



Architectural Guidelines

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ARCHITECTURAL GUIDELINES
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INTRODUCTION

Our community is one of extraordinary natural beauty and serenity. Whether you are considering a new build or architectural/landscaping improvements to an existing home, we look forward to working with you. The Architectural Committee works closely with the Board of Trustees to preserve and enhance the beauty and value of our community and to welcome owners, builders, and realtors to promote a positive and cooperative building experience pursuant to the Architectural Guidelines you see below and the Deer Mountain master Declaration of Covenants, Conditions and Restrictions posted on www.deermountainhoa.com (“CC&Rs”; these Architectural Guidelines and CC&Rs collectively “Guidelines”).

In accordance with the Guidelines, the Articles of Incorporation, the Architectural Charter (“Charter”) and the By-Laws of the Homes at Deer Mountain Homeowners Association (“HOA”), the Architectural Committee (“AC”) is responsible for approving all plans, specifications, site plans and improvements before the commencement of any construction within the HOA. The Guidelines and the Charter regulate the AC’s actions regarding construction and exterior improvements in the Deer Mountain Subdivision (“Subdivision”). The Guidelines govern the design and construction of all homes, as well as the design and construction of all exterior improvements, in the Subdivision plats 1, 2, 3 and 4. The HOA will enforce the Guidelines to the maximum extent necessary to advance the interests of the HOA. The HOA Board of Trustees (“Board”) and AC may amend the Guidelines as needed at their discretion. Before submitting plans subject to these Guidelines for approval, Owners of property within the Subdivision (“Owners”) are encouraged to go to the Deer Mountain website (www.deermountainhoa.com) for the most recent version of the Guidelines.

Every effort has been made through these Guidelines to protect and enhance the

architectural integrity and value of our community and the natural beauty of our surroundings. These Guidelines call for the extensive use of natural wood, natural stone, and rustic and natural earth tones as some of the primary design elements.

The Guidelines serve to support our design philosophy to ensure all projects, including but not limited to new builds, exterior improvements, reconstructions and landscaping, are designed in harmony with our community and our natural environment. We evaluate every proposed Improvement, as defined in section A 6 herein, relative to these Guidelines; and the AC is responsible for reviewing and monitoring all projects throughout the process. These Guidelines were developed to provide clear direction to owners, architects, and builders as they work to bring their visions to reality.

A. DEFINITIONS

1. "AC" shall mean the Architectural Committee of The Homes at Deer Mountain Homeowners Association created pursuant to the Master Declaration of Covenants, Conditions and Restrictions of Deer Mountain Resort Subdivision.
2. "Board of Trustees" shall mean and refer to the governing board of the Master Association, filed with the Utah State Department of Commerce, Division of Corporations and Commercial Code.
3. "Building Footprint" defines the ground area within the perimeter of the building foundation. It includes all garages, indoor pools and covered decks attached to the house.
4. "CC&Rs" shall mean and refer to the Master Declaration of Covenants, Conditions and Restrictions for The Homes at Deer Mountain Homeowners Association.
5. "Common Areas" shall mean and refer to those parts of the Subdivision that are not included within the lots. The Subdivision Plat Maps identify Common Areas.
6. "Improvements" shall mean any structure or appurtenance thereto of every type and kind, including but not limited to walkways, gutters, curbs, pipes, sprinkler pipes, conduit, garages, room additions, patio covers, spas, recreational facilities, roads, driveways, parking areas, fences, walls, screening walls, retaining walls, stairs, decks, patios, porches, balconies, chimneys, antennas, edges, windbreaks, poles, signs, exterior air conditioning and water softening fixtures or equipment, plantings, planted trees, shrubs, flowers, plants and other vegetation, landscaping of every kind, nature or description, whether temporary or permanent, excepting personal property or equipment within, or usually within a structure.
7. "Lot" shall mean and refer to any of the separately numbered and individually described parcel, identified on the plat, intended for use and

occupancy as a single-family residence.

8. "Natural Grade" shall mean the elevation of the original or undisturbed natural surface of the ground prior to any manufactured disturbances of any type at any time. In the event the natural grade of a lot is unable to be determined by physically inspecting the lot, Wasatch County has records, which indicate the natural grade for each lot in Deer Mountain, and the Wasatch County records shall govern.
9. "Owner" shall mean each individual and/or entity owning a Lot. The official records of Wasatch County evidence such ownership. In referencing activities on improved or unimproved properties, the "Owner" shall designate the individual and/or entity owning a lot including the Owner's representatives, including but not limited to builders, engineers, and designers.
10. "Plat" shall mean and refer to the Record of Survey Plat Maps for the Deer Mountain Resort Subdivision in the official records of the County and all amendments and supplements thereto.

B. GENERAL

1. The AC shall consider and act upon any and all plans and applications submitted for approval. No construction, alteration, addition, modification, decoration, redecoration or reconstruction of an Improvement shall be commenced, maintained, painted, erected or otherwise altered until the required applications, as set forth herein, have been submitted to and approved by the AC. Generally, routine landscaping without the use of excavation equipment will not require review by the AC.
2. Owners should carefully review the Guidelines and incorporate them into their residence designs.
3. Owners must pay all existing dues, assessments, and any other costs assessed

against their property before any plans subject to these Guidelines will be reviewed and must stay current on HOA dues, assessments and fines. The property must also be free of any HOA liens.

