

Lake Creek Farms Homeowners Association

Architectural Control Guidelines

ADOPTED BY THE HOA BOARD ON 8/1/2013

Introduction

Article VI of Lake Creek Farms' Declaration of Covenants, Conditions, Restrictions and Management Policies (CC&Rs) outlines some very basic architectural guidelines for the subdivision.

In part, Article VI reads: "All single family dwellings must be a minimum of 1200 square feet of living space on the main level for two story homes, and 1800 feet for rambler style homes (exclusive of porches, patios, and garages). All barns and outbuildings must be designed to be compatible to the development. All building plans, elevations, and materials are subject to review and approval of the Architectural Control Committee."

In an effort to provide property owners more specific architectural guidance earlier in the process of design, these guidelines have been developed and approved by the Board of Directors.

These Architectural Control Guidelines were first adopted in 2013 – nearly two decades after the first homes were constructed in Lake Creek Farms. Not all structures currently in the subdivision conform to these guidelines. The presence of these structures should not be construed as a precedent for future approvals – nor should these newer guidelines be viewed as a criticism of homes constructed during earlier phases of the subdivision's history.

Clearly, the notion of what is compatible with the neighborhood has evolved over time.

Throughout its history, Lake Creek Farms has been one of the premier neighborhoods in Wasatch County. Architectural design and materials have been of the highest quality and aesthetics. In the recent history of Lake Creek Farms, new homes have generally featured elements reflective of high end mountain homes: Strong timber frame elements and moderate to high pitched roofs, natural and quality fabricated stone, and colors that blend with the surrounding environment.

While there is obviously room for diversity within the neighborhood, Owners who would like to design a home or structure that differs substantially from this basic style should present their concept to the ACC before incurring substantial expenses for design and engineering. Homes that do not convey a high quality appearance compatible with the development or those that make a bold and/or radical architectural statement inconsistent with the character of the neighborhood may not be approved by the committee.

Architectural Control Guidelines

The following are the ARCHITECTURAL CONTROL GUIDELINES as they exist in the recorded CC&R's and as adopted by the HOA board. Sections marked with an asterisk are taken verbatim from the CC&Rs. All other sections are as adopted by the HOA board. The sections are numbered for purposes of these Guidelines, but a reference to where the paragraph is found in the CC&R's (if applicable) is included at the end of the section. If additional language has been added to a paragraph found in the CC&R's it is put in italics to distinguish between the two.

Section 1. Size of Homes and Buildings. All single family dwellings must be a minimum of 1200 square feet of living space on the main level for two story homes, and 1800 feet for rambler style homes (exclusive of porches, patios, and garages). All barns and outbuildings must be designed to be compatible to the development. All building plans, elevations, and materials are subject to review of the Architectural Control Committee. [Article VI, Section 1 of the CC&Rs]

Section 2. Residential Use. Each Lot shall be occupied and used by its Owner only as a private residence dwelling for the Owner, his family, tenants, and social guests and shall further conform to applicable zoning ordinance requirements of Wasatch County. [Article VI, Section 2]

Section 3. Building. All home construction will be subject to a county building permit. Upon the request for a building permit, builders will submit a plan, approved by the Architectural Control Committee, to the Wasatch County Building Department. [Article VI, Section 3]

Section 4. Setbacks. The owner will follow the County Ordinance in its requirement of setbacks from roads and property lines. [Article VI, Section 4]

Section 5. Exterior Materials. All exterior colors, materials and surfaces must be approved by the Architectural Control Committee.

Earth tones are strongly encouraged. Bright or dramatic colors must not be used as primary exterior colors.

Allowable exterior surfaces include: Natural wood (cedar or redwood) siding, wood shingles, stucco, cementitious siding and shingles, stone, rock, brick, and composite stone.

Single family dwelling structures shall have a minimum of 30% stone or rock on any exterior wall that fronts a street. Any other proposed building materials must be approved by the Committee, which can reject any other building material, at its discretion, for any reason.

