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WHEN RECORDED RETURN TO:
Dammeron Valley Landowners Association
1137 Dammeron Valley Drive East
Dammeron Valley, Utah 84783

DOC # 20120015474

Restrictive Page 1 of 8
Russell Smith Washington County Recorder
05/10/2012 12:14:19 PM Fee \$ 41.00
By DAMMERON VALLEY LOA



**DAMMERON VALLEY LANDOWNERS ASSOCIATION
ARCHITECTURAL GUIDELINES**

The attached DAMMERON VALLEY LANDOWNERS ASSOCIATION ARCHITECTURAL GUIDELINES were duly adopted by a majority of members in attendance in person, by ballot and by proxy at the May 14, 2011, annual landowners' association meeting and were approved by the Board of Trustees.

These architectural guidelines apply to the following lot parcel numbers:

CTDV-1 thru CTDV-14; CTDV-2-15 thru CTDV-2-30; DNHS-1 thru DNHS-4; DVF-1 thru DVF-42; DVF-2-A-43 thru DVF-2-A-53; DVH-1 thru DVH-55; DVH-56-A thru DVH-57-A; DVH-58 thru DVH-72; DVH-73-A; DVHG-1 thru DVHG-8; DVM-1 thru DVM-43; DVOF-1-1 thru DVOF-1-17; DVR-1-A thru DVR-2-A; DVR-3 thru DVR-23; DVR-24-A; DVR 24-B; DVR-25; DVR-26-A; DVR-26-B; DVR-27; DVR-28-A; DVR-28-B; OFMS-2-1 thru OFMS-2-29; OFSO-1 thru OFSO-9; PHS-1-1 thru PHS-1-20; PHS-1-21-A; PHS-1-H-75 thru PHS-1-H-76; PHS-2-22 thru PHS-2-36; PHS-3-37-A thru PHS-3-41-A; PHS-3-42-A-1; PHS-3-43-A thru PHS-3-44-A; PHS-3-45-A-1; PHS-3-46-A thru PHS 3-65-A; PHS-4-66 thru PHS-4-85; PHS-5-86 thru PHS-5-110; PHS-6-111 thru PHS-6-135.

See page 2, Exhibit 1, for legal descriptions of lots.

DAMMERON VALLEY LANDOWNERS
ASSOCIATION

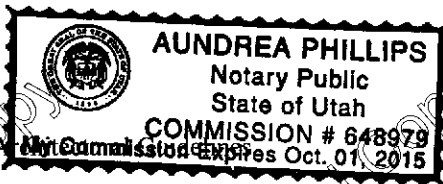
Carol Clason

Carol Clason, Secretary of the
Dammeron Valley Landowners Association, Inc.

STATE OF UTAH)

COUNTY OF WASHINGTON) ss

On the 10th day of May, 2012, personally appeared before me Carol Clason, Secretary of the Dammeron Valley Landowners Association (DVLA), who acknowledged to me that she executed the foregoing instrument on behalf of the DVLA by appropriate authority, and that the document was the act of the DVLA for its stated purpose.



Aundrea Phillips
NOTARY PUBLIC

Exhibit 1 - Legal descriptions of all lots encompassed by the Dammeron Valley Landowners Association:

- 1) All lots in Dammeron Heights, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 2) All lots in Dammeron Valley Canyon Trails, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 3) All lots in Dammeron Valley Canyon Trails 2, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 4) All lots in Dammeron Valley Farms, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 5) All lots in Dammeron Valley Farms 2-A, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 6) All lots in Dammeron Valley High Ground, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 7) All lots in Dammeron Valley Homesteads, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 8) All lots in Dammeron Valley Meadows, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 9) All lots in Dammeron Valley Old Farm 1, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 10) All lots in Dammeron Valley Ranches, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 11) All lots in Old Farms 2, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 12) All lots in Old Farms South, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 13) All lots in Pinion Hills 1 Amd, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 14) All lots in Pinion Hills 2, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 15) All lots in Pinion Hills 3 Amd, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 16) All lots in Pinion Hills 4, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 17) All lots in Pinion Hills 5, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.
- 18) All lots in Pinion Hills 6, a subdivision according to the official plat thereof, on file and of record in the office of the County Recorder of Washington County, State of Utah.

