

Return to ~~10/10/13~~
Monarch Property Mgmt
1248 E 10th St #10
St. George, UT 84790

DOC # 20130031368

Restrictive Page 1 of 66
Russell Shirts Washington County Recorder
08/15/2013 01:33:45 PM Fee \$ 140.00
By MONARCH PROPERTY MANAGEMENT LLC



LAVA COVE AT ENTRADA *Amended II*
ALL LOTS

PROPERTY DEVELOPMENT GUIDELINES

Revised September 1, 1999

I. INTRODUCTION

Lava Cove at Entrada (hereinafter "Lava Cove") is an exclusive single family residential community located near the mouth of Snow Canyon in the City of Santa Clara, Utah. The unique setting provides unparalleled recreational and southwestern desert dwelling opportunities. Lava Cove offers unique homesites arranged amidst a gracious natural setting. Specific and detailed standards for the development of Lava Cove have been established to maintain the high standards of the project. The Lava Cove Property Development Guidelines (hereinafter the "Guidelines") defines and discusses these standards. The Guidelines will help ensure quality and design continuity within Lava Cove. Lava Cove's philosophy of achieving "harmony with nature" in blending the improved environment with the existing southern Utah desert and the surrounding mountains will provide a visually appealing living environment, promote economic viability, and encourage a community atmosphere.

A. ADMINISTRATION

A homeowners association, the Lava Cove Property Owners Association (herein the "Association"), has been established to administer the day-to-day community affairs. A recorded Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions (hereinafter the "CC&Rs" or "Declaration") and duly adopted By-Laws set the legal aspects of the community including powers and procedures of the Association.

The development regulations of Lava Cove call for higher standards in design and construction and are much more specific and limiting than those found in typical developments. These Guidelines set goals, policies and regulations encompassing all aspects of development including site planning, architecture and landscaping. Standards are set for building type, height and setbacks; construction material, color and texture; and landscaping. Standards are also set for signage, lighting, and other accessory uses.

The CC&Rs empower the Association to administer and control all developments within Lava Cove. The Association will perform these duties via the Lava Cove Architectural Review Committee (hereinafter the "Review Committee"). Section 12 of the Declaration lists the powers and duties of the Review Committee. These Guidelines will assist in interpreting, applying, supplementing, and implementing the provisions of the Declaration pertaining to the design of Lots, buildings and other improvements. It is highly recommended that property Owners familiarize themselves with these documents prior to beginning any design of a new home or additions.

The Review Committee may amend or augment the Guidelines to meet site specific, temporal, or functional requirements of any project, consistent with the basic objectives of Lava Cove. As various issues surface during the process of development and better solutions become available, the Review Committee may propose amendments to the Guidelines and present them to the Board of Trustees of the Association for review and adoption. A copy of these Guidelines as from time to time adopted, amended or repealed, shall be maintained in the office of the Association and it will be the responsibility of each property Owner to be aware of the latest changes to the Guidelines.

The design criteria in the Guidelines are not intended to override or contradict the standards set by the City of Santa Clara. In case of discrepancy the stricter of the two regulations shall apply. Requests for exceptions or variances to the laws, regulations, and standards of the City of Santa Clara shall be presented to the appropriate agency of the City by the property Owner according to the established procedures of the City. However, the Review Committee must approve the waiver or exception before the question is put to the City.

Upon approval from the Review Committee and prior to beginning construction the Owner must get appropriate approvals from the City of Santa Clara required for a building permit. Approval by the Review Committee does not take the place of the required application and approval of permits by the City of Santa Clara.

Notwithstanding this, the Declaration contains legal restrictions regulating the construction and maintenance of improvements within Lava Cove and is enforceable in a court of law. The Declaration and Guidelines are subject to interpretation by the Association and by the Review Committee.

II. SITE PLANNING ISSUES

A. DWELLING TYPE

Lava Cove's goal is to build a coherent community that can be enjoyed by all. No more than one residence shall be constructed upon any single family Lot. A single residence may be constructed upon two or more Lots. In such cases the Review Committee shall evaluate existing conditions and re-establish the building envelope, buildable area and other controls on a case by case basis. A single residence may be composed of one or more structures such as a detached garage, a pool house, etc.

B. BUILDING ENVELOPE

Lava Cove's philosophy mandates that the Lots preserve the essence of the existing natural environment, topography and vegetation. Therefore, instead of the traditional setbacks, Lava Cove uses the Building Envelope concept on all Lots and Sites. This concept defines 1) the extent of site improvements, 2) building setbacks, and 3) the maximum buildable area. The Building Envelopes of each Lot shall be based on the design of the proposed structure(s).

TABLE OF CONTENTS

I. INTRODUCTION	1
A. ADMINISTRATION	1
II. SITE PLANNING ISSUES	2
A. DWELLING TYPE	2
B. BUILDING ENVELOPE	2
C. LOT IMPROVEMENT CRITERIA	4
D. GRADING AND SITE DRAINAGE	4
E. EASEMENTS	5
1. Utility Easement	5
2. Drainage Easement	5
F. ON-SITE PARKING AND DRIVEWAYS	6
1. Parking Requirement	6
2. Recreation Vehicle Parking	6
3. Driveways	6
G. FENCE REQUIREMENTS	6
1. Project Fencing	6
2. Courtyard Fencing	7
3. Privacy Fencing	7
4. Screen Fencing	7
5. Pool Fencing	7
H. GATES	7
III. ARCHITECTURAL DESIGN STANDARDS	8
A. STYLE	8
B. MASS AND SCALE	8
1. Mass and Scale	8
2. Maximum Building Size	8
3. Maximum Height	8
C. MATERIAL AND COLOR	9
1. Materials	9
2. Colors	9

D. BUILDING ELEMENTS	11
1. Walls and Columns	11
2. Doors and Windows	11
3. Roof	11
4. Garage and Porte-Cochere	12
5. Fireplaces and Chimneys	13
6. Skylights	13
7. Solar Equipment	13
8. Mechanical Equipment	13
IV. RECREATION AMENITIES	14
A. POOL AND SPA	14
B. TENNIS AND SPORT COURTS	14
C. SPORTS EQUIPMENT	14
D. SATELLITE DISHES AND ANTENNAE	14
V. SITE ACCESSORIES	15
A. MAILBOXES	15
B. GENERAL LIGHTING	15
C. SIGNAGE	16
1. Construction Signage	16
2. Real Estate Signage	16
D. FLAG POLES	16
VI. LANDSCAPE DESIGN GUIDELINES	18
A. BUILDING ENVELOPE TREATMENT	18
1. Area Outside of Building Envelope	18
2. Area Within Building Envelope	18
B. GENERAL REQUIREMENTS	18
C. LANDSCAPE MATERIALS	19
1. Approved Plant List	19
2. Prohibited Plant List	19
3. Trees	19
4. Shrubs	19
5. Turf	19
6. Large Decorative Boulders	19
7. Rock Cover	20
D. IRRIGATION	20

E. LANDSCAPE LIGHTING	20
F. WATER FEATURES	21
G. ART OBJECTS	21
H. COMPLETION OF LANDSCAPE	21
I. MAINTENANCE	21
J. MODIFICATION TO THE LANDSCAPE	21
VII. REVIEW AND APPROVAL PROCESS	22
A. APPLICATION PROCEDURE	22
B. THE REVIEW COMMITTEE'S ACTION	22
C. OWNER'S ACTION	23
D. EFFECT OF APPROVAL	24
E. SUBMISSION MATERIAL	25
F. DESIGN REVIEW	25
1. Pre-Design Orientation Meeting	26
2. Conceptual Design Review	28
a. Application Form and Review Fee	28
b. Preliminary Title Report	28
c. Topographic Map of Lot and surrounding property	28
d. Schematic Site and Grading Plan	28
e. Schematic Floor Plans	29
f. Schematic Roof Plan	29
g. Schematic Elevations	29
h. Typical Building and Site Sections	30
i. Schematic Rendering	30
j. Photographs	30
k. Scale Model	30
l. Variances	30
3. Preliminary Plan Review	31
a. Application Form	31
b. Preliminary Site and Grading Plan	31
c. Preliminary Floor Plans	31
d. Preliminary Roof Plan	32
e. Preliminary Elevations	32
f. Building and Site Sections	33
g. Preliminary Landscape Plan	33
h. Rendering	33
i. Scale Model	34
j. Material Board	34

4. Final Plan Review	34
a. Application Form	34
b. Cover Sheet	35
c. Site Plan	35
d. Grading and Drainage Plan	35
e. Foundation and Details	36
f. Floor Plan and Details	36
g. Exterior Elevations	36
h. Building Sections	36
i. Framing Plan and Details	36
j. Roof Plan and Details	36
k. Electrical Plan	36
l. Plumbing Plan	36
m. Reflected Ceiling Plan	36
n. Glazing, Door and Finish Schedules	36
o. Details	37
q. Pool, Spa, Fountain Plan and Details	37
r. Security Systems Plan	37
G. DESIGN REVIEW FEES	37
VIII. BUILDING PROCESS	38
A. CONSTRUCTION FLOW PROCESS	38
1. Pre-Construction Submittals	38
2. Site Inspections	38
B. OWNER AND CONTRACTOR RESPONSIBILITIES AND REQUIREMENTS	39
C. TEMPORARY CONSTRUCTION FACILITIES	40
1. Temporary Water	40
2. Temporary Toilet	41
3. No Interruption of Water Flow	41
4. Dumpster	41
5. Job Site Telephone	41
6. Plan Box and Lot Sign	41
7. Temporary Construction Trailer	41
8. Storage Bins	41
D. USE OF ADJACENT PROPERTY	42
E. THE CONSTRUCTION PROCESS	42
1. Construction Hours	42

2. Review Committee and Lava Cove Property Owners Association Access to the Lot	42
3. Site Signage	42
4. Site Conduct and Safety Precautions	42
5. Site Maintenance	43
6. Disposal of Site Spoils	44
7. Compliance.	44
8. Revisions to Approved Plans During Construction	44

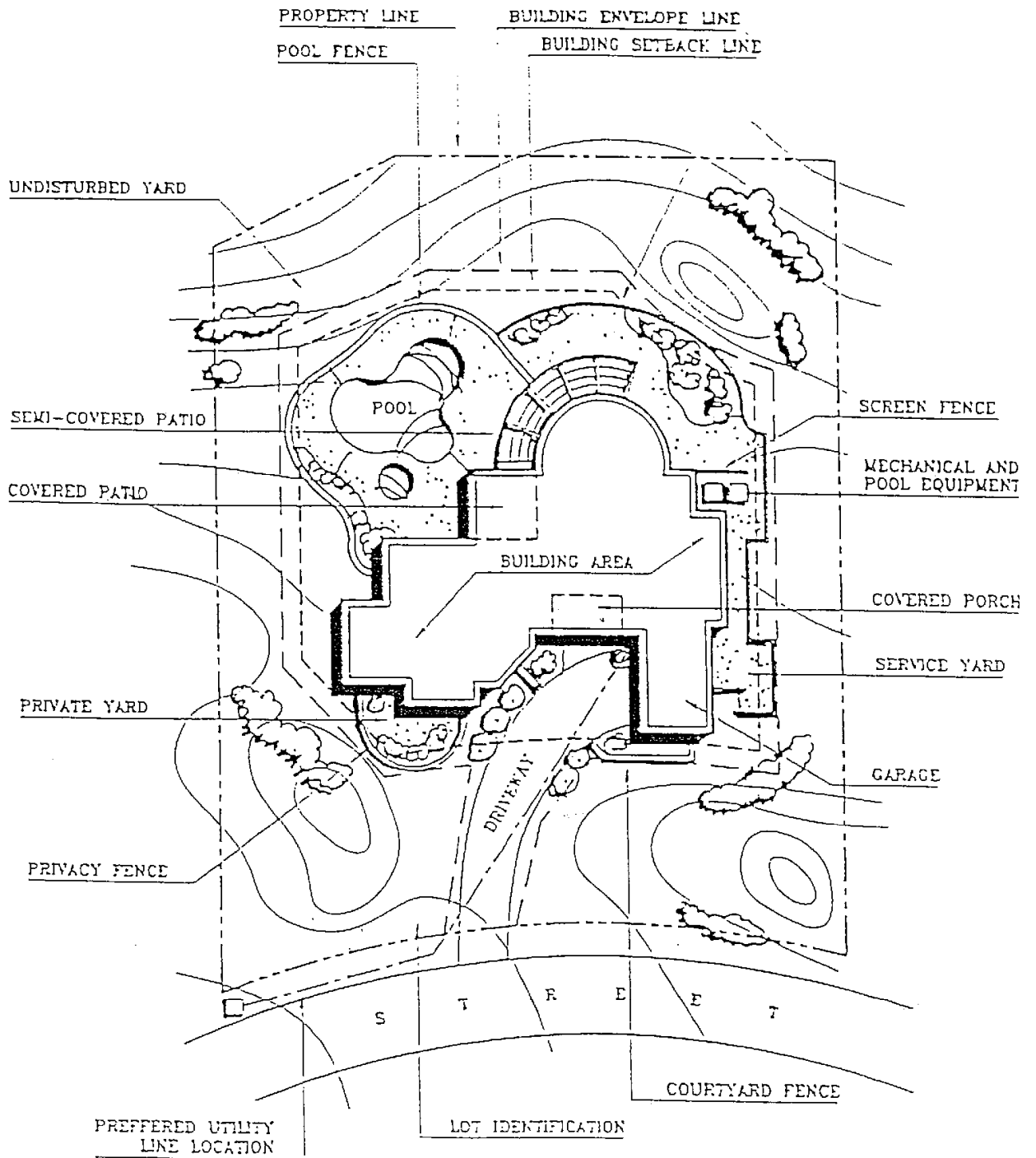
LIST OF GRAPHICS

Lot Improvement Criteria	3
Maximum Building Height	11
Construction Signage	18
Design Review Process Flow Chart	29

LIST OF APPENDICES

Application Forms	Appendix B
List of Approved Building Materials	Appendix C
Approved Plant List	Appendix D
Prohibited Plant List	Appendix E

LOT IMPROVEMENT CRITERIA
DIAGRAM



C. LOT IMPROVEMENT CRITERIA

Extent of Site Improvement. The area outside of the Building Envelope shall be preserved in its natural state and shall not be improved in any manner except for driveway, utility trenching and installation of Lot identification elements. Disturbed areas shall be replanted and returned to their natural form. A temporary fence shall be erected along the Building Envelope line at the beginning of construction. It shall not be removed until a final building inspection by the City has been completed and all construction debris has been removed from the site. No construction activity, including the storage of material, shall take place outside of the Building Envelope.

Building Setback. Typically the building setback line shall run parallel to the Building Envelope line and shall be six feet (6') away from the same. Except for the architectural projections listed in this section, and encroachments approved by the Review Committee through the review process, no part of the structure may extend into the required building setbacks. The following architectural projections may encroach into the required setbacks:

- Eaves and fascia: maximum of four feet (4').
- Fireplaces, bay windows and wing walls: maximum of two feet (2').
- Posts and columns: maximum of two feet (2').
- Exterior stairs: maximum of three and one-half feet (3'6").

