

# **ARCHITECTURAL DESIGN GUIDELINES**

Revised March 11, 2024

OF



A Branded Subdivision in Virgin, Utah

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# RIO de SION ARCHITECTURAL DESIGN GUIDELINES

## Contents

VISION STATEMENT .....	7
DESIGN REVIEW PHILOSOPHY.....	7
OVERALL OBJECTIVES.....	7
ARCHITECTURAL CONTROL COMMITTEE APPROVAL .....	7
IMPORTANT NOTE ABOUT USING THE ADG: This ADG is an effort to simplify understanding of the CC&Rs by repeating the Covenants of Articles 5 thru 8 in this document to simplify the design requirements. <b>Required elements of your design plan are indicated by Bold Text</b> , suggestions are in plain text. ....	8
DESIGN QUALITY ATTRIBUTES .....	8
CULTURAL RELEVANCE.....	8
MINIMUM VISUAL IMPACT.....	8
SITE SPECIFICITY .....	9
ATTRACTIVENESS / UNDOUBTABLE QUALITY .....	9
ENVIRONMENTAL RESPONSIBILITY.....	9
CONSIDERATION OF DESERT CLIMATE .....	10
ARCHITECTURAL DESIGN CODE .....	10
PERMITTED STRUCTURES.....	10
MINIMUM AREA .....	11
SETBACK AREAS.....	11
HEIGHT LIMITS .....	11
ARCHITECTURAL STYLE .....	12
SHEET METAL.....	12
FACADES.....	12
ROOFS .....	12
PORCHES .....	13

WINDOWS & DOORS.....	13
COLORS .....	14
FENCES, WALLS, GATES, AND SIGHT OBSTRUCTIONS.....	14
BUILDING ELEMENTS & DETAILS.....	15
PROHIBITED STRUCTURES.....	15
MISCELLANEOUS ITEMS.....	16
SITE DEVELOPMENT CODE .....	17
DRIVEWAYS.....	17
EQUIPMENT AND UTILITY FACILITIES.....	17
SITWORK .....	18
DRAINAGE .....	18
LANDSCAPING .....	19
OUTDOOR LIGHTS .....	19
APPROVED LANDSCAPE MATERIAL.....	20
MISCELLANEOUS.....	21
PRIVATE AREAS LANDSCAPING .....	21
DESIGN REVIEW PROCESS.....	23
ACC REVIEW .....	23
DESIGN REVIEW PROCESS.....	23
PLAN SUBMITTAL REQUIREMENTS .....	24
EXHIBITS .....	25
EXHIBIT A.....	25
NEW OR MAJOR CONSTRUCTION APPLICATION FORM .....	25
EXHIBIT B.....	26
<b>ARCHITECTURAL DESIGN PICTURES.....</b>	<b>26</b>

Exhibit C .....	27
<b>MAINTENANCE OR MINOR PROJECT APPLICATION FOR ACC APPROVAL.....</b>	<b>27</b>
Construction Regulations.....	28
INTRODUCTION.....	28
CONSTRUCTION ACCESS.....	28
CONSTRUCTION HOURS.....	28
PROTECTION OF NATURAL DESERT .....	28
SIGNAGE.....	28
INSPECTIONS.....	29
INSPECTION FOR FINAL APPROVAL.....	29
FIRE SAFETY.....	29
CONSTRUCTION SITE.....	29
PERSONNEL.....	30
EXHIBIT A.....	32
ACKNOWLEDGEMENT OF CONSTRUCTION REGULATIONS .....	32

**Summary of Revisions since November 2021 Version**

- 1) Eliminated porch/patio height restriction of 10'
- 2) Stronger language in Construction Regulations for cleanup of curb, streets, and emptying dumpsters
- 3) Clarified construction application that owner gives permission to access property by ACC for inspections during construction
- 4) Changed requirement for Civil Engineer Certified Drainage plan to only when required by ACC specifically
- 5) Removed Vinyl window prohibition, can be allowed with ACC approval
- 6) Addition of Revisions section
- 7) 02/08/2022
  - a. Roof Tile Boosting Requirements Reduced and clarified
  - b. Overhanging eaves requirement reduced to 18"
  - c. Façade definitions clarified with respect to corner lots and stucco use
  - d. Clarified that porch requirements are based only on ground floor square footage
  - e. Clarified solar requirements for approval
- 8) 04/14/2022
  - a. Reduced multi color roof tile requirement to 3 colors

- b. Added missing Side Setback to 7.5 in lots over 1 acre
  - c. Simplified Construction Plan Submittal Requirements
  - d. Tile Boosting Requirement Removed
- 9) 7/14/2022
- a. No Vinyl Windows Permitted, and other window clarifications
  - b. Importance of approval and establishment of natural grade before any grading operations to establish building heights
- 10) 8/6/2022
- a. Changed Fee Structure for new plans to include an \$800 professional Architect review
  - b. Added Opportunity for Board Hearing if lot owner disagrees with ACC
  - c. Updated Construction Checklist and Builder Application Packet
  - d. Added CC&R provision under Permitted Structures for RV Garages
- 11) 11/09/2022
- a. Added wrought iron or similar to allowable fence types
- 12) 1/09/2024
- a. Added new paragraphs on Antennae and Electric Charging Stations
  - b. Changed mailing address for Association
  - c. Changed additional structures as permitted structure
  - d. Eliminated Application Fee and ACC approval for minor landscaping changes
- 13) 3/11/2024
- a. Change HOA Manager Phone number
  - b. Enhanced Construction Regulations and Fines

## VISION STATEMENT

Rio de Sión draws its inspiration from traditional American Southwest architecture and the diverse styles that inspired it, including influences from the Old World, Native American and Mexican cultures, and Spanish missionaries and explorers. The character of these buildings reflects the environmental conditions of their places of origin, and did not necessarily result from a purposeful quest for style. Locally available materials and rudimentary construction methods were typically employed, yielding simple, yet substantial dwellings without excessive adornment. Structures were often nestled into their site, taking advantage of existing natural features for protection from the elements. Courtyards and covered loggias aided in mitigating the harsh climate, turning intense sun and wind into filtered natural light and cooling breezes. The rural setting offered opportunities for the site to evolve, and additional buildings were constructed over time, resulting in a campus-like setting. The combination of these factors produced rambling, low-lying, human scale dwellings that were functionally and visually anchored to their site. Overall, this vernacular has produced a rustic simplicity and enduring charm that echoes the spirit of the artisans from which it evolved.

## DESIGN REVIEW PHILOSOPHY

At Rio de Sión, the Architectural Control Committee (ACC) offers its expertise to evaluate each Design Review Application independently. Rio de Sión recognizes that design is a process, not an event, and encourages frequent consultation between the Applicant and the ACC. The ACC considers each design in the context of its overall merit, and thus, a rigid checklist approach to design review is avoided. Instead, the Applicant and the ACC partner in the pursuit of an approved design that achieves both the Applicant's individual goals, as well as the goals of the community.

## OVERALL OBJECTIVES

In order to promote a harmonious community development and protect the character of the neighborhood, the guidelines set forth in the CC&Rs, together with these Architectural Design Guidelines, and any additional guidelines hereafter established by the ACC, are applicable to the Property. The intent of the Architectural Design Guidelines is to seek to insure that Homes, landscaping and other improvements on each Lot are in harmony with the natural surroundings of the Property and prevailing architecture of the created environment of the Property. The Architectural Design Guidelines allow design latitude and flexibility, while ensuring that the value of the Property and of each Lot and Home will be enhanced throughout the control of site planning, architecture and landscape elements. The Architectural Design Guidelines further serve as an aid to Owners, builders, Declarants, and design professionals.

