

After recording, return to:
Stillwater at Saratoga Springs Home
Owners Association
79 W. Stillwater Drive
Saratoga Springs, Utah 84045

ENT 110408:2015 PG 1 of 7
Jeffery Smith
Utah County Recorder
2015 Dec 09 02:04 PM FEE 252.00 BY CS
RECORDED FOR Kirton & McConkie
ELECTRONICALLY RECORDED

**FIRST AMENDMENT TO THE ARCHITECTURAL DESIGN GUIDELINES
FOR
STILLWATER AT SARATOGA SPRINGS HOME OWNERS ASSOCIATION, INC.,
A UTAH NON-PROFIT CORPORATION**

THIS FIRST AMENDMENT TO THE ARCHITECTURAL DESIGN GUIDELINES FOR STILLWATER AT SARATOGA SPRINGS HOME OWNERS ASSOCIATION, INC., a Utah non-profit corporation, (this “Amendment”) is made and executed on the date set forth below by the Board of Trustees (the “**Board**”) for Stillwater at Saratoga Springs Home Owners Association, Inc. (the “**HOA**”).

RECITALS

- A. Real property in Utah County, Utah, known as Stillwater at Saratoga Springs, was subjected to covenants, conditions and restrictions recorded on September 16, 2005 as Entry No. 104283:2005 in the Utah County Recorder’s Office, Utah (the “**Declaration**”);
- B. The Architectural Design Guidelines were recorded on October 14, 2013, as Entry No. 96405:2013 in the Utah County Recorder’s Office, Utah, as amended from time to time, including on May 12, 2015, as Entry No. 40615:2015 in the Utah County Recorder’s Office (the “**Design Guidelines**”);
- C. This Amendment shall be binding against the property described in Exhibit A and the Declaration, any amendment, any annexation, or supplement thereto;
- D. This Amendment is intended to update and clarify provisions of the Design Guidelines;
- E. Pursuant to Article XII, Section 5 of the Declaration, the Board has the power to amend the Design Guidelines with approval of the City of Saratoga Springs and the approval of the Declarant, so long as the Declarant owns any Lots or Units or Parcels in the Project (as those terms are defined in the Declaration).
- F. The Declarant no longer owns any Lots, Units or Parcels in the Project and therefore, the Board no longer needs the approval of the Declarant to amend the Design Guidelines.

NOW, THEREFORE, the Board, with the approval of the City of Saratoga Springs, amends the Design Guidelines as follows:

1. The Section "ARCHITECTURAL GUIDELINES," Subparagraph "Colors" shall be amended in its entirety to read as follows:

Colors

Colors in general, should be subdued, warm colors for large field applications, allowing the building to recede into the site. Earth tones are recommended. Richer colors should be reserved for trim and accents. The color of exterior materials, whether applied or innate, should appear natural, rather than manmade or synthetic. Discrete application of accent colors will enliven and enhance the overall design of the buildings. Colors for metal roofing shall be of earth tones or for paint finishes of subdued hues. Primary colors such as reds, greens, blues, and yellow and drastic contrasts in value (light and dark) are not allowed. Weathered or aged finishes are permitted. Reflective finishes are unacceptable. Unless otherwise stated herein, white may only be used as an accent or trim color. If the Design Review Committee finds that a home plan incorporates the use of architectural elements that add character to the home and the proposed color scheme enhances the appeal of the home without making the garage door the focal point, the Committee may, at its sole discretion, approve a color scheme for homes in Phases 1 – 6 with either of the following: (a) the garage door being lighter than the main body color of the home, or (b) the garage door being white in color. Homes adjacent to each other or directly across the street from each other may not both have white garage doors. Notwithstanding the above, white garage doors are not permitted for homes within sub-phase 1 of Phase 6 which front Stillwater Drive. Richer colors may be chosen for front doors that may fall outside the earth tone color scheme, at the sole discretion of the Design Review Committee, if the color is in harmony with the home.

2. The Section "ARCHITECTURAL GUIDELINES," Subparagraph "Garages" shall be amended in its entirety to read as follows:

Garages

The home, not the garage, should be the primary focus of attention when viewing the front elevation. The front entry of the home should be the focal point. Home plans should vary so garages are not at the same setback on every home. The garage can be de-emphasized by moving it back in the front elevation.

Garage doors should be painted in earth tone color. Varying garage door patterns and splitting one large door into two single doors can also enhance curb appeal. When homes of the same design are placed side-by-side, variation to the street scenes can be provided by reversing floor plans so that garages can be adjacent to each other, thereby creating an undulating setback. For single family homes no more than one third (1/3) of garage square footage can be forward of the front architectural plane of the home. Each single family home must have an attached garage sufficient to house two (2) full cars. Multiple single family home garage doors forward of the front architectural plane cannot be on the same plane as the primary two car garage. If the Design Review Committee finds that a home plan incorporates the use of architectural elements that add character to the home

and proposed color scheme enhances the appeal of the home without making the garage door the focal point, the Committee may, at its sole discretion, approve a color scheme for homes in Phases 1 – 6 with either of the following: (a) the garage door being lighter than the main body color of the home, or (b) the garage door being white in color. Homes adjacent to each other or directly across the street from each other may not both have white garage doors. Notwithstanding the above, white garage doors are not permitted for homes within sub-phase 1 of Phase 6 which front Stillwater Drive. It is encouraged that some garage doors are oriented towards the side lot line.

[signatures follow]

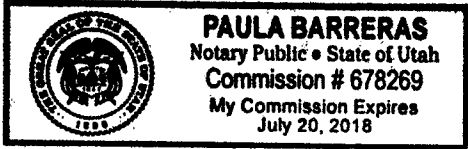
IN WITNESS WHEREOF, the Board and City of Saratoga Springs have executed this Amendment as of the 9 day of NOVEMBER, 2015.