Maximum Building Area. A maximum building size is established for each building site in the form of a maximum Building Footprint and a maximum height. Building area as used here shall mean the Lot area covered by structures including livable and non-livable spaces such as storage, garage, covered patio, porch, porte-cochere and such. The main structure area shall be counted as the total square footage within the exterior walls of the structure. The area within structural supports such as walls, posts or columns shall be counted as exterior non-livable space square footage. Only fifty percent (50%) of the area within structural supports in semi-covered patios (i.e., without a solid roof or solid decking) shall be counted as building area.

D. GRADING AND SITE DRAINAGE

The goal of Lava Cove is to preserve the natural topographical forms and features of the property. Any cut or fill, if required and permitted by the Review Committee, shall be within the Building Envelope only. Grades may not be raised or lowered more than four feet (4') within the Building footprint or more than two feet (2') within the Building Envelope. Cut and fill slopes shall not be exposed but rather finished via a retaining wall. Grading retaining walls shall be either of a finished masonry or shall be constructed out of natural material such as lava or stone found on the site. Masonry retaining walls shall be finished to merge into natural land surrounding the site. A natural material retaining wall slope may not be steeper than thirty-three percent (3:1) unless approved by the Review Committee for a specific site condition. The toe or crown of such a slope shall be within the specified Building Envelope.

Site improvements such as driveways, fences, pools, and patios shall be designed to fit existing topography in order to minimize grading. Surface drainage shall not drain to an adjacent Lot or open space except as established by existing natural drainage pattern. Any redirection of existing drainage flow must first be approved by the Review Committee. Site drainage and related grading shall be

done with minimum disruption to the existing Lot. No change shall be made in the existing drainage pattern that would adversely affect any other Lot or open space. If redirection is necessary, positive drainage must be created in a logical and natural manner. Avoid right angle diversions. Minimize soil erosion through the use of native rock and plant materials.

E. EASEMENTS

1. Utility Easement. Each residential Lot is served with underground electricity, TV cable, telephone, sewer, gas and water lines. Such utility lines typically run in an easement within the street right-of-way. It is the responsibility of the Owner or general contractor to confirm the location of these utilities within the easements. Utility locations should be confirmed in the field when a survey of the Lot is performed. Driveways over utility easements are permissible if done in accordance with the requirements of the utility company. The Owner is responsible for removal and replacement of the improvements if the utility companies determine that access to the utilities is necessary.

All utility company pull boxes, transformers, and similar facilities have been set within the street right-of-way or easements created around each Lot. Future planting and grading must be designed to diminish their visual impact. Surrounding areas shall be leveled and graded to provide positive drainage.

The Review Committee will review all improvements planned for inclusion over easements held by utilities or public agencies as well as those held by the Lava Cove Property Owners Association. Easements that are located on residential Lots include, but are not limited to, emergency access, water lines, irrigation lines, sewers, and storm drainage alignments. It is the Owner's responsibility to confirm the location and purpose of all easements and the improvements within the easements. The Owner or Owner's design consultants should check with the Review Committee to determine restrictions relating to improvements constructed within easements.

2. Drainage Easement. The Lava Cove subdivision is developed keeping the Lot grades in their natural state contrary to the typical practice of grading flat pads. Therefore the drainage in most of the cases will flow from a Lot or a street with higher elevation to a Lot with lower elevation. A blanket drainage easement thus exists on all Lots with lower elevation to allow for this condition. A Lot Owner by deed restriction thus agrees to receive and let flow such drainage through the property. In addition there may exist a designated drainage easement on a Lot as a result of the overall drainage plan for the community.

F. ON-SITE PARKING AND DRIVEWAYS

To reduce the visual impact of vehicles, there are specific controls established in Lava Cove for on-site parking, driveways and garage location and design. Vehicles referred to herein shall include cars, vans, trucks, trailers, motor homes, motorbikes, dirt bikes, bicycles, boats and such (motorized or non-motorized). Violators of parking regulations may be cited, warned and fined by the Lava Cove Property Owners Association.

1. **Parking Requirement.** All vehicles must be kept in garages at all times. Visitors' vehicles may be parked (uncovered) on-site during their period of visit. A garage must be designed and built of a size large enough to accommodate storage of all vehicles intended to be stored on that site. The garage for each residence shall be large enough to accommodate a minimum of two automobiles.

2. **Recreation Vehicle Parking.** Small recreation vehicles, if to be stored on site, must be kept within a garage where the garage door height does not exceed eight feet (8'). Large recreation vehicles such as motor homes or travel trailers must be stored off premises.

3. **Driveways.** Driveways shall be designed to intersect with the street at approximately 90-degree angles for safety, visibility and continuity. Driveways shall be at least thirty feet (30') away from any street intersection. Single driveways shall be a maximum of sixteen feet (16') wide, while dual driveways shall be a maximum of twelve feet (12') wide at each entrance. The driveway finish shall be of a material, color and texture in harmony with the existing grounds. Typical acceptable materials are a brick or concrete paver, or plain or colored cement concrete with stamped, salt finish or other texture. Driveways of other materials that are in harmony with the materials of the residence are also encouraged.

G. FENCE REQUIREMENTS

Fences have a predominant effect on visual and social aspects of a neighborhood. Property fences close off individual Lots, create a continuous visual barrier and close off open natural vistas. Lava Cove's goal is to create an open environment allowing nature to flow without being dominated or obstructed by man-made physical barriers. Therefore no property line fences shall be permitted in this community.

However, fences are necessary for individual privacy, health, safety, and screening of unsightly elements. Several types of fences, as defined and categorized here, shall therefore be permitted within Lava Cove. A typical Lot may have several types of fencing, such as project fencing, courtyard fencing, privacy fencing, screen fencing, and pool fencing. Design standards for these fences, as enumerated herein, shall be adhered to by the Owner.

1. **Project Fencing.** Project fencing runs along the perimeter of a portion of the community. The project fence may be constructed by the project developer or the Lava Cove Owner's Association. Design details defining material, texture, location and color of this fence shall be approved by the Review Committee. Visually the project fence shall be informal and meander along the project boundary. Maintenance responsibility for this fence shall be the responsibility of the Lava Cove Property Owners Association.

2. **Courtyard Fencing.** The function of a courtyard fence is to create private outdoor areas such as an entry court or a rear yard. Courtyard fences shall be constructed using masonry units and shall be finished on both sides using stucco. The courtyard fence is an extension of the architecture of the home and therefore its texture and color shall be similar to the house exterior. The fence design shall be compatible with the house architecture. Shadow lines or other architectural treatments are required to break the monotony. Articulated cap detail and tile bands are promoted. Wide walls give a massive feeling and are preferred over thin walls; however, in no case shall the thickness of the fence be less than six inches (6"). Use of slump block or "Energrid" for garden walls is acceptable if they are finished with stucco. Courtyard fences may be of a variable height with maximum height being five feet (5'). Porticos incorporated in the fence design are exempt from the height restriction. A fence may be solid, open or a combination thereof. Wrought iron, glass and glass blocks are approved materials for use in an open fence design. Open concrete block units (such as the one with "XX" opening) are not permitted. Other materials may be permitted by the Review Committee.

3. **Privacy Fencing.** The privacy fence creates a shield for an interior garden, a bedroom, or a bathroom. Use of privacy fencing shall be limited. Design, material, color and texture criteria shall be the same as for courtyard fencing except that maximum height of a privacy fence may be up to eight feet (8').

4. **Screen Fencing.** Screen fences must be installed to screen unsightly elements such as air conditioning and pool equipment and utility meters. All service areas such as storage of trash cans shall be behind a screen fence. A maze type of layout is preferred for access to such service areas. A screen fence may be used to shield on-site guest parking from general view. Design, material, color and texture criteria shall be the same as for the courtyard fencing, except that the maximum height may not exceed six feet (6'). Screen fences must be solid in all areas, except in a designated pet area where it may be open provided that other unsightly elements are concealed by additional interior fence or vegetation.

5. **Pool Fencing.** Pool fencing is required by the City and must meet the zoning code. A pool fence may be solid, open, or a combination thereof. The design, construction, material, color and texture criteria shall be the same as for the courtyard fencing. The extent of the pool fence shall be limited to the pool and decking around it.

H. GATES

Gates shall be unique and artistically designed. The design shall be in harmony with the architectural style of the main structure. Gates as referred to herein are for portico, courtyard, entry, service area access and such locations. Gates may be constructed of metal, wrought iron or heavy timber. Other material may be considered by the Review Committee on a case by case basis. Colors used for gates shall be muted and not primary. Wrought iron gates shall not include elements such as arrows in the design. Electronic operators, if used, shall be concealed by screen walls.

III. ARCHITECTURAL DESIGN STANDARDS

Architectural design standards are set which are consistent with the goals of the Lava Cove community to create a development that is in harmony with the Southern Utah desert. Specific standards will control building style, height, mass, scale, material and colors to enhance the desert environment.

A. STYLE

The architectural character of the buildings in Lava Cove must be indigenous and appropriate to the environmental and climatic conditions. Examples of such styles are Southwestern, Pueblo, Santa Fe and Adobe. Mediterranean, Art Deco, and Contemporary architecture might also be compatible if detailed appropriately. Creative architectural styles which are non-descript or variations of the preceding styles are encouraged. Styles that are inappropriate for the natural desert environment shall not be permitted. Example of these styles are various Colonial, Revival, Georgian, Roman, Gothic, Chateau, etc.

Elevation treatment, inclusive of materials, trim and detailing, must be consistent around the entire building. Gingerbread, plant-ons, or other false ornamentation shall not be used. Proper design consideration shall be given to the fascia as an architecturally integrated design element.

B. MASS AND SCALE

1. **Mass and Scale.** Building mass and scale are crucial to the development of Lava Cove. The natural panorama must not be diminished by the man-made improvements. The standards of Lava Cove's guidelines are strict in this regard. A maximum building size is established for each building site in the form of a maximum Building Footprint and a maximum height. In some instances the maximum height is established by a specific grade.

2. **Maximum Building Size.** Maximum building size is controlled by means of maximum building footprint coverage and height regardless of the area being living or non-living (house or garage), basement or second floor, porch, patio or porte-cochere. Footprint area shall be measured as the area covered by square footage of the roof and square footage of the solid and open trellised patio covers and porte-cocheres. Overhangs shall not be included in this area calculation. The open trellised portion shall be counted as only fifty percent (50%) of its physical square footage. Minimum building size varies based on type of neighborhood.

3. **Maximum Height.** Typical maximum building height shall be 14 feet. All sites are restricted to a one-story construction.

Height shall be measured from the finished floor. The finished floor shall not be more than twelve inches (12") above the existing pad grade. The house on a sloping terrain shall have stepped (terraced) floors. The finished floor level of such a house may vary from twelve inches (12") to twenty-four inches (24") above the existing pad grade. Since the terrain of Lava Cove is varied, and some sites (specifically in the lava) have substantial topographical elevation variation within the site, measuring of height in the above manner becomes impractical. For those sites, a specific maximum

grade shall be set as the height control. Variance to height limit may be granted if the Review Committee feels that such variance is in the spirit and intent of the development. The Review Committee shall judge the height requirement on a site by site basis.

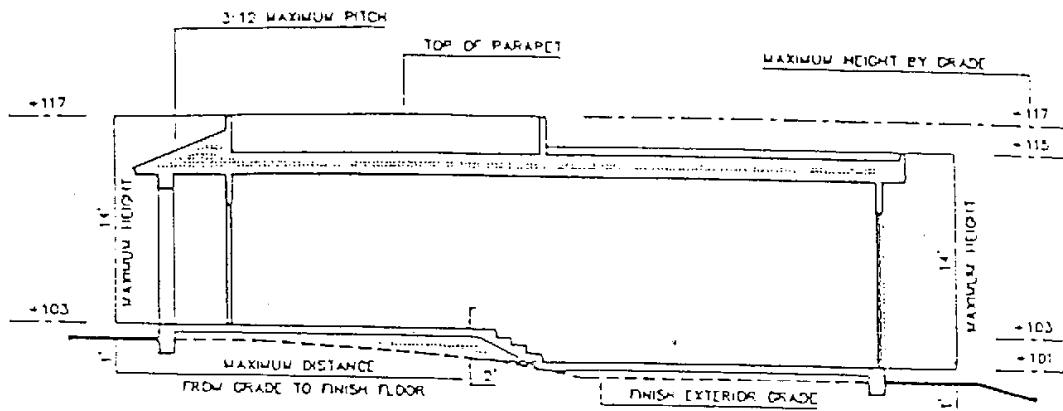
The highest point of any elements of the roof structure must not exceed that which is designated for that Lot nor exceed the maximum elevation. Fireplace chimneys may protrude through the height limitation. Roof mounted equipment must be placed within said height limitations. The Review Committee may approve other projections on a case by case basis.

C. MATERIAL AND COLOR

1. **Materials.** All exterior building materials shall be compatible with and complimentary to each other and to the overall design in style, texture, color, and character. Use of natural materials for exterior walls and floor finishes such as red stone veneer, flag stone paving, etc., is highly encouraged. Wood, if used on the exterior of the buildings, should be of heavy dimensions to survive in the extreme climatic conditions. No exterior material shall be used that has a high gloss, glaring, or reflective (mirror) type of finish. See Appendix C for a list of approved building materials.

2. **Colors.** Color plays an important part in creating an aesthetic homogeneity in a neighborhood as well as in the community. Bright and primary colors tend to distract vision, versus subdued colors which tend to be soft and soothing to the eye. To carry through Lava Cove's goal of creating a community that does not overpower the natural desert, all improvements must be painted earth tones consistent with the building site and its visual surroundings. Exterior building colors shall be harmonious with the mountainous surrounding while colors of the hardscape shall be complimentary to the natural desert ground. A four-foot (4') square area of the wall must be painted for the Review Committee's approval prior to painting the entire building.

MAXIMUM BUILDING HEIGHT EXHIBIT



SINGLE STORY STRUCTURE

D. BUILDING ELEMENTS

1. **Walls and Columns.** Walls are a predominant element of a building design. Undulating surfaces shall be incorporated in elevations to avoid long flat masses. Horizontal elevations can be accentuated with reveals, bands, etc., features. Such elements of design will give a low profile to the building which is consistent with the goal of Lava Cove. Varying heights of walls break monotony in design and create interesting elevations. Materials and textures too are important in creating a certain feel for the structure.

Stucco is the most common building material in the southwest. Smooth and light sand finished stucco buildings look quite elegant and are acceptable contrary to course finishes such as "heavy lace," which shall not be permitted. Native red stone walls would tend to merge the building with the site and be more harmonious versus a bright brick finished wall. Bricks, if used, must be used bricks. Wood may be used as accent but not for siding of the entire structure. Elements that are visible from surrounding areas such as an electrical service panel, shall be mounted flush into the wall.

Columns are an important design element. Specifically the proportions of a column must be in balance with the architectural design. Columns are not acceptable which are too thin or too fat in proportion or are inappropriately detailed as to the base and capital design. Columns must have a minimum dimension of twelve inches (12") in diameter or width in both directions. A slenderness ratio of a column shall be a minimum of one to eight (1:8) meaning one foot thickness for eight foot height. Exposed wood posts shall be of at least a 8x8 construction.

2. **Doors and Windows.** The design of an entry area in a building should be unique and complimentary to the style of architecture. Special consideration should be given to the entry door in terms of its artistic quality, design of the door, the hardware, material used and the finish (paint or stain). Doors and windows should be set deep into the wall to create shades and shadows in the elevations. All exterior doors shall be consistent with each other in details such as surrounds, jambs, sill or head, etc. Where vents are required for exterior (mechanical room) doors, full height louvers shall be used.