## ARCHITECTURAL CONTROL COMMITTEE APPROVAL

The early homes constructed in 2007-2008 are excellent examples of the style and character envisioned for Rio de Sion. When the bank assumed control of the development, they took no action to enforce the existing CC&Rs and Architectural Design Guidelines, and Members had no easy resource to have their plans reviewed and approved. Consequently, some homes were built without full compliance to the standards prescribed in the CC&Rs and ADG.. Although there is no intent to require those homeowners to do expensive retrofits or remodels of their homes, their homes also cannot be used for establishing a precedent, except as specifically outlined in the updated CC&Rs.. Effective from this date forward though, all projects will be required to obtain ACC approval as outlined in Section 5.1 of the CC&Rs, which reads:

***Architectural Control Committee. A committee (the "Architectural Control Committee" or "ACC") shall be established to finally Approve all aspects of the excavation, construction or remodeling of any building, structure or improvement on the Property. Prior to the commencement of any excavation, construction or remodeling of any building or structure or of any addition to any building or structure, or modification of the natural topography of any Lot, or installation of fences, walls or landscaping (all of the foregoing referred to***

*in this Declaration as the “Work”), Approval of the ACC is required in accordance with the provisions of this Section 5.*

Any work so described that is proposed by a lot owner will require ACC approval. Obviously this includes new home construction, but also includes remodeling of a home. **Major construction will require a full set of printed plans, a pdf copy that includes all handwritten notations, the completed Builder’s Application Packet, a \$500 Plan Application fee, \$800 fee for the professional Architect review, and the appropriate security deposit. Minor landscaping changes are those changes costing less than Two Thousand Dollars (\$2,000.00) and are not considered “Work” for the purposes of this Section 5.1. Minor landscaping changes do not require advance approval of the ACC or the payment of an application fee; however, such minor landscaping changes must still comply with the standards set forth in this Declaration and the Architectural Design Guidelines.** If you are planning to do minor maintenance work, we suggest you apply Using the ACC Approval for Minor Maintenance form in the Appendix. If the ACC determines that it is complex in nature, they will notify you that you will need to submit with a \$500 Plan Check Fee.

IMPORTANT NOTE ABOUT USING THE ADG: This ADG is also an effort to simplify understanding of the CC&Rs by repeating the Covenants of Articles 5 thru 8 in this document to simplify the design requirements. Required elements of your design plan are indicated by Bold Text, suggestions are in plain text.

## DESIGN QUALITY ATTRIBUTES

The Rio de Sión Design Guidelines were created specifically for professional designers to identify principles vital to the community’s pursuit of quality architecture. These principles, referred to as Design Quality Attributes, form the foundation for which each design will be reviewed.

## CULTURAL RELEVANCE

- The origins of traditional desert southwestern architectural culture can be traced to the indigenous dwellings of and Mexican cultures, as well as the stylized influences of the Spanish missionaries and explorers, and finally to the European heritage of pre- and post-industrial miners, ranchers and pioneers.
- The general appearance of the structure(s) seems to not only draw its form from the local climate and terrain, but its overall character seems to be inspired by a source of the Southwest’s architectural culture.
- The appearance and function of the structure seems well suited for a “sunbelt” climate.
- The appearance of the structure draws from rural adaptations of culturally relevant architectural styles.

## MINIMUM VISUAL IMPACT

- Ideally, the structure is inconspicuous in the context of its final setting.
- Generally, the massing is horizontal in nature, and resides primarily at, or below, the height of the surrounding landscape, resulting in a “down in the desert” feel.
- The visibility of structures will be considered from vantage points both near and far, and from common ground-level vantage points at, below and above the structure.

- Elements of the structure that are visible above the height of the surrounding landscape shall be rendered less conspicuous by the composition of their color, texture and massing.
- Existing vegetation shall be integrated into the design to effectively screen the visibility of the structures. As well, supplemental native trees shall be strategically added for the same purpose.
- The orientation and location of the structure(s) and landscaping respects and/or enhances the privacy of adjacent land uses.

## SITE SPECIFICITY

- The structure(s) generally appear comfortably integrated into the site, and are not artificially perched on or cut into the site.
- Finished floor elevations and proposed finish grades respond vertically to the slope of the terrain, approximating an on-site balance of cut and fills.
- The orientation of the structure and the configuration of its fenestration maximize solar benefits.
- The arrangement and location of outdoor living spaces responds to the unique requirements of seasonal climatic variations.
- The arrangement and location of both indoor and outdoor living spaces effectively considers the proximity and impact on the privacy of neighbors and other adjacent uses.
- The color, reflectivity, texture and massing of the structure are composed in a sympathetic response to the density and scale of the landscape and terrain of the immediate environment.

## ATTRACTIVENESS / UNDOUBTABLE QUALITY

- **The overall design should convey an image of historical and cultural integrity in design and materials.**
- **The overall two and three dimensional composition conveys a sense of order, logic, and integrity, with well proportioned composition. The materials used are commonly recognized as being durable, long lasting, and of the highest quality. Exterior materials that are exposed to weather either maintain their original appearance or they change gracefully and become more attractive as they age**

## ENVIRONMENTAL RESPONSIBILITY

- The post-development surface drainage is handled in a manner that avoids erosion and the redirection of historical flows as they enter and exit the site, where possible. Drainage flows as much as possible need to be directed to the frontage roads of each lot by the grading of the lot and piping roof drainage, or to the river for lots bordering it.
- The selection of landscape plant material avoids non-indigenous species that may attract or harbor insects, birds or other fauna not naturally found in the native ecosystem; or that may proliferate uncontrollably, or that disseminate noxious pollens, odors or litter.
- The interior and exterior lighting program does not create glare from ground level vantage points and preserves the desert's pre-development darkness without compromising the basic comfort and safety essential to outdoor living.
- Existing topographical features and vegetation stands are generally preserved and incorporated into the design of the home.

- The location and configuration of fenestration and indoor/outdoor transition elements respond to the daily and seasonal paths of the sun.
- Existing and embellished landscape elements are used to provide shade to key areas of the home.
- Various design and construction factors are considered to help minimize excessive grading outside of the footprint of the improvements.

## CONSIDERATION OF DESERT CLIMATE

- The design provides for “outdoor living” opportunities offered by our unique climate.
- The selection and location of plants, particularly trees, maximizes their shading potential.
- Glazing types, window locations and porch/overhang locations are considered with regard to assisting in the energy efficiency of the home.
- The structure(s) are built with materials and techniques that will withstand the aridity, extreme heat, wind, sand, intense ultraviolet radiation of the desert without the need of frequent maintenance or replacement.

## ARCHITECTURAL DESIGN CODE

Conformance to the Architectural Design Guidelines is a requirement of all designs at Rio de Sión. However, conformance to the enclosed Guidelines does not necessarily ensure a successful design. Rio de Sión will primarily consider each design as a composition of principles such as siting, massing, scale, proportion, fenestration, and detail. A well executed composition of these fundamental principles is vital to a successful and thus, approvable design.

## PERMITTED STRUCTURES

- **The only buildings or structures permitted to be erected, placed or permitted to be located on any Lot within the subdivision shall be:**
- **A Home placed within the building Setback Areas on each Lot. The Home shall accommodate the natural grade and building up of an unnatural pad for other than to accommodate drainage will not be permitted. The Home shall not exceed the height requirements described in Section 7.5 and must include an enclosed private garage for not less than two (2) or more than six (6) cars or other vehicles; and**
- **With the final Approval of the ACC, an additional structure such as a pool house, guest house, or casita that complies with the requirements in Sections 7.7, 7.8, and 7.10 and the Architectural Design Guidelines, and shall not be higher than eighteen (18) feet above the natural grade. Any additional structures shall be constructed in accordance with applicable Governmental Requirements including, without limitation, zoning and building ordinances of Virgin, Utah, in effect from time to time. Any additional structures shall be constructed of the same materials that are used on the exterior of the Home. No carports or partially enclosed garages shall be permitted on a Lot. Stables, sheds, tool buildings, or other outbuildings shall be permitted on a Lot, provided they comply with requirements in Sections 7.7, 7.8, and 7.10 and the Architectural Design Guidelines, and shall not exceed eighteen (18) feet above grade. No structure shall be permitted in a one hundred (100) -year flood plain, except for those structures permitted by the ACC.**
- Each Home may have a basement
- **RV Garages-No boats, trailers, buses, motor homes, campers, recreational vehicles, or other similar vehicles shall not be visible upon any lot or Roads or Driveways for more than three (3) consecutive days. Recreational Vehicles garages are allowed pursuant to the review and approval of the ACC. Recreational Vehicle garages shall conform to Section (7) of the CC&Rs and to the Architectural Design Guidelines.**

## MINIMUM AREA

The minimum total square footage of living area on the ground floor of a Home located within the building envelope and foundation for any single-story Home constructed on any Lot within the subdivision shall be not less than 2,250 square feet, exclusive of porches, balconies, patios and garages. No Home or other permitted structure constructed on any Lot shall exceed one (1) story in height from grade, except for Lots 1-3 and 59-65, determined in the manner described in Section 7(e). The minimum total square footage of living area on the ground floor of a two story home constructed on any Lot within the subdivision shall be not less than 2,000 square feet, exclusive of porches, balconies, patios and garages. Each Home may have a basement.

