

# ARCHITECTURAL CONTROL (AC) GUIDELINES

Updated: May 2021

## INTRODUCTION

The purpose of these Architectural Control Guidelines (hereinafter referred to as the “Guidelines”) is to encourage the construction of Single Family<sup>1</sup> houses which harmonize with their surroundings and with each other, and which demonstrate a high standard of design quality. Certain broad standards and requirements have been established in the “Amended Declaration of Reservations, Restrictions and Covenants (RRCs) for the Whispering Pines Subdivision, Phase 3, Sheet 2” (hereinafter referred to as the “Covenants.”) To supplement the Covenants, these Guidelines are intended as a handbook for owners, designers, and builders to clarify, expand upon and interpret the requirements and to explain the design goals and objectives for WPPOA.

Each house and lot will be considered as an Individual case. The application of, or waiving of, any part of these Guidelines in any individual approval shall not necessarily affect or bind any other approval action. **It is the responsibility of the owner to be familiar with the Covenants and Guidelines.** Nothing contained herein, nor any actions of the Property Owners Association or their agents are intended to be, nor shall they be construed to be, an approval of the adequacy, reasonableness, safety, or fitness for intended use of any plans, products or construction. The Architectural Committee, with the approval of the Board of Directors, reserve the right to change, add to, or delete from these Guidelines from time to time at their discretion.

**APPROVALS REQUIRED** - No structures or improvements, including driveways, of any kind shall be erected, altered, placed or maintained upon any lot, unless and until the final plans, elevations and specifications therefore have received such written approval as herein provided. Such plans shall include plot plans, showing the locations on the lot of the building or other structures

proposed to be constructed, altered, placed or maintained, together with the scheme for roofs and exteriors thereof.<sup>2</sup>

## DEFINITIONS

Approval – A majority of members of the Architectural Committee are required to sign the Plans Approval form. Some houses require the Board of Directors approval as well.

Committee – the Architectural Committee

Covenants- Amended Declaration of Reservations, Restrictions and Covenants (RRCs) for the Whispering Pines Subdivision, Phase 3, Sheet 2

DMR - means Design Modification Request form.

Guidelines - means the restrictions, review procedures and construction regulations adopted as set forth herein and as amended from time to time by the Architectural Committee with the approval of the Board of Directors

Improvement - means any changes, alterations, or additions to a Lot, including driveways, walls, patios, courtyards, poles, signs and any structure or other improvement of any type or kind.

Log Home – Primary material (log) used in shell of Building

Lot - means a subdivided parcel of land as shown on the plats for Whispering Pines Property Owners Association

Manufactured Homes : are not permitted in the Whispering Pines development effective June 2, 2019. Manufactured homes are homes built entirely in the factory, transported to the building site, and installed under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards

(commonly known as the HUD Code) went into effect June 15, 1976. <sup>3</sup>

Mobile Homes: the term used for manufactured homes produced prior to June 15, 1976. are not permitted in the Whispering Pines 3 development effective June 2, 2019. <sup>3</sup>

Modular Homes: factory-built homes which are built to the state, local or regional code where the home will be located. Modules are transported to the site and installed. are not permitted in the Whispering Pines 3 development effective June 2, 2019. <sup>3</sup>

Owner - Legal property owner. For the purposes herein, the Owner may act through an agent or representative, provided that such agent or representative is authorized in writing to act in such a capacity.

Panelized Homes: factory-built homes in which panels, (i.e an entire wall with windows, doors, wiring and outside siding) are transported to the site and assembled. The homes must meet state and/or local building codes where they are sited. are not permitted in the Whispering Pines 3 development effective June 2, 2019. <sup>3</sup>

Pre-Cut Homes : factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log-kit and dome homes. These homes must meet state and/or local building codes.

