Section 8. Site Committee - Liability Neither the Site Committee nor any member thereof shall be liable to the Association or to any Owner or project committee for any damage, loss or prejudice suffered or claimed on account of (1) the approval of any plans, drawings and specifications, whether or not defective; (2) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (3) the development, or manner of development, of any property within Teton Cascades Subdivision, or (4) the execution and filing of an estoppel certificate pursuant to Section 7 of this Article, whether or not the facts therein are correct, provided, however, that such member has, with the actual knowledge possessed by him, acted in good faith. Without in any way limiting the generality of the foregoing, the Site Committee, or any member thereof, may, but is not required to, consult with or hear the Association or any Owner with respect to any plans, drawings or specifications, or any other proposal submitted to the Site Committee.

ARTICLE VI
DESIGN STANDARDS

Section 1. General Standards. The following standards and Restrictions are applicable to the construction, remodeling, alteration and exterior refinishing or any and all improvements and site preparation upon each Lot, and shall be reflected in the Site Committee Rules

Section 2. Design Character

A. All improvements shall be of new construction Prebuilt, component, or modular construction shall not be permitted.

B Exterior materials shall be new material, except for architectural detailing, which may utilize used materials, provided, however, that used materials may be approved for barns and other outbuildings

C. Exterior finishes shall be semi-transparent or heavy bodied stains, or pigmented or clear non-glossy preservatives Glossy painted finishes shall not be permitted. All exposed metals shall have a dull colored finish, or shall be flat color anodized or painted.

D Exterior colors shall be subdued Color samples, on pieces of all exterior materials and roofing materials to be used, shall be submitted to the Site Committee for approval

Section 3. Building Design

A. Not more than one single-family residence shall be constructed on any residential site A detached guest house, garage facilities and associated outbuildings, not to exceed a total of three structures, may be permitted if of similar design character to the Principal Residence

B. The floor area of any single family residence shall be not less than 2,500 square feet, nor more than 6,000 square feet, exclusive of a garage, carport or unenclosed porches or decks. Each principal Residential Structure shall have as a minimum an attached or detached two-car garage. Guest houses shall comply with the requirements of the Teton County Comprehensive Plan as it shall exist from time to time. With site committee approval, a variance may be granted to permit not more than 8,000 square feet in the residence, if the site committee in its sole discretion, determines that it will not be detrimental to the subdivision aesthetics.

C. The maximum building height of any Structure shall not exceed 20 feet All heights shall be measured at any cross section of the Structure from undisturbed original grade to the highest point of the Structure immediately above Minor projections, such as chimneys or other structures not enclosing habitable space, but not including solar collectors, shall not be excluded in determining the maximum height If the chimneys are designed to become a significant feature of the residence, they shall be limited to twenty feet in height

ISSUE #1

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. TETON CASCADES SUBDIVISION (p. 8, 9): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter (39.37 inches) or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant. Under 47 C.F.R. § 1.4000(a)-(b), associations may only restrict installations on shared/general common elements, dishes exceeding 1 meter in diameter, or where necessary for a specific documented safety objective (§ 1.4000(b)(1)) or a National Register of Historic Places site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:
Utblies shall bo inslalled underground No antenna or satellito dish shall satl bo no visic foor anteot Lol so shat it is visible from any other lol and ther

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000), subject only to restrictions on shared common elements, dishes exceeding one meter in diameter, documented safety objectives (§ 1.4000(b)(1)), or historic preservation requirements (§ 1.4000(b)(2)).