

Powder Mountain West Land Owners Association

Architectural Control Regulations (Including Exhibits A, B, C and D)

Revision 5.5

Effective January 1, 2026



Revisions to Architectural Control Regulations

Revision	Effective Date of Change	Approved by Board of Trustees	Change made by	Page(s)	Topic
Revision 5.0	1/1/2010	1/1/2010	B. Partleton	all	
Revision 5.1	2/8/2017	1/11/2017	B. Partleton	4	Propane tanks must be buried
Revision 5.2	1/14/2020	1/14/2020	Mike Glass	all	Digital prints
Revision 5.3	1/1/2024	10/18/2023	Paul Fejtek	7 & 8	Updated review fee to \$600
Revision 5.4	1/31/2025	2/13/2025	Andrew Stark & Committee	All	Dwelling height & certification, roof slope, updated fines, submittal requirements & other updates.
Revision 5.5	1/1/2026	12/19/2025	Jamie Nopper & Committee	All	Construction deposit, impact fee, updated fines & other updates.

- I. AUTHORITY- The Association shall have the authority to set regulations as to the height, lot grading, lot drainage, roof pitch and overall architectural plan and design (including exterior finishes and colors), as well as home size for all dwellings. The review and approval includes all other types of out buildings and structures, including propane tanks, fences, walls, landscaping, etc. (Agreement and Protective Covenants, Item 2 and Item 12, Articles of Incorporation of Powder Mountain West Land Owners Association, Article III, Item 4 and PMWLOA By Laws, Section IX.)
- II. PMWLOA APPROVAL REQUIRED - All new construction or modifications to existing buildings that change the building footprint, elevations or roofline must be submitted to the Association's Architectural Control Committee (ACC) for approval. All site improvements including landscaping, screening, propane tanks, changes to driveways and parking areas must also be submitted for approval. All later changes or additions after initial approval thereof shall require the approval of The ACC before any such work is commenced. The owner must begin his/her project within 18 months of ACC approval or a resubmission is required. Once ground is broken, construction is to be completed within eighteen (18) months (Protective Covenants, Item 3)
- III. OWNER RESPONSIBILITY - It is the Owner's responsibility to conform to the requirements during all stages of design and construction and to ensure all neighboring lots and common areas are not adversely impacted by construction activities. It is also the Owner's responsibility to insure his/her agents and contractors also conform to all requirements herein. All lots should be protected by construction/snow fencing to provide erosion and debris control.
- IV. DWELLINGS (CABINS/HOMES)
 - A. Dwelling Size: The main floor shall have a minimum of 1,000 square feet of floor space, excluding outside decks and any other attached appurtenances.
 - B. Dwelling Height: The maximum height of any dwelling, building, or structure shall be two floors above ground level (Agreement and Protective Covenants, Item 18) and 30 feet from finished average grade to roof peak. Ground level defined at the mid-point elevation of said lot as provided in the approved grading plan. (Mid-point elevation = minimum lot elevation + maximum lot elevation divided by two) 2.). Upon completion of grading of a lot, and before any foundation work or vertical construction is to begin, a licensed surveyor's certification must be delivered to the ACC confirming that the ground level lot grade complies with the plans approved by the ACC; no work shall continue until the ACC has approved the ground level lot grade is compliant with the ACC approved plans. In addition, prior to approval of building height, a pole shall be temporarily erected reflecting the highest point of roof structures on the final graded lot. Notice of completion of temporary pole shall be provided to the ACC and removed by contractor in a timely manner after receiving ACC approval.
 - C. Exterior Appearance: The exterior of the dwelling, building, or structure shall be in harmony with the natural beauty and the surroundings of the mountain development. Logs, log siding, natural wood siding, fiber cement board or composite materials (with wood grain appearance) and stone are approved exterior materials. No T-111 or other similar plywood sidings nor vinyl siding shall be allowed. Exposed concrete foundations must be finished with cement plaster, stone, stucco or other approved materials.
 - D. Exterior Color Scheme: Exterior colors shall be compatible with the surrounding environment (earth tones). Earth tones include various shades of brown, green, tan, gray, black and rust. No colors shall be used contrary to the natural beauty of the mountain development. Color samples of exterior colors shall be provided to the ACC for approval prior to start of construction.
 - E. Exterior Lighting – In order to preserve the nature beauty of the area, no obtrusive outdoor lighting is permitted and must comply with the Weber County Ordinance for Dark Sky Requirements.
 - F. Roof Slope: Roof slope shall be a minimum of 2 x 12 pitch on the main dwelling or structure. (Exceptions: shed, dormers, and porches attached to the main dwelling, building or structure.) All roofs should provide for adequate overhangs and eaves to minimize risk of snow shedding too close to the dwelling or to adjacent dwellings.
 - G. Roof Materials: The roof surface shall be constructed of fire-resistant and non-reflective materials (ex. fiberglass shingles, aluminum shingles/panels, painted steel, etc.) All materials and design must provide for specifications that can withstand wind speeds of 100 MPH and

