

## 5. ARCHITECTURAL COMMITTEE

5.1 Committee Composition - The Architectural Committee shall be composed of no more than four committee members: the Board member responsible for architectural matters, who shall chair the committee and those members selected by the Board member. The Governing Board must approve members of the committee. The Chairperson will serve for three years, the others as the board finds necessary for the committee to function expeditiously and effectively. The Architectural Committee shall have the powers, duties and responsibilities set forth in these Covenants.

5.2 Committee Decisions - In deliberations for approval of plans and variances submitted to the Architectural Committee, it shall exercise its best judgment to see that all construction specified in Section 5 (at large) harmonizes with the natural surroundings to the greatest extent feasible. In so doing, it shall give close attention to design, exterior color, setting, height, topography, grading, preservation of vegetation, and to the best of its ability, ensure the protection of the natural views and beauty of vistas for each lot in the Association. Natural products and earth tones on the exterior will be strongly encouraged.

5.3 Compliance Approval — Plans for any new construction, additions, alterations and modifications of existing structures of all types, must be approved by the Chairman of the Architectural Committee before construction begins. Said approvals must be obtained for, but not limited to: houses and cabins, storage facilities not part of houses and cabins, generator sheds, garages, driveways, parking pads, trailer pads, tree-houses, decks and patios, septic tanks, retaining walls, and any other structure or modification of a registered lot deemed by the Architectural Committee and/or the Environmental Committee to be an alteration of the natural environment.

5.3.1 Drafted Plans for all new construction, additions, alterations and modifications including all structures, perk test results, drive entries, parking spaces, trailer pads, including but not limited to, water lines and power lines must be submitted to the Architectural Committee for written approval, accompanied by site plans with grading and excavation plans specifying the location and orientation thereof, using a 1/4 in. scale. All single-family dwellings shall not be less than 600 square feet per ground floor measurements.

5-3.2 No member shall be required to build a cabin on their registered lot. Only single-family structures (cabins) will be permitted on any registered lot, with the exception of (1) an additional single garage, and (2) no more than two (2) equipment, generator, or storage sheds. In no case will the total of the square footage of the additional structures exceed six hundred (600) square feet, In no case will structures not inspected by Sanpete County be allowed human occupancy.

5.3.3 No television, radio, or other communication towers shall be permitted within the Association area, with the exception of towers for solar power panels. Radio and television antennae and satellite dishes may be used on individual lots after being approved by the Architectural Committee before their installation.

5.3-4 Including, but not limited to, all water, gas, electrical, television, and other utility pipes, lines or cables within the Association area shall be placed underground.

5.3.5 It shall be the responsibility of the member to direct all work on his/her lot to minimize erosive water runoff, prevent construction and excavation materials from collecting on neighboring lots of Association members and protect against any encroachment on natural streams, springs, ponds and irrigation ditches. Interference with stream or spring flows or use of nonculinary water for any purpose is strictly prohibited.



5.3.6 All new construction, additions, alterations and modifications of existing structures of all types, must first have the lot lines clearly marked in concept by: (1) the member submitting plan for approval, and (2) confirmed by the chairman of the Architectural Committee.

5.3.7 Pursuant to the rules set forth by the Central Utah Public Health Department, no onsite dumping of wastewater is permitted. Trailers and other recreational vehicles must use an approved dump station, as needed, or install an approved septic tank on the lot. Violations are subject to fines levied by the Central Utah Public Health Department and the Association.

5.4 Construction Time Frame - (1) Approval of plans for construction of improvements is valid for one year only. In the event construction has not started within one year of the approval date of constructions-plans, an updated approval must be obtained.

(2) After construction starts, three years will be allowed for completion of exterior construction, including but not limited to water lines, septic tanks, exterior walls and roofs and with doors and windows installed. (3) An additional three years will be allowed for completion and final Sanpete County inspection.

5.5 Building Setbacks - No building, structure, road or device (i.e. propane tank) etc. shall be approved which is closer than twenty-five (25) feet to any lot line, private property line or Federal or State property line, and fifty (50) feet to any Association frontage road. Where legitimate hardships or exceptional circumstances exist for a specific lot, variances to these setbacks may be granted by the Architectural Committee in accordance with and as feasible with this Section 5 of these Covenants.