4. When making an application for an Improvement, the Owner must include a fully completed application form along with the required security deposits listed in section W herein. If applicable, Owner must receive a signed escrow agreement/contract from the AC before submitting plans to the Wasatch County Building Department. Wasatch County will **not** review plans without said sign-off from the AC.
5. For new home builds (see section D herein) and major additions and exterior remodeling or improvements (see section E herein), the Owner will provide an approved construction sign on the lot at the beginning of the project. The sign will display the building lot number, lot address, names of homeowner, builder, and contact phone number; and said sign shall remain visible throughout construction until the Improvement is completed. See Exhibit A for the approved measurements for construction sign (as well as real estate sign). This construction sign, one sign offering the property for sale, safety signs, and “no trespassing” signs will be the only signs allowed on the lot during construction. Real Estate signs shall use a wooden post structure approved by the HOA Board and AC. “For sale by Owner” signs, while permitted, are to be made by Park City Signs (or another vendor approved by the AC) and will follow the same guidelines as above.
6. To the maximum extent possible, construction-related autos, trucks, and equipment must be parked in an orderly manner on the construction site. If street parking is required due to logistical constraints, vehicles and equipment must be confined to one side (and preferably the same side) of the street as the lot. Under no circumstance will construction personnel leave related vehicles and equipment on the streets overnight.
7. Exterior construction is permitted between the hours of 7:00 am and 7:00 pm Monday through Friday. Weekend work is permitted, but the permissibility of

such work will cease, at the discretion of the AC, if complaints arise. All deliveries shall occur within the above-stated hours.

8. If any staging equipment, materials, cranes and or concrete trucks etc. takes up more than one third of the road, Owner will be required to post signage and provide flaggers for the duration of the road use. At no time shall less than one full lane be available to traffic, and such traffic shall have priority. If at any time the road is temporarily blocked, the driver must remain in the vehicle.
9. Unnecessary noise on construction sites, including but not limited to the operation of radios at a loud volume, is prohibited. Construction causing noise disturbances are prohibited between the hours of 7:00 p.m. and 7:00 a.m.
10. No construction activity shall infringe in any manner or for any reason on an adjacent or neighboring property or open space unless written permission is obtained from the affected property owner or AC. Infringement includes, but is not limited to, crossing over for any reason, parking or storing of construction vehicles or equipment, storing of materials or debris (including dirt, gravel or rocks), and placement of toilets or dumpsters on an adjacent property. Owners will provide a copy of the written permission to the AC before any infringement occurs. Fines for infringements will be assessed as described in Section W below.
11. Prior to excavation in plats 2 and 3, the perimeter of the construction site shall be identified by placing, within the lot boundaries, a boundary fence along the two sides and back of the lot. Silt fence or other erosion control material must be placed at the lowest point of potential drainage from the construction area. In Plat 4 a limit of the boundary-fenced perimeter will be established on the site plan and fenced prior to doing any work on the lot. No construction work or excavation may take place outside of the limit of the boundary-fenced perimeter, and no storage of materials or equipment may occur outside the fence without written permission of the affected owner(s) and the AC. Fencing and erosion control shall be maintained and remain in place during the entire construction period and shall be removed and appropriately disposed of at the

conclusion of construction.

12. Prior to the start of wood framing, Owners will place a roll-off dumpster on the building lot for all refuse accumulated from the construction project. The Owner is responsible for the timely cleanup of all refuse that blows from the dumpster or lot onto neighboring properties. A tarp or other means is required to cover the dumpster at the conclusion of each workday. Owners will attach this covering to the dumpster in such a manner that the wind and inclement weather will not affect it. Contractors may use a box trailer in lieu of a dumpster, but the same regulations apply.
13. The Owner shall have a chemical toilet placed on site for the use of construction personnel prior to the start of excavation.
14. Construction vehicles are not permitted on any open space or walking trails. It will be the responsibility of the Owner to replace or repair any damage to said paths and open space.
15. Construction personnel may not have dogs or other pets in the Subdivision at any time.
16. Snow removal and storage will only be allowed within the limits of boundary fence. At no time will the Owner be allowed to place snow on roadways and shoulders or adjacent lots or open space without specific permission from the AC.
17. Owner shall notify the AC at least five days prior to any proposed construction activities (such as blasting) that may pose **any** danger to neighboring residents. The AC will notify nearby residence owners as soon as is practically possible.
18. The Owner and/or builder shall regularly inspect the site and access roadways and shall perform whatever site cleanup and maintenance is necessary to maintain these areas in a clean and orderly condition. Streets are to be cleaned on a daily basis, as necessary, to minimize dirt and debris from accumulating

on the street and washing into the catch basins and to minimize danger to drivers, motorcyclists, bicyclists and pedestrians.

19. The Owner shall respond immediately to any notice received from the AC or the Board regarding any violation of applicable CC&R's and AC regulations, including all requirements herein.
20. The HOA will inform Owners in writing, email, or letter, of any violations. Owners will have 24 hours to remedy violations after which time fines may be assessed as further described in Section W below.
21. The Board or AC may issue a stop-work order on any project in violation of these Regulations with all costs and fines paid by the offending Owner.
22. The HOA intends that the Guidelines be the minimum building requirements at Deer Mountain. As new products and materials that meet or exceed these requirements become available, the AC and the Board may consider whether such products or materials are acceptable for use at Deer Mountain.
23. Owners who are in non-compliance with Deer Mountain HOA may not submit plans for a new project.

