulations.
    4. signs to caution or warn of danger; and
    5. signs as may be required by law.
15. House Numbers. House numbers must be displayed and of adequate size to be visible from the street.
16. Unsignliness. Article 3, Section 12 of the Declaration governs unsightliness. This provision remains in full force and effect. In addition, no used or previously erected or temporary structure and no boats, house trailers, mobile homes, campers, or non-permanent outbuildings may be placed, erected, or allowed to remain on any Lot, except that Owners may temporarily park boats, campers, and other recreational vehicles in their driveways for up to two days for loading, unloading, or cleaning prior to storage. The Architectural Committee may allow exceptions during construction.

17. Fences. Fences are not permitted, except for split rail or turned log fences that are not higher than four (4) feet above the natural grade and do not extend wholly in front of the residential Structure. A suitable wire, approved by the Architectural Committee, may be used in conjunction with and attached to the interior of the fence to contain animals. The wire may not extend above the midpoint of the top horizontal rail. Fences in place at the time of approval of these Guidelines are not affected by these criteria. Perimeter fencing is not permitted.
18. Utility Meters. Utility meters must be inconspicuous and screened from view and may not face the street. Exposed piping must be painted to match exterior colors of the house. Enclosures for gas meters and regulators must be vented in compliance with the Park City Building Codes.
19. Generators. Generators must be inconspicuous and screened from view and may not face the street. Generators may not be operated in a manner that causes nuisance to other residents. Enclosures for generators and installation of generators must be in compliance with the Park City Building Codes.
20. Air Conditioning Units. Air Conditioning Units must be inconspicuous and screened from view and may not face the street. Air Conditioning Units may not be operated in a manner that causes nuisance to other residents. Enclosures for Air Conditioning Units must be in compliance with the Park City Building Codes.
21. Trash Enclosures. Trash enclosures must be located inside a garage or residential Structure or be sufficiently screened from view.
22. Antennas and Satellite Dishes. Antennas may not interfere with the view of or from other homes and satellite or microwave dishes cannot exceed 18" in diameter and must be installed in a location not visible from the street. Except as set forth herein, no towers or exposed radio, television or other electronic antennas are permitted on a Lot. Notwithstanding the foregoing, the restrictions in this Section apply to antennas and satellite dishes that are subject to the Over-the-Air Reception Devices rule ("OTARD") only to the extent that the restrictions do not impair the installation, maintenance, or use of the antennas or satellite dishes as set forth in OTARD.
23. Dog Runs. The Architectural Committee may approve small dog runs located on side or rear yards and not visible from the street. Dog runs must be constructed to match the design of the guardrails of the home and the home in general.
24. Pools. No above-ground pools are permitted.

25. Protected Lower Wall. The lower portions of exterior walls should be protected from extreme weathering and staining because of snow accumulation. While snow accumulation varies, generally the lower 2 to 4 feet of exterior walls should be protected using materials such as: concrete block with stucco finish; concrete with an exposed aggregate, bush hammered or sandblasted finish or with a stucco dash coat; or stone. These areas should not be surfaced with wood or plywood; aluminum, steel, or plastic siding; asphalt composition, transite, shakes, or tiles; or brick.

26. Upper Wall Materials. Upper wall materials should convey a sense of human scale and warmth and should be rural rather than urban or industrial in character. Upper wall may, but are not required to, differ from the lower wall materials.

a. Permitted Upper Wall Materials:

- Stone
- Concrete block finished with stucco dash coat
- Concrete or slate tiles
- Wood shingles, wood siding, logs
- Cedar or redwood plywood, stained or painted
- Stucco on wood framing

b. Prohibited Upper Wall Materials:

- Brick
- Ceramic tile
- Fiber Cement Siding
- Plastic siding
- Aluminum siding
  
- Simulated stone or brick
- Asphalt or hardboard siding

27. Door Openings. Door openings should be protected from the wind and from overhanging or drifting snow. Where possible, doors should open onto exterior areas that receive sunlight. Doorways should be rectangular in shape. Arch-formed doorways are not permitted.

## **ARTICLE 5 CONSTRUCTION GUIDELINES**

1. No construction to which these Guidelines apply can proceed unless the work has been approved by the Architectural Committee, and no such construction can proceed except in accordance with the plans and specifications approved by the Architectural Committee.