Windows must be proportionate to the wall mass and located in a proper order. The proportion of windows to the exterior surfaces will be carefully considered by the Review Committee at the time of plan review. Windows must be recessed into walls to create shades and shadows. Windows in the front walls shall be recessed at least a minimum of 5-1/2 inches and in all other walls a minimum of 2 inches. The style and material of the windows shall be consistent. The use of wood and vinyl frame windows are promoted because of their energy efficient construction. Aluminum frame windows are not preferred for the same reason. However, if used, the aluminum windows shall be anodized, treated or painted to blend with adjacent materials. White window frames shall not be permitted. Glazing must be double insulated unless technical difficulty exists such as in an extra large opening with a butt glazed treatment. All windows must have a "Low E" glazing. Canvas or similar type awnings shall not be permitted as the material tends to fade over time.

3. **Roof.** Consistent with the goals of the community, the height restrictions at Lava Cove are prescribed to cause home designs with a low profile and predominantly with a flat roof. It is possible to include a pitched roof within the height control, however the extent of a pitched roof shall be limited. Maximum roof pitch shall be 3.5:12. Pitched roofs shall be hipped. Gable ends shall

not permitted. Mansard roof or other architectural roof elements, which are not an integral part of the structure, shall not be permitted. Roof terraces may be constructed as long as all elements of the terrace including the guard rail meets the height restrictions.

The roofing material should be authentic and unsimulated. Pitched roof materials shall be clay, concrete or a slate tile or oxidized metal. All roofing material must be non-combustible. Roofing material color shall be harmonious with the structure and blend with adjacent natural surroundings. Surfaces shall not be reflective such as a glazed tile or of a primary or bright color such as white or black.

Roof-mounted mechanical equipment shall not be permitted. Galvanized sheet metal work should be kept clean and simple with a minimum of exposed metal and shall be painted or be of a color to blend with the adjacent materials.

Roof gutters shall be constructed into the roof structure with down spouts being run within the walls. Exposed gutters, down spouts, or scuppers shall be permitted if accentuated as part of the architectural detailing.

Plumbing vents, pipes and similar elements shall be ganged resulting in a minimum number of vents penetrating the roof. These elements should be located on the interior side of the roof (away from the street).

4. Garage and Porte-Cochere. Garages are required and shall be of a size large enough to accommodate the number of automobiles to be stored on that particular site. Carports are not permitted as a primary means of parking. Garages may be attached or detached from the main structure. Detached garages may be connected to the main home via a breezeway. Porte-cocheres and breezeways are permitted subject to the Review Committee's approval. Driveways shall not be designed to be the primary pedestrian access to the home.

Ornamentation of the garage door shall be minimal and subtle. Doors shall be recessed into the wall a minimum of eighteen inches (18"). The garage front shall not be wider than thirty feet (30'). If more than three vehicles are to be stored, the balance of the vehicles shall be stored in tandem. Alternatively, separate garages physically located on opposite sides of the facade or in an "L" configuration may be constructed. Where possible, the large expanse of driveway shall be screened from general view by a screen wall or a courtyard wall in addition to appropriate landscaping. Design of the door shall be consistent with the overall architecture of the house. Door color shall be subdued and be complementary to and not contrasting with the building. Doors shall be sectional. One-piece or single slab type garage doors shall not be permitted. Height of the garage door shall be restricted to eight feet (8').

Garages must be insulated and have finished interiors. All garages must be equipped with an automatic garage door opener. When the garage is not in use, garage doors shall be in a closed position. Garages shall be used only for the purpose of parking automobiles, golf carts and storing of household items and not as a workshop or storage of merchandise or other such uses. Partial garage conversion may be approved if adequate room is available for parking of the vehicles. Garages must have glass block openings, windows, skylights or other means of bringing natural skylight in.

5. **Fireplaces and Chimneys.** Wood burning fireplaces shall not be permitted in Lava Cove as they pollute the environment. Gas fireplaces, although allowed, are not an efficient means of heating the house and therefore they are not promoted. Fireplaces are more of a decorative item. A direct vent fireplace flue shall be concealed from general view via screen wall or landscaping. The chimney is a dominant element of architectural design and therefore shall be proportionate to and consistently detailed with the overall architectural design. Chimneys must be equipped with an approved spark arrester. Flue pipes shall be encased with a chimney enclosure of masonry and stucco, and be supported by a foundation at grade when located on an exterior wall. Exposed metal flues shall not be installed.

6. **Skylights.** Skylights are an efficient means of bringing natural daylight into the interior of the home. However, at night, they tend to leak light and therefore the total area of skylight shall be restricted to forty-eight (48) square feet. Skylights must be integrally designed into the structure and should not be obtrusive. Glazing shall be tinted gray or bronze and shall not be clear or white. A skylight shall not be back lit. The skylight curb shall be painted or coated to match adjacent materials.

7. **Solar Equipment.** The design and placement of solar equipment shall be integrated with the architectural design of the structure. All solar equipment design and locations must be approved by the Review Committee.

8. **Mechanical Equipment.** Forced air HVAC system with ground mounted condensers will be accepted.

IV. RECREATION AMENITIES

A. POOL AND SPA

Pools and spas may be built on-site. Fiberglass pre-formed or above ground pools shall not be permitted. Pool, spa and related decks shall be built within the specified Building Envelope. Encroachment outside the Building Envelope may be granted by the Review Committee upon determination that the location of such amenity is not infringing into the privacy of adjacent properties. The Review Committee may require an adequate landscape buffer to screen the pool and spa from adjacent private or common properties. Pool equipment shall be located such that it is not visible from adjacent public and private properties. Exterior shower enclosures or related equipment shall be screened from adjacent properties.

B. TENNIS AND SPORT COURTS

Tennis and sport courts shall not be permitted at Lava Cove.

C. SPORTS EQUIPMENT

Basketball hoops and backboards shall not be installed on any Lot. Portable hoops will be permitted but must be stored out of sight when not in use. Other sports equipment such as a trampoline may be used on a temporary basis but must be stored out of sight when not in use.

D. SATELLITE DISHES AND ANTENNAE

A satellite dish may be installed on the ground or on a building when such a dish is adequately screened from general view. The size of the satellite dish shall be limited to twenty-four inches (24") in diameter. The location of the dish and method of screening shall be approved by the Review Committee prior to installation. No antennas of any type shall be permitted on the roof.

V. SITE ACCESSORIES

A. MAILBOXES

Ganged mailboxes are required as per U.S. Postal Service regulations. Mailboxes shall be installed by the developer at locations designated by the Review Committee.

B. GENERAL LIGHTING

Lava Cove's primary goal for lighting is to preserve the ambiance of the night time desert sky. Hence, exterior lighting shall be minimal and of a low intensity. Lighting is divided into two categories as referenced in these Guidelines: 1) general lighting (which is the lighting attached to buildings, poles, posts and fences); and 2) landscape lighting (which is the lighting installed on the ground or trees). General lighting standards are listed in this section while the landscape lighting standards are listed in the Landscape Design Standards.

The primary function of general lighting is to provide light for normal use of premises and for public health and safety. General lighting shall be installed only in the areas that are primarily required for use on an every day basis and for the normal function of a home. Examples of this type of lighting include porch, patio, porte-cochere, and service area. General lighting shall not be in abundance. Light sources shall be localized, carefully placed and directed such that it will neither flood the adjacent areas nor will the source be visible from neighboring properties. As much as possible the lighting fixtures shall be recessed or physically integrated into the part of the structure it is on.

The Lot identification element must be lighted so that the address numbers can be seen at night. Lighting shall be directed downwards and pointed at the numbers. Where posts exist to define the edge of a driveway, the Lot identification element shall be incorporated into such post. Light fixtures shall be on the side rather than on top of posts. The fixture shall point downward and shall not be higher than three feet (3') to the top of the fixture. No light shall be placed on top of any building or fences. Neither eave lights nor ground mounted flood lights to wash the exterior of the house shall be permitted.

Security lights with motion detectors may be installed; however, they shall be on only on a temporary basis and for no more than twenty (20) minutes at a time. These lights shall not be visible from neighboring properties. Should they be found to be a nuisance, the Review Committee may ask that the lights be shut off permanently. Motion detectors shall be pointed in a manner such that the lights would not go on and off by motion of vegetation or pets or wildlife. Only incandescent lamps with a maximum of 75 watts shall be permitted for all general lighting. No map post type of lighting shall be permitted to light yards in any part of the property. Colored lighting shall not be permitted. No lighting shall be permitted outside of the Building Envelope except for the driveway.

C. SIGNAGE

In order to maintain the residential character of the community, no permanent signs of any type such as security, professional services, architect, general contractor, subcontractors, financing institute, real estate, pool company, etc., are permitted on any residential sites in Lava Cove except for the following temporary signs. No signage shall be placed on the property for political propaganda or garage sale. All signs must be reviewed and approved by the Review Committee prior to installation.

1. **Construction Signage.** A construction information sign (temporary) must be placed on a property during the course of construction. The design, construction and colors must be as per standard design shown on figure provided on page 17. The following information is mandatory and must appear on such sign. No other information shall be added nor shall additional signs be attached to or suspended from the sign.

- Property identification by Lot number and street address.
- Owner's name and telephone number (optional).
- Architect's name and telephone number.
- General contractor's name and telephone number.
- Lender's name and telephone number (optional).
- Real estate company and agent's name and telephone number if the property is for sale.

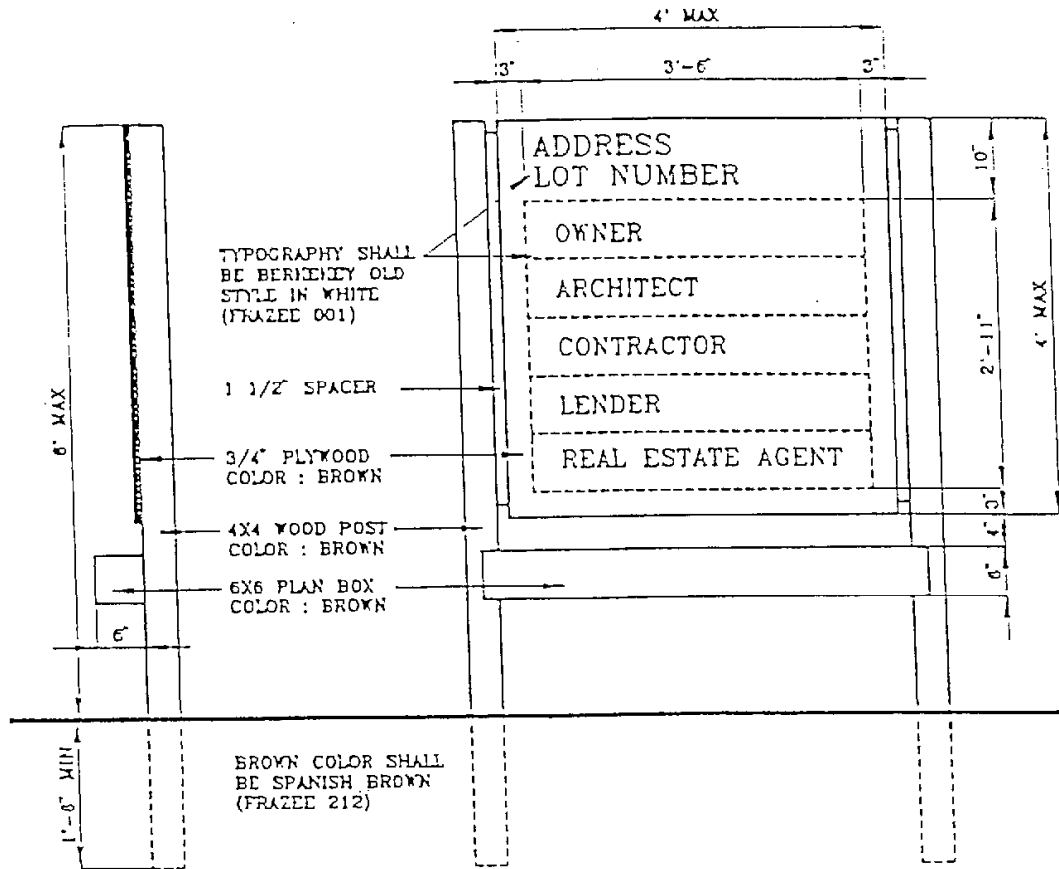
The sign shall be located within the Building Envelope, parallel to and approximately twenty feet (20') inward from the front property line. The construction sign shall not be lighted. The sign must be removed immediately upon receipt of a final building inspection from the City.

2. **Real Estate Signage.** No real estate "For Sale" sign may be placed on any property within Lava Cove unless it shall strictly comply with guidelines to be issued from time to time by the Review Committee. No "For Rent" signs shall be allowed at any time.

D. FLAG POLES

Free-standing flag poles are not permitted in Lava Cove except that, with the express approval of the Review Committee for placement, design and height, a free-standing pole for the display of the American Flag may be erected within a fenced back yard. The top of any such pole shall not exceed two feet (2') above the inside ceiling of the ground floor of a single story residence, or twenty feet (20') above grade on a 2-story residence. The flag pole shall not be used as an antennae. No spotlight or other type of light directed at the flag or flag pole is permitted.

CONSTRUCTION SIGNAGE EXHIBIT



VI. LANDSCAPE DESIGN GUIDELINES

Lava Cove's site is unique in character and offers a full variety of desert vegetation. Improved grounds on home sites shall protect, nurture and enhance this vegetation. Existing vegetation is indigenous and appropriate to the Southern Utah desert environment. Developers and Owners shall ensure that developed areas will harmonize and blend with the existing natural environment rather than dominate the same. The objective of the landscape standards is to guide homeowners and builders in achieving this goal. Transplanting of lush greenery from other regions will be against the philosophy of the community.

A. BUILDING ENVELOPE TREATMENT

1. **Area Outside of Building Envelope.** The landscape treatment will vary between the area that is within and outside the Building Envelope. The existing landscape outside of the Building Envelope shall be preserved and further enhanced by cleaning up the grounds, removing dead plants and adding new vegetation that is compatible with the existing pallet of landscape material. This additional planting shall be done in a manner that imitates the natural growth pattern of plants and shall not be in a regimental or formal pattern. No grass shall be planted outside of the Building Envelope without the prior approval of the Review Committee.

2. **Area Within Building Envelope.** The area within the Building Envelope shall follow the minimal planting treatment described here or it may have a lush garden type of planting. Grass is permitted in this area, however the total area of grass shall be limited to no more than fifty percent (50%) of the area that is available for softscape. The Review Committee may allow variances to this requirement on a case by case basis upon determination that the proposed design is in the spirit of these Guidelines.

B. GENERAL REQUIREMENTS

Landscape plans must be designed by a landscape architect duly registered in the State of Utah.

Any portion of the Lot not used for buildings, patios, driveways or sidewalks shall be landscaped at the time improvements are made upon the Lot. All Lots shall be landscaped in accordance with these guidelines and shall be provided with an automatic irrigation system. All plant materials shall meet the requirements of the American Standard for Nursery Stock - ANSI Z60.1.

Select plants that are the appropriate size and shape for the yard being designed. Shrubs over three feet (3') in height or trees with a canopy lower than ten feet (10') will not be permitted within the front half of the front yard, measured from the back of the curb and the face of the building, to allow for visibility along the street. Minimize planting of certain types of trees in narrow side yards to avoid the need for excessive continual pruning. Locate shade trees near the house for their cooling effects. Consider deciduous varieties on the south and west sides to access the winter sun to the house and yard.