C. ARCHITECTURAL STYLE

1. Improvements in Deer Mountain shall be compatible with and in architectural harmony with existing homes and the natural beauty of Deer Mountain. The final determination of architectural harmony resides with the AC and the Board.
2. No two homes may have identical exterior appearances in Deer Mountain, and each home is to be uniquely designed and adapted to the lot on which it is situated.
3. Examples of home styles not permitted in Deer Mountain include, but are not

limited to, Ultra- Modern, A-Frame, English Tudor, French Chateau, Victorian, Colonial, Domes, Yurts, Manufactured Homes, or other stylistic extremes. Determination of whether a style of home or a specific home design is acceptable resides with the AC.

4. Owners are not to infer from existing homes that a particular design or feature is acceptable. To minimize the risk of dispute and to aid the parties in avoiding unnecessary costs, it is strongly suggested that Owners submit preliminary design plans to the AC for discussion before commencing final design documents.

D. NEW HOME CONSTRUCTION

1. Applications are reviewed as expeditiously as possible, but the AC may take up to 30 days to issue a written response. The applicant will be notified in writing of approvals or denials. Owner applicants denied plan approval may make changes to their construction plan and reapply without limitation. Construction shall not start until the Owner receives written approval from the AC. Approval for residential development by the AC is independent of and in addition to approval and the issuance of a building permit by Wasatch County.
2. Owners must comply with the following requirements before the AC will consider any application for approval:
 - a. All forms in the application (see the Architectural tab on our website: www.deermountain.info) must be completed and signed. Incomplete applications will not be accepted and will be returned without being reviewed. The Owner must sign an escrow agreement (included in the application package). Owner also must accept financial responsibility, including court costs and attorney fees, for

any costs incurred because of any failure to build in accordance with the Guidelines, approved plans and applicable laws.

- b. All dues, liens, assessments and any other costs assessed against the property must be paid before plans will be considered for approval.
- c. A non-refundable Design Review fee and refundable Compliance and Landscape security deposits are required with all applications for new home construction in Deer Mountain. The fee descriptions and amounts are listed in Section W of these Guidelines.
- d. A PDF copy of the plans shall be submitted to the AC with each application, including the information described in items 4 and 5 of this section. All plans and specifications shall be professionally prepared by an architect or qualified home designer. Full color PDF images and specifications of the proposed exterior materials must be included in the application package.
- e. Site development plans, drawn to scale, must be submitted to the AC with the application for construction and shall contain the following information:
 - i. An existing conditions topographic survey of the lot completed and stamped by a surveyor licensed by the State of Utah.
 - ii. A site plan showing both the existing topography and proposed drainage grading of the lot, vertical elevation datum point, the footprint of the proposed dwelling, property lines, building setbacks from property lines, roofs, finished floor elevations of all levels in the house, ridge heights above natural grade, decks, patios, walkways, driveways, and the percent of slope of the driveway clearly defined. The site development drawing must also include the location of any retaining walls, top and bottom spot elevations along the length of the walls and proposed retaining walls materials.

- iii. A preliminary landscaping plan, including location of existing trees and vegetation to be preserved, new trees, shrubs, ground cover, and proposed species and size of new trees, plant materials and ground cover materials. Submission of a final landscape plan may be deferred until framing of the structure has been completed and the site has been rough graded.
- f. Architectural house plans must be submitted and must include the following information:
 - i. Floor plans drawn to scale with overall dimensions and floor area indicated on each level of the home.
 - ii. Exterior elevations drawn to scale of all sides of the home illustrating existing and proposed grade lines, relative maximum allowable height lines, exterior materials, floor level elevations, and roof pitches.
- 3. Samples of all exterior finish materials are required to be submitted with the plan and shall include manufacturers' colors, numbers, and surface sheen where applicable. PDF color images, 4"x6" minimum size, of each material are acceptable. Changes to approved colors or exterior materials shall be resubmitted to the AC for approval prior to installation. Large sample mock-ups may be required by the AC during the construction process in order to confirm that a specific exterior material is acceptable and in keeping with the intent of the Guidelines.
- 4. Construction applications must include the anticipated starting date and the estimated project completion date. All construction must be completed within one year from the date of commencement of construction unless the AC, in its sole discretion, approves an extension not to exceed six months. If an Owner anticipates that the construction project will last more than one year,

the Owner must apply in writing, before the one-year has expired, to the AC for a time extension stating all reasons why the project is expected to exceed one year.

5. When the plans have been approved, 3 hard copies shall be submitted by the applicant to the AC for stamping, and an approval letter will be issued to the applicant. The AC will retain one stamped copy for its records, and the other copies can be submitted to the Wasatch County Building Department for permitting.
6. After the AC stamps the plans, all changes, additions, or deletions from the approved plan must also be resubmitted to the AC for review and approval, including any design changes or changes in color choices that occur during the construction process. Notwithstanding the requirement for AC approval, neither the HOA nor the AC shall be liable in any way for the design or construction of any residence in the subdivision, except as provided in section 13.9 of the CC&Rs.
7. Plan approval shall remain valid for six months from the date of AC approval. If construction has not started within six months, the plan must be resubmitted for approval before construction may begin and said re-submission will be subject to any changes made in the Guidelines during the interim period. All approvals and/or disapprovals must be conveyed in writing.
8. As required by the Wasatch County building department and at the Owner's expense, a licensed Utah surveyor must calculate a building height measurement from natural grade at the completion of roof framing to certify that the height does not exceed the maximum 33' building height as defined by the Wasatch County code. The AC must receive a copy of the certification before roofing begins.

