

THIS SECOND AMENDMENT TO DECLARATION OF PROTECTIVE EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF WINTERTON FARMS OF CHARLESTON, UTAH.

Ent 307157 Bk 888 Pg 213-219
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ELIZABETH PALMIER, Recorder
WASATCH COUNTY CORPORATION
For: WINTERTON FARMS HOMEOWNERS

SECOND AMENDMENT TO

**DECLARATION OF PROTECTIVE EASEMENTS,
COVENANTS, CONDITIONS AND RESTRICTIONS**

OF

WINTERTON FARMS AT CHARLESTON

Charleston, Wasatch County, Utah

THIS SECOND AMENDMENT TO DECLARATION OF PROTECTIVE EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS is made this 15th Day of July, 2006 by The Winterton Farms Home Owners Association.

RECITALS:

A. All defined terms as used in this Second Amendment to Declaration shall have the meanings ascribed to them herein or, as the case may be, in the DECLARATION OF PROTECTIVE EASEMENTS, COVENANTS, CONDITIONS AND RESETRICIONS recorded by Declarant in the Public Records on August 10, 2001, as Entry 235857, Book 0516, pages 0407 through 0432, inclusive (as previously amended, the "Declaration").

B. Declarant has caused this Second Amendment to Declaration to be prepared for recordation in the Public Records in order to amend the Declaration.

C. This Second Amendment to Declaration was adopted in accordance with Section 12.2 of the Declaration.

D. The real property to which this Second Amendment to Declarations is applicable is located in Charleston, Wasatch County, Utah, and is presently described in Exhibit A hereto.

NOW, THEREFORE, Declarant hereby makes this Second Amendment to Declaration as follows:

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3.9 Access Drives. (amended in its entirety) Each home site may be accessed by single driveway constructed of exposed aggregate concrete, concrete, pavers or asphalt. No dirt or gravel driveways will be allowed except a gravel driveway to a barn is acceptable after approval by DRC.

3.14 (b). and shall have side Lot setbacks of at least 30 feet on common lot lines and 25 feet on perimeter lot lines (including 10 feet horse trail.)

3.17 Interior Fences; Materials. Add - No white vinyl fencing will be allowed

ARTICLE III

BUILDING AND LAND USE

3.18 Supplemental Architectural Design Standards: The following are the design standards for residential construction and an addition to Article III

(a) **Minimum Living Area.** All single family residences will have a minimum of 3,000 square feet on main level and a maximum of 15,000 square feet of living area exclusive of open porches, decks, and garage space. The DRC will review exceptions to this guideline.

(b) **Mechanical Equipment, Electric Meters, Gas Meters.** No roof mounted or wall mounted mechanical equipment will be permitted. Any exterior mechanical equipment or meters should be ground mounted adjacent or attached to residence and hidden from view by walls or shrubs. Eighteen (18") satellite TV antennas will be allowed

(c) **Roofs.** The roofline should create a pleasing relationship to the street and adjacent properties. The overall profile of the roof should be sufficiently irregular to break up anything which would otherwise appear to be boxy or discordant with the neighboring structures. Expansive roof structures shall be articulated by way of gables or dormers. Overhangs shall be a minimum of 3 feet "Asymmetrical roofs" are preferable to "symmetrical roofs."

Roof materials include cor-ten steel, concrete shakes, copper (patina), architectural grade asphalt shingles, slate and wood shake shingles

The pitch of the roof should be a minimum pitch of six feet in twelve and maximum of ten feet in twelve.

(d) **Foundations.** Exposed concrete above natural grade should not exceed 1 foot. It is recommended that visible surfaces of concrete foundations walls should be mortar-wash finished and painted to blend with adjacent materials. Concrete piers should be faced with mortar and painted or stone.

When a wood deck is built above natural grade the cavity underneath should be skirted with a stone wall, wood lattice, or wood siding. Foundation walls which occur under a skirted deck and are no longer visible are exempt from the facing requirement stated above.

(e) **Exterior Materials.** Exterior materials should generally be of natural materials that blend and are compatible with the development and native landscape. The predominate exterior wall materials will consist of wood or native stone, including shingles, beveled or tongue-in-groove board siding, board-on-board, batt and board and native stone.

Each home must include stone on the exterior. The minimum amount required is 20% of the exterior wall surface. Due to design variations and uniqueness, the DRC will make judgments for each home as to whether the percentage requirement is met. Stone can be native, or cultured. Additional stone types will be considered on a case by case basis.

Metal siding and metal fascia boards are prohibited on residences but will be allowed on barns and outbuildings. Plywood siding, ie., composition siding, fiberglass siding, vinyl siding and asbestos siding is prohibited. The DRC will consider on a case by case basis, the use of high quality composition siding products. ie. hardy-board, which in the opinion of the DRC would be indistinguishable from natural wood counterparts.

The use of stucco as a predominant textured surface finish is prohibited. Stucco can be used as an accent with the maximum amount not exceeding 20% of the exterior surface area.

(f) **Exterior Colors.** The color of exterior materials must generally be subdued using earth tones to blend with natural landscape. Accent colors which are used judiciously and with restraint may be permitted. No colors approaching the primary range, (red, blue, white and yellow) will be permitted nor will drastic contrasts in (light to dark) be allowed. White may only be used as an accent or 'trim' color. Proposed colors must be shown to DRC in a sample format.

(g) **Windows.** As much as possible, windows should not appear as openings cut into the side of a box, but rather as architectural features, recessed, projected, or bordered by projections.