No vinyl or aluminum siding will be allowed.

Section 6. Roofs. Care and consideration should be given to snow and ice sliding from roof areas and snow and ice accumulation and the associated weight and roof leakage problems. Care and consideration should also be given to fire prevention. All roof materials shall complement the design and encourage compatibility with the surrounding environment. All roof colors and materials must be submitted to the ACC for approval. The following materials are approved for roofs: Tile, slate, cedar shake, cedar shingles, wood shingles, or architectural grade asphalt shingles having at least a 25-year guarantee.

The primary roofs of all dwellings, outbuildings, guest houses, casitas and studios must be a minimum of seven/twelve (7/12) pitch; roofs of an eight/twelve (8/12) to ten/twelve (10/12) pitch are strongly encouraged. The ACC may approve different pitches for aesthetic considerations or to facilitate height restrictions.

Section 7. Soffits, Fascia and Rain Gutters. Aluminum, cementitious, or metal siding may be used only on soffits or fascia. Fascia must be at least 6 inches (6") in width. Aluminum or other metal rain gutters may be used. All trim materials and colors must be approved by the Architectural Control Committee.

Section 8. Chimneys and Vents. Chimneys must be enclosed and no exposed metal flues are permitted.

Section 9. Garage Design. Each residence shall have an attached garage of no less than two bays. Property owners are strongly encouraged to minimize the visual effect of large garages by using a side-entry plan or placing the garage towards the rear of the house. Three-car garages that face the roadway shall be avoided whenever possible. Front-facing garages with more than two (2) bays must offset the additional bay doors.

Section 10. Carports. Carports are prohibited.

Section 11. Driveways. For all plans approved after August 1, 2013, each garage shall be serviced by a driveway that extends to the street, constructed of concrete, asphalt or comparable materials and placed on properly compacted earth, of sufficient width to park two vehicles side-by-side. The driveway shall be completed prior to timelines for front and side yard landscaping outlined in Section 32.

The Owner shall be responsible for maintaining the driveway in reasonable repair.

Section 12. Parking. All permanent parking will be confined to the individual Lots, not on road right-of-ways or common areas. [Article VI, Section 5]

Section 13. Outbuildings. All barns and Outbuildings must be designed to be compatible to the development. The ACC must approve all Outbuildings prior to the commencement of construction. All Outbuildings must be sited according to Title 16, Wasatch County Code. The building materials must be consistent with the materials used on the Dwelling and the roof materials and pitch must be the same as the roof materials and pitch used on the Dwelling. The location of Outbuildings must not detract from the Dwelling; the siting of the primary Dwelling should always be the focus. The ACC will approve the height and size of each Outbuilding based on its siting and proportion to the primary Dwelling.

Section 14. Landscaping. As described in Section 32, landscaping plans shall be submitted to the architectural control committee with the plans and specifications for the residence. Lot owners should carefully consider the preservation of any natural vegetation and existing trees on their Property. Each lot within Lake Creek Farms has sufficient irrigation water for .25 acres of irrigated lawn. This irrigation water limitation should be taken into consideration in landscape planning. Supplemental water shares may be available for purchase from water agencies by property owners who desire to utilize more water.

Section 15. Fire Mitigation. Lake Creek Farms is a rural subdivision, surrounded by native vegetation. Wasatch County Fire officials have emphasized to the Board that encouraging property owners to create “defensible space” around each home is – by far – the best fire mitigation strategy for our neighborhood. Property owners are encouraged to consider defensible space fire mitigation guidelines in their landscaping plans and ongoing maintenance.

Property owners have permission to remove dead gambel oak from common areas. Approval from the Board of Directors must be received before removing live vegetation from the Association’s common areas. If property owners would like to remove live gambel oak or other vegetation in common areas, they must submit a specific plan for removal to the Board.