E. HOME ADDITIONS AND EXTERIOR REMODELING OR IMPROVEMENTS

1. All exterior additions, remodeling, or other Improvements must be compatible with and in architectural harmony with existing homes and the natural beauty of the Deer Mountain. All home additions must be in keeping with the design of the original home and current Guidelines. Owners must make an application, pay the appropriate deposits (see section W for fee amounts), and receive written approval from the AC before beginning work on any of Improvements, including but not limited to:
 - a. Exterior additions to the home;
 - b. Decks or patios;
 - c. Remodeling that changes the exterior appearance of the house;
 - d. Painting or staining the exterior of the home;
 - e. Solar installations;
 - f. Fencing;
 - g. Landscaping

2. Applications shall be reviewed as expeditiously as possible, but the AC may require up to thirty (30) days to provide a written response. Applicants who are denied plan approval may make changes to their plans and reapply without limitation. Construction must not start until Owner receives written notification of approval from the AC. Approval for residential construction by the AC is independent of and in addition to approval and the issuance of a building permit by Wasatch County. The following steps are required before any application will be approved:
 - a. All forms in the application package provided by the HOA must be completed and signed; incomplete applications will not be accepted. Applications for Improvements are found on the HOA website under the Architecture tab. The applications for home additions are to be used for additions that add to the building footprint as defined in Section A herein.

The application for Improvements is to be used for exterior work that does not change the building footprint.

- b. The Owner must sign an escrow agreement stating they have read and will comply with all Guidelines and regulations and will accept financial responsibility for any costs incurred because of any failure to build in accordance with the Guidelines, approved plans and applicable laws, including court costs and attorney's fees.
 - c. Plans and specifications for all projects requiring a building permit from Wasatch County shall follow the rules and procedures for new house construction found herein. Plans for Improvements not requiring a building permit may be hand-drawn and included with the application and deposit.
 - d. All dues, assessments and any other costs assessed against the property are to be paid before plans will be considered for approval. The property must be free of any HOA liens.
 - e. A non-refundable Design Review fee and a refundable Compliance security deposit are required with all applications for projects in Deer Mountain. The fee amounts are listed in Section W of these guidelines.
 - f. The Board may require additional funds to be deposited to replace funds expended by the HOA to remedy violations of the provisions of the compliance deposit.
 - g. Applications must include the starting construction date and the project completion date. All construction must be completed within one year from the start of construction. The AC, in its sole discretion may approve an extension not to exceed 6 months. Owners must apply in writing to the AC for a time extension and state the reasons for the delay.
3. Approval of a plan shall remain valid for six months from the date of approval. If construction has not started within six months, the plans must be resubmitted for approval and will be subject to any changes made in the Guidelines, relevant

governing documents and/or applicable laws during the interim period. All approvals and/or disapprovals shall be conveyed in writing.

4. Any unapproved disturbance to landscaping by Owner shall be repaired, at Owner's expense, as expeditiously as possible by Owner.

F. SURVEY

1. A copy of a current site survey must be submitted to the AC at preliminary review and with final applications to build any new home or addition that changes the footprint of the original home. The survey must be prepared, signed, and stamped by a surveyor licensed by the State of Utah.

G. HOME SQUARE FOOTAGE REQUIREMENTS

1. The square footage requirements (below) are the minimum and maximum square footage requirements for each individual plat. For the purposes of calculating home square footage, all livable area measured to the inside of exterior building walls shall be included. Garages shall not be included in the area calculations.

<u>House Location</u>	<u>Max approved by HOA</u>	<u>Minimum Size</u>
Plat 2	5000 Sq. Ft.	3000 Sq. Ft.
Plat 2A	5000 Sq. Ft.	3000 Sq. Ft.
Plat 3	6000 Sq. Ft.	4000 Sq. Ft.
Plat 4	9000 Sq. Ft.	4000 Sq. Ft.

Notes:

- a. Maximum Footprint including garage is 3,200 Square Feet in Plat 2 and 2A.
- b. All lots are required to have at minimum a double-car garage. Three-

car garages are the maximum permissible within Plat 2 and 2A, subject to AC approval.

2. No exception for maximum square footage can be granted in Plats 2 and 2A. Minimum sizes in plats 3 and 4 may be reviewed only if the home will infringe upon building setbacks and cannot physically fit on the lot. Note that the maximum building footprint in Plats 2 and 2A including the garage is 3,200 sq. ft.

H. HEIGHT LIMIT

1. No structure or building shall be erected to a height greater than 33 vertical feet from natural grade.
2. In order to ensure compliance with these provisions, a Utah licensed surveyor will measure all structures at the completion of rough framing and prior to installing roof shingles. The cost of such measurements shall be borne entirely by the applicant, as specified in Section D. A stamped and certified report is to be submitted to the AC for review and approval before roofing work proceeds.

I. SETBACKS FOR DWELLINGS

1. Front and rear setbacks will follow Wasatch County regulations. In side yards, both side yards combined must be at least 20 feet total with neither side less than 10 feet unless otherwise allowed by the Plat and approved by the AC.
2. For setbacks in Plat 2 smaller lots, there are predetermined regulations made as part of the recorded plat. See copy of new revised Plat 2 lots 101 - 138 in Exhibit B. Other setback information is available on the plat maps available from the Wasatch County Recorder's office.