No white lenses will be permitted, nor may the frames consist of reflected material that is left unfinished. This especially applies to aluminum frames, which should be anodized or finished with baked enamel.

Skylights on roof should be placed in an organized pattern and should be of low profile. Bubble type skylights are not allowed.

(h) **Garage.** Garage doors must not dominate the residence and should not call attention to themselves. Garage openings shall be "preferably" a side entrance. The garage doors should be either the same color as the body of the home or a slightly darker or lighter shade of the same color.

(i) **Solar applications.** All solar applications will be reviewed by the DRC for continuity within development. Any wind power applications to be reviewed by DRC.

(j) **Spas and Swimming Pools.** Spas/hot tubs and swimming pools must be designed as a visual extension of the residence and shielded from view from the street by walls, decks and landscaping.

3.19 Landscaping. (Addition to Article III) Landscaping is an intragal look of a residence. Properly planned it can add value to the home as well as adjacent homes. However, landscaping is very subjective and of individual character and can take a variety of looks. Trees, natural vegetation and all other features should be incorporated and utilized to enhance the overall appearance of the home.

When thinking about landscape design, one should consider each lot broken up into three zones: The Natural Area, Transition Area and Private Area.

(a) **Natural Area.** The area is the area outside of the building envelope and generally consists of pasture land. It is up to the individual owner to enhance this area with pasture grasses and trees as they so deem. Since irrigation water is provided, each home owner is expected to keep the natural area green with adequate water in order to keep pasture from drying out. The pastures should be kept weed free. ie., thistles and manicured consistent with pasture land.

(b) **Transition Area.** This area would encompass the area between the private area and the Natural Area. ie., driveways to residence, barn and/or outbuilding area and etc. Area should be comprised of natural vegetations, rockery, grasses, trees and pasture fences.

(c) **Private Area.** The area that is immediately adjacent to the home site and is classified as the most formal planting area. Again natural vegetation, trees, grasses, and/or rockery are required.

If exterior lighting is employed, such lighting should not result in extensive glare toward the street or neighboring lots. All exterior lighting must be at low level voltage; excepting barn mercury vapor lights which should be manually controlled.

At a minimum, a basic landscape design, either subjectively or a cursory design layout should be submitted to the DRC prior to commencing landscaping. All major supplemental landscaping plans should be approved by the DRC.

Each home site affects the other in that the larger natural landscape is comprised of all lots and home sites. This overall landscape is viewed without references to the individual lots and keeps a homogeneous aura within Winterton Farms, but still retaining the individual character of each home site.


1. Except as amended by the provision of this First and Second Amendment to Declaration, the Declaration shall remain unchanged and shall constitute the entire Declaration of Protective Easements, Covenants, Conditions and Restrictions for the Development.

This Second Amendment to Declaration shall be recorded in the Public Records and shall be effective upon recordation.

DATED as of the day and year first above set forth.

DECLARANT:

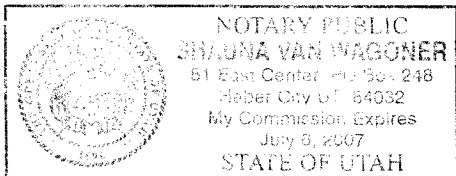
WINTERTON FARMS HOME OWNERS ASSOCIATION (As Declarant and as the Owner of Lots and party entitled to the Class A voting rights under the Declaration)

BY: 
R. T. Saltmarsh/ President

STATE OF UTAH)
: ss,
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 6th day of ~~July~~^{September}, 2006 by R. T. Saltmarsh as President of Winterton Farms Home Owners Association.

 NOTARY PUBLIC



THE DESIGN PHILOSOPHY
of
Winterton Farms of Charleston, Utah

Architecture and landscape must work together in harmony to achieve the goal of creating Winterton Farms as a most desirable and premier living environment in the Heber Valley. The THEME of rural living with home characters depicting a ranch and/or mountain-lodge style homes is strongly encouraged. Many interpretations of this character are expected and encouraged, but the respect for the natural/rural environment must be evident in all design.

Materials of heavy texture, protective overhangs, roof forms of character, strong architectural emphasis, colors of the earth, and significant usage of stone and wood will be some of the primary design elements that will be considered.

The Design Guidelines have been created to implement this philosophy in addressing the architectural design and site planning in order to provide direction to home site owners and to ensure compatibility and continuity to the Winterton Farms development. It is not the purpose of these Guidelines to create look-alike dwelling or colors and materials, but to create a harmonious architectural approach that is sympathetic to natural settings of rural life.

The purpose of the Design Review Committee (DRC) is to assist the homeowner in the design of his or her home in ensuring adherence to the following "Declarations of Protective Easements, Covenants, Conditions and Restrictions." For this reason the Design Review Process has been established as outlined:

1. **Pre-Design Conference**— homeowner and/or Architect/Designer may review their ideas of the home site with a representative of the DRC before plans are prepared.
2. **Preliminary Submittal** – DRC will review conceptual plans to ensure conformance with Design Guidelines.
3. **Final Submittal** – formal review of construction document prior to drawings being submitted to Wasatch County and City of Charleston.
4. **Inspection** - during construction process a member of the DRC will monitor construction process to ensure compliance with approved plans.

The DRC specifically reserves the right to make subjective, as well as objective determinations of whether the objectives of the Design Guidelines have been met by a particular site plan.

The Design Guidelines and Design Process will apply to home as well as outbuildings.

Legal Description

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Lots 1 thru 20

OWT-0001-0020