Treat non-turf areas with an approved pre-emergent prior to, and after, placing landscape topping to prevent weed growth. Use of plastic lining is not permitted. A fabric such as Mirascape by Mirafli or Geoscape may be considered by the Review Committee.

C. LANDSCAPE MATERIALS

1. **Approved Plant List.** For water conservation, low water demand plant materials should be used in Lava Cove. A variety of plants survive in this arid climate. A list of approved plants is included in Appendix D. These plants were carefully selected for their ability to blend with the natural desert, their drought tolerant characteristics, and for their foliage and seasonal flowering. Only those plants listed in this list may be installed.

2. **Prohibited Plant List.** Several types of plants will be prohibited at Lava Cove and they are listed in the Prohibited Plant List, Appendix E. These plants will not be permitted since they can be potentially destructive to native plants or because of noxious pollen, excessive height, weed like growth habits, high water demands or other traits considered undesirable.

3. **Trees.** Large trees are not a characteristic of the Lava Cove site and therefore use of oversized trees shall be limited or prohibited. No trees shall be taller than two feet (2') above height of the building at their maturity. Prior to the approval of tree types, the Review Committee shall determine if the proposed trees are in the spirit of this requirement. Use of native trees such as Mesquite, Red Bird, Pinion, Juniper and Mimosa is recommended. Trees may be allowed to canopy over walkways if the canopy is maintained at a minimum of ten feet (10') and over streets and driveways if the canopy is maintained at a minimum of twelve feet (12'). Plants (other than trees) shall not overhang any public walkways or streets. Notwithstanding the foregoing, large trees shall be encouraged along the eastern border of Lava Cove to visually separate Lava Cove from the neighboring subdivision. Such trees may exceed the above height limitations but shall be subject to approval of the Review Committee in all other respects.

Multi-trunk trees are recommended for open spaces to add informality to the overall design. Single-trunk trees are recommended for narrow spaces or near structures so that canopies will be higher and circulation unrestricted. Hedgrows of trees are not allowed. Trees should be planted singly or in natural groupings.

4. **Shrubs.** Shrubs of a single variety shall be massed to avoid a sporadic appearance. The variety of plant material should be somewhat limited because too many types are often confusing and detract from the overall landscape theme.

5. **Turf.** To maximize the cooling effects of turf, these areas should be located adjacent to or near the house where they are also easily accessible for recreation and enjoyment. No turf shall be planted outside of the Building Envelope except as approved by the Review Committee.

6. **Large Decorative Boulders.** Any exposed rock surfaces shall be treated with an approved "desert varnish" (also called an oxidizing or aging agent) such as Eonite or Permeon. This process restores the natural desert coloration to disturbed surfaces. The color shall match as nearly as possible the color of the surrounding rocks. Boulders may be used in the landscape. They shall be sunk a minimum of 1/3 below grade and be in groupings to appear as if they existed naturally. The

boulder color shall match as nearly as possible the color of the rocks in the Lava Cove area. An oxidizing or aging agent, as described above, may be used to achieve this desert varnish color.

7. **Rock Cover.** All surfaces not planted in turf shall have a topping applied such as decomposed or crushed granite, to prevent erosion and excessive dust. The topping colors shall match as nearly as possible the colors in the surrounding desert. A sample of topping materials shall be submitted as part of the Final Plan Review. Toppings not permitted include artificially colored rocks and lava rock.

D. IRRIGATION

Irrigation is critical for establishment of indigenous plants and many of the arid-region plant material; however, once established the plant material can survive with little or no water. While designing an irrigation system this element must be considered. Spray irrigation has negative impact on the micro climate as it has a large rate of evaporation and excessive run off onto natural desert area escalating weed growth. Drip irrigation is the most appropriate and mandatory in Lava Cove since this type of application delivers water directly to the root zone and uses less water as well. Spray irrigation shall be limited to turf areas only. Irrigation shall be installed and be fully operational prior to or simultaneously with the installation of all plant material. All landscaped areas shall be provided with an automatic irrigation system. All permanent irrigation systems shall be below grade while temporary irrigation systems for new vegetation in the area outside of the Building Envelope shall be above ground. This would result in a minimum disruption of the natural area. Any temporary irrigation system must be installed in a manner to avoid run-off into the adjacent natural area since established native vegetation does not need irrigation and supplemental water can lead to disease and death of many of the plant species.

All systems shall be designed to minimize run-off and loss of water. Use of tensiometers and rain guards are encouraged to prevent the unnecessary watering of the landscape during rain storms. The irrigation system shall be designed to meet the peak demands of all the plant material. Where spray heads are used, they shall be the "pop-up" type. No exposed "knocker heads" are permitted. The irrigation system shall be designed for the scale of the yard. Spray heads shall have a maximum fifteen foot (15') radius throw, unless otherwise approved by the Review Committee.

E. LANDSCAPE LIGHTING

Landscape lighting shall be contained within the Building Envelope. Landscape lighting shall be shielded to prevent nuisance glare onto adjacent properties. Lighting should be automated and controlled by a timer and shall be active at all times, including those periods when the house is not occupied. Conceal "uplights" as much as possible by boulders and shrubs to decrease their visibility during the daytime. Above grade fixtures shall not be permitted in turf areas. All outdoor fixtures shall be low voltage and use incandescent or florescent lamps. Colored lenses shall not be permitted (e.g., blue, green, red). Post lights are not permitted. All light fixtures shall be compatible with the architecture of the community. Walk lights may be used along walkways and driveways and shall project downward only. No exposed bulbs shall be permitted. All fixtures shall use an integral or below grade junction box. Fixtures shall not exceed fifteen inches (15") in height. Fixtures are to be finished to blend with the area they are placed within.

F. WATER FEATURES

Water features shall not be built outside of the Building Envelope. Water features shall be kept in scale with the house and shall minimize jets, sprays, and surface area, to reduce the loss of water through evaporation. Any water feature visible to the surrounding area shall require approval by the Review Committee. Flash evaporation (micro-mist) systems may be installed upon approval of the Review Committee. Water features shall be designed as part of the architecture.

G. ART OBJECTS

Art objects shall not be installed outside of the Building Envelope. Objects visible to the surrounding area shall require approval by the Review Committee.

H. COMPLETION OF LANDSCAPE

Landscaping shall be installed per an approved design within six (6) months from the date of Certificate of Occupancy. The construction security deposit (see page 38, Building Process) shall be refunded only upon completion of the landscaping and final approval of the same by the Review Committee. At the time of the final inspection of the landscaping, all items including the irrigation system, lighting, planting and site amenities shall be complete and operational.

I. MAINTENANCE

The homeowner shall maintain all plantings in a healthy growing condition. Fertilization, cultivation, and pruning shall be carried out on a regular basis. Dead and dying plants shall be removed and replaced promptly. Irrigation systems are to be kept in proper working condition to avoid unnecessary loss of water. Owners shall be responsible for adjusting, repairing, and cleaning such systems on a regular basis. The irrigation system shall be designed and shall be checked regularly to ensure that water from the emitter or spray heads is not spraying onto walks or driveways or off the Owner's property, causing excessive water loss, staining or irrigating areas not designed to receive water (e.g., natural desert areas).

J. MODIFICATION TO THE LANDSCAPE

Any modifications to the landscape visible to the public areas or to adjacent properties shall require approval from the Review Committee prior to such modification.

VII. REVIEW AND APPROVAL PROCESS

A. APPLICATION PROCEDURE

In applying the Guidelines and the Declaration of the CC&Rs, the Review Committee is charged with using its professional judgment to process each submittal in a fair, consistent, and timely fashion. The Review Committee has established procedural rules, approval time schedules and fee structures for review of plans and specifications. A minimum of four stages of approval are required for final approval of a typical new construction. Additional reviews such as a Reconsideration Review are also available. Requirements of the submission material and fees are provided later in this section.

The Owner shall submit all plans and specifications for review and approval at the current address of the Review Committee. Application forms and update of all policies for construction of improvements can be obtained at the address below. Obtaining the required Review Committee approval is a prerequisite to construction of any improvements including but not limited to structures, paving, fencing, landscaping, utilities, signage, site accessories and recreational amenities.

The application will be received by the administrative staff of the Review Committee. Responsibility for completeness of the application material lies solely with the Owner, and the Review Committee may return an application, without any action on it, due to insufficient information. This will cause loss of time for the Owner since the Review Committee meets on a scheduled basis only. The Review Committee's initial address for all correspondence is as follows:

Lava Cove Review Committee

St. George, Utah 84770

B. THE REVIEW COMMITTEE'S ACTION

Upon receipt of a completed application, the submission material will be sent to architectural and landscape consultants hired by the Review Committee for professional review and comments. Review by professional consultants is mandatory for all major construction items. However, for items of lesser concern the Review Committee may waive this requirement.

The Review Committee will act on the application at its next scheduled meeting held at least once a month. The Review Committee meetings are not open to the public except for the Owners and their consultants. The Owner is encouraged to be present to answer any questions that the Review Committee may have and to respond to concerns which surface during the review process. The Review Committee must have a quorum in order to pass any action on an application.

The Review Committee will consider the application and the consultants' advice. The members of the Review Committee shall use their personal expertise and knowledge of the Lava Cove philosophy in determining the acceptability of the submittal.

The Review Committee shall take one of the following actions:

- Grant an unconditional approval;
- Grant a conditional approval;
- Issue a notice of disapproval;
- Table the application for further review until the next scheduled meeting; or
- Return the application for further information to be provided by Owner.

Before giving an unconditional approval, the Review Committee may require that changes be made to comply with the requirements of the Declaration, Guidelines and such additional requirements as the Review Committee, in its discretion, may impose. The Review Committee may impose additional requirements, as it discovers a need, for the continuity of the spirit of Lava Cove. Such elements as color, placement, finish, and material are all subject to the review of the Review Committee.

The approval or disapproval by the Review Committee of any element of any submission for any project shall not be deemed to constitute a waiver by the Review Committee of the right to approve, disapprove, object or consent to any of the features or elements embodied therein when the same, or similar, features or elements are embodied in other applications submitted to the Review Committee.

The amount of time taken by the Review Committee for the approval process will vary with the adequacy and complexity of the design information and the completeness of submittal material. A decision of the Review Committee to approve or disapprove a submittal, together with an explanation of further conditions to be satisfied by the Owner, shall be made within thirty (30) days after receipt of a completed submittal.

Following the approval of the plans by the Review Committee, a certification stamp on the approved plans and a separate Letter of Approval shall be provided to the Owner evidencing such approval. Any plan or specification approval given by the Review Committee refers only to its conformity with these Guidelines, the Declaration and such other rules, regulations and conditions as may be promulgated by the Review Committee. The Review Committee takes no responsibility for and makes no representations with respect to plan conformance with governmental codes or any other criteria. The Review Committee, by its submission of these standards and approval of plans and specifications, assumes no liability or responsibility for engineering or structural design, or for any defect in any improvement made pursuant thereto, and its approval shall not be deemed approval of any plans or design for structural safety or conformance with building or other codes.

C. OWNER'S ACTION

With regard to a conditional approval, the Review Committee may impose time limitations for the completion of improvements or require changes to be made which in its discretion are required to ensure that the proposed improvement will not detract from the appearance of the community or otherwise create any condition unreasonably disadvantageous to other Owners or to the community as a whole. In such case, the Owner has an option to accept all conditions as stated in the Letter of Conditional Approval or to disagree and request a reconsideration of those conditions.

The Owner may accept the terms of the conditional approval by signing a copy of the Letter of Conditional Approval and delivering it to the Review Committee.

An Owner may request reconsideration of any ruling of the Review Committee by submitting to the Review Committee, in duplicate, written arguments for such reconsideration within thirty (30) days of the date of receipt of the Review Committee's ruling. The Review Committee will give its final ruling by answering the arguments and by confirming or modifying its ruling within thirty (30) days of receipt of the Owner's written arguments. No fees are required for a reconsideration. Failure of the Review Committee to notify the Owner regarding the reconsideration within thirty (30) days of the date of submittal of the written arguments to the Review Committee shall be deemed approval of the submittal.

In the case of disapproval after reconsideration of the application, the Owner shall have the right to appeal to the Board of Trustees of the Association.

A Final Approval by the Review Committee remains valid for one (1) year from the date of issuance. The Review Committee approval must be obtained prior to a formal submission to the City of Santa Clara for a building permit. If a building permit is not issued within one (1) year after an Owner has obtained the Final Approval, the approval is void. The Owner may ask for, and receive, one extension of six months. The Owner must submit a new application to the Review Committee if the time period expires.

Verbal approvals are not valid approvals under any circumstances. The Owner shall not rely on and shall not place any value whatsoever on a verbal approval by anyone, including a Review Committee member.

D. EFFECT OF APPROVAL

Neither the Declarant, the Association, the Board of Trustees or the Review Committee, or the members or designated representatives thereof shall be liable for damages to any Owner or Owner's representative submitting plans or specifications to the Review Committee or any of the entities named above for approval, or to any Owner or Owner's representative affected by the CC&Rs or the Guidelines by reason of mistake of judgment, omission, or negligence unless due to willful misconduct or bad faith of such party.

Each Owner, as a condition to obtaining any approval under these Guidelines, agrees to fully indemnify, protect, defend and hold harmless the Declarant, the Association and the Review Committee against and from any and all claims, liabilities, lawsuits and disputes related in any way to any approval or to any approved or disapproved Improvement.

E. SUBMISSION MATERIAL

Submission material shall include:

- Architectural design and construction drawings.
- Specifications.
- Actual material and color samples.
- Material manufacturer's catalog cuts.
- Scale models (if available).
- Photographs.
- Colored renderings.
- Any additional items needed to inform the Review Committee of the full details of the proposed construction.

Building material samples and colors shall be submitted on one or more thick piece(s) of letter-sized cardboard. All submission material (except scale model) shall become the property of the Review Committee and may be retained in order for the Review Committee to inspect the project until its completion. All plans submitted shall be in duplicate. Upon the completion of the review, one (1) set of plans will be retained by the Review Committee for its records, and the other set of plans will be returned to the Owner. Plans shall not be submitted to the City of Santa Clara for a building permit until the written certification has been issued and all plans have been endorsed with the Review Committee's consent. This approved and endorsed plan, along with the Letter of Final Approval, shall be submitted to the City at the time of application for a building permit.

As a general requirement, include an information block on all submittal sheets containing:

1. Name, address and telephone number of property Owner.
2. Name, address and telephone number of Applicant if different from Owner.
3. Lot identification by Lot block, tract and subdivision.
4. Street address of proposed project.
5. Name, address, telephone, and Utah license of the project architect and consultants.
6. Scale and north arrow.
7. Date of each revision, change or plan re-issue.
8. Sheet number and description.

Submittal date.

F. DESIGN REVIEW

Construction requiring review.

All new construction must follow a four-step approval process:

1. Pre-Design Orientation
2. Conceptual Design Review
3. Preliminary Plan Review
4. Final Plan Review

The Review Committee shall develop a policy allowing small remodeling projects to proceed directly to the Final Plan Review. The policy will also enumerate small, quick, easily understood projects that can be handled over the counter by a staff member.