J. ROOF DESIGN/MATERIALS

1. The principal roof of each dwelling shall be made up of gabled or hipped forms with a minimum 4/12 pitch. Flat roofs and domes are not permitted. Single pitched shed roof forms are allowed but may not exceed 30% of total roof area and may not be the tallest or dominant roof form as determined by the AC.
2. Roof materials may include architectural grade asphalt shingles (30-year minimum), standing seam metal in approved, non-reflective colors, alternative AC approved composite shingles, or fire department approved cedar shingles. Brightly colored, highly reflective, or corrugated roof surfaces will not be approved.
3. Fascia profiles in plats 2, 3, and 4 must have a minimum height of 10” and one intermediate step, 1 inch or greater in depth. Fascia may be faced with natural wood or color clad metal of an approved dark color and gauge to ensure durability and color compatibility with the adjacent roof surface. Soffits in Plats 2 and 2A may be surfaced with wood or an approved composite wood product and soffits in Plats 3 and 4 may be surfaced only with natural wood.
4. Large metal fireplace flues shall be enclosed in a framed chimney with a ventilated metal cap. All exposed roof top furnace flues must be positioned inconspicuously and weather flashings and other rooftop metal must be painted to blend with the roofing material. Plumbing and incidental rooftop vents are to be inconspicuously located on the back side of the roof, away from the street, to the greatest extent possible and painted to match the roof color.

K. GARAGES/DRIVEWAYS

1. Each dwelling constructed in the subdivision shall have an attached garage sized to handle not less than two vehicles. On some lots, it may be necessary to detach garages depending on slope and grades to make access functional. In the event this condition occurs, garages may be detached with approval of the

AC. A driveway shall service every garage and shall be of sufficient width to park two vehicles side-by-side in front of the garage. Attached garages are not calculated in the total square footage of the build. Garage size and height must be in harmony with the scale of the house (i.e.; 10,000 sq. ft. garage attached to a 6,000 sq. ft. house would not be considered in harmony with the scale of the house).

2. Driveways constructed of concrete, asphalt, or concrete pavers are permitted in Deer Mountain. The use of unsurfaced road base or crushed rock is prohibited as a driveway surface.
3. All construction work related to the installation of a driveway must be completed prior to or simultaneously with the occupancy of the dwelling. Winter exceptions may be granted for final surfacing. It is the Owner's responsibility to keep driveways in reasonable repair after construction. For asphalt driveways, this includes crack filling and sealing based on manufacturer's recommendations.
4. Driveways must be of a sufficiently gentle slope to permit vehicle access during all seasons of the year. Driveways must be constructed in such a way to not cause a problem related to snow removal, snow storage, or water runoff for the homeowner, neighbors, adjoining properties or the Wasatch County Road Department. It appears to be the consensus of Wasatch County Building Inspection Department, the Park City Building Engineer, and the Salt Lake City Division of Transportation that the slope of a driveway should not exceed a grade, uphill or downhill, of ten (10%) percent. Driveways entering or leaving a public road shall not exceed a grade of eight (8%) percent from the curb line to the easement line. Architects and builders should pay particular attention to the potential difficulty of accessing the property during the winter months and should design the driveway accordingly. The minimum width as defined by Wasatch County is 20 feet to allow fire truck access.

L. EXTERIOR MATERIALS AND PAINT COLORS

1. Deer Mountain requires high quality exterior materials to be used on all homes. Allowed siding materials include natural wood, natural stone, stucco. Architectural metal panels and engineered or composite wood siding products may be used with specific review and approval by the AC. The use of lapped aluminum or vinyl siding corrugated metal, T-111 plywood, cinder block and similar types of siding as exterior finishing materials are prohibited throughout Deer Mountain. Stucco use shall not exceed 40% of any entire house exterior. All new home and additions in all plats will have at least 25% of the front area facing the street accented in natural stone and the remaining three elevations will have 20% of each elevation comprised of natural stone unless the applicant can demonstrate that an alternative proportion of exterior materials will result in a better architectural solution. Cultured or manufactured stone products are not allowed as an exterior material unless specifically approved by the AC based on the authenticity of the proposed product as a natural stone substitute. Stone area is typically measured as a percentage of the gross wall area to which it is applied and does not include stone that may also be applied to columns in front of the wall.
2. The color of all exterior surfaces including siding, railings, trim, flashing, gutters, soffits, fascia, window and door frames, or other materials shall be limited to warm earth tones in a low luster or flat finish. This includes but is not limited to the preferred range of muted brown and tan color tones found in the surrounding dominant landscape. Bright, reflective, primary, or closely related colors are prohibited. Exterior material submissions shall include the manufacturer's name, color, and finish. Once approved, all subsequent proposed changes to any color or material must be brought to the attention, in writing, of the AC and receive written approval prior to application.
3. Exterior window and doorframes must have a permanent finish such as vinyl or painted aluminum cladding and must meet the Deer Mountain color

regulations as noted above.

M. CONSTRUCTION PRACTICES

1. Fill dirt or materials must not be added to a lot before natural grade has been established.
2. Passive solar designs and advanced technologies in green design are encouraged. Solar panel designs will be reviewed on a case-by-case basis by the AC with particular attention to visibility and light reflection that may negatively impact other lots in the community. Wind turbines are not allowed.
3. All garage doors must conform to the colors set forth above. Any proposed garage door that will be more than 25% glass and/or exceed 8 feet in height must be approved by AC prior to construction of garage bays.
4. All visible exterior columns must be a minimum of 10" x 10" square and surfaced with an appropriate material that complements the house. Plain exposed metal supports are not allowed.