## SETBACK AREAS

- **Setback Areas.** The following constitute the minimum Setback Areas on each Lot. All measurements shall be made from each point on the applicable Lot boundary line to the nearest point on the foundation, porch, deck or other extension of any building or structure, whichever is nearer to such Lot line. Be certain that you verify where your actual property line is, most are approximately 5' from the curb.
- **Lots over 1 acre:**
  - **Front:** No building shall be located nearer to the front Lot line than thirty (30) feet.
  - **Rear:** No building shall be located nearer to the rear Lot line than twenty-five (25) feet.
  - **Side:** No building shall be located nearer to the side Lot line than fifteen (15) feet.
- **Lots under 1 acre:**
  - **Front:** No building shall be located nearer to the front Lot line than twenty-five (25) feet.
  - **Rear:** No building shall be located nearer to the rear Lot line than twenty (20) feet.
  - **Side:** No building shall be located nearer to the side Lot line than fifteen (15) feet.

The term "Lots over 1 acre" shall mean Lots that have over one (1) acre in the building envelope. Acreage in any No Build Area is not considered part of the building envelope and will not be included in determining whether a Lot is over one (1) acre.

## HEIGHT LIMITS

**Building Height.** Maximum building height for a pitched roof mass shall be nineteen (19) feet as measured from highest natural grade to that mass. The definition of highest natural grade or grade should be agreed upon between the builder and the ACC. Generally, the starting point for discussion on a level lot would be 12" above the top of curb, it is extremely important that an understanding of the natural grade be established before your lot is graded, or at the earliest possible moment. The maximum height is measured from the natural grade, not the top of slab.

Hip or gable roofs are not to exceed 4/12 pitch. Minimal flat roof areas may be considered on a case-by-case basis, but shall not exceed more than 15% of total roof area. Lots 1-3, and 59-65 may have a maximum building height of twenty six (26) feet above grade. It should be noted that although our guidelines may

**allow 26', the Town of Virgin has a maximum height of 25' in their ordinance (Vulu 34.08) Lots 32, 33, 35-41 and 66-68 may have a maximum building height of twenty-one (21) feet above grade. Minimum building heights on exterior walls shall be nine (9) feet. Lots 1-3 and 59-65 may be two story.**

- It is the responsibility of the Applicant or representative thereof to verify and abide by the Town of Virgin requirement for maximum heights. In the event of a conflict between Town of Virgin and Rio de Si3n requirements, the stricter shall take precedence.

## ARCHITECTURAL STYLE

**The architectural style of a Home shall be subject to the approval of the ACC which may, at its discretion, exclude designs that contrast with the prevailing architecture of the Homes located on the Property or with the natural environment.** All elevations and facades of each Home shall be consistent with the intended architectural style of the Home and should be carried around all four elevations and facades of the structure.

## SHEET METAL

**All sheet metal, including, without limitation, flashing, vents and pipes, must be colored or painted to match the material to which they are attached or from which they project.** No reflective exterior surfaces or materials shall be used or permitted.

## FACADES

Adobe construction is encouraged within Rio de Si3n. Stick framing, stone and other alternatives may also acceptable.

**Exterior finishes of facades may be stone, cultured stone, stucco, stabilized or fired adobe, rammed earth, exposed or mortar washed slump block, tumbled or used brick, and rough cut timber. If stucco is used, it must be textured and colored to resemble adobe, with a troweled finish (Santa Barbara). On facades facing a street (2 facades on corners), stucco can be no more than 25% of that street facing faade of the house, including windows and doors. All finishes must be executed in a manner that conveys traditional southwest architectural character. Large expanses of stucco on a side of a home, such as on a RV garage, should be broken up by some type of architectural detail.**

**If stone is used as an exterior material, its placement must define building masses, walls, fireplaces, etc. Stone shall not appear arbitrarily "planted on" for the sake of ornamentation and must not be terminated on an outside corner. Stone and adobe must run from grade to eaves. Stone must have mortar between stones, i.e. dry stacked stack stone is not allowed. All exterior finishes must be continued to grade.**

**Board and batten or other exterior wood treatments will be used under patio/porch overhangs and exterior eaves. The ACC may approve exceptions on patio ceilings where it cannot be observed from a street or any adjacent lot.**

Integrally colored, stained, or burnished stucco is encouraged to achieve a gracefully aged appearance. Appropriately painted stucco may also be acceptable as determined by the Review Panel.

## ROOFS

- Pitched roof structures are appropriate for Rio de Si3n. Minimal flat roofing can be approved on a case-by-case basis.
- **Pitched roofs shall be low-sloped hips, gables or sheds, pitched between 2-1/2:12 and 4:12.** Pitched roofs must be designed in a manner that avoids excessive use of "cricketing" to convey drainage. Covered patio roofs may be any pitch between 1/4":12 to 4:12

- **Roof material shall be either:**
  - **Mud set clay “C” tiles or**
  - **Clay or Concrete “S” tiles.** Rusted and weathered metal roofs are approved for use on patio covers and small sections of the house. Other installations may be approved on a case by case basis.
- **Roof tiles should be multi colored with a minimum of 3 colors in the pattern.**
- **Overhanging eaves shall have exposed rafters of appropriate proportions and character to complement the design (minimum 3-1/2” thickness). Overhanging eaves must extend a minimum of 18”. Stucco eaves, fascias, and visible patio ceilings are not permitted.**
- Flat roofs shall be sloped for drainage a minimum of 1/4” per foot. The surface of flat roofs as well as elements such as flashing, vents, skylights and other roof accessories shall be appropriately concealed from all adjacent vantage points by parapets, curbs or fascias.
- Skylights must be appropriately shielded from view in all roofs. Care must be taken to minimize glare against the night sky. Skylights shall be transparent and not translucent. A maximum of 3% of total roof space may be used for skylights.
- Gutters must be half round copper, painted or rusted metal with round down spouts. If painted, gutters must match trim color.
- **Vents, flashing, etc. that may be visible must be painted a color to render them as inconspicuous as possible.**

## PORCHES

- **Covered Patio, Courtyards & Porches.** A minimum of twenty-five percent (25%) of the total square footage of the ground floor living space must be built as covered patio, courtyard and covered porches. 25% of the total square footage of porch must be on the street side of the house. Building materials shall be approved by the ACC. 25% of the total square footage of porch must be on the street side of the house. Building materials shall be approved by the ACC.

## WINDOWS & DOORS

- **All windows and doors that are visible from any street or surrounding homes shall be recessed a minimum of 2.5” from the glass/door surface to the exterior surface of the wall.**

All window and door opening, , shall have an exposed rough sawn wood header A keystone arch made out of stone, cultured stone, stabilized or fired adobe, rammed earth, exposed or mortar-washed slumpblock, tumbled or used brick may be used on round or arched window and doors. The ACC can make case by case exceptions such as when the elevation is not visible from streets or other homes.

- **The character of window and door selections shall complement the character of the home, and shall not, in the judgement of the Panel, appear contemporary. Please have your window selection approved before you order them.** In most cases, divided lite windows are required for stylistic integrity on front of house.
- **Divided lite windows shall incorporate fully applied exterior mullions with spacers between the panes.**
- **All operable windows, shall be hinged, single-hung or double-hung, but the ACC can make case by case exceptions when the elevation is not visible from streets or other homes.**

- **No white framed windows are permitted, and the same approved color must be on the inside and outside. Vinyl windows are not permitted.**
- The location and quantity of operable windows shall be carefully considered to maximize breeze corridors.
- Windows shall be glazed with clear or tinted doubled-insulated units. **Glass may not be mirrored, reflective, or use an exterior/applied film.**
- Decorative or ornamental windows that are glazed with a material other than clear glass will be considered on a case by case basis. Glass block is prohibited.
- Sliding exterior doors under recessed overhangs will be considered on a case by case basis.
- Shutters sized to match window openings are permitted.
- Window grilles shall be of solid iron.
- **Garage doors shall be recessed a minimum of 12"**
- Garage doors must be clad in wood or some other material that complements the character of the home.
- Windows in garages must employ interior shutters or some other window treatment to prevent glare from garage lighting. Small windows above 8'in height in garages are exempt from this requirement.
- Mechanical room doors shall be located in inconspicuous areas, painted to blend in with the adjacent architecture, and properly screened from the view of adjacent properties by walls, trees, or some other method.