Substantially completed - "the stage in the progress of the construction where the Work or designated portion is sufficiently complete in accordance with the Contract Documents so that the Owner can occupy or utilize the structure for its intended use." Major buildings or dwelling units are not to be occupied without Occupancy Permit issued by the County Building Department A copy of the permit MUST be presented to the Architectural Committee who will notify the Board of Directors prior to occupancy.

Structure - anything constructed or erected on a lot, the use of which is required to be located on the ground or attached to something having location on the ground.

Temporary Residence – while a home is being constructed, temporary residence on the property being built upon is permitted AFTER plans approval. Temporary residence must be approved by the WPPOA Board and generally consists of RV or Trailer living. Temporary residence approval ends upon Occupancy Permit being issued or expiration of permitted construction time period. Ref: WPPOA Ordinances.

WPPOA - means the Whispering Pines Property Owners Association. May also reference the Board of Directors as appropriate to the context of the paragraph.

## **DESIGN**

In the interest of overall harmony of design at WPPOA, houses are encouraged which complement the mountain environment. The use of log or log-siding exteriors is appropriate to the WPPOA atmosphere of permanence, quality and harmony with the local mountain environment. Alternatives to log or log-siding such as cedar lap siding, cement board and certain masonry materials will be addressed on an individual basis. As the homebuilder you are encouraged to consult with the Architectural Committee early in your design process. The committee will be glad to help you with comments and suggestions.

At WPPOA, we consider it very important to encourage building shapes which fit into the natural environment. The minimum living area for the first floor area is defined in the covenants

No permanent dwelling house or dwelling unit having a ground floor living area of less than 900 square feet, exclusive of open porches and attached garage, if any, shall be erected, permitted or maintained on any of said lots. Prefabricated or pre-erected houses which have exceptional design and planning will be

accepted only upon written approval of both the Architectural Committee and the Board of Directors. Permanent dwelling design and construction material shall be pre-approved by the Architectural Committee and be in harmony with a mountain environment (log, log siding, cedar lap siding, cement board and certain masonry materials). All dwellings shall be set upon permanent foundations This paragraph shall not apply to any temporary building used for storage or watchmen during the progress of construction continuously prosecuted.

Roofs should be in proportion with the overall shape of the house. The minimum roof slope is six in twelve. Approved roofing materials are fire resistant shingles, or metal roofs. Acceptable colors are green and brown. Samples of proposed exterior materials and colors may be required to be submitted as part of the review requirements.

### **SITING and SITE PLANNING**

The main objectives in site plans and positioning homes at WPPOA will be to provide for views and privacy for each home and also for its neighboring homes, and to provide for an attractive overall street appearance. To this end, a complete site plan for each house must be submitted as part of the review requirements. It must show the location of the house and any outbuildings; the locations, materials, and design of any fences, walls, decks, terraces, driveway, walks, and other exterior improvements, including, but not limited to septic tank and septic field. The plan must demonstrate a unified overall design for the site. Please note carefully – fences and walls are discouraged.

Consider that the house will be seen from all angles, and treat the design of the sides and back as being as important as the design of the front. The natural slope of the land should be changed as little as possible. This will also minimize damage to trees and reduce erosion problems. The minimum front yard required by the Covenants is 30 feet. However, this is minimum and it is recommended that the house be located further into the lot if possible to increase privacy.

## **LAND USE AND IMPROVEMENTS (Covenants)**

None of the lots shall at any time be divided into more than one building site and no building sites shall be less in area than the smallest lot platted for the development herein.

a. **Setback Requirements** - By this declaration, all lot owners agree to be subject to and comply with any and all applicable zoning ordinances of Sanpete County. In that regard, and to retain desired separation of buildings on adjacent lots, encouraging opportunity for individual freedom for development of the lots, the following guidelines are set.

b. **Dwellings Shall Be Set Back:** 30 feet for front yards along a line paralleling the front property line, 30 feet for side yards, along the line paralleling side property lines 30 feet for rear yards, along a line paralleling the rear yard line, except that this rear yard line may be reduced to 15 feet where bordering an "open area" within the subdivision, provided that no dwelling shall be constructed nearer than 30 feet from a bordering street. Provided, that no building may be constructed nearer than 15 feet from an accessory building or 25 feet from a dwelling on an adjacent lot, and no accessory building may be constructed nearer than 15 feet from a dwelling on an adjacent lot. The first issued building permit shall prevail in situations where buildings are planned but not yet constructed on adjacent lots. Such permits shall be good for one year only.