N. FOOTING/FOUNDATION INSPECTION

1. Footings and their placement are to comply with approved plans and setbacks. The Wasatch County Building Department will inspect the footings and foundation, and the Owner will notify the AC of the results of the inspection. Bedrock within the foundation area, or other difficulties encountered in excavation, such as excessive rock, will not be sufficient justification for the granting of an exception to the building height requirements herein.
2. Exposed concrete foundations shall be covered with stone, siding, or stucco. The maximum allowed area of an exposed concrete foundation is twelve inches between the finished grade elevation and the bottom of the finished siding material.

O. MATERIALS ON SITE

1. Prior to the start of framing, a roll-off dumpster or a contained trailer must be placed on the building lot for all refuse accumulated from the construction project; and the Owner shall empty said dumpster or contained trailer when full. Dumpsters should be situated to allow easy access to empty, including during winter months. Closed trailers or trucks, as a substitute for dumpsters, are acceptable, but they must be covered nightly. Owners may not place dumpsters on the street. Fires to burn scrap materials and debris are prohibited. All refuse containers must be firmly covered with a tarp at the completion of the workday. Owner shall remove all dumpsters and trash containers from the property when construction is completed (or if construction is halted for more than 30 days).
2. Owner is prohibited from washing concrete trucks in roadways and shoulders. If concrete trucks are washed in Deer Mountain, Owner must establish a wash site within the limits of the boundary-fence perimeter.
3. All deliveries shall occur within the hours stated in Section B.7, herein.
4. A chemical toilet will be placed on site no later than the time the work is to begin, and the contractor is responsible for keeping chemical toilets in a clean condition while they are on site.
5. During the period of construction of any dwelling, the Owner shall keep the work site clean and free of debris with no stockpiling of debris outside of any dumpster or trash container; and no materials may be stored on any roadway or in any easement areas. No material that may represent a safety hazard to the public may be stored on site.
6. Owner shall clean, daily, all mud, debris, gravel, and similar materials on the roadway at the construction site or, deposited by construction vehicles or equipment. If the Owner/builder fails to comply with this provision, the HOA shall clean the roads at the expense of the Owner

P. FENCING

1. Owners may make an application to the AC for fencing in their rear yards that are not visible from Owner's front street (an Owner's front street is the street listed as Owner's address). Fencing style and materials are limited to a 3-rail all-wood design not to exceed 48" in height. Any other fence style will be considered only upon submission of detailed drawings of both the fence and the site plan. AC approval will be based on specific need and the visual and aesthetic impact on surrounding properties. To contain pets, a wire fabric screen may be added to the inside of the wood fence structure, but wire fencing without the wood fence is prohibited.

Q. SATELLITE DISH

1. Satellite dishes shall be less than 36" in diameter, of a non-reflective material and muted color, and placed in a discrete location on the home below the level of the adjacent ridge.
2. Visible antennas, of any type, are prohibited in the community.

R. EXTERIOR LIGHTS

1. Exterior light fixtures shall be selected and installed according to the following criteria to reasonably limit the intensity of light that is emitted from each fixture. The objective is to allow for limited, but functional, lighting around the perimeter of every home without disturbing neighboring lots with glaring or high intensity light sources.
 - a. Consider dark sky design principles in light fixture selection to avoid excessive upward or lateral light projection.
 - b. Avoid exposed light bulbs visible through transparent glass lenses.

- c. Install dimming switches for exterior light fixtures.
- d. Landscape lighting should be discrete using low intensity timer controlled shielded fixtures.

S. UNSIGHTLY ITEMS

- 1. Doghouses shall not be visible from Owner's front street (an Owner's front street is the street listed as Owner's address). Air conditioning equipment is required to be screened from view of the street or neighboring lots with either a permanent wall or coniferous landscaping. Canvas awnings mounted on the exterior of homes are prohibited.

T. VARIANCES

- 1. Variance requests must be submitted in writing with supporting documentation to the AC. In deciding whether to grant a variance, the AC shall follow the parameters in the Charter and may review and consider any factors or information it deems pertinent to the variance request.

U. OCCUPANCY

- 1. No person/persons may live in the house under construction or any temporary structure (such as a trailer) placed on or near the property during the construction of the home. Owners must receive their final inspection and Certificate of Occupancy from Wasatch County before residing in their new home.

V. LANDSCAPING

1. Owners shall submit a general landscaping plan to the AC with their new home, home addition or Improvement application. A final landscaping plan may then be submitted when the house has been framed and rough grading has been completed around the home. Any changes to an approved landscape plan will require further review and approval by the AC prior to installation of the landscaping.
2. Fire danger exists in all rural mountain environments, and landscape design must be compliant with Wasatch County guidelines including the Wildland Urban Interface Code. Owners are also encouraged to become familiar with the recommendations included in the guide, "Fire Wise Landscaping for Utah", published by U.S. Forestry in collaboration with Utah State University. Additionally, Owners can contact the Wasatch County Fire Department for more information regarding fire risk and suggested methods to mitigate such risks.
3. The disturbed area of all lots shall be landscaped with ground cover, lawn, trees, and shrubs to be visually attractive and harmonious with neighboring properties. Each Owner shall install an underground irrigation system to provide adequate water to maintain all lawn and vegetated areas. Temporary irrigation systems may be allowed by the AC for re-vegetation of areas that do not require permanent watering.
4. Each newly landscaped yard will have at a minimum five trees (with each tree having a minimum of two-inch diameter trunk at time of planting) and fifteen drought tolerant shrubs of a minimum 5- gallon size. In plats 2 and 3, the tree planting requirement may be reduced by the AC if neighbors have already planted similar trees along their property lines and an adequate privacy buffer has been established. Tall-growing trees such as aspen and poplars are discouraged because of their tendency to block views from neighboring lots as they mature. Smaller species or dwarf trees that will not overgrow lots and impede views are encouraged.