2. Before any construction or excavation begins, and before any vegetation is disturbed on the site, the following steps must be completed, in addition to any requirements of Park City.
  - a. The Architectural Committee must provide an approval letter to Park City as described in these Guidelines.
  - b. The Architectural Committee must approve the submitted plans.
  - c. The Architectural Committee must be provided a valid permit as described in these Guidelines prior to commencement of construction.
  - d. The Architectural Committee shall maintain a copy of the permit.
3. Lot owners are responsible for any dirt spillage on roads and in ditches. No lugged vehicles are permitted on Oaks at Deer Valley roads. Building sites and streets must be kept as clean as possible during construction. All trash containers and dumpsters must be maintained on the Lot in a manner which eliminates wind-blown trash.
4. If paved roads, curbs, or gutters are cut during any work on a Lot, the road, gutter, or curb must be repaired to its original state promptly after the work is completed.
5. Existing vegetation to remain after construction must be adequately protected during excavation and construction.
6. Specific permission must be obtained from the Architectural Committee to erect or place any temporary facility on a Lot during construction. Portable or temporary toilet facilities must be maintained on the lot and screened from public view. All such temporary facilities must be removed promptly when construction is complete.
7. No garage or other Structure may be constructed on any Lot until after commencement of construction of the dwelling house on the same Lot except as otherwise specifically permitted by the Architectural Committee.
8. There will be no outside construction on Sundays and federal holidays.
9. Construction will be limited to the hours of 8 a.m. – 6 p.m. on weekdays (Monday, Tuesday, Wednesday, Thursday, and Friday). Quiet construction which does not cause noise disturbance may commence at 7 a.m. on weekdays. Construction on Saturdays will be limited to the hours of 9 a.m. – 5 p.m.

**ARTICLE 5  
REVIEW AND APPROVAL**

1. The Architectural Committee shall follow the procedures for review and approval of submitted plans as outlined in Article 2 of the Declaration. Residents, Lot Owners, and other interested parties must follow the procedures laid out in Article 2 of the Declaration to submit preliminary plans and obtain final approval.

2. If the Architectural Committee approves the proposed work, it will issue its approval in writing and shall sign or cause to be signed such form as required by the Park City Building Department regarding homeowner's association notification or approval.
3. All construction must be accomplished in accordance with the approved plans and specifications. No changes to the approved plans and specifications can be made without resubmitting the changes to and obtaining approval from the Architectural Committee. If necessary, a variance may be sought in accordance with Article 2, Section 3 of the Declaration.
4. All work subject to these Guidelines must proceed diligently and must be entirely completed and granted a certificate of occupancy from Park City if applicable, within eighteen (18) months after commencement of construction.
5. Architectural Committee approval is automatically revoked if all the improvements have not been completed in accordance with the approved plans and specifications within twenty-four (24) months after the Architectural Committee letter of approval has been issued. In the event the approval is revoked, the Association may require the owner to restore the property to its original condition and remove all improvements. If delays are encountered that will extend the completion time beyond twenty-four (24) months, an extension of time from the Architectural Committee must be obtained. The request must be made in writing.
6. If the Architectural Committee disapproves any plans or specifications, the person submitting such plans or specifications may appeal the matter at the Board of Trustees. The Board has thirty days to respond to any appeal. No member of the Board is disqualified from voting on the appeal because of his or her also being a member of the Architectural Committee. In the event the Board also disapproves the plans, the person submitting such plans may appeal the matter at the next annual or special meetings of the Members of the Association, where an affirmative vote of a majority of the membership is required to change the decision of the Board.

## **ARTICLE 6**

### **ARCHITECTURAL COMMITTEE OPERATIONS**

1. The Architectural Committee will make all best efforts to respond to any fully completed architectural submission within ten business days. The Architectural Committee shall meet as needed to address any architectural submissions. The Architectural Committee may appear virtually over video conference platforms such as Zoom or via telephone.
2. Insufficient Plans. The Architectural Committee may disapprove any plans submitted to it which are not sufficient for it to exercise the judgment required of it by these Guidelines, the Declaration, the Amendments, the Design Guidelines, and the Bylaws.
3. Modification. Modifications to these Guidelines may be made at any time by a majority vote of the Board of Trustees taken at a Board meeting. At least fifteen (15) days before a Board meeting at which a modification to these Guidelines will be considered, the

Association shall provide Owners with notice that the Board is considering a change to the Guidelines. Owners shall be given an opportunity to be heard at this Board meeting before the modification is adopted. The Association shall deliver a copy of the approved modification(s) to Owners within fifteen (15) days after the Board meeting at which the modifications were approved. Any modification of these Guidelines made by the Board must be ratified by a vote of the majority of the owners at the next Annual Election as outlined in the Sixth Amendment to the Declaration, 4 (G) Design Guidelines.

4. Enforcement. These Guidelines may be enforced in the same manner as the Association's governing documents. If an Owner takes any action inconsistent with the plans and specifications approved by the Architectural Committee, the Association shall notify the Owner of such non-compliance and demand that the construction be brought into compliance within forty-eight (48) hours. If the non-compliance continues, a first fine of \$1,000.00 shall be assessed to the Owner. If the non-compliance remains uncured for ten days or more after the first fine is assessed, or if the same violation occurs within one year after the first fine is assessed, the Association may assess a second fine of \$2,500.00 without any additional warning. If the non-compliance remains uncured for ten days or more after the second fine is assessed, the Association may assess a fine of \$5,000.00 every ten days until the violation is cured. The Association shall be entitled to recover and directly assess the Owner any attorney fees and costs incurred in securing compliance.