## COLORS

**Base building colors shall be in subdued earth tones to complement and harmonize with the natural surroundings and shall conform to or be inharmony with approved samples.** The use of the color must be used on window trim, shutters and doors. The ACC will require actual samples or color boards of all adobe, stone, stucco, roofing materials and other materials prior to approval.

## FENCES, WALLS, GATES, AND SIGHT OBSTRUCTIONS

- Fences, walls gates, and other barriers shall be subject to the Final Approval of the ACC. The ACC will consider adobe, slump stone, wrought iron or similar, and split rail fence types.**
- No structure, fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the grade of the Roads shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, or in the case of a rounded party corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any Lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. NO tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at such height to prevent obstruction of such sightlines.**
- No fence, wall, hedge, tree, plant, shrub or foliage shall be planted, kept or maintained in such manner as, in the opinion of the ACC, shall create a serious potential hazard or an aesthetically unpleasant appearance to the other Residents of the area.**

d. Fences and walls must harmonize with color of the Natural surroundings and may not exceed six (6) feet in height above grade on the highest side. Each Owner may construct walls in the rear and alongside Lot lines, but such walls shall not extend beyond the front of the Home. Walls shall not exceed six (6) feet above grade. If such a wall encloses a pool, additional required height may only be in wrought iron as Finally Approve by the ACC.

e. Gates that are generally visible from adjacent areas must be architectural in nature and complement the quality and character of the home.

f. Gates used for screening mechanical or storage areas should be placed in inconspicuous locations. When located in inconspicuous locations, gates may be infilled with metal or wood.

## BUILDING ELEMENTS & DETAILS

- Exterior details must be complementary of the character of the architecture. Details must be of traditional design and authentic materials. In no case shall details become superfluous or overly ornamental.
- **Details shall be carefully considered and appear truly custom in nature. Details indicative of “production housing” is not acceptable. In no case will foam/stucco “pop-outs” be considered to mimic or create the appearance of another material such as stone, or otherwise be arbitrarily placed on the home.**
- Details shall remain consistent in both quality and character on all elevations of the home.
- Columns and beams shall be of appropriate proportion to convey a sense of strength and support. No stucco columns are permitted on any visible elevations.
- Viga columns shall have a minimum 8” diameter butt, unless paired or clustered.
- Stone or concrete bases shall be used below wood columns to prevent contact with the earth.
- Exterior wood elements shall be stained or otherwise finished in a manner that complements the character of the home.
- Arches shall be no less than 12” in depth. stone or stucco Piers shall be no less than 12” x 12”.
- Metal railings shall be of solid iron with welded connections, and decorative in nature.
- Scuppers must be of a material complementary to the character of the home. Sheet metal scuppers are prohibited.
- Chimneys must be architecturally appealing and comfortably scaled in the context of the main structure. Prefabricated sheet metal chimney caps are prohibited. Sheet metal spark arrestors must not be visible.

## PROHIBITED STRUCTURES

**Dome Structures, log Homes and earth or berm Homes are not allowed. No trailer, bus, outhouse, tent, shack, garage, or accessory building shall be used at any time as a residence either temporarily or permanently. No old or second-hand structures or Homes shall be moved on to any of said Lots nor shall any such structures be erected or placed on the Lots at any time**

## MISCELLANEOUS ITEMS

- Mailboxes are available at the LaVerkin post office. When mailboxes are required, enclosures shall be architecturally consistent with the design of the home. Mailbox enclosures shall be located immediately behind the curb unless a community mailbox is established.
- Sports, recreation and play equipment shall be screened from view.
- Transformers, cable boxes and similar equipment must be located in as inconspicuous a location as possible, per the approval of Rio de Sión.
- **Solar panels or solar panel arrays of any type may be permitted with prior approval of the ACC. Arrays shall be designed to provide power for the individual homeowner's use. Arrays designed with the intent to power the grid will not be approved. Installations shall be low profile to the roof and minimize negative visual impacts.**
- **Antennas. Antennas, dishes, or similar devices for radio, television, or devices for the reception or transmission of radio signals, microwaves, or other similar signals are restricted to the attic area or interior of the Home. It is mandatory that all Homes be pre-wired for cable reception. Satellite dishes shall be allowed on the exterior of a Home as long as they are, one (1) meter (39.37 inches) or less in diameter. All antennas and satellite dishes must be located to minimize visibility from neighboring Lots, and must be approved by the ACC. The ACC shall have the right to remove or cause removal of any antennas, satellite dishes, or other external antennas erected, placed, maintained, or improperly installed. Notwithstanding the foregoing, satellite antennas, such as Direct Broadcast Satellite ("DBS") antennas (dishes) one (1) meter in diameter or less, and designed to receive direct broadcast satellite service, including direct-to-home satellite service, or receive or transmit fixed wireless signals via satellite, may be installed. Location of an FCC approved dish may not be restricted by the Association so as to unreasonably delay in installation; unreasonably increase the cost of the equipment or its installation, maintenance, or use; or preclude reception of an acceptable quality signal. No dish may encroach upon the Common Area or the property of another Owner. The dish must comply with all applicable city, county, and state laws, regulations, and codes. The Association must be provided with a copy of any applicable governmental permits. Installation must be pursuant to the manufacturer's instructions. In order to protect against personal injury and property damage, a dish may not be placed in a location where it may come into contact with a power line. In order to protect against personal injury and property damage, all dishes must be properly grounded and secured. In order to protect against personal injury, dishes may not block or obstruct any driver's view of an intersection or street. The Owner is responsible for all costs associated with the installation and maintenance of a dish. The Owner is responsible for all damage caused by or connected with the dish. The Owner must hold the Association harmless and indemnify the Association in the event someone is injured by the dish. The Owner shall keep the dish in good repair so that it does not violate any portion of this Declaration.**
- **Electronic Vehicle Charging. The Association may not prohibit a Lot Owner from installing or using a charging system in: (a) in a parking space on the Lot Owner's Lot that is used for the parking or storage of a vehicle or equipment; or (b) a limited common area parking space designated for the Lot Owner's exclusive use. However, the Association may: (a) require a Lot Owner to submit an application for approval of the installation of a charging system to the Board; (b) require the Lot Owner to agree in writing to: (i) hire a general electrical contractor or residential electrical contractor to install the charging system; or (ii) if a charging system is installed in a Common Area, provide reimbursement to the Association for the actual cost of the increase in the Association's insurance premium attributable to the installation or use of the charging system; (c) require a charging system to comply**

with: (i) the Association's reasonable design criteria governing the dimensions, placement, or external appearance of the charging system; or (ii) applicable building codes; (d) impose a reasonable charge to cover costs associated with the review and permitting of a charging station; (e) impose a reasonable restriction on the installation and use of a charging station that does not significantly: (i) increase the cost of the charging station; or (ii) decrease the efficiency or performance of the charging station; or (f) require a Lot Owner to pay the costs associated with installation, metering, and use of the charging station, including the cost of: (i) electricity associated with the charging station; and (ii) damage to a Common Area, a limited common area, or an area subject to the exclusive use of another Lot Owner that results from the installation, use, maintenance, repair, removal, or replacement of the charging station.

- Interior Sprinkler system may be required by Town of Virgin, check with them for details
- Propane Tanks must be buried

## SITE DEVELOPMENT CODE

The Site Development Code serves as a guide to ensure that improvements blend with the natural desert landforms, topography, and drainage patterns, both aesthetically and functionally. The variety of landforms and topography in Rio de Sión requires sensitively different site development for each lot.

### DRIVEWAYS

**A driveway shall be located on each Lot which shall be of sufficient size (excluding sidewalk areas) to park not less than two (2) vehicles per Lot. Each driveway on a Lot shall be constructed out of tumbled brick, colored concrete, colored exposed aggregate, decorative gravel, stone, or interlocking pavers.** Cinders, sand, asphalt or dirt shall not be permitted for driveway material in the front and side yard area of any Lot. The driveway in the front and side yard areas of each Lot shall be in a color which blends with the exterior of the structure located on each Lot. Driveway material must be approved by the ACC.