1. Pre-Design Orientation Meeting.

A Pre-Design Orientation Meeting shall precede the Conceptual Design Review. The Owner and design team members are required to meet with a representative of the Review Committee to review the proposed improvements. The discussion shall include:

- A review of the process of designing and building improvements at Lava Cove and the Owner's role in that process.
- A review of the standard for professional consultants.
- A review of Lava Cove's architectural and landscape philosophy.
- A review of the Guideline policy and updates.
- Any preliminary requests for variances by Owner's consultants and experts.
- A visit to the project site to determine topography, natural elements to preserve, view corridors, etc.
- Answering any questions regarding the review and building process.

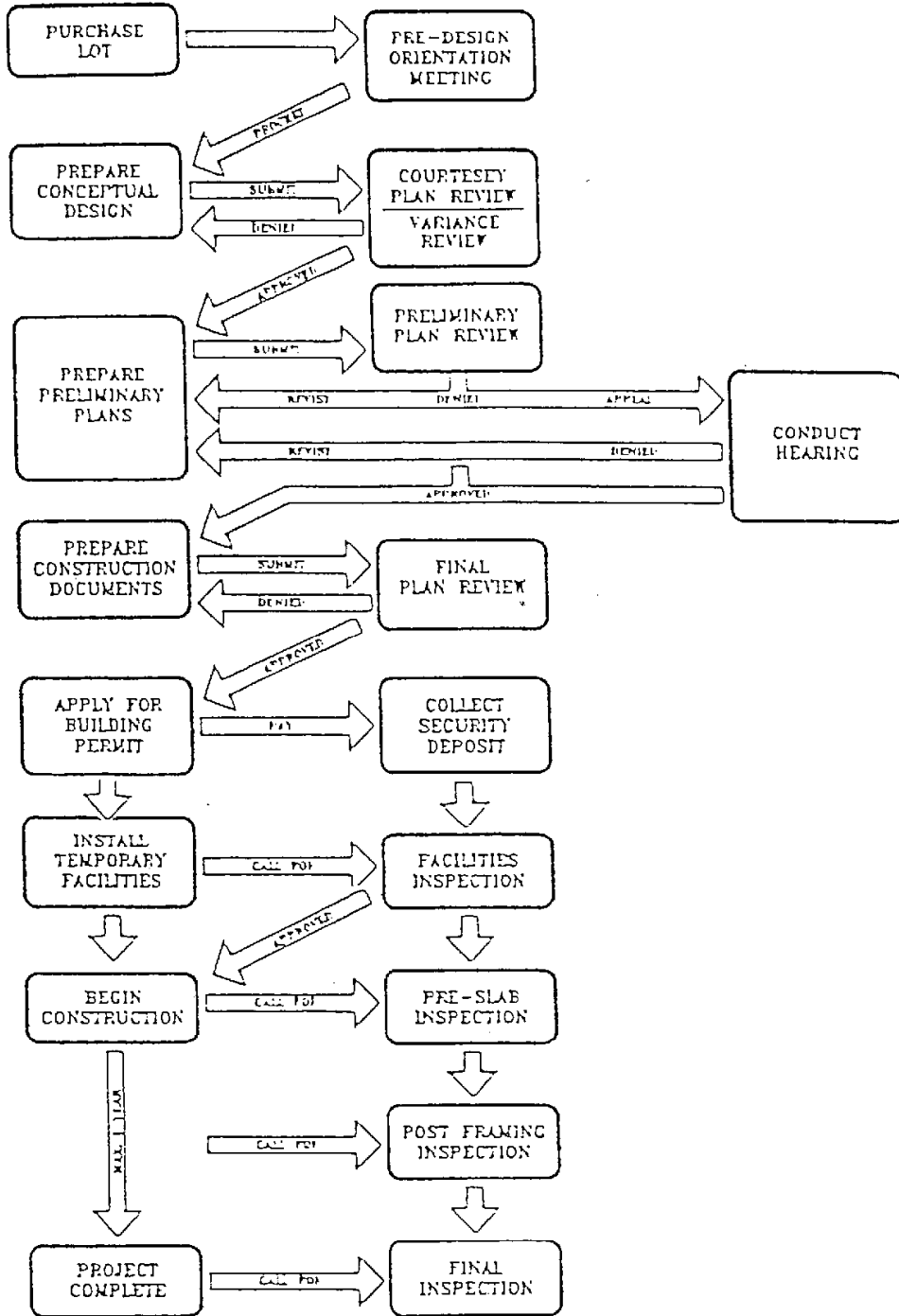
The Orientation Meeting provides the Review Committee an opportunity to meet each Owner and member of the design team. The Review Committee needs an understanding of the Owner's vision of the project. The Owner's participation in the design process is crucial. The Owner is responsible for understanding and complying with the provisions of the Design Guidelines, and assuring that all consultants also understand and comply with the Guidelines.

The Owner must use professional consultants duly licensed by the State of Utah. Grading and drainage plans must be prepared by a licensed civil engineer. All building construction documents must be prepared by a registered architect. Landscape plans must be prepared by a licensed landscape architect.

The Owner is responsible for ensuring that any revisions relating to the improvements are properly submitted and approved prior to construction. The Owner is also responsible for ensuring that the Owner's licensed professionals and contractors construct the improvements in conformance with approved plans, revisions and within the approved time frame. The Owner shall furnish copies of these Guidelines to his design team members.

DESIGN REVIEW PROCESS

OWNER/APPLICANT DESIGN TEAM DESIGN REVIEW COMMITTEE BOARD OF TRUSTEES



2. Conceptual Design Review.

Conceptual Design Review is the first design review and it is mandatory. If the Owner wishes to apply for variances to any conditions of the Guidelines, it should be formally addressed at this approval stage. The intent of Conceptual Design Review is to evaluate the proposed design at a schematic sketch level. Finding and avoiding conflicts with the Guidelines will save the Owner and design team considerable time and expense.

In the Conceptual Design Review stage, the Review Committee will focus on architectural form and fundamental relationships between the Owner's proposed improvements and the surrounding environment. The Review Committee will not focus on each and every detail at this point; however, the variances will be closely scrutinized. Mandatory submission materials for Conceptual Plan Review include:

a. **Application Form and Review Fee.** A completed form with signature of the Owner (Appendix B). Fee paid by check made payable to "Lava Cove Property Owners Association."

b. **Preliminary Title Report.** Provide a preliminary title report disclosing all current matters of record on the Lot.

c. **Topographic Map of Lot and surrounding property** (1/8" or 10' or 20' scale). This survey provides the Review Committee and the Owner's design consultants contour information on the Lot and surrounding areas. It explains how proposed grade transitions will be made between the boundaries and the improvements. Utility lines and other pertinent information are disclosed on this map. The topography plan must show:

- Property lines, building envelope lines, and easements.
- Existing two-foot (2') contours covering: entire Lot, street to center line, twenty-five foot (25') area contiguous to the rear property line, and fifteen-foot (15') area contiguous to either side of the Lot. If adjacent Lot or Lots are developed, show the location and grades of the existing structures. Show existing significant geological and vegetation features and tree locations and landscape information on or around the Lot. All grades must mean elevation above sea level.
- Lot corner elevations and at least two (2) spot elevations evenly spaced along the curb.

d. **Schematic Site and Grading Plan** (1/8" or 10' or 20' scale). This plan should be based on the topographic survey and in addition to that information it must show:

- Proposed footprint of all buildings (outline of exterior walls) and the roof design with overhangs, hip, ridge and valley lines (shown in dashed lines).

- Schematic site design concept for Lot, including driveways, walkways, patios, pools, spas, service and equipment yards, trash enclosures, garden walls and generalized landscaping concept, etc.
 - Where site grade changes are proposed, show existing grades on Lot in dashed lines and proposed grades on Lot in solid lines (1' contour intervals). Show proposed spot elevations on hardscape areas, residence slab, walls, pool, spas, and planter areas to depict fundamental grade changes and grade transition treatments.
 - Proposed driveway grades and elevations.
 - Utility lateral locations including electric transformer, electric pullbox, water meter box, telephone and television pullbox or stubout, gas and sewer laterals.
 - Method of surface and subterranean drainage flow (with line elevations).
 - When a house is existing or proposed on an adjacent Lot, show all information as provided by the Review Committee.
 - Approved height limitation.
- e. **Schematic Floor Plans** (1/8" or 1/4" scale). Show all floor plans to present the total home design including first, second and basement floor plan. Show all living and non-living areas with room names including garage, storage, etc. Indicate general exterior dimensions and pertinent information.
- f. **Schematic Roof Plan** (1/8" or 1/4" scale). The following information must be included in the roof plan:
- Flat roof areas and how they are drained. Pitch of sloped roof areas with slope such as 2:12.
 - Trellis areas, skylights, and chimneys.
 - Location of exterior walls and columns (shown in dashed lines) in relationship to roof edge.
 - Roofing material.
- g. **Schematic Elevations** (1/8" or 1/4" scale). This drawing must show the following:
- At least four (4) exterior elevations of each proposed building identified as north, south, east, west, and front, rear, left, and right sides. Front and rear elevations must extend twenty-five feet (25')

beyond Lot line. Show existing or proposed Improvements and grades in those areas. Show fencing in elevation.

- All proposed exterior materials and color description on elevations.
- One set of colored elevations.

h. Typical Building and Site Sections (1/8" or 1/4" scale).

- Two (2) sections. One taken from front to back of the house including street, front and rear yards and an area twenty-five feet (25') beyond front and rear property line which best shows the building site relationship. Second taken from side to side property lines and extended fifteen (15') into the adjacent Lot or common areas.
- Show all existing grades in dashed lines, proposed grades in solid lines and include all improvements.
- Indicate all section cut lines on schematic site, grading and floor plans.

i. Schematic Rendering. A two-point sketched perspective rendering with a view point above the roof line and generally at a 45-degree angle to the face of the building. The perspective must show:

- All visible proposed buildings, driveways, walkways, patios, pools, freestanding or retaining walls, etc., as well as special architectural elements.
- All planting and grading treatments and how they relate to the adjacent land.

j. Photographs of the site and around the site showing all existing conditions and surrounding areas and buildings.

k. Scale Model is not mandatory but is quite useful in conveying the massing design of the project to the Review Committee. The Review Committee encourages architects to present schematic models in place of (or in addition to) the perspective drawings. The model need not be detailed or colored; rough study models that show architectural form are acceptable. Models should include fencing (if any), surrounding areas and streets.

l. Variances. The following material is required when seeking variances:

Variance Application Form and Fees. A completed form with signature of the Owner and adjacent property Owners. Fee shall be paid by a personal check made out to the Lava Cove Property Owners Association.

Narrative Statement. A statement describing the reasons why the variance should be granted and the hardship it would cause if not granted.

3. Preliminary Plan Review.

Preliminary Plan Review material is to be of a level equal to the customary design development stage in the field of architecture. These documents provide the Review Committee with a complete understanding of the architecture, landscaping and other details of the proposed residence. This is a critical review stage as in this approval process the Owner and the design team will set the basis for final production documents. Sketchy and incomplete information presented in this submission may cause the Owner unnecessary expenses in production drawings and engineering design. The majority of the design problems will surface at this review stage. Mandatory submission material for Preliminary Plan Review is as follows:

a. Application Form. A completed form with signature of Owner. Copy of the Approval for Conceptual Design Review (Appendix B).

b. Preliminary Site and Grading Plan (1/8" scale). This plan should be based on the topographic survey provided in the Conceptual Design Review, In addition to that information, it must show:

- If individual mailboxes are permitted, mailbox design, location, materials and colors.
- At least two (2) spot elevations along the curb as well as Lot corner elevations.
- Method of surface and subterranean positive drainage flow with line elevations. Location of all bubbler boxes, area drains and dry wells and the connection to underground drainage system for site and roof drains.
- Location of temporary or permanent accessory elements such as flagpole and site signage.
- When a house is existing or proposed on adjacent Lots, show all information as provided by the Review Committee.
- Approved height limitation.

c. Preliminary Floor Plans (1/4" scale). Show all floor plans to present total home design including first, second and basement floor plans. Plans must show:

- All living and non-living areas with room names including garage, storage, covered and open patios, etc.
- All exterior dimensions and pertinent information.
- Tabulation of square footage of individual floors and total living and non-living square footage.

d. **Preliminary Roof Plan** (1/4" scale). The following information must be included in the dimensioned roof plan:

- Flat roof areas and how they are drained. Roof pitch of sloped roof areas with slope such as 2:12.
- Trellis areas, skylights, chimneys, location, design, material and color.
- Location of exterior walls and columns (shown in dashed lines) in relationship to roof edge.
- Roofing material and color.
- Roof mounted ventilating equipment and color and means to conceal from general view.
- Roof terraces location, design, finish material and color.

e. **Preliminary Elevations** (1/4" scale). This drawing must show the following:

- All exterior elevations of proposed buildings identified as north, south, east, west, and front, rear, left, and right sides. Front and rear elevations must extend twenty-five feet (25') beyond Lot line. Show existing or proposed Improvements and grades in those areas.
- All proposed exterior materials with texture and color description noted on elevations.
- Dimensions and heights of all elements including windows, doors, parapet walls, patio covers, porticos, arches, garden walls, retaining walls, etc., and the maximum allowable height.
- Type, material, finish, color and architectural treatment of all windows and doors.
- Location, type and color of exterior lighting fixtures.

- Details of typical fascia, soffit, columns. Typical door and window, sill, head and jamb details.
 - Proposed special architectural elements such as skylights, solar panels and flag poles.
 - One set of colored elevations.
- f. **Building and Site Sections** (1/4" scale).
- As many building and site sections as necessary to explain total design. Sections shall extend twenty-five feet (25') beyond property lines to show relationship of the proposed building with the site. Show all existing grades in dashed lines, proposed grades in solid lines and include all improvements.
 - Show all construction materials and method with general specifications.
 - Indicate all section cut lines on schematic site, grading and floor plans.
- g. **Preliminary Landscape Plan.** (1/8" scale). These plans must show:
- Contours at two-foot (2') intervals with existing contours at dashed lines and proposed contours as solid lines.
 - Positive drainage away from all structures with location of all drains, drain lines, and drywells (if any).
 - Show proposed location of all plant materials, turf, boulders, and toppings, e.g. decomposed granite, etc.
 - Plan legend with botanical names, common names, size, and remarks including multi and single trunk trees.
 - Show location of all site amenities such as fountains and art objects.
 - Lighting plan with location and type of all proposed fixtures, including lamps and wattage to be used.
- h. **Rendering.** A two-point sketched perspective rendering with a view point taken above the roof line and generally at a 45-degree angle to the face of the building. The perspective must show:
- All visible proposed buildings, driveways, walkways, patios, pools, freestanding or retaining walls, etc., as well as special architectural elements.

- All planting and grading treatments and how they relate to the adjacent land.

i. **Scale Model.** Scale Model is not mandatory but is quite useful in conveying the massing design of the project to the Review Committee. The Review Committee encourages architects to present a schematic model in place of (or in addition to) the perspective drawings. The model need not be detailed or colored; rough study models that show architectural form are acceptable. Models should include fencing, surrounding areas, and streets.

j. **Material Board.** The design development drawings must be accompanied by letter-sized material boards showing samples of all proposed exterior materials denoting the finish, textures and colors of all building materials. This would include all walls, fascia, window frame and glazing, roofing and such other materials. Actual material samples are preferable to brochures or catalog cuts. In certain instances the Review Committee may defer approval of a material until it can be reviewed at an existing location where a sample is installed on the subject property. Landscaping material samples would include samples of hardscape such as toppings, (i.e., decomposed granite and samples of boulder no larger than 4-inches around). Treat sample with proposed desert varnish finish.