**DAMMERON VALLEY LANDOWNERS ASSOCIATION
ARCHITECTURAL GUIDELINES
[May, 2010]**

PREFACE

To preserve the plan of development for the various subdivisions of Dammeron Valley, the developer established conditions of ownership through the Dammeron Valley Landowners Association (DVLA) and the Protective Covenants (PCs) that were recorded for real property within the subdivisions. The PCs provide basic standards which are legally binding for building and land use. The PCs are similar but not uniform for the various subdivisions. The PCs for each subdivision must be consulted to ensure compliance with all recorded requirements.

The DVLA is managed by a Board of Trustees which is charged with interpretation and implementation of the PCs. The Board may appoint an Architectural Review Committee.

All construction of homes, accessory structures and perimeter fences require approval by the DVLA Board of Trustees. Any changes or additions that relate to any matter encompassed within the PCs also require DVLA approval before being started. The approval requirement applies to any project undertaken after approval of original plans, including construction of animal shelters, fences and changing the exterior color or materials of home or accessory structure, whether or not a County building permit is required. Plan approval must be received before applying for County building permits.

These architectural guidelines were instituted to clarify the policies that the Board of Trustees will use in interpretation of the PCs. The guidelines must be consistent with and in fulfillment of the PCs and will be interpreted taking into account the character of each subdivision as it has developed over time. The guidelines will not restate requirements of PCs or applicable code.

Please call the DVLA at (435) 574-6397, email dvla@mydvla.org or contact the current chair of the Architectural Review Committee to arrange to submit plans.

ADVISORY NOTES

COUNTY CODE: The DVLA does not enforce Washington County building codes or zoning ordinances. Landowners have an independent obligation to ensure that their actions accord with applicable federal, state and local laws and regulations.

BURIED SERVICES: Lines connecting water, power, sewer, telephone and similar services must be underground. Private septic systems are not allowed in Pinion Hills. Lot owners there should exercise caution when planning, to assure sites and designs that will enable flow into the waste system provided for those subdivisions

NATURAL VEGETATION: Every effort should be made to preserve natural trees and vegetation. Any areas where natural vegetation is removed will generate weeds and dust unless landscaping is maintained.

LIGHTING: Many landowners desire to enjoy the night skies. Even minimal lighting travels very far at night and interferes with vision. Exterior lighting should be designed to minimize transmittal of light onto adjacent properties. Out of courtesy for neighbors, landowners are encouraged to minimize use of exterior lighting at night.

CONSTRUCTION: The landowner is responsible for informing construction workers about all relevant DVLA PCs and architectural guidelines. Construction work should commence after 7 a.m. and cease before 9 p.m. Workers are also expected to observe local speed limits, parking restrictions and the restrictions against loud noise, particularly loud radios. Construction should be completed within one year.

SEMI-TRACTOR/TRAILERS: Any type of semi-tractor/trailer vehicle over 26,000 lbs. Gross Vehicle Weight with a commercial license and intra or inter-state plates, including the tractor part of the tractor/trailer, should not be parked or stored on any lot overnight. This prohibition does not apply to recreational vehicles or horse trailers.

GUIDELINES

BUILDING TYPE:

Where the PCs do not specify a different type, casual western and ranch styles are preferred. Dome structures are not acceptable. Roofs should be designed to take into account snow loads and ice dams.

EXTERIOR MATERIALS:

House: Natural solid wood, log, stucco, brick, adobe, natural stone and powder coated metal may be used. Bare, galvanized metal may not be used. T1-11 is acceptable if used in combination with other materials such as brick or stone. Plastic siding may not be used except for minor appearance features, such as gables and soffits.