### EQUIPMENT AND UTILITY FACILITIES

**Air conditioning, heating equipment, and soft water tanks must be screened from view** with screen walls matching house material finish and color so as not to be visible from the neighboring property, or from the streets of the development and shall be insulated for sound attenuation. Air conditioning units are not permitted on roofs or through windows.

All utility lines, conduits, pipes and similar transmission facilities shall be underground. Except as required by Governmental Requirements, utility meters, propane tank, and similar facilities shall be placed in as inconspicuous a location as possible out of sight of the public. Locations of meters are to be shown on the plans, and meters should be screened from view from neighboring property. Exposed piping shall be painted to match exterior colors of the Home. The area immediately around the meters shall be cleared to allow for access. Electric meters, switches, or circuit breaker boxes are not to be located in the same enclosure with the gas meter and regulator. Enclosures for gas meters and regulators are to be vented in compliance with the Uniform Building Code. All Homes must be pre-wired for cable services. **Propane Tanks must be buried**

## SITWORK

- Site development plans shall carefully consider privacy and views from adjacent properties.
- Sitework should approximate an on-site balance of cuts and fills. In many cases, this will require improvements to be stepped to follow existing contours.
- Cuts and fills shall be executed in a manner that results in natural looking transitions from natural to engineered grade.
- Significant cut and fill operations should be contained within retaining walls, or within the improvements themselves.

## DRAINAGE

- No structure, planting or other material shall be placed or permitted to remain or other activities undertaken which may damage or interfere with established slope ratios, create erosion or sliding problems, or which may change the direction of flow of drainage channels. The slope control areas of each Lot and all improvements in them shall be maintained continuously by the Owner of the Lot, except for those improvements for which authority or utility company is responsible. **Each Lot Owner is responsible to see that no nuisance or damage is created by flow of drainage water to any Lot or surrounding property.**

**A grading and drainage plan shall be shown on the plans.**

**Complex drainage issues may require a plan by a Utah licensed civil engineer, if this is required, you will be notified by the ACC. The plan shall clearly indicate the method of conveyance for drainage flows, as well as identify the rate and velocity of runoff flows, direction and degree of slope, soil characteristics, or other considerations and include any documentation necessary to support the conclusions.**

- Surface drainage shall not be redirected onto adjacent lots or open spaces except as established in the original undeveloped condition of the lot. No condition shall be caused that will lead to erosion, pooling or backwater, or redirection of flows on adjacent properties.
- Soil erosion in disturbed areas shall be controlled through the use of plant materials, native rock, or other effective methods that are natural in appearance. If riprap or other rock-type erosion control is proposed for significant drainage ways, the placement of such materials must result in a natural appearance.
- Existing drainage patterns must be maintained where the driveway intersects the street. If a culvert structure is necessary, it must be designed by a registered civil engineer, and incorporated into the site drainage analysis.
- Acceptance of a grading & drainage plan by Rio de Si3n does not warrant such plan for performance. Such acceptance does not cause the Association, the developer or its affiliates, or the Panel to be liable or responsible to the individual lot owner or others with respect to the adequacy of the engineering. Panel acceptance does not reduce or eliminate the obligation of the individual lot owner to be responsible for damages arising from the changes in existing or engineered conditions, and such acceptance does not reduce, or change the responsibility of the individual lot owner for complying with legal and jurisdictional requirements. Any damage that may occur on any other lot or common area resulting from the change in the existing drainage will be the responsibility of the individual lot owner of the lot on which the change was made.

## LANDSCAPING

Rio de Sión seeks to achieve a developed environment that appears seamless in its transition to the natural Virgin, Utah desert setting. Landscaping plan shall be presented to the ACC for approval and must meet the following approved Landscaping Design Code. The common area is to remain undisturbed and natural and is to be managed by the Rio de Sión Homeowners Association.

- a. **Landscaping on each Lot shall be completed in accordance with the landscape plan as outlined in the Architectural Design Guidelines.** Plans shall be submitted to and approved by the ACC prior to construction of the Home. It is recommended that Lawn be used only in rear yards and natural looking landscaping be used in the front yards. **Front landscaping of the Home must be completed upon issuance of a certificate of occupancy by the Town of Virgin.**
- b. Each Owner shall be responsible for the maintenance of his or her Lot. In the event that any Owner fails to perform this maintenance in a manner so as not to detract from the appearance of the Lot or affect adversely the value or use of any Lot, the Trustees of the Homeowners Association shall have the right to have maintenance performed on the Lot and the cost of said maintenance shall be added to and become part of the Assessment to which such Lot is subject.
- c. Any portion of the Lot not used for Homes, other permitted structures, driveways, walks, or other site improvements shall be landscaped or left in its natural state. **The front yard landscaping shall have a maximum of twenty-five (25%) lawn with no minimum lawn area being required. If the rear yard is walled on all sides the rear landscaping shall be at the discretion of the Owner, but still requires a plan to be approved by the ACC.**
- d. **No Palm trees or Citrus** shall be planted on any Lot.

## OUTDOOR LIGHTS

**Light used to illuminate patios, parking areas or for any other outdoor purposes must be low level (each fixture with a maximum of one 60 watt or less bulb) and shall be so arranged and shielded as to reflect light away from adjacent Homes and away from the vision of passing motorists. The design and installation shall not adversely affect or impact neighboring Owners or streetscapes. No upward shining lights are permitted. Very low level outdoor illumination may be used for particular landscape features (such as trees and rock formations). No exposed bulbs, brass or white fixtures are permitted. Exterior Home lights are to be placed under the eaves of the Home thus preserving the night sky. One light under the eaves of the Home is to illuminate the Home's street number. Floodlights are prohibited. Security lighting is allowed, if controlled by a motion detector and timer and oriented in a manner as to not result in excessive glare to neighboring properties. Sports court lighting is prohibited.**

**Exterior lighting shall be approved by the ACC and shall follow the Architectural Design Guidelines**

- Landscape lighting can be used to supplement the enjoyment of functional outdoor spaces, create a dramatic yet subtle nighttime streetscape, and enhance the safety along vehicular and pedestrian areas of the lot. Landscape lighting is not permitted to overwhelm or wash out the romance and tranquility of dark skies enjoyed at Rio de Sión.
- Ground mounted up-lights may be used sparingly to provide a dramatic effect on specimen trees or cacti. This type of use should be limited to areas close to structures, driveways, or walkways, or around pools or other functional outdoor areas.

- Rio de Si3n encourages the use of down-lighting (moonlight effect) where possible in lieu of ground mounted spotlights. This effect can be used in conjunction with up-lighting in areas closer to structures, and can also be used by itself to provide a more subtle effect in areas away from structures.
- Bollards or other low fixtures may be located along driveways or pedestrian paths for safety reasons. These shall be strategically located to minimize the number of fixtures, and to avoid a patterned “runway” look. Light sources must be effectively shielded.
- No lighting is permitted within the Common Area.
- Lighting fixtures and associated hardware shall be constructed of heavy-duty materials and shall blend into the landscape.
- Colored bulbs and lenses are prohibited.

## APPROVED LANDSCAPE MATERIAL

Virgin is located in Hardiness Zones 7b (5° to 10°) and 8a (10° to 15°), but we also get frequent high temperatures exceeding 100° in our summers. The following list of plants should be checked by the Member to ensure their suitability, Front yard landscaping should generally be consistent with plants found naturally in the desert area surrounding Virgin. Some approved landscape material include the following, but other arid plant material may be considered.