Manufacturer's brochures and illustrations may be provided for windows, exterior doors, garage doors, gates, building and site lighting fixtures, and any special architectural features such as address numbers.

4. **Final Plan Review.**

Final Plan Review material is to be of a level equal to the customary working drawing stage in the field of architecture. These documents provide the Review Committee with a complete understanding of the project including architecture, landscaping and other details. Final plans must be in substantial compliance with the approved preliminary plans. The Review Committee shall confirm such a fact. If the changes made between the Approved preliminary plans and the working drawings are not in the spirit of the approved design, additional delays for the Owner may result. In this review the design of the finite building and site details such as colors, lighting, HVAC and pool equipment enclosures, courtyard walls, utility meter locations and method of concealing the same from general view will be scrutinized.

The specifications format shall be "Master spec." or other industry recognized format. Typically the specifications would be expected in a separate specification book instead of on the working drawings. A soil report specifying the design requirements of the structure must be included in the specification book. Working drawings must have complete symbol and abbreviation legends. The specification book should be letter-size (8-1/2" x 11") and should include the required sections per the CSI format.

Material for the Final Plan Review shall include the following items:

- a. **Application Form.** A completed (most recent) form with signature of the Owner. Copy of the Approval of the Preliminary Design Review (Appendix B).

b. **Cover Sheet** must have project name, Owner's and consultant's name and telephone numbers and a vicinity map.

c. **Site Plan** (1/8" scale) must show:

- A legal description with Lot and tract number. Street names, adjacent Lot numbers and names of the adjacent Lot Owners.
- All proposed and existing architectural and site Improvements fifteen feet (15') into adjacent Lots or common areas.
- Easements on the Lot.
- Dimensioned Building Envelope lines. Building footprint and dimensions from Lot lines. Roof overhang (shown in dashed) lines.
- Tabulation of square footage of Lot area, open and covered patio areas, individual floors and total living and non-living square footage.
- All service yards, trash areas, pool equipment, air conditioning units, irrigation and other equipment location and location of retaining walls, garden walls and gates.
- Utility lines, meter locations and means to conceal it from general view.
- All exterior hardscape materials, texture and colors.

d. **Grading and Drainage Plan** (1/8" scale) must show:

- All existing grade contours (taken from the existing topographic survey), on the Lot and adjacent Lots, common area and streets, within twenty-five feet (25') of Lot, in dashed lines and all proposed grades on Lot in solid lines, both at one-foot (1') contour intervals. Also show top and toe of slope line locations and grade changes (with elevations).
- Top of wall elevations and hardscape elevations.
- Location, typical details, and specifications of drainage facilities, including drainage inlet and outlet structures (with spot elevations), and dry wells (if any). Location of roof drains and area drain connections.
- Indication of positive drainage away from all structures with flow directions.

e. **Foundation and Details** (1/4" scale). Foundation plan must show all slab elevations. Reference and include all details required for the construction of the foundation system. The installation of all the concrete, including any raised floor construction, must also be indicated.

f. **Floor Plan and Details** (1/4" scale). Floor plans must show all walls, defined spaces and uses. Reference and include all details required for the construction of concrete, masonry and framed walls. Door sizes, cabinets, wall fixtures, etc., must be shown.

g. **Exterior Elevations** (1/4" scale). The elevation plan must show all exterior materials and finishes, main entry door, garage overhead door, gates, columns, ornamental iron work, exterior trim and special architectural features such as skylights and solar panels as permitted. It must also show items that will be evident on the exterior of the finished building including louvers, vents, roof drain and gutter outlets, access openings, meter boxes, electrical fixtures, expansion joints, flashing, tile or masonry feature strips, etc. Roof pitch and maximum height of the finished structure must be shown.

h. **Building Sections** (1/4" scale or larger). Sections must show detailed composition of all types of walls, floor and roof elements and materials used, including wall and roof heights and roof pitches.

i. **Framing Plan and Details**. This plan to show overhang and exterior trim including fascia, soffit, frieze boards, columns and trellises.

j. **Roof Plan and Details** (1/" scale). This plan must show roof penetrations including plumbing and HVAC vents, fireplace and miscellaneous equipment flues, skylights, and roof access doors. It must also show roof-mounted equipment and accessories, as permitted, including solar panels, gutters, roof drains, scuppers, flashing and related sheet metal. Roof slopes and water flow to drains or gutters or both with directional arrows must also be shown. Note roofing materials to be used, including manufacturers' names and methods of installation and reference roof details, including but not limited to roofing installation sections, equipment or accessories mounted on the roof, metal flashing and counter flashing.

k. **Electrical Plan**. Show all exterior and interior lighting, and fixture schedule including cut sheets for exterior lights visible from other properties or public areas. Show the location and specification of security system (if any).

l. **Plumbing Plan** (1/8" scale or larger). This plan must provide locations, types, and dimensions of all potable water piping, valves, and fixtures as well as all sanitary drains, pipes, and fixtures (include roof drain system).

m. **Reflected Ceiling Plan**. Unless shown on electrical floor plan, this plan must show complete ceiling systems for exterior overhangs.

n. **Glazing, Door and Finish Schedules**. This schedule must show type and size of all exterior windows with glazing and color information. Also indicate all exterior door sizes, type, color and finish.

o. Details. Show details necessary to supplement information of all plans for a comprehensive understanding of the construction of the building.

p. Landscape Plan (1/8" scale). This plan must show the location, details and specifications of all landscape light fixtures. Provide complete information on the lamp, lens, and wattage to be used for all exterior fixtures. Provide cut sheets of fixtures with mounting details.

q. Pool, Spa, Fountain Plan and Details. This plan must show plans, sections and details for pools, spas, fountains and all other water treatments (including related drains) to be located on the Lot. Provide at least two (2) cross-sections of the pool, spa, or fountain and the adjacent hardscape showing their relationship to adjacent property where applicable.

r. Security Systems Plan. Show location and method of mounting all exterior equipment if a security system is to be installed.

An approved set of drawings with the Review Committee's approval stamp and the Letter of Final Approval must be submitted to the City as part of the required material for a building permit.

G. DESIGN REVIEW FEES

Design Review fees are charged to cover administrative costs, consultant fees and other related costs considered ordinary in administrating the Design Review process. A fee schedule shall be available from the offices of the _____ . The fee schedule may be reviewed by the Review Committee from time to time and be modified as appropriate. The Owner shall verify the current fee structure at the time of making the application. All applications shall be accompanied by the appropriate fee. All payments shall be made payable to the Lava Cove Property Owners Association and delivered to the Review Committee.

A one time fee shall be charged for plan reviews and site inspections on any new construction or addition or remodel. For a major new construction project, such as the construction of a custom home, or a significant remodel of or an addition to an existing structure, this fee shall include one review at the Conceptual Design stage, two reviews at the Preliminary Plan Review stage and one review at the Final Plan Review stage, as well as four (scheduled) on-site inspections. Should additional plan reviews or site inspections be needed, additional fees shall be charged as set in the fee schedule. (See Appendix B.)

VIII. BUILDING PROCESS

The Lava Cove Property Owners Association shall monitor all construction activities within the community to ensure that the Guideline regulations are being followed, that improvements are being made to individual sites in accordance with the approved plans and that the natural vegetation is being preserved. This section lists requirements that must be followed by Owners, contractors, subcontractors and any other entity related to the construction process. Also listed is the construction inspection procedure that must be followed in the improvement of a custom home site. The processes and regulations do not apply to land development actions taken by the Declarant or its assigns during the community development of Lava Cove.

A. CONSTRUCTION FLOW PROCESS

The general, or basic, step-by-step procedures for building Improvements at Lava Cove are sequentially described here:

- The Review Committee approves final working drawings; City of St. Santa Clara issues Building Permit.
- Submit pre-construction materials to the Review Committee (see below).
- Pay construction damage deposit.
- Install chain link or other approved fence around Building Envelope.
- Call the Review Committee for inspection of temporary construction facilities.
- Stake and flag the location of all underground utilities to avoid damage. This service is available through Dig Alert at 1-800-422-4133.
- Start construction.
- Call for preslab and post framing inspections and receive approvals from the Review Committee.
- Complete construction and clean-up premises.
- Call for and receive final approval from the Review Committee.
- Receive refund of the construction damage deposit.

1. **Pre-Construction Submittals.** Before beginning construction, the following items shall be submitted to the Review Committee for their permanent files:

- a. One (1) full set of final working drawings approved by the City of Santa Clara and the Review Committee.
- b. One (1) copy of the Temporary Construction Facilities' Plan. This plan shows the location of the facilities placed on the Lot prior to construction.
- c. Construction damage deposit in the amount of Three Thousand Dollars (\$3,000.00) for a construction of a custom residence. Fees for remodel and other construction activity shall be established by the Review Committee at a later date.

2. **Site Inspections.** There are three site inspections required during construction of a custom residence. They are 1) preslab, 2) post framing, and 3) final.

The intent of the preslab inspection is to confirm that the slab will be poured in a position as approved by the Review Committee and that proper building setbacks are maintained. Contractor shall schedule this inspection and meet with and provide assistance to the Review Committee's representative in measuring distances and setbacks. Property corners, stringed property lines and other monuments necessary shall be in place in order for the Review Committee's representative to perform this. In the case of a basement there shall be two inspections, one for the basement and the other for the house slab.

The intent of the post framing inspection is to confirm that the structure is being built in accordance with the approved plans and that no modifications are being made without a review and approval from the Review Committee. The contractor shall schedule this inspection prior to beginning stucco work and assist the Review Committee's representative as necessary.

The final inspection shall be scheduled upon completion of the project. Intent of this inspection is to verify that the final building and site improvements are in conformance with the approved plans in terms of building materials, colors, landscaping, pool, fencing and such elements. Property must be cleaned up and ready for occupancy and any and all damage to private and common properties shall be repaired. In the case where the property is to be occupied prior to completion of landscaping, there shall be two inspections. In such case the property shall be free of all construction debris except for the landscaping related items at the time of the first inspection. A partial refund of the construction damage deposit may be made. Upon approval of the final inspection after landscaping, the contractor may request a refund of the balance of the construction damage deposit.

In accordance with the Declaration, any member of the Review Committee, or any other representative, agent, or employee of the Board, may, at any reasonable hour enter a Lot and inspect any improvement being built thereon for the purposes of inspection for compliance with approved plans, these Guidelines and the Declaration.

Upon the completion of any Improvement, the Owner shall give written notice thereof to the Review Committee. The Review Committee, or its duly authorized representative, may inspect the completed Improvement in order to determine whether it was constructed, erected or installed in substantial compliance with the approved plans. If the Review Committee or its representative finds that such work was not done in substantial compliance with the approved plans and specifications, it shall so notify the Owner in writing after the inspection. The notice shall specify the particulars of noncompliance. In the event the Owner fails to remedy the noncompliance within thirty (30) days from the date of notification to the Owner, the Review Committee shall so advise the Board. Upon receipt by the Board of notification of noncompliance from the Review Committee, the Board, in addition to any other remedies it may have pursuant to these Guidelines, the Declaration and applicable law, shall have legal standing to commence and prosecute legal proceedings against any Owner in order to correct such noncompliance as it deems necessary. The security deposit shall not be refunded until such noncompliance is corrected.

B. OWNER AND CONTRACTOR RESPONSIBILITIES AND REQUIREMENTS

1. Each Owner is responsible for hiring contractors and subcontractors licensed in Utah to construct the Owner's residence or other Improvements. Contractors, subcontractors, equipment

operators and their employees are the responsibility of the Lot Owners employing them. Owner-builders have the same responsibility as a general contractor.

2. The Owner or Owner's general contractor or superintendent is required to provide someone on-site with adequate authority (whenever one is needed) to receive deliveries and direct suppliers and subcontractors.

3. All equipment operators must possess an appropriate driver's license.

4. The Owner is responsible for making certain that all construction personnel are familiar with and obey the rules governing their activities at Lava Cove.

5. Each general contractor or superintendent is responsible for familiarizing their employees, subcontractors and suppliers with all relevant construction requirements and provisions in these Design Guidelines, and enforcing them. Each general contractor or superintendent is responsible for controlling employee work hours, and controlling any activities of employees that may be deemed as an annoyance or nuisance to Lot Owners (e.g., radio volume).

6. The Owner or Owner's general contractor or superintendent are required to construct the residence and surrounding Improvements according to the plans, specifications and revisions approved in writing by the Review Committee.

7. Each Owner and Owner's contractors shall be responsible for providing adequate sanitary facilities for their construction personnel.

8. The Owner or Owner's general contractor or superintendent are required to schedule inspection as described in the preceding section.

9. Upon completion of any Improvement, the Owner shall give written notice thereof to the Review Committee.

C. TEMPORARY CONSTRUCTION FACILITIES

The following temporary construction facilities are required to be placed on the Lot. A Temporary Construction Facilities Plan indicating the location of the facilities on the Lot will need to be submitted and approved by the Review Committee prior to their installation. No construction trailers or other temporary construction facilities will be allowed without the Review Committee's approval. In any case, no shacks, trailer or temporary construction facilities may be used as living quarters.

All temporary construction facilities shall be subject to immediate removal upon notice by the Review Committee or designee and must be removed within one week after receipt of the Certificate of Occupancy for the structure.

1. **Temporary Water.** A temporary water riser together with 150' (minimum) of 3/4" heavy duty rubber water hose for dust control and a hose stand shall be provided and installed in accordance with the Review Committee's requirements.

2. **Temporary Toilet.** A temporary portable toilet in good condition shall be provided with a bi-weekly chemical maintenance program. These units shall be maintained in a clean, sanitary and odorless condition.

The color of the temporary toilet facilities shall be approved by the Review Committee, and shall be located only on the building site itself or in other areas approved by the Review Committee.

3. **No Interruption of Water Flow.** It is the responsibility of the contractor to insure continuation of water flow to adjacent Lots so that damage is not done to other properties' landscaping, etc.

4. **Dumpster.** A minimum three (3) yard steel roll-off dumpster shall be maintained in clean exterior condition, free of graffiti, on the Lot for the duration of the construction phase for adequate containment of all construction waste. The color of the dumpster shall be approved by the Review Committee.

A regular dumping service shall be utilized so that overflow and unpleasant odors do not occur.

5. **Job Site Telephone.** A job site telephone shall be installed in an enclosure or in a trailer in accordance with the Review Committee's standards. The telephone number shall be presented to the Lava Cove Property Owners Association and the Review Committee.

6. **Plan Box and Lot Sign.** A plan box and accompanying Lot sign shall be installed in accordance with the Review Committee's standards. A complete set of approved plans and permits shall be maintained in the plan box while the residence is under construction. The Review Committee must be provided with a key or combination if the plan box is locked. Proposed locations of the following temporary construction facilities must be shown on the Temporary Construction Facilities Plan and approved by the Review Committee before they are installed on the site. Such facilities are not mandatory.

7. **Temporary Construction Trailer.** Trailers shall be no smaller than 8' x 16' and no larger than 12' x 20', and shall be maintained in good, clean condition and repair. The color of temporary construction trailers must be approved by the Review Committee. Trailers shall be recessed and back-filled into the ground with a matching wooden "skirt" applied. No construction "shacks" will be permitted. All signs must be removed from trailers.