Section 16. Solid Waste. Solid waste will be removed from each individually owned lot by owner placing it on an approved location the entrance of the Lot, in an approved container, to be collected on a scheduled basis by a designated waste collection company. Solid waste left around individual lots or piled in an unsightly manner is not allowed. [Article VI, Section 6]

Section 17. Satellite Dishes and Solar Panels. Any satellite dishes larger than 3 feet in diameter must be located and screened in a manner approved in advance by the ACC so that they are not directly visible from any adjoining Lot at ground level. Solar panels will be permitted only with consent of the ACC.

Section 18. No Oil or L.P. Gas Tanks. The primary heat source for all structures and improvements shall be solar, natural gas delivered by pipeline or electric heat. Except for temporary periods during construction of the structure, no heating oil, propane, butane, or other bulk fuel storage may be installed or utilized on the property. Liquid propane or fuel oil tanks for secondary fuel sources may be safely buried below ground in accordance with County regulations.

Section 19. Unsightly Storage and Materials. So as to preserve and protect the appearance of the development all unsightly objects such as trash piles, broken or unfinished buildings, worn out or unused vehicles, commercial equipment [added 8/1/2013], broken or inappropriate fencing, and or any other unsightly objects which devalue the surrounding area are not allowed. Individual Lots are not to be used as storage areas. [Article VI, Section 7]

Section 20. Alteration. No Owner shall make structural alterations or modifications to his Lot and dwelling or other exterior attachments, antennas (other than regular TV antennas), signs (except property for sale signs), or advertising devices without the prior written approval of the Architectural Committee. The Committee shall not approve any alteration, decorations or modifications which would jeopardize or impair the soundness, safety or appearance of the development. [Article VI, Section 9]

Section 21. Improper Activities. No unlawful activities shall be carried on in any Lot or upon the Common Areas, nor shall anything be done which may be a nuisance to the Owners. No Owner shall store any dangerous explosives or inflammable [sic. This should read "flammable"] materials either in his dwelling, on his Lot, or upon the Common Areas, or permit anything to be done or to keep or permit to be kept in his dwelling, on his Lot, or on the Common Areas anything that will increase risk within the development. [Article VI, Section 10]

Section 22. Fencing. Fencing other than that designated by the developer and/or the Architectural Committee is not permitted. [Article VI, Section 11]

***Additional elaboration:** All fencing material shall be vinyl, wood, or architectural metal. Fencing shall be uniform and will conform with County fence requirements. No chain link fencing is allowed. Given the open nature of the subdivision, except in the case of swimming pools, privacy fencing is discouraged.*

Fencing is subject to review by the ACC prior to installation. Fences must be well-maintained.

***Swimming Pools.** The environment surrounding a pool should be safely enclosed to prevent accidents. Fencing surrounding swimming pools presents special circumstances. Swimming pool fencing must comply with Wasatch County ordinances.*

Section 23. Use of Common Areas. The Common Areas shall not be used for storage of supplies, personal property or trash or refuse of any kind. The use of motorized vehicles on the common areas

must be approved by the Homeowners Association. Entrances, sidewalks, yards, driveways or parking areas shall not be obstructed in any way nor shall unauthorized persons use them for other than their intended purposes. [Article VI, Section 12]

Additional elaboration: *Disposal of yard waste or other refuse in the common areas is not permitted.*

Section 24. Animals. Owners desiring to keep animals on their Lots must be approved by the Architectural Control Committee as to the number and types of animals they wish to keep. Guidelines established by the developer are as follows: No wild or dangerous animals shall be kept within the development. No cows or swine are allowed. Sheep, goats, ostrich, llamas, etc. as a substitute for an equivalent number of horses will be approved by the Association. The number of horses allowed: 1-2 acre lots (3 horses), 2-3 acres lots (4 horses).

The construction of shelter facilities for all animals, including stomp lots required for horses, must be approved by the Architectural Control Committee. Stomp lots shall have a soil berm or a concrete wall constructed on the down gradient of the lot (see typical stomp lot layout, attachment A), that will result in the stomp lot containing the runoff from a 24 hour 10 year storm event. All stomp lots shall be cleaned at least in the May-June and September-October period.