Detached Garages, Storage sheds, Barns and Animal shelters: Materials and colors for accessory structures should match the house and garage as much as possible. T1-11 and other similar type plywood based materials of exterior grade may also be used. Plastic siding may not be used except for minor appearance features.

Roofing: Reflective materials will not be allowed.

EXTERIOR COLORS:

Unacceptable Colors: White, near-white, cool and blue grays, pastels, bright colors and tints of bright colors, and black, unless PCs specify otherwise.

ACCESSORY BUILDINGS:

Accessory buildings shall not exceed 35 feet in height or the limits provided in the applicable PCs for each subdivision. Any accessory buildings proposed in excess of 1,200 square feet will require detailed architectural features and landscaping to ensure that they blend with the surrounding area.

GARAGE:

Garages must be enclosed and must not be built prior to construction of the house. Minimum size: 12 x 20 ft, unless PCs specify otherwise.

FENCES:

Fronting recorded public road easements and U-18: In addition to round and split rail fences permitted by applicable PCs, fences may be of wood posts or other materials that offer a similar natural appearance and may have two to four round, split or flat wood rails.

Sides and rear of properties: In addition to the materials authorized above, wood, metal, vinyl or polymer post and rail may be used. A single strand of barbed or electrified wire may be used in conjunction with perimeter fence to restrain large animals. All wood post and rail fences may be lined with 'field fence' 'horse wire' or 'V mesh' if desired. All fencing should be non-reflective and earth tones in color. Chain link fencing is not acceptable.

No solid fencing (wood, brick, etc.) except when used in close proximity to the house or accessory building as privacy wall/screen. Solid fencing should not encroach within stated setbacks.

FORMAT FOR SUBMITTING BUILDING PLANS

When the following specifications are met, plans will be reviewed and a response issued as soon as possible, not to exceed 30 days.

SUBMIT THREE SETS OF PLANS. If approved, one set will be retained by the DVLA and the other two returned to the owner, one for submittal to the County Building Department, and one to be retained at the building site during construction.

Plans must include:

- Plot Plan: Scale 1" = 40' or 50'. North indicated
- Show property lines and adjacent recorded public road easements.
- Any established easement and any U-18 Green Belt area within lot boundaries must also be shown.
- Indicate planned private roads and above ground structures and show applicable setbacks.
- Identify type of structures such as house, garage, animal shelter, fence, propane tank, etc.
- Show location of mandatory trees.
- Floor plan: Scale ¼"=1' North indicated.
- Include adjoining appurtenances, delineate kitchen appliances and provide rough plumbing and wiring information.
- Indicate total square footage per level for each structure.
- Where applicable, subtotal living and non-living area separately.
- Show garage dimensions.
- Elevation Drawings: Scale ¼" = 1'
- Four views are required: front, rear, and opposite side views.
- Key exterior elements such as siding, roof, chimney, etc, must be rendered in sufficient detail and accompanied by clear descriptions of materials, colors and textures.
- Descriptions for wood must disclose form, nominal measurements, common species name, finish to be applied and other pertinent data (e.g., solid 1" x 8" ship lapped western red cedar installed rough side out with clear finish.)
- An Owner's Project Summary form and an Owner's Statement of Compliance form should be submitted when plans are submitted. These forms can be obtained from any member of the ARB, Board of Trustees, the DVLA secretary or the DVLA web site (<http://mydvla.org/dvla>).
- Submit accurate color samples for the exterior features of each structure. Samples required for buildings must include all relevant features such as roof, siding, trim, window frames, entry doors, garage doors, gable vents, soffits, gutters, etc. Furnish actual material samples on pre-finished products such as brick, stone, roofing, etc. Other samples to be given a finish coat, such as wood, are helpful, but may not be essential if related material descriptions and color samples truly reflect final appearance.

Detailed plan requirements may be waived for a garage, accessory building or other structure that does not exceed the recommended size or height, and for a structure that is largely two-dimensional, such as a fence, if otherwise acceptably presented.