5-5.1 All plans submitted for approval by the Architectural Committee shall be reviewed for compliance with these Covenants. All plans for new construction, and additions, alterations, and modifications of existing structures that are intended to house people for any purpose must first be submitted to the Architectural Committee. After approval, plans must be submitted to Sanpete County to obtain an official building permit before construction begins. A final inspection permit obtained from the said county must be obtained before occupancy is permitted.

5.5.2 Summer only trailer or other recreational vehicle placement may be approved by the Architectural Committee if a member wishes to leave his trailer or recreational vehicle providing overnight accommodations at the site all summer. NO MORE THAN ANY COMBINATION OF TWO (2) TRAILERS OR OTHER RECREATIONAL VEHICLES, per lot, shall be permitted.

5.5.3 No permanent or summer only placement of travel trailers or recreational vehicles for overnight use on a lot where a cabin is constructed is permitted. In the event a member should invite trailers or recreational vehicles to park on the lot, on a temporary basis only, the maximum time allowed, per trailer or recreational vehicle, is sixteen (16) days. Trailers and recreational vehicles, including utility trailers, shall be subject to the same setback rules as cabins.

5.6 Variance Approval — The Architectural Committee may allow reasonable variances when certain difficult circumstances are present such as issues with topography or location of planned construction. The Architectural Committee will consider the circumstances and may allow variances to any of the provisions of the covenants related to new construction, additions, alterations, modifications of existing structures, and location with the imposition of such conditions as it deems appropriate. Appeals to variances granted or denied by the Architectural Committee may be made by any member using the same procedure as set forth for in Section 5 (at large)-

5.6.1 In the event that additional time is required to complete the three phases of construction outlined in Section 5.4, additional time may be granted upon a written request provided to the Architectural Committee.



5.7 Default Approval In the event the Architectural Committee fails to take any action within thirty (30) days after submission of plans for new construction, and additions, alterations, and modifications of existing structures, then all such plans shall be deemed to have been approved in the forms submitted. In the event the Architectural Committee shall disapprove any plans or requested variances, the member submitting said plans may appeal the denial at the next meeting of the Governing Board. Members, other than the said member submitting plans and/or variance requests, may also appeal review by the Governing Board using the same said procedure. If there is no regular Governing Board meeting within forty five (45) days of the appeal filing, then a special meeting of the Board shall be convened by the President of the Association within the said forty five-day period. An affirmative vote of a majority of the Governing Board shall be required to overturn or change the decision of the Architectural Committee.

5-7.1 Any member requesting appeal consideration of decisions made on his behalf by the Architectural Committee may be present to provide appropriate argument, along with a member representative from the Ombudsman Committee to ensure fair and just consideration when the Governing Board reviews the appeal.

5.8 Architectural Committee Liability - The Architectural Committee shall not be liable for damages to any person or persons submitting construction plans for approval, or to any member or members within the Association who, as the result of any action, failure to act, approval, disapproval, or failure to approve or disapprove, may claim to have been damaged. Approval of plans submitted by a member shall in no way be construed as an independent review of the structural and mechanical adequacy of the construction and architectural soundness thereof. Any person acquiring membership in the Association or any person submitting plans to the Architectural Committee for approval; by doing so, shall be deemed to have agreed and covenanted that he/she or it will be subject to the actions of the Committee and will not bring legal action or suit to recover damages against the Architectural Committee, its members as individuals, or its advisors, employees, or agents.

5.9 Contractor Insurance - The Architectural Committee Association and member shall permit only contractors and service providers with a State License, reasonable liability insurance, and Worker's Compensation Insurance to conduct work in any area of the Association, including registered lots, but not limited therein.

5.10 Written Record - The Architectural Committee shall keep and safeguard a written record of all actions and of all applications for plan approval which are submitted to it under the provisions of these Covenants. Said records shall be maintained for a period of at least five (5) years after approval or disapproval. Said records shall be made available to any member, or agent representing them, upon reasonable justification in a written request.

5.11 Impact Fees — Cabin construction beginning on or after December 31, 2006 shall incur a one-time impact fee in the amount of \$1 ,500.00, or such other fee amount that the Governing Board shall determine. This fee covers the direct impact on the Association property for costs relating to cabin construction and fire safety requirements (cistern). The Impact Fee is due and payable upon the building plan approval by the Architectural Committee.