- snow loads of 50 Pounds Per Square Foot for 2 x 12 pitches, or Weber County standards as may be in effect at such time of construction, whichever is greater.
- H. Location on the Lot (Setbacks): All setbacks to be in accordance with Weber County Ordinances and Building Code and must be approved by the ACC.
 - I. Chimney Spark Screens: All chimneys shall be covered by permanent spark screens or chimney caps. In consideration of interior and exterior air quality as well as environmental impact in a high fire zone, wood burning fireplaces are strongly discouraged.
 - J. Building Material Quality: All building materials shall be new materials and shall conform to standard construction grade specifications.
 - K. Parking Areas: All driveways must be shown on the plans. In order to prepare for the potential future winter plowing of Aspen Drive and Chaparral Drive, all plans must indicate what area will be used for winter parking. Winter parking areas must be sufficient to park the vehicles of the owner and guests on the owner's lot.
 - L. Propane Tanks: All Propane tanks must be buried and all homes must have a metal protective snow shed (dog house) at the point of entry of the gas line to the home protecting all regulators and complying with all code connection requirements.
 - M. Tree Removal/ Landscaping: Unless approved by the ACC as part of the clearing and drainage plan, no trees over 6" in trunk diameter (unless diseased) may be removed. Native soil shall be preserved as best as practicable and replanted upon completion of construction activities.
 - N. Fire Pits: There shall be no outdoor wood burning fire pits, fireplaces or other wood or charcoal burning grills permitted and no fireworks may be used at any time.
 - O. Trash: No exterior trash bins or receptacles are permitted.
 - P. Site Drainage - The site plan must show all existing and new contour lines and final grading to clearly indicate the designed site drainage. Site grading and drainage must occur with minimum disruption to the lot, without altering natural drainage patterns and without causing conditions that could lead to unnecessary soil erosion or slippage. Any improvement which creates an obstruction to surface flows resulting in a back-up of water onto a neighboring lot is strictly prohibited. All shall be compliant with Section IX below.
 - Q. Structure and Surrounding area Maintenance: All structures and the surrounding lot & area will be maintained in keeping with commonly acceptable aesthetic and safety standards.
- V. ADDITIONAL STRUCTURES - All structures separate from the permanent dwelling, shall meet the following criteria:
- A. Structures from the permanent dwelling shall not be constructed until the permanent dwelling is completed or near (approximately 90%) completed.
 - B. Exterior design, materials and color schemes shall match the permanent dwelling per Section IV above.
 - C. The structure shall be placed on a concrete slab, concrete or block foundation or other permanent type foundation. No wood foundations will be allowed.
 - D. The structure shall be located in accordance with the same front, side and rear setback criteria set forth in Section IV above.
 - E. Use of metal or plastic prefab structures is not allowed.
 - F. Permanent outdoor toilet facilities are prohibited.
- VI. FENCING: No fencing is allowed unless it is used to screen views of propane tanks and has been approved by the ACC in each instance.
- VII. TEMPORARY BUILDINGS: No building of a temporary nature; trailer, camper, recreational type (RV's) vehicles; or overnight camping shall be permitted to be erected or placed upon the lot without written permission of the Association. (Agreement and Protective Covenants, Item #1)
- VIII. PRE-FAB STRUCTURES: No mobile homes or pre-fabricated type structures will be allowed. These types of structures are not conducive to mountain environments and detract from the natural surroundings of the development.
- IX. DRAINAGE CULVERTS: In some cases the Owner may be required to install a culvert at the edge of the roadway / entrance to the driveway. Each lot owner shall be responsible for the installation of any culverts where the driveway meets the road.
- X. GEOLOGICAL EVALUATION: Each lot owner shall be responsible for obtaining a Geotechnical Hazard Evaluation, if your lot falls within the State of Utah's defined relative landslide hazard study area.

