



EMIGRATION OAKS PROPERTY OWNERS ASSOCIATION

NEW HOME CONSTRUCTION

Dear Lot Owner:

This packet is designed to assist you in expediting the approval of your construction plans. It contains a description of the process, payment, and paperwork needed to begin the architectural review process. Contact information for those responsible for new home construction in Emigration Oaks is at the bottom of this letter. A separate sheet for your contact information and that of your general contractor is attached as Appendix A. If a problem arises or we have any concerns, we will try to contact both of you. Please return this contact information sheet with your submission.

New home construction in the Emigration Oaks Property Owner's Association (the Oaks) is governed by the Conditions, Covenants and Restrictions (CC&Rs) recorded on the property as well as by the related policies and procedures enacted by the Board of Trustees for the Oaks. The purpose of these restrictions, policies and procedures is to enhance and protect the nature and character of the development as a mountain community by regulating various aspects of construction. We appreciate your help in following these provisions and thus preserving the qualities which make the Oaks a desirable place to live.

You should have received a copy of the CC&Rs when you purchased your lot. A brief description of the CC&Rs related to new construction is attached as Appendix B. This brief summary is only intended to raise awareness of the restrictions applicable to new home construction and is not designed as a complete nor authoritative substitute for the CC&Rs. A complete copy of the CC&Rs can be found at www.emigrationoaks.org.

The process for reviewing new home construction requires the submission of the following:

1. Plans for the design of the home.
2. A partially refundable security deposit.
3. Completed and signed paperwork.

The plans to be submitted should include specific information on site plans, square footage, set backs etc. We then have 30 days to review your plans although typically two or three weeks is sufficient if no problems are encountered. A complete list of the information to be included is attached as Appendix C. If you have questions about the plans and what is required or want some guidance on what would be permitted before submitting your plans, please contact our architect, Mimi Locher, at (801) 364-1396 locher@arch.utah.edu.

You should also submit a check for \$15,000 made out to Emigration Oaks Property Owners Association (EOPOA) for the security deposit. The purpose of this deposit is to provide some assurance that construction will be in accordance with the applicable restrictions and to provide security in case the association is required to repair damage caused by construction activities. With the exception of \$500 used to cover the costs of the architect, the remainder is refundable upon successful completion of the final inspection at the end of construction.

Appendix D is a list of conditions that must be met during construction. This form requires the signature of your general contractor acknowledging that he is aware of the conditions and that he will abide by them. While we ask that contractors acknowledge these conditions and request that you provide them a copy, as a private association the Board can only penalize members of the association for violations. Therefore, it is up to the lot owner(s) to ensure that their contractors are meeting all requirements.

Once you have signed and completed the required paperwork, send it to Mimi Locher, 710 East 200 South #8E, Salt Lake City, UT 84102. Upon payment of the security deposit to the Association Manager, favorable review of plans and receipt of all the required forms, you will receive a copy of the signed Approval Form. Once you have received the signed Approval Form you are approved to proceed with construction.

Proceeding with any construction activity before you receive your copy of the signed Approval Form is a violation of the CC&Rs and could result in a \$1,000 penalty together with \$100/day for each day of violation. By signing below you acknowledge that you have read and agree to the foregoing together with the attached documents and understand that the violation of any of these conditions and/or the Covenants Conditions & Restrictions of the Emigration Oaks Property Owners Association may result in the suspension or revocation of your construction approval and subject you and your property to fines, penalties and the costs of collection.

Lot# _____

Lot Owner Signature _____ Date _____

Lot Owner Signature _____ Date _____

Jack Christensen, association manager jchrister@xmission.com

Mimi Locher, association architect locher@arch.utah.edu

Chris Lehman, Architectural Committee lastcamp@gmail.com

CONTACT INFORMATION

Lot# _____

(Please mark your preferred method of contact)

Name of Owner _____

Name of Owner _____

e-mail address _____

Mailing Address _____

Telephone Number _____

Name of Contractor _____

e-mail address _____

Mailing Address _____

Telephone Number _____

Please add the above information and include a copy of this completed form with your submission.