5. The disturbed area around each home is to be finely graded and landscaped in a manner that will prevent drainage from adversely affecting adjoining lots and that will not change the established natural grade at the property lines. Limiting the overall disturbance of any lot is encouraged; and over-grading or spreading excess soil material on lots, particularly in Plat 4, is discouraged. Any such approach to permanently change the natural grades on a lot by cutting or filling must be reviewed and approved by the AC during the design approval process before construction commences.
6. Retaining walls may be constructed on a lot as a necessary means to support cut and fill slopes steeper than 3:1 finished slope. Stacked boulders, stone faced concrete or masonry, and certain interlocking colored masonry unit walls may be used with specific AC approval. Prohibited retaining wall materials include exposed natural concrete, unfinished CMU blocks, gabion basket systems, and timber/wood walls. Wall heights are generally limited to 4' tiers, and any wall taller than 4' will require engineering and a building permit issued through Wasatch County.
7. For new home construction, all landscaping must be completed within two months of receipt of the Wasatch County Certificate of Occupancy. For new homes completed or occupied after September 30, the Owner and/or builder will have until June 15 of the following year to complete the landscaping. The landscape deposit will be released to the party who originally paid the deposit after the AC and Board determines that all provisions have been satisfied.

W. DESIGN REVIEW FEE, SECURITY DEPOSITS, & FINES

1. The following fees are due with the submittal of applications and plans for Improvements in Deer Mountain.
 - a. A Design Review Fee is charged by the HOA to process applications for new homes, additions, and substantial Improvement projects. This fee is non-refundable. Incidental Improvement projects may submit an application to

ensure compliance with Guidelines before commencing work and a Design Review Fee may be charged. All Improvement projects must be reviewed and approved by in writing the AC prior to commencing work.

- b. The Compliance Security Deposit is refundable and is held by the HOA for use in the event that:
 - i. Owner fails to build in accordance with the Guidelines and the approved plans and the deposit is needed to remedy any violations of the building provisions;
 - ii. Violations of the Guidelines result in the assessment of fines that remain unpaid at the conclusion of the project.
- c. If monies from the Compliance Security Deposit are expended to correct violations before the project is complete, the Board may require an additional deposit to cover further anticipated costs. A lien may be filed against the property if the additional funds are not remitted to the AC in the amount requested.
- d. The Landscape Security Deposit is refundable and is held by the HOA for use in the event that the Owner fails to landscape the project in conformity with the Guidelines and the approved landscaping plan.
- e. The Compliance and Landscape Security Deposits, less any charges or forfeitures determined by the Board, shall be refunded to the party who originally paid the deposit after the procedures outlined in Section W have been completed.

2. New Home Construction fee of \$14,500 consists of the following:

Design Review Fee	\$2,500
Landscape Deposit	\$3,000
Compliance Deposit	\$9,000

3. Major Home Additions & Exterior Improvement fee of \$4,000 for Improvements costing between \$50,000 - \$500,000 (note that Improvements costing more than \$500,000 shall be treated as a new home construction) consists of the following:

Design Review Fee \$1,000 Any unused amount will be refunded to the applicant.

Compliance Deposit \$3,000

4. Exterior Improvement fee for Improvements costing between \$1,000 -\$49,999:

Design Review Fee 10% of the estimated cost of the project not to exceed \$1,000. Any unused amount will be refunded to applicant.

5. For Exterior Improvements costing less than \$1,000, a Design Review Fee may be charged if professional review of the plans is required.

6. All fees and deposits are due with the submittal of application and plans. In order to determine the cost of any Improvements, the fair market value of work done by, as well as materials and equipment furnished by, Owner shall be included in the estimated costs of a project.

7. For any project, if access is approved across a neighbor's property or through designated open space, an additional \$2,000 minimum deposit may be required to ensure that the disturbed area will be properly restored at the conclusion of the project. The deposit may be more depending on the extent of the disturbance as determined by the AC.

8. For new homes, the Compliance Deposit will be returned to Owner when all aspects of the project have been completed, including: (1) Owner has submitted the **final** Certificate of Occupancy to AC, (2) AC has completed a final inspection of the project, (3) any required property line restorations have been completed per the approved drawings and (4) all violations of the Guidelines or governing documents have been remedied and any unpaid fines and HOA dues have been

paid. For home additions and exterior improvements, the return of any required deposits will follow the above applicable parameters. Representatives from the AC will meet within sixty days of Owner's submission of the **final** Certificate of Occupancy to inspect the construction site. For new homes, the Landscaping Deposit will be returned when all landscaping is completed and certified to meet the submitted plans and Deer Mountain quality standards.