XI. CONSTRUCTION DEPOSIT

- A. Deposit Required. Prior to commencing any new construction or new construction work ("Work"), the Owner shall deposit with the Association a Construction Deposit in the amount of Ten Thousand Dollars (\$10,000) ("Deposit"). No Work may begin until the Deposit has been paid in full.
- B. Escrow of Funds; Accrued Interest. The Deposit shall be held in an interest-bearing account designated by the Association. Interest accrued on the Deposit shall belong to the Owner and shall be returned (net of Association's Federal tax on interest income, currently at 30%) along with any remaining portion of the Deposit after all authorized deductions have been made.
- C. Authorized Deductions. The Association may deduct from the Deposit any of the following amounts:
 - 1. Fines imposed for violations of the governing documents related to the Work;
 - 2. Costs of repair, cleanup, or restoration of Association Property or neighboring Lots caused by or arising out of the Work;
 - 3. Costs of enforcement, including attorneys' fees and costs, incurred by the Association to address violations, enforce compliance, or remedy damage related to the Work; and
 - 4. Any other amounts authorized under the governing documents or applicable law.
- D. Return of Deposit. The remaining balance of the Deposit, including net accrued interest after tax, shall be returned to the Owner within one year after: (a) final inspection and approval from the Architectural Control Committee and receipt of a Weber County Certificate of Occupancy; and (b) confirmation that all violations, fines, assessments, and damage to roads or common areas, or other claims relating to the Work have been resolved.
- E. Non-Waiver. The Deposit is not a limit on the Owner's liability. The Owner remains responsible for all damages, fines, and costs exceeding the amount of the Deposit.

XII. IMPACT FEE

- A. Purpose. To offset the administrative burdens, wear and tear to roads and common areas, and other impacts caused by construction activities within the community, each Owner commencing any construction Work shall pay a non-refundable Impact Fee ("Impact Fee").
- B. Amount of Fee. The Impact Fee shall be \$2,500.00, due and payable prior to the commencement of any construction activity and as a condition to the Association's issuance of written architectural approval.
- C. Use of Funds. The Impact Fee is intended to reimburse the Association for costs and impacts related to construction activity, including but not limited to:
 - 1. Additional administrative time and review;
 - 2. Oversight, monitoring, and enforcement of construction rules;
 - 3. Increased maintenance or repair of roads and common areas affected by contractor access, parking, and equipment; and
 - 4. Any other construction-related impacts reasonably incurred by the Association.
- D. Non-Refundable. The Impact Fee is non-refundable under all circumstances, including if a project is modified, delayed, or not completed, because the Association incurs costs and impacts upon approval and preparation for construction activity.
- E. Condition of Approval. No construction may begin until the Impact Fee has been paid in full. Failure to pay the Impact Fee shall constitute a violation of these Architectural Regulations and may result in enforcement action, suspension of approval, fines, or other remedies available to the Association.
- F. Adjustments. The Board may review and adjust the amount of the Impact Fee periodically to reflect changes in administrative costs or impacts to the community.

XIII. CONSTRUCTION RULES

- A. Clean-up: Before construction begins, the lot owner is required to provide a dumpster for construction waste. The dumpster must be located on the owner's site. It is the responsibility of each lot owner to remove all building materials that are not used, or that are being discarded. Unwanted building materials are not to be buried on site. These building materials must NOT be placed in any Powder Mountain Resort garbage container or vehicle. The contractor must clean up the area on a daily basis. With the frequent high winds any loose materials can easily be blown off the job site and into neighboring lots. Workers must not litter the area with lunch items as well.