PERFORMANCE DEPOSITS & FEES:

Performance Deposits are required to ensure that residences and accessory structures are built according to approved plans. Inspection of the completed project will be arranged upon request. Refund of Performance Deposits will be made within 15 days after inspection if all exterior features are in compliance with approved plans.

House & Garage:

A \$100 Plan Review Fee may be required to cover building plan and architect review expenses for a new residence (no refund).

A \$1,000 Performance Deposit is required for construction of a new residence (including garage) except where PCs impose higher amounts.

Garages, Accessory Structures and Additions:

For additions to houses and for structures such as barns, animal shelters, sheds, and other accessory structures built after completion of the house, the following graduated Performance Deposit schedule applies:

Structures under 200 sq. ft. do not require a Performance Deposit. However, plans for these structures need to be approved.

Structures from 201 sq. ft. to 500 sq. ft. require a \$250 Performance Deposit.

Structures from 501 sq. ft. to 999 sq. ft. require a \$500 Performance Deposit.

Structures over 1,000 sq. ft. require a \$1,000 Performance Deposit.

Tree Deposit:

A \$100 Tree Deposit may be charged to encourage the planting of trees on lots that have insufficient natural woody vegetation to provide a landscape buffer surrounding buildings. The Tree Deposit will be refunded if five 15 gallon size trees are planted on owner's property within a two year period after construction has started. The Tree Deposit may be waived if the lot is already sufficiently wooded.

PLAN REVIEW FEES, PERFORMANCE DEPOSITS AND ANY APPLICABLE TREE DEPOSITS MUST BE SUBMITTED WITH PLANS. Checks should be made out to the "Dammeron Valley Landowners Association."

APPEAL PROCESS

Any recommendation by the Architectural Review Committee may be appealed to the Board of Trustees within 30 days of the decision.

Any landowner who desires to reverse the decision of the Board of Trustees with regard to a decision made to grant or deny permission for any structure may do so through the following procedure:

- 1) Send notice to the Board of Trustees which includes the following:
 - a) Identify the basis for the objection to the decision.
 - b) Provide a proposed draft decision which the landowner proposes to substitute for the decision made by the Board,
 - c) An agreement to pay for all costs of submitting the proposed draft decision to the landowners for review, including printing and mailing costs (including costs of enclosing stamped, self-addressed labels for returning ballots to the DVLA), as well as the costs of staff time to tally the results.
 - d) A deposit of costs necessary to pay for initial copying and mailing of the proposed draft decision to the members of the DVLA.
- 2) No objection or draft decision which would constitute a violation of an express provision of applicable PCs may be considered for appeal.
- 3) Notice in compliance with the requirements set forth above must be submitted within 30 days of the Board's decision or the landowner shall be deemed to have agreed to the decision.
- 4) Upon receipt of timely notice and deposit which meets compliance with the requirements of Section 1, above, the Board shall cause copies of the proposed draft decision and the Board's decision which is being challenged, along with the basis for the objection to the Board's decision and a statement by the Board in support of its decision, to be mailed to the members of the DVLA, requesting them to either approve the Board's decision or the proposed draft decision and enclosing a ballot along with a stamped envelope addressed to the DVLA. The ballot shall specify the voting procedure and shall require ballots to be returned within 15 business days after the date the ballot was sent. The ballots for the subdivision where the decision applies shall be color coded or otherwise marked to differentiate them from other subdivisions.
- 5) The Board's decision shall be reversed, and the landowner's proposed draft decision shall be adopted, if approved by:
 - a) A majority of all landowners entitled to vote, and
 - b) A majority of landowners in the subdivision where the decision applies.

Note: Any structure or land use which has been in place for more than seven years without action by the DVLA may be deemed to have been approved, provided, however, that any implied waiver of any provision of these guidelines shall not be deemed to be a continuing waiver or a waiver of any subsequent breach, whether of the same or any other provision of these guidelines.