### TREES

Arizona Ash	Honey Locust	Chaste Tree
Chinese Pistache	Acacia	Chitaipa
Cork Oak	Bird of Paradise	Redbud
Fan-tex Ash	Honey Mesquite	Texas Mountain Laurel
Holly Oak	Netleaf Hackberry	Arizona Cypress
Live Oak	Screwbean Mesquite	Blue Atlas Cedar
Raywood Ash	Western Mesquite	Japanese Black Pine
Red Rock Oak	Fruitless Olive	Live Oak

### SHRUBS AND GROUND COVER

Agave Species	Dorr Sage	Red Autumn Sage
Apache Pluma	Fourwing Saltbush	Sand Sagebrush Santoline
Arizona Rosewood	Fremont Indigobush	Snake Weed
Bib Sagebrush	Fruitless Olive	Spanish Broom Squawbush
Black Brush	Green Mormon Tea	Sumac Texas Ranger
Brittlebush	Mexican Bush Sage	Trailing Rosemary
Butterfly Bush	Mojave Aster	Utah Century Plant
Creosote Bush	Prostrate Baccharis	
Desert Spoon	Rabbitbush	

### PERENNIAL FLOWERS

Autumn Sage	Fou O’Clock	Pale Evening Primrose
Bear Grass	Freemont’s Peppergrass	Palmer Penstemon

Blue flax	Gazania	Phlox
Bush Penstemon	Giant Lily Turf	Pink Guara
Canaigre	Globemallow	Princes Plume
Chocolate Flower	Goldenbrush	Red Hot Poker
Columbine	Hopi Blanketflower	Russian Sage
Coneflower	Ice Plant	Salvia
Coreopsis	Indian Paintbrush	Sundancer Daily
Daylily	Lantena	Sundrops
Deer Grass	Lavender	Utah Penstemon
Desert Larkspur	Lirops	Verbena
Desert Marigold	Mexican Primrose	Yarrow
Euphorbia	Mojave Globemallow	
Firecracker Penstemon	Mondo Grass	

#### CACTI AND SUCCULENTS

Barrel Cactus	Joshua Tree	Prickly Pear
Cholla Species	Narrowleaf Yucca	Red Yucca
Datil, Banana Yucca	Ocotillo	Soaptree Yucca
Hedgehog	Pendulous Yucca	

#### PROHIBITED LANDSCAPE MATERIALS

Non native tree, shrubs and cacti that exceed 10' in height	Citrus
Fountain Grass	Desert Broom
Mulches such as bark or sand	Oleander Species
Palm Trees	Bamboo Species
Eucalyptus	

#### MISCELLANEOUS

- Landscape boulders shall be surface select of a size and color that complements the surrounding landscape and architecture.
- All disturbed areas shall employ landscape grading that approximates the existing topography of the adjacent landscape and shall also be re-vegetated in a manner consistent with the landscaping Guidelines for Rio de Si3n.
- Transition Areas shall be irrigated with an automatic underground system sufficient to maintain the health of landscape material. Native species may be removed from the irrigation system when they are appropriately established.
- Artwork/sculpture is permitted in Private Areas at the Panel's discretion and shall be generally screened from the view of adjacent properties.

#### PRIVATE AREAS LANDSCAPING

Private Areas may be landscaped with a large variety of plants that complement the architectural styling of the home and life style of the owner. **Prohibited materials in Private Areas include:**

- **Any non-native plant that has the potential to exceed 10' in height at maturity**
- **Any plant that is deemed to be invasive**
- **All varieties of Palm trees and Citrus (they attract Scorpions)**

## DESIGN REVIEW PROCESS

The Rio de Sión Design Review Process has been crafted to advocate excellence in the design and construction of custom homes at Rio de Sión, thereby enhancing value throughout the community. Building the community with a foundation of qualified design professionals and builders has afforded Rio de Sión the opportunity to implement a highly personal, quality-oriented approach to Design Review.

### ACC REVIEW

- Once all of the forms and plans are submitted and fees paid, the plans will first be reviewed by a professional Architect for compliance, with those results sent to the the ACC for their review and approval.
- Review Hearings allow opportunities for Applicants to discuss design issues openly with the Panel, and therefore avoid miscommunication between the Panel and the Applicant.
- A chairman of the ACC shall be appointed to manage the Design Review process.
- The presence of Two (2) ACC members at a Design Review Hearing comprises a quorum.
- In the event that a lot owner disagrees with the findings of the ACC, a hearing before the Board can be requested.

### DESIGN REVIEW PROCESS

**While Technical Compliance to items such as approved materials and height restrictions is relevant in gaining approval of a design, the design will ultimately be evaluated on its success in fulfilling the spirit and intent of the Rio de Sión Architectural Vision and Design Quality Attributes.** A design that is successful in this respect but violates “technical” requirements is much closer to approval than a design that misses in spirit and intent. Therefore, a design will not be rejected solely because of technical issues. Such action would imply that, if these issues were rectified, the design would be approved, and this is not the case. When a submittal is not in compliance with certain technical requirements, these will be identified to help ensure against similar shortcomings in the following submittal.

## PLAN SUBMITTAL REQUIREMENTS

### Provide the following

- Submittal Fee: A non-refundable \$500 Plan Check fee, an \$800 non-refundable fee for the Professional Architect review, and the appropriate refundable deposit (Most will be \$3000) (Checks made payable to Rio de Si3n Homeowner's Association and mailed to ERA Property Management, 201 E St George Blvd, St George, UT 84770. Please verify current fees. The 60 days for ACC approvals/rejections does not begin until all these elements are received by the ACC.
- New Construction Approval Packet
  - [New Construction Checklist](#) Filled out by Owner with New Construction Application Form (Page 22)
  - Builder's Acknowledgement of Construction Regulations (Page 28)
  - Detailed set of plans
    - 1 Full Sized Printed Plans including following
    - Site Plan that Indicates site constraints **including setbacks and curbs**, and easements. Existing and proposed Building Envelope with square footages indicated for each, conceptual drainage considerations and improvements, all proposed improvements including, but not limited to house, guesthouse, pavilions, walls, fences, terraces, walks, driveways, parking areas, patios, pools, utilities, etc.
    - Floor plan: indicate all proposed residential units or structures, clearly defining their function. Details of windows, doors, roof material and other required elements must be contained on sheets.
    - Exterior Elevations: provide scaled elevations for all sides of all structures, indicate proposed exterior materials and colors of each surface, indicate perimeter site or feature walls of any kind shown in plan and elevation, along with both natural and finished grades and top of wall elevations, indicate the elevations of roof peaks and tops of parapets, **as well as the elevation of the adjacent natural grades**,
    - Building Sections: Provide sections where relevant or per the ACC's request.
    - Roof Plan/Height Exhibit: Indicate elevations of all ridges and parapets for each roof mass (including garages and other ancillary structures), Indicate the pitch of all sloped roof masses. **Note that the height limits are above natural grade, not top of slab**
  - Sample Materials: provide color photos of all exterior materials and colors. Each photo should be clearly marked to show what material on the photo you are using. Should include stucco texture and color, trim work and detailing, roof treatment, stone type and coursing, driveway and other paving, wood treatment, window manufacturer and type.
  - Conceptual Landscape Plan 1 copy. A plant list and planting plan, including tree sizes, proposed landscape and hardscape surfaces and proposed materials, indicate location and type of lighting fixtures. Indicate vegetation that is to be salvaged and to remain in place. You may submit landscape plans at a later date for approval.
- Partial Submissions: The ACC will accept a plan for review that may be missing required details on certain exterior elements, such as a final landscaping or pool plan. If the feature is placed on the site plan with a note that "Planned XXXXXX" is part of the submission, the plan can be conditionally approved with the exception of the specific feature to be provided at a later date. When the details are provided for the feature, review of that feature will be made by the ACC without the need for another Plan Check Fee. **We will consider any plan submitted prior to occupancy as a part of the original submittal. To avoid future plan check fees, include anything you plan to build or plant on your property during the initial build process.**

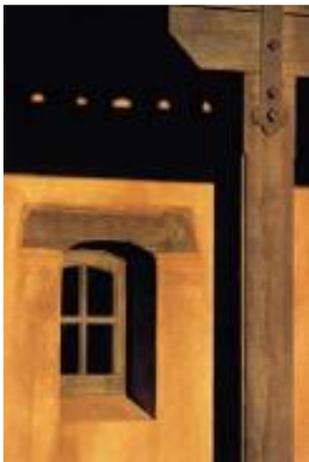
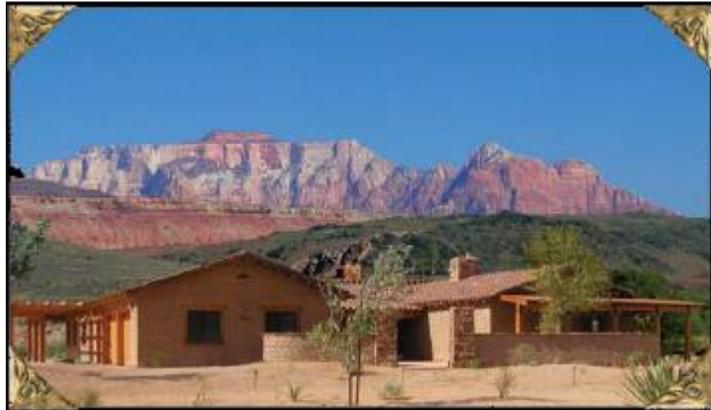
Deposit Requested Documents in Box at HOA Office Building at 561 E Entrada, Virgin UT 84779. Email [Riodesionacc@gmail.com](mailto:Riodesionacc@gmail.com) your digital files, along with a note that you have deposited your plans in the box.