- B. Portable Toilets: Before construction begins the lot owner is required to provide a portable toilet on the lot for construction crews. The portable toilet must be maintained at all times and on a regular basis. The portable toilet may be removed within 1 month of when the water hookup and sewer system are complete.
 - C. Animals on Site: No pets, particularly dogs, may be brought onto the property by a member of any construction crew.
 - D. Storage of Materials: All building materials are to be stored on Owner's lot only, not on the roadway or the adjoining lot unless that lot owner has given written permission to do so, with a copy sent to the ACC. Unless you have written permission (with a copy sent to and on file with the ACC) to use either an adjoining neighbor's property or any common property for any reason whatsoever you are not allowed to trespass on or use other property for your convenience or that of your contractor. This includes ingress/egress, storage, or any other purpose. No construction vehicles may be driven over any other lot, common elements or amenities.
 - E. Road Access: Maintain an open roadway. While inconvenient, the contractor, his subs and all workers should park on only one side on the road keeping an open roadway to the other residents and emergency vehicle access. Should the contractor require deliveries or other heavy equipment that will block or partially block the roadway he must contact the other residents at least 24 hours in advance. Under no circumstance should the roadway be blocked for more than 2 hours at a time.
 - F. Outdoor Burning: No outdoor burning of any kind.
 - G. Concrete Wash Out: All concrete washouts from both trucks and mixers must occur on the Owners lot where it will be concealed by structure, covered by backfill or removed at completion of construction. Washout in road rights-of-way, setbacks or on adjacent property is strictly prohibited.
 - H. Control of Nuisances: Construction activity which generates excessive noise such as hammering, sawing, excavation work, concrete delivery, etc. must be confined to the hours of 7:00 AM to 6:00 PM Monday through Saturday. The contractor shall be responsible for controlling dust from the construction site, including removal of dirt and mud from the roadway that is the result of construction activity. The sound of radios or other audio equipment must not be audible beyond the perimeter of the Lot.
- XIV. ASSESSMENTS: All association dues and assessments must be current before any plans will be approved and before any construction can begin.
- XV. ACCESS AND ROADS
- A. There is no guaranteed access for construction vehicles, especially during the winter. No snowplowing is allowed on the roads of Powder Mountain West from November 1 to April 15. The contractor must remove dumpsters and port-a-johns prior to November 1 so they are not snowed in for the ski season.
 - B. The Owner shall be required to bring the road back to its original condition after all underground utilities have been completed. Then, after the following spring thaw and runoff, it is the Owner's responsibility to be certain any settling of the road surface has been repaired to the satisfaction of the Board of Trustees and resurfaced with magnesium chloride protective finish. The road is to be repaired using compacted structural fill and road base (no fill dirt allowed.) Road repairs are to be completed within two weeks of the road being opened and no later than June 15th.
 - C. It is the Owner's responsibility to provide the Board with a copy of your final inspection and Weber County Certificate of Occupancy in order to commence the one-year waiting period.
- XVI. RIGHT TO DISAPPROVE: The PMWLOA Architectural Control Committee shall have the right to disapprove any plans, specifications, color selections, and details submitted to it in the event, that the same are not in accordance with all of the architectural guidelines and regulations set forth in this document and other governing documents of the Association.
- XVII. GOVERNMENTAL REQUIREMENTS: All requirements of the Federal, State, and local governing authorities, and the current building code restrictions, as approved by Weber County, must be complied with in addition to these regulations.
- XVIII. DISCLAIMER: The Association shall not be responsible in any way for any defects in plans, specifications or details submitted, revised or approved in accordance with the foregoing provisions nor for any structural or other defects in any work done according to such plans and specifications. The Association shall not be responsible in any way for effects of occupancy of the dwelling based on winter conditions, road and utility construction, or other requirements deemed necessary by Weber

County. Approval of the PMWLOA Building Plan Application does not allow the owner to occupy the dwelling prior to Weber County's final acceptance and written approval for occupancy. Only Weber County can issue a final 'Certificate of Occupancy'.