Watering facilities for animals shall be located within the area of the stomp lot and approved by the Architectural Control Committee. In approving water facilities the committee shall determine that the proposed watering facility has a water control feature to prevent overflow and is located on a concrete base surrounded by a gravel area of not less than 10 feet.

Barbed wire fences shall not be used to confine animals. The storage of hay shall be restricted to an area behind residences of at least ten feet from neighboring lot lines. [Article VI, Section 13]

Section 25. Construction Timing. The construction of the Dwelling shall be completed within a period of twelve (12) months following the commencement of construction (the initial excavation for footings, foundation or retaining walls). Exterior construction may only take place between 7:00 a.m. and sunset. Every reasonable effort must be made to mitigate noise, dust, debris, and not to inconvenience neighbors in the construction process.

Section 26. Amendments. The Board of Directors may, from time to time, adopt, amend, and repeal rules and regulations to be known as "Architectural Control Guidelines." It is the responsibility of the property owner or his/her design team to ensure that they are working from the most current version of this document.

Section 27. Additional Restrictions. These guidelines shall interpret and implement the provisions of the CC&Rs by setting forth the standards and procedures for the review and approval of proposed Improvements; guidelines for architectural design and placement of any work or Improvement; or color schemes, exterior finishes, and materials; and similar features that are recommended for use within the Property, provided that said guidelines shall not be in derogation of the minimum standards required by the CC&Rs. In the event of any conflict between the Architectural Control Guidelines and the CC&Rs, the CC&Rs shall prevail.

Section 28. NonCompliance. [NOTE: THE HOA WILL BE ADDING A SECTION ON NONCOMPLIANCE PROVISIONS – LANGUAGE TBD]

Architectural Review Process

Section 29. Structures and Improvements Requiring ACC Approval. Any residence, garage or outbuilding, solar panel, sign, fence, retaining wall, swimming pool, tennis court, landscaping improvement or other improvement constructed, added, erected, placed or maintained on any Lot in the Development must be approved by the Architectural Control Committee prior to the commencement of any construction, excavation or other work.

Section 30. Approval Process. Approval of architectural plans within Lake Creek Farms requires two steps:

- 1) Receive approval of the Architectural Control Committee.
- 2) Secure a building permit from Wasatch County. Wasatch County will not issue a building permit in Lake Creek Farms without the ACC's advance approval.

No construction of any kind shall take place without these two approvals.

Securing approval from the Architectural Control Committee requires compliance with sections 31, 32, and 33.

Section 31. Dwelling and Outbuilding Plans and Specifications. Plans must be submitted to the ACC in the following manner. The property owner may opt to submit either two sets of written plans or an electronic version. One copy will be retained by the ACC and, upon approval, the other copy will be stamped as approved and returned to the property owner.

- A) Complete dated and stamped (by a licensed architect or engineer) plans and specifications for any proposed construction, remodeling, or alterations of a Dwelling, Outbuilding, or Improvement. The plans should include:
 - front, side & rear elevations;
 - floor plans for each floor and basement, including square footage of each floor;
 - finish floor elevations.
- B) Site plan together with topography and elevations that indicates the placement of any proposed Dwellings and Outbuildings on the lot.
- C) A detailed written description of proposed exterior materials including colors, roof, walls, trim and porch, etc.
- D) A set of colored renderings or photographs or brochures, paint color chips, etc. must be submitted to the ACC. These may be: mounted on a board, packaged in a large envelope, or submitted electronically.
- E) An acknowledgement by the Owner (see attached).