Once plans have been reviewed by the ACC and conditions noted, the original set of plans will not be returned to Lot Owner/Representative, but you will receive a written acknowledgment of the conditions of the approval.



EXHIBIT B

ARCHITECTURAL DESIGN PICTURES



## MAINTENANCE OR MINOR PROJECT APPLICATION FOR ACC APPROVAL

Use this form for requesting approval of Maintenance projects that can be seen from the exterior of your property, things like repainting, replacing plants or ground cover material. Generally, these types of approvals are very limited in review by the ACC, and they will waive the \$500 Plan Check Fee. If the ACC deems the project to be complex or extensive, they will notify you that must submit additional documentation and a Plan Check Fee.

Lot Owner \_\_\_\_\_ Lot# \_\_\_\_\_

Owner Phone \_\_\_\_\_ Email \_\_\_\_\_

Description of Work to be done (Use Additional Pages if Necessary) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Who Will Perform Work? \_\_\_\_\_

Are they a licensed contractor? Yes/No Contractor License # \_\_\_\_\_ Value of Work \$ \_\_\_\_\_

Signature of Lot Owner \_\_\_\_\_ Date \_\_\_\_\_

# Construction Regulations

## INTRODUCTION

The following construction regulations shall be adhered to for all single family construction within Rio de Si3n. All builders, subcontractors, lot owners and other persons shall be bound by these regulations. At its discretion, Rio de Si3n may revoke the privilege to work in the community for violators of these regulations.

The contractor, lot owner or representative thereof shall coordinate and schedule all construction activities so as to minimize interference, interruption and nuisance to residents and guests within Rio de Si3n and at the adjacent Rio de Si3n. This includes, but is not limited to, activities that restrict the use of streets, pathways, and common areas.

## CONSTRUCTION ACCESS

Rio de Si3n is a private, restricted access community. All construction personnel must enter through the main street on El Camino Real Road and acquire temporary construction passes, which must be displayed at all times. Contractors, owners or representatives thereof shall be responsible for all damages, accidents, injuries, etc., caused by or resulting from the action and/or negligence of any persons or entities permitted access at the owner's or contractor's request.

## CONSTRUCTION HOURS

Construction activities within Rio de Si3n are allowed between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on Saturday Rio de Si3n maintains the right to amend these hours at any time. If it is necessary to conduct construction activities outside of these hours, approval must be gained prior to these activities. Call Rio de Si3n's Property Manager [at least 48 hours before the exception begins](#) at (435) 628-3950 to coordinate. If this is not worked out in advance, contractors will be asked to leave, and if they do not willingly comply the violation fines will be doubled.

No construction activities will be allowed on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. Rio de Si3n maintains the right to proclaim additional days as non-work days.

## PROTECTION OF NATURAL DESERT

At no time shall lot owner or contractor trim or remove vegetation for the purpose of creating view corridors or otherwise. Rio de Si3n reserves the right to require additional trees to be planted if it deems that trees were removed or trimmed for purposes other than the health of the tree, or without approval. The lot owner must comply with all Town of Virgin regulations regarding native plant protection. Common areas are to remain undisturbed unless authorized by the ACC.

## SIGNAGE

A "builder" sign containing lot number, address, and builder and architect information is required for identification purposes for each site. Upon receipt of a building permit, the sign should be placed in a conspicuous location towards the front of the lot. As well, attractive, well-kept signs indicating jobsite rules may be placed in a location

interior to the site and relatively inconspicuous from the street. Additional address identification, subcontractor, supplier or other signage is expressly prohibited.

## INSPECTIONS

Rio de Sión reserves the right to inspect single-family construction sites at any time during the construction process. It is the responsibility of the contractor to adhere to approvals gained through the design review process and to abide by construction site regulations. The contractor must pursue changes from the approved design in writing.

### INSPECTION FOR FINAL APPROVAL

An inspection is required for Final Approval of improvements. All exterior finishes, sitework, landscaping and hardscape should be complete at this time and the site should be in its final presentation state. Rio de Sión may reimburse the Construction Deposit upon Final Approval. The Inspection for Final Approval will focus on several areas:

- Adherence to technical requirements of the Design Guidelines (i.e.- minimum 2.5" window recesses, lighted mailbox number, finishes continued to grade, no imported granite, no non-native plant material in visible areas, etc.)
- Adherence to Approved Design (materials selections, quality of installation per the approved sample wall, execution of specific conditions resulting from the Design Review Process, etc.)
- Site condition (site clean and free of debris, were common areas/shoulders disturbed by parking or other construction activity, have graded areas been comfortably transitioned to natural desert areas, were desert areas outside of approved envelope disturbed, etc.)
- Maximum Height verification- provide engineer's certified verification of ridge and parapet elevations to assure compliance to maximum heights.

## FIRE SAFETY

As the natural desert is a delicate commodity, Rio de Sión will aggressively inspect and enforce the following Fire Safety regulations. Rio de Sión reserves the right to a "zero tolerance" approach, and at its discretion, can ban contractors, sub-contractors, suppliers or other personnel from the site for violation of the following regulations:

In the event of a fire, immediately call "911" for emergency assistance.

- All construction sites are required to have at least two fully charged fire extinguishers on-site at all times.
- All personnel engaging in spark-producing activities such as welding or grinding, are required to keep a minimum of two five-gallon buckets of water and a charged, working fire extinguisher (seven pound minimum) within ten feet at all times.
- Construction vehicles are required to have a minimum of one charged, working fire extinguisher (seven pound minimum) on board at all times.
- Any contractor or agent thereof that does not observe the Fire Safety Rules will immediately lose their right to work within Rio de Sión.

## CONSTRUCTION SITE

- Construction Trailers: Construction trailers may be used for field offices or for storage with prior approval. Any contractor who desires to set up a construction trailer shall indicate the location, size, color, graphics, temporary utility locations, etc. on the construction area plan for approval by Rio de Sión prior to installation of such facilities.
- Storage: All materials, tools, supplies, and equipment shall be neatly stacked.
- Sanitary Facilities: Contractors or Owners shall be responsible for providing drinking water and adequate sanitary facilities for construction workers. Portable toilets shall be located on the lot and remain there until all construction activities are complete. Portable toilets must be maintained on a regular basis.

- **Parking Area:** Vehicles shall be parked so as to not inhibit traffic or cause damage to the natural landscape. The north and west sides of the streets will be designated for the overflow construction parking. The repair or replacement of damaged plant material and irrigation lines adjacent to or near the lot will be considered as a condition for Final Approval.
- **Debris and Trash Removal:** Construction sites shall be maintained in a safe, clean and orderly condition at all times. Each site must have a commercial style dumpster capable of holding at least one week's worth of construction debris. Contractors shall clean up all trash and debris on the construction site, facing streets and gutters, and adjoining lots at the end of each day, and cover the dumpster.. Nails and screws left in the streets cause flat tires of neighbors, and you may be held responsible. Contractor must have dumpsters emptied before they get full, and will be responsible for any blowing trash from the site. Contractors, Any violation of any of these provisions subject you to a violation. Owners or representatives there-of are prohibited from dumping, burying, or burning trash anywhere within Rio de Si3n.
- **Streets and curbs:** The streets must be kept clean of debris or construction materials, and gutters must be kept clean. Short term storage of 3 days or less for landscape or large member deliveries are permissible. If you are going to need more time, coordinate that request with the Rio de Si3n Property Manager. Contractor is responsible for final cleaning of street from construction debris.
- **Dust and Noise Control:** The lot owner or representative thereof shall be responsible for controlling dust and noise from the construction site, including watering when excavation is being done.
- **Security:** The contractor for each site is responsible for securing their own tools and materials.
- **OSHA Compliance:** It is the responsibility of the contractor to understand and observe all applicable Occupational Safety and Health Act (OSHA) regulations and guidelines during the entire course of construction.