XIX. ENFORCEMENT

- A. The Association shall have the right to enforce, by any proceedings allowed or in equity, all restrictions, conditions, covenants and management policies and reservations and changes hereafter imposed by the provisions of the Declaration of Protective Covenants and these regulations. The Association shall have the right to induce fines and/or assess the lot owner for any required items based on non-compliance and recover all attorney fees and any court costs associated with enforcement of the regulations. Failure by the Association or by an Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.
- B. Enforcement of the Architectural Control Regulations (except Section XIII) as noted below:
 - 1. \$2,500.00 fine if new home construction is started without ACC approval. Starting is defined as beginning excavation. Test holes may be dug after receiving approval from PMWLOA Director of Operations.
 - 2. \$300.00 to \$700.00 fine (amount to be determined by Board of Trustees depending on severity of the violation) if remodeling project or site improvement project is started without ACC approval.
- C. Enforcement of Section XIII Construction Rules - For violations of the Construction Rules, the Owner will be notified in writing and assessed a fine. It is the Owner's responsibility (not the contractor's responsibility) to pay the fine. First violation, four hundred dollars (\$400.00); second violation, eight hundred dollars (\$800.00); third and subsequent violations one thousand five hundred dollars (\$1,500.00). In the event, any Owner fails to pay a fine within ten (10) days after receipt of written notice from the Board, a lien may be recorded against the property in accordance with Utah law to cover the Violation Fine, together with interest at the highest lawful rate per annum and any costs of collection including reasonable attorneys' fees.
- D. Prior Approvals Void – Any prior approved plans not actively commenced in 18 months must be reviewed again and all new requirements must be complied with to obtain approval.

XX. PLAN SUBMITTAL REQUIREMENTS - All Submittals for Plan Approval must include the following:

- A. A complete set of plans and site plans in pdf. This includes: Grading/Erosion Control, Landscape, Architectural/Lighting, exterior finishes, and a 3D architectural rendering from multiple angles. Incomplete plans will only delay the review and approval process. One set will be kept on file, the other set will be sent to the Trustee responsible for Operations to verify that construction is completed per the approved drawings.
- B. No open excavations are allowed during the winter months (November to April.) The approval of the ACC is valid for 18 months. If construction is not started within 18 months, the owner must resubmit plans for approval and pay the review fee again.
- C. The site plan must show existing and proposed contour lines as well as the finished floor elevation for each floor and top of roof.
- D. A signed (by owner) PMWLOA Plan Approval Application (Exhibit 'A') and a check for Two Thousand Dollars \$2,000) or a signed (by owner) PMWLOA Plan Approval Application (Exhibit B) with a check for Three Hundred Dollars \$300). Future submissions for plan changes will also require payment of the filing fee. Make checks payable to PMWLOA or via Zelle to PMWLOA@gmail.com.
- E. Owner's Contractor information including telephone numbers, license number, and subcontractors list.
- F. Submissions shall be made as follows:
 - 1. Email all pertinent documents to Brian Matthias, Director of Operations, PMWLOA, at matthiasbrian@yahoo.com, AND also to PMWLOA@gmail.com.
- G. The ACC shall approve or disapprove plans, specifications and details within forty-five (45) days from the receipt of a **complete** submission (Section XX A.).

POWDER MOUNTAIN WEST LAND OWNERS ASSOCIATION
 ARCHITECTURAL CONTROL COMMITTEE
 EXHIBIT "A"
 BUILDING PLAN APPROVAL APPLICATION – NEW CONSTRUCTION

Date _____	Lot Number _____
Owner(s) _____	Phone _____
Architect _____	Phone _____
Contractor _____	Phone _____

List Plan Specifics as requested below:

Planned date to begin construction	_____	
Main Floor Space Area (1,000 sq. ft. Minimum)	_____	SF
Second Floor Area	_____	SF
Finished Basement Area	_____	SF
Additional square footage not included above	_____	SF
Number of Bedrooms	_____	
Number of Bathrooms	_____	
Average Elevation of Site (lowest elevation point + highest point/2)	_____	FT
Roof Pitch (2 x 12 min.)	_____	

Exterior Construction Material:

Exterior Color Scheme:

Roof Material:

I have included the following in my submission:

- A complete set of plans in pdf (see Section XX A.)
- A pdf site plans showing existing and proposed contours lines and final grading, setbacks, driveways, walkways, parking areas, propane tanks, retaining walls and any other structures or objects planned to be on the site.
- A check for \$2,000 made out to PMWLOA or via Zelle to PMWLOA@gmail.com.
- Samples of color and building materials

I, the undersigned applicant, have read the Powder Mountain West Architectural Control Regulations and the Agreement and Protective Covenants Powder Mountain West, By-Laws and Articles of Incorporation of Powder Mountain West and agree to abide by those policies, regulations and covenants. I also understand approval of my building plans does not presume to give me authority to violate or cancel any of the PMWLOA Architectural Control Regulations. If the PMWLOA ACC has missed something in the review process, the Association retains the right to enforce all PMWLOA regulations and Covenants. I will resubmit this application if any changes are made to my plans or if I have not started construction within 18 months of receiving and approved application.