8. **Storage Bins.** Storage bins for on-site material storage shall be steel and maintained in good, clean condition and repair.

After the Temporary Construction Facilities Plan has been approved and the actual facilities installed on the Lot, the Review Committee's Chairman or a representative may make a site inspection of the facilities.

D. USE OF ADJACENT PROPERTY

The use of property adjacent to Lots under construction for vehicle access purposes, parking or equipment and material storage will not be permitted. General contractors, employees, suppliers, and subcontractors shall not enter common areas for any reason at any time unless granted permission by the Review Committee. All adjacent property, if accidentally encroached upon, must be returned to its original condition at the end of construction.

E. THE CONSTRUCTION PROCESS

1. **Construction Hours.** Construction on and around the exterior of the structure shall be limited to:

October 1 - April 30

Monday through Friday
7:00 a.m. - 5:30 p.m.

Saturday
8:00 a.m. - 4:00 p.m.

May 1 - September 30

Monday through Friday
6:00 a.m. - 7:00 p.m.

Saturday
8:00 a.m. - 5:00 p.m.

No construction-related activities shall be permitted on and around the exterior of a structure during Sundays or official Lava Cove holidays. Official Lava Cove holidays are as follows:

New Year's Day
Memorial Day
Independence Day

Labor Day
Thanksgiving Day
Christmas Day

Site access may begin one-half hour before construction begins each day and an additional half-hour is allowed for site egress each day.

2. **Review Committee and Lava Cove Property Owners Association Access to the Lot.** Representatives of the Review Committee and the Lava Cove Property Owners Association shall have full access to the Lot and buildings while under construction to:

- a. Inspect the Lot or Improvements at any time.
- b. Remove security, health or safety risks or hazards.
- c. Clean or maintain the Lot or Improvements.
- d. Enforce any provision of the Declaration or these Design Guidelines.

3. **Site Signage.** No signs other than an approved address sign located on the plan box or the standard construction sign as described in the signage section shall be permitted on Lots under construction.

4. **Site Conduct and Safety Precautions.** The general contractor, job superintendent, and their employees, subcontractors and suppliers shall:

- a. Comply with all of the construction provisions established in the Design Guidelines and the Declaration.
- b. Follow the directives of the Lava Cove security and staff and the Review Committee.
- c. Not consume alcoholic beverages on the site.
- d. Not damage or disturb the work of others.
- e. Take all necessary precautions for the safety of all persons, materials, and equipment on or adjacent to the site. Furnish, erect and maintain approved barriers, lights, signs and other safeguards to give adequate warning to everyone on or near the site of dangerous conditions during the work.
- f. Not disturb residents or guests of Lava Cove.
- g. Not play loud music at the construction site.

It is the responsibility of the Owner and the general contractor to see that all of these rules are being followed.

5. Site Maintenance. The general contractor, job superintendent, and their employees, subcontractors, and suppliers shall comply with the following rules established for the maintenance and cleanliness of the site. The general contractor or job superintendent shall:

- a. Maintain the site in a neat and clean condition, neatly stockpiling all materials delivered for or generated by the work and immediately remove any waste material or debris generated by the work.
- b. Contain all blowable trash and bottles, cans and lunch debris.
- c. Remove all equipment, materials, supplies and temporary structure when any phase of the work is complete, leaving the area neat and clean. Equipment not in daily use must be removed from the job site.
- d. Keep the streets and adjacent property clean and free of dirt, trash, debris or other material related to or caused by the work, and clean up any street spills.
- e. Maintain dust control on the Lot.

NOTE: The Owners and builders are prohibited from dumping, burying or burning trash anywhere on the Property.

6. Disposal of Site Spoils.

- a. Any spoils generated from the site grading must be placed on the Lot and within the construction compound. No material may be placed on the street, common areas, or outside of the construction compound.
- b. Storage of spoils on adjacent property will not be permitted.

7. Compliance. The Review Committee and the Lava Cove Property Owners Association reserve the right to deny site access to any general contractor, job superintendent, subcontract, supplier or their employees who is in violation of the construction regulations. The Review Committee and the Owners Association reserve the right to stop construction on a Lot where:

- a. Improvements are being built or the Lot is being landscaped against approved plans.
- b. These Design Guidelines, approved plans, the Declaration or Lava Cove security regulations are not being complied with fully.

The Review Committee's inspector will inspect the site periodically. An offense may result in a stop-work order and contractor entry restrictions. Any costs whatsoever incurred by the Lava Cove Property Owners Association in enforcing these rules or remedying a violation will be billed to the Owner. Exercise or non-exercise by the Review Committee or the Owners Association of the rights delineated under this provision shall not be deemed a waiver by the Review Committee or the Owners Association and shall not preclude the Review Committee or the Owners Association from initiating any legal action against the violators (including Owner) of the Declaration, construction regulations or Design Guidelines.

8. Revisions to Approved Plans During Construction. Revisions to approved architectural or landscape plans during construction must be approved by the Project Architect or Landscape Architect or Designer before the Review Committee reviews them.

LAVA COVE

CONCEPTUAL PLAN SUBMITTAL REQUIREMENTS AND CHECK LIST: (PAGE 2)

OWNER _____

Name _____ Lot No. _____

APPLICANT _____

Name, _____ Tel. _____

COMPLIANCE REQUIREMENT

DOES NOT

COMPLIES COMPLY:

- _____ _____ Indicate and list separately if any variances are requested and reasons for the same.
- _____ _____ Architect's and a landscape architect's Utah registration no. shall be noted on plans.
- _____ _____ Samples of work is required if plans are not drawn by registered architect or landscape architect. Designer shall be pre-approved by the Committee prior to plan review.
- _____ _____ Architect's name or designer and draftsman's names shall be on all drawings.
- _____ _____ Are two sets of plans submitted.
- _____ _____ Plan shall have general information such as name, scale, etc.

SITE PLAN & ROOF PLAN (total of two required, one full size and one on 8 1/2" x 11" at 20 scale)

- _____ _____ Identification of Lot by parcel and lot number.
- _____ _____ Lot boundaries with dimensions.
- _____ _____ Dimensioned main and accessory building footprint (with patio, balcony etc., in dashed lines) with roof lines (in solid) including eaves ridges and valleys. Dimension overhangs.
- _____ _____ Property fencing and gates with heights and lengths dimensioned.
- _____ _____ Building and fencing setbacks with dimensions.
- _____ _____ Existing street trees shall be field verified and dimensioned and noted on the plan.
- _____ _____ Side walks, driveways (with distance to trees), utility boxes and points of connection.
- _____ _____ Finishes of all exterior paving materials including, walkways, driveways, pool deck etc.

GRADING PLAN (No smaller than 20 Scale)

- _____ _____ Existing and proposed grades.
- _____ _____ Lot boundaries with dimensions.
- _____ _____ Drainage pattern. Lot shall drain to street.
- _____ _____ Grades of adjacent properties, streets, slope banks etc..
- _____ _____ Retaining wall location and sections and other site structures if any.

FLOOR PLAN/S (1/8" or 1/4" Scale)

- _____ _____ Dimensioned floor plan/s for each level including porte cochere, patios, balcony etc.
- _____ _____ Dimensioned floor plans of accessory structure.
- _____ _____ Square footage of all areas including living space, garage, balcony, patio etc.

ELEVATIONS (1/8" or 1/4" Scale)

- _____ _____ Elevation of all sides.
- _____ _____ Bulk plane setback lines for front and corner side yards.
- _____ _____ Dimensioned heights of all elements.
- _____ _____ Note all finish materials and textures of all exterior surfaces including walls, roof, eaves.

CONCEPTUAL LANDSCAPE PLANS (1/8" OR 1/4" Scale)

- _____ _____ Location of all existing and proposed trees, shrubs, ground covers, and turf in the front, side and rear yards exposed to all public areas.
- _____ _____ Plant material sizes to be drawn at maturity.
- _____ _____ Identification of all plant material with Latin and common names in a plant list.
- _____ _____ Sizes of proposed plant material as per sections 2.2.1 and 5.3.4

SIGNATURE: _____

Applicant

Date

LAVA COVE

PRELIMINARY PLAN SUBMITTAL REQUIREMENTS AND CHECK LIST: (PAGE 2)

OWNER

 Name Lot No.

APPLICANT

 Name, Tel.

COMPLIANCE REQUIREMENT

DOES NOT
 COMPLIES COMPLY:

- _____ Indicate and list separately if any variances are requested and reasons for the same.
- _____ Architect's and a landscape architect's Utah registration no. shall be noted on plans.
- _____ Samples of work is required if plans are not drawn by registered architect or landscape architect. Designer shall be pre-approved by the Committee prior to plan review.
- _____ Architect's name or designer and draftsman's names shall be on all drawings.
- _____ Are two sets of plans submitted.
- _____ Plan shall have general information such as name, scale, etc.

SITE PLAN & ROOF PLAN (total of two required. one full size and one on 8 1/2" x 11" at 20 scale)

- _____ Identification of Lot by parcel and lot number.
- _____ Lot boundaries with dimensions.
- _____ Dimensioned main and accessory building footprint (with patio, balcony etc., in dashed lines) with roof lines (in solid) including eaves ridges and valleys. Dimension overhangs.
- _____ Property fencing and gates with heights and lengths dimensioned.
- _____ Building and fencing setbacks with dimensions.
- _____ Existing street trees shall be field verified and dimensioned and noted on the plan.
- _____ Side walks, driveways (with distance to trees), utility boxes and points of connection.
- _____ Finishes of all exterior paving materials including, walkways, driveways, pool deck etc.

GRADING PLAN (No smaller than 20 Scale)

- _____ Existing and proposed grades.
- _____ Lot boundaries with dimensions.
- _____ Drainage pattern. Lot shall drain to street.
- _____ Grades of adjacent properties, streets, slope banks etc.
- _____ Retaining wall location and sections and other site structures if any.

FLOOR PLAN/S (1/8" or 1/4" Scale)

- _____ Dimensioned floor plan/s for each level including porte cochere, patios, balcony etc.
- _____ Dimensioned floor plans of accessory structure.
- _____ Square footage of all areas including living space, garage, balcony, patio etc.

ELEVATIONS (1/8" or 1/4" Scale)

- _____ Elevation of all sides.
- _____ Bulk plane setback lines for front and corner side yards.
- _____ Dimensioned heights of all elements.
- _____ Note all finish materials and textures of all exterior surfaces including walls, roof, eaves.

CONCEPTUAL LANDSCALE PLANS (1/8" OR 1/4" Scale)

- _____ Location of all existing and proposed trees, shrubs, ground covers, and turf in the front, side and rear yards exposed to all public areas.
- _____ Plant material sizes to be drawn at maturity.
- _____ Identification of all plant material with Latin and common names in a plant list.
- _____ Sizes of proposed plant material as per sections 2.2.1 and 5.3.4

SIGNATURE: _____

Applicant

Date

LAVA COVE ARCHITECTURAL REVIEW COMM.

Materials Specifications for a custom residence

(This form must be submitted with the Preliminary and the Final Plan Review submission)

Lot # Tract # _____
Owner's Name _____
 Address _____
Applicant's Name _____
 Address _____
 Phone # Home _____ Business _____

<u>Item</u>	<u>Material</u>	<u>Color</u>	<u>Sample Furnished</u>
Roof			
Walls			
Privacy Areas			
Columns			
Beams			
Soffit/fascia			
Pool/patio screening			
Shutters			
Window Glass			
Window Frames			
Fencing			
Main Entry Doors			
Other Exterior Doors			
Lighting			
A/C Screening			
Pool equipment screening			
Trash Container screening			
Driveway (material/pattern & color)			
Walkway(s) (material/pattern & color)			
Pool/Porch/Patio/Lanai Deck (material/pattern & color)			
Other			

(any special design features, etc. please use the back of form for additional information, or attach your own pre-printed specifications)

Date , 19 Signature of Applicant

Reviewed by:

APPENDIX 'C': LAVA COVE APPROVED BUILDING MATERIAL'S LIST

WALLS

Stucco and plaster with light to medium texture,
Precast foam blocks with stucco finish,
Natural material veneer such as Stone, Rock,
Used bricks,
Adobe clay,
Wood trim.

COLUMNS

Wood,
Precast concrete,
Masonry,
Concrete masonry unit with stucco,
Any of the wall material.

OPENINGS

Non reflective glass, clear or tinted, Low -E
Glass blocks,
Anodized aluminum door and window frames
Vinyl door and window frames
Wood door and window frames

ROOF

Built-up roof with gravel
Clay tile
Concrete tile,
Slate tiles,

DRIVEWAYS

Concrete, colored and/or textured,
Brick or concrete pavers.

APPENDIX 'D' : ENTRADA APPROVED PLANT LIST

The "transitional" area, in reference to landscaping at Entrada, is that area which lies immediately adjacent to the structure and extends no further than 15 ft from the structure. It may also be an area along walks and drives, which extends no further than 10 feet from the edge of the drive or walk. A transitional area, however, must be inside the building envelope. No transitional plants may be used outside the building envelope. Approved plants, which may not be used outside the transitional area are marked with an *

If the abbreviation spp. (species) appears after a botanical name, it indicates that there are several different varieties of that plant, all of which are acceptable.

Other non-native plants which are not included on this list may be appropriate in transitional areas, but must have approval from the Architectural Control Committee prior to installation.

Plants used in private courtyards or patios, which are shielded from view of neighbors and traffic, may be left to the discretion and personal taste of the homeowner with the exception that no unapproved plant which may reach a height of over 15" may be planted.

Trees

- Honey Mesquite (*Prosopis glandulosa*)
- Velvet Mesquite (*Prosopis velutina*)
- Screw Bean Mesquite (*Prosopis pubescens*)
- Catclaw Acacia (*Acacia greggii*)
- Whitethorn Acacia (*Acacia constricta*)
- Sweet Acacia (*Acacia smallii*)
- Desert Willow (*Chilopsis linearis*)
- *Desert Olive or New Mexican Privet (*Forestiera neomexicana*)
- *Crepe Myrtle (*Lagerstromia indica*)
- *Chitalpa (*Chitalpa*)

Shrubs

- Creosote Bush (*Larrea tridentata*)
- Snakeweed (*Gutierrezia sarothrae*)
- Sages (*Atremisia* spp.)
- Rabbitbrush (*Chrysothamnus nauseosus*)
- Saltbush (*Atriplex* spp.)
- Desert Broom (*Baccharis* spp.)
- Turpentine Bush (*Ericameria laricifolia*)
- Mormon Tea (*Ephedra* spp.)
- Cliffrose (*Cowania mexicana stansburiana*)
- Bush Penstemon (*Penstemon ambiguus*)
- Threadleaf Groundsell (*Senecio douglasii*)

Shrubs continued

Shrub Live Oak (*Quercus turbinella*)
Indigo Bush (*Psoralea schottii* or *Dalea schottii*)
Green Brittlebush (*Encelia frutescens*)
Feather Dalea (*Dalea formosa*)
Black Dalea (*Dalea frutescens*)
Apache Plume (*Fallugia paradoxa*)
*Spanish Broom (*Spartium junceum*)
*Silver Buffaloberry (*Shepherdia argentea*)
*Yellow Bird of Paradise (*Caesalpinia gilliesii*)
*Santolina, Gray of Green (*Santolina virens*)
*Red Autumn Sage (*Salvia griggii*)
*Chaste Tree (*Vitex*)
*Russian Sage (*Perovskia atriplicifolia*)
*Bluebeard or Blue Spiraea (*Caryopteris*)
*Rosemary (*Rosmarinus* spp.)
*Flame Bush (*Anisacanthus quadrifidus*)
*Texas Sage (*Leucophyllum* spp.)