Brief Overview Of Article VIII: Architectural Control

1. **Architectural Control Committee:** Committee shall be made up of three individuals and do not necessarily have to be Owners. If no committee is appointed, the Board of Trustee shall perform the duties of the Committee.
2. **Standard:** Committee is to use best judgment to ensure that all improvements and construction confirm to and harmonize with the existing surroundings, structures and CC&Rs.
3. **Submission to Committee:** No house, structure, building or fence shall be constructed nor any grading or removal of vegetation shall occur unless approved by the Committee in advance.
4. **Approval Procedure:** The Committee shall approve or reject plans and specifications submitted to the committee within 30 days request for approval. The following are a necessary part of the request:
 - a. Notice signed by Owner indicating he or she has read and understands the requirements of the CC&Rs.
 - b. Submission of the required deposit as set for by the Board of Trustees.
 - c. Submission of a site plan.
 - d. Submission of a complete set of architectural plans.
5. **Living Unit Size:** Ground floor must not be less than 2,000 square feet if one story or less than 1,500 if more than one story. Must include an attached or detached garage for no less than two or more than three cars.
6. **Building Height:** No building or structure shall exceed a height of two stories or 35 feet whichever is less above final grade as measured from grade to top of roof.
7. **Building Location:** No construction is allowed within certain distances from the front, side and rear lot lines, streets or common areas. No building shall be located on a slope exceeding 30% unless approved by the County and the Committee. All buildings shall be located so as to preserve a significant portion of existing trees and scrub oak.
8. **Living Unit Design and Construction:** Sets forth various guidelines for the design and construction that promote a harmonious development and protect the character of the Community. The guidelines include limitations on the type of materials used for exterior walls and roofs, types of lighting, and timing for completion of construction and landscaping.
9. **Fences:** All fences shall be made of wood, brick or chain link (chain link may no longer comply with County FCOZ requirements). No fence shall consist of wire mesh, slump block or unpainted concrete block and shall not exceed six feet in height. No fences, hedges or screening materials other than existing natural vegetation shall be maintained within a front yard, any portion of a back yard where highly visible from street or on certain portions of a corner Lots.
10. **Supplemental Standards Upon Expansion:** Applies to Boyer Company and is no longer applicable.
11. **Exception for Declarant:** Applies to Boyer Company and is no longer applicable.
12. **No Liability for Damages:** The Committee is not liable for damages by reason of any action, inaction, approval, or disapproval related to this Article.
13. **County Approval:** Salt Lake County approval is also required pursuant to their rules and regulations. The granting by the county of a permit or approval does not bind or otherwise effect the power of the Committee to refuse to approve construction plans.

PLAN REQUIREMENTS

- 1) A site plan showing:
 - a) The location of the living unit and all other proposed structures.
 - b) Pre-construction and post-construction grades.
 - c) The relationship of the finished floor elevations to the grades.
 - d) The location and septic tank and drain field (including the required redundant fields).
 - e) The location and design of any proposed fence.
 - f) The paths of storm water run off after construction.
 - g) Set back dimensions from lot lines:

Front _____ Sides _____ Rear _____

- 2) Floor plans for all floors and elevations of all sides of the house. These must be finished drawings of the home as it will be constructed. Redline changes and notes made to prints will not be acceptable.

Floor areas square footage: Total _____

Basement _____ First Floor _____
Second Flr _____ Garage _____

Maximum building height from finished grade _____
(include on elevation).

- 3) A cross section of the typical wall showing all materials.
- 4) A complete set of exterior colors (a 12"x 12" sample for predominant color)
- 5) Lighting specifications and light distribution information for all exterior light fixtures, showing their compliance to item VIII, 8,f, in the Covenants and 19.73.110 (Night Lighting) of the Salt Lake County Foothill and Canyon Overlay Zone.
- 6) Landscape and re-vegetation plans are governed by County Ordinance. However, given the limited water supplies small turf areas, drip irrigation and low water planting is strongly encouraged.

Building Compliance Conditions

- 1) Review of your plans will not begin until the appropriate deposit is paid and completed paperwork submitted. Construction may not begin until you receive the completed Approval Form signed by the Architectural Control Committee Chair.
- 2) Living Units shall be constructed in accordance with the CC&Rs and the plans as approved. Any deviation from the CC&Rs or changes to the approved plans will require written approval by the Committee.
- 3) Any construction activity that blocks or hinders access to roads within Emigration Oaks is governed by the EOPOA Road Impact Policy. A copy of which may be obtained from the Oaks manager.
- 4) Construction activities including deliveries of equipment or supplies must be between 7:00 AM and 8:00 PM, Monday through Friday and 8:00 AM and 6:00 PM Saturday and Sunday.
- 5) Use of engine brakes is prohibited at any time.
- 6) Construction trailers, dumpsters, portable toilets, or offices must not be located on any street.
- 7) Clean up of mud, gravel or other spillage on streets is required within 24 hours or as soon as possible under inclement weather conditions.
- 8) Exterior color samples at least 12" x 12" in size must be submitted to the Committee and written final approval must be obtained prior to application of any final exterior surface or detail.
- 9) The containment of construction material and debris is the responsibility of the Lot Owner. A dumpster is required at all times during construction. However, an agreed upon alternative may be permitted by the Association if the use of a dumpster is or becomes impractical. Permission for an alternative must be granted prior to its use. Any debris not disposed of properly shall be the responsibility of the owner for clean up of all areas affected.
- 10) A "porta-potty" is required on-site during the period of construction.
- 11) Drainage under driveways and along the side of the road must be to County requirements. Any damage to the road or the road base due to inadequate drainage or damage to a drainage channels shall be the responsibility of the owner. Cobble drainage channels must be protected from siltation by the installation of a silt fence or straw waddle. If a cobble channel is disturbed during construction the cobble and channel must be completely restored.
- 12) Exterior lighting must comply with CC&R provisions that require outdoor lighting be arranged or designed that directs light away from adjacent Lots and roads.
- 13) Please have all workers park on one side of the road to avoid limiting traffic.

By signing below you acknowledge that you have read and agree to the following together with the attached documents and understand that the violation of any of these conditions and/or the Covenants Conditions & Restrictions of the Emigration Oaks Home Owners Association may result in the suspension or revocation of construction approval and subject the Lot Owner and their property to fines, penalties and the costs of collection.

Lot# _____

General Contractor _____ Date _____