Section 32. Landscaping and Improvements Plan. A conceptual plan for all improvements including, but not limited to landscaping, automatic sprinklers, hard surface areas, fencing, and outdoor lighting, and a list of building materials used must be submitted to the ACC for approval, either at the same time building plans are submitted or no later than thirty (30) days prior to the date when the Owner plans to

begin to install such Improvements. This is to allow time for review and possible revision. The Plan should include placement of trees, plantings, grass, hard surface materials and layout, fencing, and all other appropriate detail. Trees and shrubs should be identified by name and size. Owners should take into consideration the mature size of all trees and plants and the eventual impact on neighbors' views.

Owners are required to construct driveways of suitable construction materials, including concrete, asphalt, pavers, or other road-quality materials. Driveway and walkway materials should be detailed in the Plan, if not already constructed. See section 11: Driveways for more detail.

Construction may not begin without written approval from the ACC.

IMPORTANT NOTE: Each lot within Lake Creek Farms is accompanied with sufficient irrigation water to irrigate solely .25 acres of traditional grass lawn. Landscape plans should consider this water limitation or specify from where the Owner will obtain additional water rights.

Timeline for Submission of Landscaping Plans. Landscaping plans may be submitted and implemented in total or in two phases. Landscaping of front and side yards visible to the street are of primary concern to the Association and must be completed on the shortest timeline.

Phase 1: Front and Side Yards. Front and Side yard landscaping, including sprinkling systems, trees, plant material, grass, and hard surfaces, must be complete within nine (9) months from receipt of the Certificate of Occupancy. Side yards in this instance are calculated as being half the distance from the front corner of the home to the back corner of the home, with the exception of corner lots, which are required to have the entire exposed side yard completed within the phase 1 time requirement.

Phase 2: Rear and Remaining Side Yards. Landscaping in the back yard and remaining side yard areas, including sprinkling systems, trees, plant material, grass, hard surfaces, recreational areas, etc. must be completed within twelve (12) months from receipt of the Certificate of Occupancy.

Section 33. Timeline for Approval of Architectural Submissions. Once these materials have been properly submitted to the ACC or the Board of Directors of the Association, the Association's CCRs (Article IX) state that: "In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with."

THE FOREGOING ARCHITECTURAL DESIGN GUIDELINES ARE HEREBY FORMALLY ADOPTED BY THE BOARD OF LAKE CREEK FARMS HOMEOWNER'S ASSOCIATION this 1st day of August, 2013.

Erik Felsted
Boardmember

Michael Cole
Boardmember

Kimberly Gilboy
Boardmember

Lake Creek Farms Homeowners Association
Acknowledgement by the Owner
To be Submitted to the Architectural Control Committee with the Plans and Specifications
Form approved August 1, 2013

Plans and specifications should be submitted to:

Kimberly Gilboy, Secretary/Treasurer
Lake Creek Farms Homeowners Association
1530 Palomino Circle, Heber City, UT 84032
kim@4specs.com
801-472-6767

Date received by LCF ACC: _____

By signing this document, the Owner acknowledges, agrees and warrants:

- That he has read the Declaration of Covenants, Conditions, Restrictions and Management Policies (CC&Rs) of the Lake Creek Farms Homeowners Association Inc.;
- That he has read the Architectural Control Guidelines of the Lake Creek Farms Homeowners Association approved August 1, 2013;
- That the completed Structure or Improvement will comply with the CC&Rs and the Architectural Control Guidelines;
- That the completed Structure or Improvement will comply with the attached plans and specifications;
- That any amendments to the attached Plans and Specifications will be approved by the Architectural Control Committee prior to construction.
- That he will pay the Committee's costs of reviewing the Plans and Specifications; and a review fee of \$100 for primary dwellings and \$50 for outbuildings.
- That, in addition to any other remedy that they may have, he will pay any costs incurred by the Declarant, Association, Committee, or other Owners as a result of failure to build in accordance with this Declaration, the Plans and Specifications, including court costs and attorney's fees incurred by the Declarant, Association, Committee, or other Owners in enforcing this Declaration.

Signed:

Owner(s)

LCF HOA

Printed Name(s):

Printed Name:

Date

Date