## **GENERAL PROHIBITIONS AND REQUIREMENTS (Covenants).**

**FENCES.** No boundary, walls or fences shall be constructed without the prior approval of the aforementioned Architectural Committee.

**VEGETATION REMOVAL.**<sup>4</sup> Except for the removal of such vegetation necessary for the "footprint" of the residential structure, no owner shall remove more than 20% of the existing vegetation and trees from any lot without approval of the Architectural Committee, which may allow removal of up to (but not to exceed) 40% of the existing vegetation on a lot (excluding, thinning and clearing required to comply with wild fire prevention regulations.) **EXISTING GRADES.**<sup>5</sup> No change in ground level may be made of any lot in excess of one foot from existing grades without the written approval of the committee obtained prior to the commencement of work.

## **DOCUMENTATION REVIEW AND PROCEDURE**

Submission of preliminary design drawings or sketches is strongly encouraged in order to obtain preliminary approval and/or comments before the cost of construction plans is incurred. As a minimum package, plans and specifications submitted for final approval must include:

**SITE PLAN** - must show the locations of the house and any outbuildings including setback distances, and the locations, materials, and design of any fences, walls, decks, terraces, driveway, walks, and other exterior improvements including but not limited to septic tank and septic field. (See the AC Checklist for additional information.)

Floor plan(s).

Roof plan.

Elevations of front, rear and sides.

List of all exterior materials giving colors, sizes and other specifications.

Square footage on a floor by floor basis, showing all areas

Plans and all material for review should be sent or delivered to the WPPOA Architectural Committee.

## Construction

1. Review and approval of a stakeout of each house on the lot may be required prior to beginning construction or cutting any trees.
2. The property owner is responsible for any cleaning or repair within the right of way, required as a result of construction on their property.
3. An enclosed portable chemical toilet shall be on site. Each construction site must be maintained in a neat and orderly condition, with trash and debris cleaned up and building materials maintained in orderly piles.
4. Any signs associated with construction activities must be removed upon completion of construction. The Architectural Committee or Board of Directors reserves the right to require removal of signs the Architectural Committee or the Board of Directors deems detrimental to the Association.  
Any deviation from approved plans, stakeout, or exterior materials and colors must be approved by the Architectural Committee before being constructed.
5. Changes to approved plans will be considered on a case by case basis and require the use of a Design Modification Request form. Design modifications will be considered as quickly as possible, but approval or disapproval will be determined no later than 30 days after submittal.
6. No construction access is allowable under any circumstances across or on Common Areas, except with specific prior written permission of the Committee.
7. Once approval of plans is issued to the property owner by the Committee, the improvements and construction must be substantially completed in accordance with plans and



specifications as approved, within twenty four months from commencement . Any extension must be approved in writing by the Architectural Committee and the Board of Directors.

8. Occupation of a residence is subject to Sanpete County regulations. County building inspectors will issue a Certificate of Occupancy following the successful completion of the “Final” inspection. A copy of said Occupancy Permit must be presented to the Architectural Committee prior to occupancy. Electronic format for the OP is acceptable. 6

9. No accessory building or structure in excess of 200 square feet may be constructed on any lot prior to the time of construction of the principal structure to which it is accessory. For additional information regarding construction read the Checklists and the Covenants

#### References

- 1 – RRCs Section 6
- 2 – RRCs Section 5(b)
- 3 – Vote of Membership June 2, 2019 Annual Meeting
- 4 - RRCs Section 7(o)
- 5 - RRCs Section 7(p)
- 6 – RRCs Section 7(h)