## PERSONNEL

- The lot owner or representative thereof will be responsible for the conduct and behavior of builders, agents, representatives, contractors and subcontractors per the following regulations:
- All construction personnel shall maintain their appearance and conduct in an appropriate manner.
- Workers shall not interfere with, nor create a nuisance for, any resident or guest of Rio de Si3n, or interfere with the use and enjoyment of the facilities and amenities in Rio de Si3n  
Loud radios and music, horns, fireworks, and other unnecessary noise-producing objects are prohibited. Radios are limited to volume that can be heard greater than 50' from the source are a violation.
- Absolutely no pets, children, alcoholic beverages, illegal drugs, firearms or other weapons are permitted on any construction site in Rio de Si3n at any time. Violators will be subject to permanent eviction from the project and possible legal prosecution.
- Speeding and reckless driving will not be permitted. A maximum speed limit of 25 mph shall be observed at all times.
- Concrete suppliers, plasterers, painters or any other subcontractors cleaning their equipment on-site in other than a designated area is prohibited. Runoff and debris from cleanup must not extend beyond the limits of disturbance.

## ENFORCEMENT OF CONSTRUCTION REGULATIONS AND FINES

As Per Utah §57-8a-208

Construction Activities have the greatest potential impact to residents in Rio de Si3n. Because of this impact, special enforcement rules apply, and it is understood and agreed that fines will be assessed differently than outlined in the Rio de Si3n Rules. It is the responsibility of both Owners, Contractors, and Subcontractors to understand and enforce these rules. These are the enforcement processes that will govern violation of these Construction Regulations. This policy will not be effective until March 25, 2024 to give you time to work it out with your subcontractors.

- Contractors operating under approval of a Major Construction ACC Approvals will be enforced based on their compliance within the entire HOA community on all lots, not for violations incurred on a single member's lot.

- Complaints directed to the HOA Property Manager from any member will result in an investigation by the ACC and/or Board. Upon finding of a violation by the Board, the following Enforcement Guidelines will generally be followed:
- **First Offense by a Contractor in the Community for a specific violation**-The Contractor will receive a verbal or written notice of the Rule Violation.
- **Second Offense by a Contractor in the Community for a second violation for the specific offense** will incur a fine of \$250.
- **Third Offense and each thereafter by a Contractor in the Community for a third violation for the specific offense** will incur a fine of \$500.
- Violations that are not cured within a reasonable time as determined by the Board may result in escalation of the fine amounts and may recur until the violation is corrected.
- It is understood that both the Lot Owner and the Contractor will be notified of fines, but the fine will be the responsibility of the Lot Owner.
- Fines must be paid within 30 days from the Notice Date. Fines are not to be “forfeited with the construction deposit-, it must remain intact at the original amount.
- For violations determined to be egregious by the Board, or actions that require outside contractors to remedy the issue, or legal action, the Contractor and Owner will also be responsible for the full amount of costs incurred by the Association in addition to any fines.
- It is understood by the Board that this policy may appear to be unfair to a new owner that is fined for the first violation on their lot at \$500 or more, but it is the Owner’s responsibility to investigate the background of the Contractor they hire and determine if the Contractor has other violations in the community.

EXHIBIT A

ACKNOWLEDGEMENT OF CONSTRUCTION REGULATIONS

CONTRACTOR: \_\_\_\_\_ LOT# \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ PHONE#: \_\_\_\_\_

I acknowledge that I have read and that I understand the Construction Guidelines for Rio de Si3n. I commit to observe these regulations, and realize that the community has the authority to halt construction activities at my site for violations of these requirements, or restrict access to the community to violators of these requirements. I acknowledge that all suppliers, subcontractors, and consultants for this project are my responsibility, and therefore, I will ensure that they understand and abide by these regulations. I understand that it is my obligation to the marketing efforts of the community and to residents of Rio de Si3n to keep an orderly, clean, and safe job site at all times. My personnel will regularly assess the condition of the site and take measures to rectify unsightly conditions.

GENERAL CONTRACTOR SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

OT OWNER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Rio de Sion New Construction Architectural Committee Checklist**

This Checklist is a simplified reference for New Construction Application submittal only

Please refer to the Architectural Design Guidelines or CC&Rs for complete definitions and specifications of Design Restrictions. Page numbers are in reference the ADG for more details. Owner to fill in all info.

Owner Name \_\_\_\_\_

Lot # \_\_\_\_\_

Owner Phone \_\_\_\_\_

Date Submitted \_\_\_\_\_

Line #	ADG Pg #	Standard and Owner Action	Owner Action	Owner Notes
1		Square Footage of Living Area-(Enter Square Footage of Home)		
2	9	Only Permitted Structures (Yes/No)		
3	9	Meets Minimum Area for Lot (Living Area SF/Min Requirement for Lot )		
4	10	Meets Setback Area Requirement (Yes/No)		
5	10	Building Height-(Enter Height from grade to highest point of roof)		
6	10	Natural Grade Determination (How do you define Natural Grade)		
7	10	Meets Architectural Style Guidelines (Yes/No)		
8	11	Sheet Metal colored or painted (Yes/No)		
9	11	Façades and Massing Compliant (Yes/No)		
10	11	Stone and adobe run from grade to eaves (Yes/No)		
11	11	Pitch of Roof (Enter Pitch of Roof)		
12	11	Roofing material (Type Material)		
13	11	Rough Sawn Exposed Rafters (Yes/No)		
14	12	25% of Living Area for Covered Patio-(Enter Plan Covered Patio SF)		
15	12	25% of Covered Patio in Front-(Enter Plan Front Patio SF)		
16	12	Windows & Doors Recessed (Enter inches of recess)		
17	12	Wood Headers or Keystones on Front and Sides(Yes/No)		
18	12	Windows Specified and Compliant (Yes/No)		
19	13	Garage Doors Recessed Min 12" (Yes/No)		
20	13	Colors specified with samples (Yes/No)		
21	13	Walls/Fences Material (Enter Material)		
22	13	Fences/Walls Compliant (Yes/No)		
23	14	Building details Compliant (Yes/No)		
24	14	No Prohibited Structures (Yes/No)		

Line #	ADG Pg #	Standard and Owner Action	Owner Action	Owner Notes
25	14	Solar Plan Attached (Yes/No)		
26	15	Propane Tank Buried (Yes/No)		
27	15	Driveway Material and Color (Enter material and color)		
28	15	Driveway Parking (# of vehicles can be parked on driveway)		
29	15	Mech Equipment Screened (Yes/No)		
30	16	Drainage Plan Indicated on Plans (Yes/No)		
31	16	Landscape Plan for Front Yard (Yes/No)		
32	16	Landscape Plan for Back Yard or Wall Detail (Yes/No)		
33	17	Outdoor Lighting Dark Sky Compliant (Yes/No)		
34	17-19	No Prohibited Landscape Materials (Yes/No)		
35	17-19	No Palm Trees or Citrus Anywhere (Yes/No)		
36	21	\$500 Application Fee, \$800 Architect Fee, and applicable Deposit (How paid?)		
37	22	New Construction Application Form Attached (Yes/No)		
38	28	Builder Acknowledgement of Rules Attached (Yes/No)		
39	21	Site Plans (Initial)		
40	21	Landscape Plans (Initial)		
41	21	Floor Plan (Initial)		
42	21	Exterior Elevations (Initial)		
43	21	Roof Plan/Height Exhibit (Initial)		
44	21	Digital PDF of all plans emailed (Yes/No)		
45	21	Sample Materials Photos (Initial)		

**Owner Certification**

I request the ACC to review my plans for an approval. I understand that the approval will be good for 12 months from the date of the approval, after that a new application will be required. I also give the ACC permission to enter the property for inspections up until Final occupancy is approved by the ACC.

Please specify who the ACC should communicate with during the Review Process.

\_\_\_ Owner \_\_\_ Builder \_\_\_ Other \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_\_

Owner Signature

\_\_\_\_\_ Owner Email \_\_\_\_\_

Owner Name