Cacti and Accent Plants

Desert Spoon (*Dasyliion* spp.)
Joshua Tree (*Yucca brevifolia*)
Occotillo (*Fouquieria splendens*)
Yucca (*Yucca* spp.)
Agave or Century plant (*Agave* spp.)
Barrel Cactus (*Ferocactus* spp.)
Prickly Pear (*Opuntia* spp.)
Fender Hedgehog (*Echinocereus fender*)
Claret Cup Hedgehog (*Echinocereus triglochidiatus*)
Purple Torch (*Echinocereus triglochidiatus*)
Cholla (*Opuntia* Spp.)
Hesperaloe (*Hesperaloe* spp.)

Flowers & Groundcovers

Desert Marigold (*Baileya multiradiata*)
Globemallow (*Sphaeralcea ambigua*)
Prickly-Poppy (*Argemone platyceras*)
Penstemon (*Penstemon* spp.)
*Verbena (*Verbena* spp.)
*Mexican Primrose (*Oenothera berlandieri*)
*California Poppy (*Eschscholzia californica*)
*Blue Salvia or Mealycup Sage (*Salvia farinacea*)
*Creeping Phlox (*Phlox drummondii*)
*Yarrow (*Achillea millefolium*)
*Cosmos (*Cosmos bipinnatus*)

April 25, 2013

APPENDIX D - The Lava Cove at Entrada Approved Plant List

Except as noted in the Property development Guidelines, only approved plants may be planted in Lava Cove. This includes landscaping for new houses and changes to the landscaping at existing homes. You may request that the DRC grant an exception to this list.

This Plant List was developed by the owners with input from contractors and differs from previous lists. Plants on this list have been selected because they fit with our desert setting and do not have disagreeable characteristics such as excessive pollen or being invasive. Some varieties may be marginal with respect to hardiness for this region and could suffer frost damage during cold spells. Each owner/contractor should select plants carefully with consideration of the site.

The "transitional" area, in reference to landscaping at Lava Cove, is that area which lies immediately adjacent to the structure and extends no further than 15 ft. from the structure. It may also be an area along walks and drives, which extends no further than 10 feet from the edge of the drive or walk. A transitional area, however, must be inside the building envelope. No transitional plants may be used outside the building envelope. Approved plants, which may not be used outside the transitional area are marked with an *.

If the abbreviation spp. (species) appears after a botanical name, it indicates that there are several different varieties of that plant, all of which are acceptable.

Other non-native plants which are not included on this list may be appropriate in transitional areas, but must have approval from the Architectural Control Committee prior to installation.

Plants used in private courtyards or patios, which are shielded from view of neighbors and traffic, may be left to the discretion and personal taste of the homeowner with the exception that no unapproved plant which may reach a height of over 15" may be planted.

Abbreviations:

MH - Marginal Hardiness

CO - Courtyards Only

* - May not be used outside of the transitional area

Accent/Cactus Plants

All varieties of agave, aloe, cactus, and yucca are encouraged to be installed.

Botanical Name - Common Name

Agaves spp. Century Plant (MH)

Aloe spp. Aloe

Dasyliirion spp. Desert Spoon

Echinocactus grusonii Golden Barrel Cactus

Echinocereus spp. Hedgehog
Ferocactus spp. Barrel Cactus
Fouquieria splendens Ocotillo
Hesperaloe parviflora Red/Yellow Yucca
Opuntia spp. Prickley Pear; Cholla
Yucca spp. Yucca
Yucca brevifolia Joshua Tree

Trees

Botanical Name Common Name

Acacia farnesiana Sweet Acacia
Acacia stenophylla Shoestring Acacia
Acacia constricta Whitehorn Acacia
Acacia smallii Sweet Acacia
Cercidium spp. Palo Verde (MH)
Cercidium floridum Blue Palo Verde (MH)
Cercidium microphyllum Foothills/Littleleaf Palo Verde (MH)
Cercidium praecox Palo Brea, Sonoran Palo Verde (MH)
Chilopsis linearis Desert Willow
*Chitalpa tashkentensis Chitalpa
*Forestiera neomexicana New Mexico Olive/Privet
Fraxinus greggii Little Leaf Ash
*Lagerstromia Crape Myrtle (limited to dwarf varieties) (CO)
Olea europaea 'Wilsonii' Wilson Fruitless Olive
Olneya tesots Ironwood
Pithecellobium flexicaule Texas Ebony
Prosopis spp.
Prosopis chilensis Chilean Mesquite
Prosopis glandulosa Honey Mesquite
Prosopis pubescens Screwbean Mesquite
Prunus Compacta Dwarf Carolina Cherry (other Prunus prohibited) (CO)
Sophora secundiflora Texas Mountain Laurel
Vauquelinia californica Arizona Rosewood
*Vitex agnus-castus Chaste Tree

Shrubs

Botanical Name Common Name

*Anisacanthus quadrifidus v. wrightii Mexican Flame
Ambrosia spp.
Ambrosia ambrosioides Giant Bursage
Ambrosia deltoidea Triangle Leaf Bursage
Ambrosia dumosa White Bursage
Ambrosia eriocentre Wooley Bursage
Artemisia filifolia Sand Sage
Artemisia tridentate Tall Sagebrush
Atriplex canescens Four Wing Saltbush

Baccharis sarothroides Male Selection Broom Coyote Bush / Desert Broom
Baccharis x 'Centennial' Hybrid Coyote Bush
Baccharis x 'Starn' Thompson Hybrid Broom
Buddleia marrubiifolia Woolly Butterfly Bush
*Caesalpinia spp.
*Caesalpinia gilliesii Yellow Bird of Paradise
*Caesalpinia pulcherrima Red Bird of Paradise
*Caesalpinia mexicana Mexican Bird of Paradise
Calliandra californica Red Fairy Duster (MH)
Calliandra eriophylla Pink Fairy Duster
Cassia spp.
Cordia parvifolia Littleleaf Cordia
Dalea spp.
Dodonaea viscosa Hop Bush
Encelia farinosa Brittle Bush
Ephedra spp. Mormon Tea
Eremophila spp. Emu Bush
Ericameria laricifolia Turpentine Bush
Eupatorium greggii Boothill
Fallugia paradoxa Apache Plume
Grevillia spp. Grevillia
Gutierrezia sarothrae Snakeweed
Justicia spp.
Justicia brandegeana Shrimp Plant
Justicia californica Chuparosa (MH)
Justicia spicigera Mexican Honeysuckle
Larrea tridentata Creosote Bush
*Leucophyllum spp.
*Leucophyllum frutescens White, Silver or Green Cloud
*Leucophyllum laevigatum Chihuahuan Sage
*Leucophyllum zygophyllum Blue Ranger
Nandina spp. Heavenly Bamboo (CO)
Nerium oleander Dwarf Red Oleander
Nolina spp.
*Perovskia Russian Sage
Poliomintha maderensis Lavender Spice
*Rosemary spp. Rosemary
Ruella spp.
Ruella brittoniana Purple ruellia (MH)
Ruella peninsularis Baja ruellia (MH)
Salvia spp.
Salvia clevelandii Cleveland Sage
Salvia columbariae Chia Sage
*Salvia greggii Autumn Sage
Salvia leucantha Mexican Sage
Salvia leucophylla Purple Sage

*Spartium junceum Spanish Broom
Vauquelinia californica Arizona Rosewood

Perennials

Botanical Name Common Name

Acalypha monostachya Raspberry Fuzzies
Bahia absinthifolia Desert Bahia
Baileya multiradiata Desert Marigold
Bulbine frutescens var. African Bulbine (CO)
Chrysactinia mexicana Damanita
Dyssodia Dogweed
Euphorbia biglandulosa Gopher Plant
Gaura lindheimeri Gaura
Gaillardia Blanket Flower
Hymenoxys acaulis Angelita Daisy
Lavendula spp. Lavender
Melampodium leucanthum Blackfoot Daisy
Penstemon spp. Penstemon
Psilostrophe cooperi Paper Flower
Rudbeckia hirta Black-Eyed Susan (CO)
Sphaeralcea spp. Globe Mallow
Teucrium spp. Germander
Zephyranthes Rain Lily (CO)

Annuals

Botanical Name Common Name

*Achillea millefolium rubra Yarrow
*Cosmos bipinnatus Cosmos
Layia platygolaas Tidy Tips
*Lupinus texanis Lupine
Machaeranthera tanacetifolia Tahoka Daisy
Phacela campanularia Desert Bell
*Phylox drummondi Phlox
Zinnia spp. Zinnia

Groundcovers & Vines

Botanical Name Common Name

Acacia redolens Trailing Acacia (MH)
Antigonon leptopus Queen's Wreath
Bignonia capreolata Cross Vine
Campsis radicans var. Trumpet Vine
Convolvulus spp.
Convolvulus cneorum Bush Morning Glory
Dalea greggii Trailing Indigo Bush
Delosperma cooperi Pink Ice Plant

Gazania rigens leucolaena Trailing Gazania (MH)
Hardenbergia violacea Purple Lilac Vine (MH)
Lantana montevidenis Trailing Lantana (MH)
Lonicera spp. Honeysuckle
Macfadyena vaguis cati Cats Claw Vine
Malephora lutea Rocky Point Ice Plant
*Oenothera spp. Primrose
Parthenocissus sp. 'Hacienda Creeper' Hacienda Creeper
Rosa banksiae alba Whitebanks Rose
Rosa banksiae 'Lutea' Yellowbanks Rose
*Ruschia Ice Plant
*Verbena spp. Verbena
Vinca minor Dwarf Periwinkle (CO)

Ornamental Grasses

Botanical Name Common Name

Festuca glauca 'Elijah Blue' Elijah Blue Fescue
Muhlenbergia cap. 'Regal Mist' Regal Mist Muhly
Muhlenbergia lindheimeri 'Autumn Glow' Autumn Glow Muhly
Muhlenbergia rigens Deer Grass
Pennisetum setaceum Fountain Grass

APPENDIX E – Lava Cove at Entrada PROHIBITED PLANTS

All plants not on the Approved Plant List are prohibited. This list is provided to clear up confusion regarding plants that were previously approved, or are similar to an approved plant. It also lists some plants that are particularly undesirable.

1. **Plants** with a mature height over eighteen feet (18) because of view blocking and aesthetic reasons unless on the Approved list. All plants listed as noxious by California Department of Food and Agriculture.
2. **All Palms**, for aesthetic reasons, except those planted in a private courtyard whose mature height will not exceed six (6) feet. Mexican Palms, California Fan Palms and Date Palms are prohibited in all locations.
3. **All Pines, Cypress, False Cypress, Cedar** for aesthetic reasons except dwarf varieties having a mature height less than six (6) feet in private courtyards.
4. **Olive and Mulberry Trees** for aesthetic and pollen reasons.
5. **Fountain Grass** (Pennisetum setaceum) due to its weed like growth and fire concerns.
6. **Citrus Species** due to pollen and aesthetic concerns. Dwarf varieties, with a mature height less than six (6) feet may be approved in private courtyards.

7. **Common Bermuda** (*Cynoden dactylon*) due to weed like growth habits.
8. **Mexican palo verde** (*Parkinsonia aculeate*) due to weed like groth habits.
9. **Brazillian and Californian Pepper** for aesthetic reasons.
10. **Oleander** (*Thevita*) due to poison and size issues. Dwarf Oleanders (some of the *Nerium* Oleanders) are approved providing they have a mature height of less than six (6) feet.
11. **Feather Bush** (*Lysiloma microphylla*) because it freezes.
12. **Morning Glory** (*Althaeoides tenuissimus*) because it is invasive.
13. **Jojoba** (*Simmondsia californica*) prohibited as a fruit tree
14. **Southern Live Oak** (*Quercus virginiana*) due to height problem

Amendment to Lava Cove at Entrada
Property Development Guidelines

This instrument is an Amendment to the Lava Cove at Entrada Property Development Guidelines (Development Guidelines).

Recitals

- A. Over the last four years, the Board for Directors (Board) has overseen the development of five new homes and numerous remodels pursuant to the Development Guidelines.
- B. The development Guidelines provide for both a fee schedules and a construction damage deposit of \$3,000.
- C. The Board approved a nonrefundable fee schedule and a refundable construction damage deposit schedule at its regularly scheduled Board meeting on May 20, 2008.
- D. As a result of significant deterioration of the real estate market and the delay in completion of approved projects, the Board finds in necessary to amend the Design Guidelines to increase the fees and deposits and include forfeiture of construction deposits for failure to complete building projects within the established timeframe.
- E. Pursuant to Section I, A the Design Guidelines may be amended by the Board; however, the Board has decided to bring the issue before the homeowners for vote at the 2010 annual meeting.

Now therefore, by vote of the homeowner members, Section VIII, A, 1 is hereby amended (the amended language is in **bold type** and the deleted language is underlined).

Amendment

VIII. Building Process

A. Construction Flow Process

1. Preconstruction Submittals

c. Construction damage deposit in the amount of Three Thousand Dollars (\$3,000.00 for construction of a custom residence. Fees for remodel and other construction activity shall be established by the Review Committee at a later date. **c. Construction damage deposit in an amount pursuant to the established Lava Cove Refundable Construction Damage Deposit Schedule for the construction or remodel of a residence or for other construction activity. Such damage deposit shall be forfeited if the project is not completed within the approved timeframe (not to exceed one year) unless extended by the Review Committee for good cause.**

Lava Cove
Refundable Construction Damage Deposits Schedule

Lava Cove Property Owners Association has established the following Refundable Construction Damage Deposit Schedule for the purpose of assuring the completion of proposed projects in conformance with the approved plans, plan revisions and within the approved timeframe established pursuant to the By Laws, Covenants and Property Development Guidelines of Lava Cove.

1. New Home Construction - ~~\$3,000~~ **\$7,500**
2. Significant remodels and additions as determined by the Committee - ~~\$2,000~~ **\$3,000**
3. Other construction projects as determined by the Committee - ~~\$500~~ **\$1,000**

Damage deposits will be refunded upon the completion and after final inspection by the Lava Cove Architectural Committee. It is the responsibility of the owner to initiate the final inspection of the project. The deposit will be forfeited if the project is not completed within the approved timeframe unless extended by the Committee for good cause.

Approved and Issued: November 5, 2009

IN WITNESS WHEREOF, the undersigned, being Members of Lava Cove At Entrada Homeowner's Association Board of Trustees, has hereunto set their hand and seal this 15 day of August, 2013.

President:

Terry Zontek
Terry Zontek

ATTEST:

Trustee: ACC

John Smith
John Smith

STATE OF UTAH)
)
County of Washington) :ss.

Personally appeared before me, Terry Zontek being the President of Lava Cove At Entrada Homeowners Association and John Smith, a Trustee of the same and executed the LAVA COVE AT ENTRADA PROPERTY DEVELOPMENT GUIDELINES this 15 day of August, 2013.

Susan E. Stucki
NOTARY PUBLIC residing at:

1240 E 1605 #10
St. George, UT 84790

My Commission expires: 3/29/15