I agree that I, and the above lot, am bound by all terms of such documents.

Signature of Lot Owner (s) _____ Date _____

**POWDER MOUNTAIN WEST LAND OWNERS ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE**

EXHIBIT "B" -

BUILDING PLAN APPROVAL APPLICATION – MODIFICATION OR ALTERATION TO EXISTING SITE OR STRUCTURE

Date _____	Lot Number _____
Owner(s) _____	Phone _____
Architect _____	Phone _____
Contractor _____	Phone _____

Description of Modification or Alteration: Include square footage, number of rooms, materials, colors, plant materials etc:

Planned date to begin construction _____
Planned completion date _____

I have included the following in my submission:

- A complete set of plans sent in pdf. (Required for building modification)
- A pdf of site plans showing existing and proposed contours lines, setbacks, driveways, walkways, parking areas, propane tanks, retaining walls and any other structures or objects on the site. (Required for site modifications)
- A check for \$300 made out to PMWLOA or via Zelle to PMWLOA@gmail.com.
- Samples of color and building materials

I, the undersigned applicant, have read the Powder Mountain West Architectural Control Regulations and the Agreement and Protective Covenants Powder Mountain West, By-Laws and Articles of Incorporation of Powder Mountain West and agree to abide by those policies, regulations and covenants. I also understand approval of my building plans does not presume to give me authority to violate or cancel any of the PMWLOA Architectural Control Regulations. If the PMWLOA ACC has missed something in the review process, the Association retains the right to enforce all PMWLOA regulations and Covenants. I will resubmit this application if any changes are made to my plans or if I have not started construction within 18 months of receiving and approved application.

I agree that I, and the above lot, am bound by all terms of such documents.

Signature of Lot Owner (s) _____ Date _____

POWDER MOUNTAIN WEST LAND OWNERS ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE
EXHIBIT "C"
BUILDING PLAN APPROVAL

Date _____ Lot Number _____
Owner(s) _____ Phone _____

- YOUR BUILDING PLAN APPROVAL APPLICATION HAS BEEN APPROVED.
Please submit your Construction Deposit of \$10,000 and Impact Fee of \$2,500 to the Treasurer of PMWLOA (applicable to new construction only).
- YOUR BUILDING PLAN APPROVAL APPLICATION IS NOT APPROVED FOR THE FOLLOWING REASON(S).

- Incomplete submission, the following items were not included:
 - Set of plans and specifications sent as a pdf
 - Grading Plan with detailed contour lines (every 3 feet)
 - Site Plan sent as a pdf
 - Scanned Signed Plan Approval Application
 - Check for fee made out to PMWLOA or via Zelle to PMWLOA@gmail.com.
 - Material and color samples
 - Insurance with GL coverage of at least \$3 million aggregate coverage from homeowner or its contractor naming the PMWLOA as an additional named insured/certificate holder
 - Other _____

- You are not current with association dues and assessments
- There are aesthetic concerns with your design as noted below:

Approved by:

_____ Date _____
(PMWLOA ACC, Chair)

_____ Date _____
(PMWLOA Chair)

_____ Date _____
(PMWLOA Treasurer)

POWDER MOUNTAIN WEST LAND OWNERS ASSOCIATION
EXHIBIT "D"

NOTICE OF VIOLATION

Date _____ Lot Number _____
Owner(s) _____ Phone _____

DESCRIPTION OF VIOLATION:

GOVERNING DOCUMENT VIOLATED

PENALTY OR FINE

ACTION REQUIRED BY LAND OWNER

Approved by:

(PMWLOA ACC, Chair) (Date)

(PMWLOA Board, Chair) (Date)

(PMWLOA Board Member) (Date)

(PMWLOA Board Member) (Date)

(PMWLOA Board Member) (Date)

(PMWLOA Board Member) (Date)