9. On any project that caused damage to an adjacent lot, Owner must restore or repair said adjacent lot to the adjacent lot owner's satisfaction; and said Owner whose project caused the damage to the adjacent lot must receive from the adjacent homeowner written final acceptance of said restoration/repair. The adjacent lot owner will have thirty days to reply once notified that said restoration/repair work is completed. If a reply from the adjacent owner is not received during that period, the lot repair is presumed acceptable. The AC will then make a final inspection to ascertain the property conditions meet Deer Mountain standards before compliance deposits are returned.
1. If the AC finds that any work performed does not comply with approved plans or is below Deer Mountain quality standards, the AC shall notify the applicant in writing of the non-compliance and shall require the applicant to remedy said issue(s) within thirty days. If upon the expiration of thirty days from the date of notification the Owner has failed to correct said items of non-compliance, the AC shall notify the Board, in writing, of the failure and the amount they recommend shall be deducted from the Compliance Deposit. If the Compliance Deposit is insufficient to correct said items of non-compliance, the Board shall file a lien on the non-compliant property in an amount sufficient to cover remedying the items of non-compliance. The Board will review the recommendations of the AC and notify the Owner of its decision within thirty-days.
2. Following the return of the deposits, the Owner will have two weeks to retrieve home plans from the AC. After two weeks has elapsed, if the Owner has not obtained said plans, said plans will be destroyed.

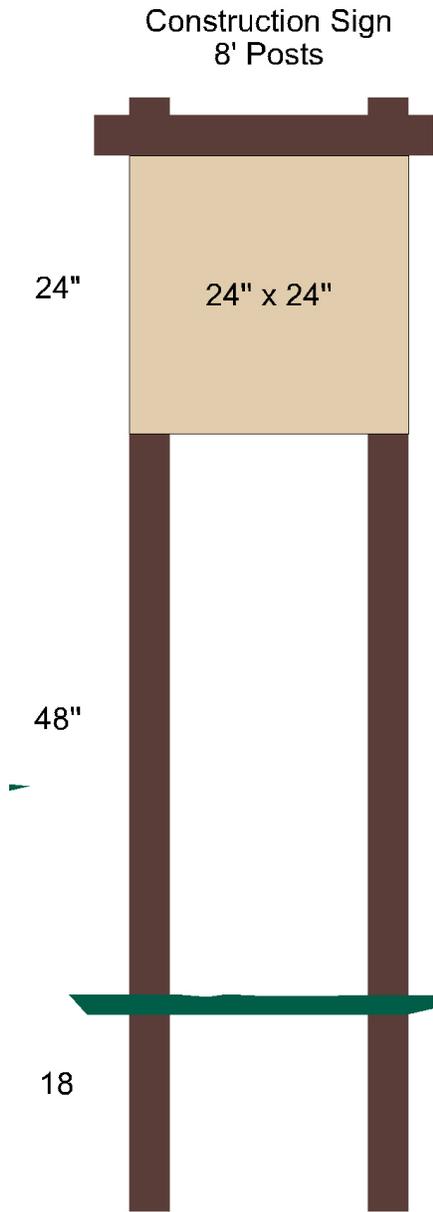
3. The AC is empowered by these Guidelines to impose a fine or fines upon those who violate any of these Guidelines.
 - a. Violations shall be handled in compliance with Utah Code 57-8a-208 and any other applicable laws.
 - b. Violations shall be fined at \$100 per levy.
 - c. The Owner's Compliance Security Deposit will be the source of payment for all fines. If the security deposit is not adequate to pay for the aforementioned fines, the Owner will be billed for any additional amounts due. In the event that the fines are not paid promptly, the HOA may place a lien on the property.

BOARD OF TRUSTEES OF THE HOMES AT DEER MOUNTAIN HOMEOWNERS
ASSOCIATION

President of the Board

Date

EXHIBIT A - Construction and Real Estate Signs Requirements



Real Estate Signs

All real estate signposts shall be made of pressure-treated natural wood that is stained cordovan brown. In addition all real estate signs shall be installed so that the sign portion is parallel to the street.

**Exhibit B - MINIMUM LOT SETBACK REQUIREMENTS FOR
STAGGERING SM ALL LOTS PLAT 2**

Lot 101	25 ½ feet
Lot 102	20 ½ feet
Lot 103	30 ½ feet
Lot 104	20 ½ feet
Lot 105	25 ½ feet
Lot 106	20 ½ feet
Lot 107	20 ½ feet
Lot 108	20 ½ feet
Lot 109	20 ½ feet
Lot 110	30 ½ feet
Lot 111	25 ½ feet
Lot 112	20 ½ feet
Lot 113	25 ½ feet
Lot 114	30 ½ feet
Lot 115	25 ½ feet
Lot 116	30 ½ feet
Lot 117	25 ½ feet
Lot 118	20 ½ feet
Lot 119	25 ½ feet
Lot 120	30 ½ feet
Lot 121	25 ½ feet
Lot 122	20 ½ feet
Lot 123	20 ½ feet
Lot 124	30 ½ feet
Lot 125	25 ½ feet

Lot 126	20 ½ feet
Lot 127	20 ½ feet
Lot 128	20 ½ feet
Lot 129	20 ½ feet
Lot 130	25 ½ feet
Lot 131	25 ½ feet
Lot 133	25 ½ feet
Lot 134	20 ½ feet
Lot 135	20 ½ feet
Lot 136	20 ½ feet
Lot 137	20 ½ feet
Lot 138	20 ½ feet

EXHIBIT C - ARCHITECTURAL COMMITTEE CONTACT

Direct all inquiries and questions relative to these design guidelines and work projects in the Deer Mountain subdivision to the Architectural Committee Representative Rob Nielson.

Rob Nielson – Email: rob@prospectutah.com