**BOARD OF TRUSTEES:
STILLWATER AT SARATOGA SPRINGS HOME OWNERS ASSOCIATION, INC.**

By: Heather Jordan
Name: Heather Jordan
Its: HOA President

STATE OF UTAH)
 :SS
County of Utah _____)

On the 19 day of November, 2015, personally appeared Heather Jordan who, being first duly sworn, did say that he or she is the authorized agent of Stillwater at Saratoga Springs Home Owners Association, Inc., authorized to sign this instrument and that said instrument was signed and sealed on behalf of the non-profit corporation and acknowledge said instrument to be his or her voluntary act and deed.



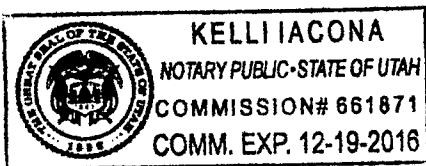
Paula Barreras
Notary Public for Utah

CITY OF SARATOGA SPRINGS

By: Kimber Gabryszak
Name: Kimber Gabryszak
Its: Planning Director

STATE OF UTAH)
 :SS
County of Utah _____)

On the 9th day of November, 2015, personally appeared Kimber Gabryszak who, being first duly sworn, did say that he or she is the authorized agent of the City of Saratoga Springs, authorized to sign this instrument and that said instrument was signed and sealed on behalf of the municipal corporation and acknowledge said instrument to be his or her voluntary act and deed.



Kelliagona
Notary Public for Utah

EXHIBIT A

[Legal Description]

LOTS 101-172 IN THE STILLWATER PHASE 1, AS SHOWN ON THE OFFICIAL PLAT THEREOF, RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE.

Parcel Nos.: 66:099:0101 and all other parcels in the Stillwater Phase 1.

LOTS 201-230 IN THE STILLWATER PHASE 2, AS SHOWN ON THE OFFICIAL PLAT THEREOF, RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE.

Parcel Nos.: 66:127:0201 and all other parcels in the Stillwater Phase 2.

LOTS 301-333 IN THE STILLWATER PHASE 3, AS SHOWN ON THE OFFICIAL PLAT THEREOF, RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE.

Parcel Nos.: 66:128:0301 and all other parcels in the Stillwater Phase 3.

LOTS 401-448 IN THE STILLWATER PHASE 4, AS SHOWN ON THE OFFICIAL PLAT THEREOF, RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE.

Parcel Nos.: 66:164:0401 and all other parcels in the Stillwater Phase 4.

LOTS 501-548 IN THE STILLWATER PHASE 5, AS SHOWN ON THE OFFICIAL PLAT THEREOF, RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE.

Parcel Nos.: 66:165:0501 and all other parcels in the Stillwater Phase 5.



Approval of changes to the Stillwater Design Guidelines

Author: Sarah Carroll
Date: December 2, 2014
Re: Stillwater Design Guidelines

Applicant/Owner: Stillwater Home Owners Association
Location: Stillwater Development, approximately 2600 South Redwood Road
Zone: R-3 PUD
Zoning of Adjacent Parcels: R-3 and R-3 PUD
Current Use: Residential Subdivision
Adjacent Uses: Residential Development
Prior Approvals: Master Development Agreement: Original MDA recorded September 16, 2005

Background:

The Stillwater Design Guidelines are part of the original Stillwater at Saratoga Springs Master Development Plan and Agreement that was recorded September 16, 2005 and is valid in perpetuity for lots that are recorded. The HOA has stated that Article XII, Section 5 of the Stillwater CCR's states "the Guidelines may not be amended without the written consent of the City of Saratoga Springs." In order to be in compliance with this requirement the HOA requests the City's review and written consent of the changes to the Design Guidelines which are attached. Because the proposed changes to the Design Guidelines are minor changes, the Planning Director determined that a staff approval is appropriate.

Summary of Changes:

Colors: The HOA would like to amend the section relating to colors in order to allow more flexibility regarding the color of garage doors.

Garages: The HOA would like to amend the section relating to garage doors in order to allow white garage doors and add clarification on the front plane of a third car garage.

Review:

The Stillwater Development was originally approved as a Planned Unit Development (PUD). Chapter 19.07 regulates PUD's and 19.07.02(2) states "A PUD development shall be planned with a common architectural design theme that provides variety with architectural compatibility, rather than an aggregation of individual, unrelated structures located on separate, unrelated lots."

The Design Guidelines within the original Master Development agreement established a mechanism for a “common architectural design theme that provides variety with architectural compatibility.” The Land Development Code does not further regulate Design Guidelines for developments.

Staff finding: complies. The changes to the Design Guidelines, as presented by the Stillwater HOA, include additional requirements that will contribute to a common architectural design theme that provides variety with architectural compatibility.

Staff Approval:

The proposed amendments to the Design Guidelines for the Stillwater Development are hereby approved as attached, based on the following findings:

Findings:

1. Section 19.07.02(2) requires PUD developments to be planned with a “common architectural design theme that provides variety with architectural compatibility, rather than an aggregation of individual, unrelated structures located on separate, unrelated lots.”
2. The proposed changes to the Design Guidelines include additional requirements that will contribute to a common architectural design theme that provides variety with architectural compatibility such as: allowing for garage door colors that may be lighter than the main building.

Exhibits:

- A. Proposed Amendments to the Architectural Design Guidelines for Stillwater at Saratoga Springs Home Owners Association, Inc.