

SWAN CREEK HOME OWNERS ASSOCIATION

Rules and Regulations

I. Building Checklist and Architectural Requirements

SWAN CREEK VILLAGE HOMEOWNERS ASSOCIATION (SCVHOA)
P.O. BOX 1188
Bountiful, UT 84011-118

BUILDING CHECKLIST AND ARCHITECTURAL REQUIREMENTS

The following Building Requirements were voted on and approved by the Board of Trustees

Date: May 20 Year 2025

II – Table of Contents

- I.** Cover Page
- II.** Table of Contents
- III.** Contact List
- IV.** Building Checklist and Architectural Requirements
- V.** Signature Page

III - CONTACT LIST

Plans are to be submitted for review and approval to the S.C.V. Architectural Committee prior to ANY improvements, including grade changes.

See website for current committee members: <http://swancreekvillage.org/covenants-conditions-and-restrictions>

FEES

All connection fees and dues are to be current. Rich County will not issue a Building Permit until they have approval from Swan Creek Village.

WATER CONNECTION FEE: \$10,000.00 payable to SCVHOA

ROAD IMPACT FEE: \$5,000.00 payable to SCVHOA – Non refundable

WATER INFRASTRUCTURE FEE: \$10,000.00 payable to SCVHOA

ARCHITECTURAL REVIEW FEE: \$100.00

Swan Creek Village will install and connect the water service line to the main culinary water line in the road and install the water meter barrel, water meter setter with back flow device and meter lid just inside the owners property line it is then the responsibility of the property owner to connect and maintain the water line from their residents to the meter barrel.

HOME OWNER DUES: See Web Site for current Homeowner Dues Send Water Connection Fee, Impact Fee, Water Infrastructure Fee, Architectural Fee and any non-current dues to:

Swan Creek Village HOA
P.O. Box 1188
Bountiful, Utah 84011-1188

SEWER CONNECTION FEE: Payable to the BEAR LAKE SPECIAL SERVICE DISTRICT. Contact the Garden City Office for fee rates and how to pay.

GARDEN CITY OFFICE (435) 946-2901

Note: Prior to tapping into utilities, the SCVHOA must be notified. A representative of SCVHOA will locate appropriate shut off valves and then grant approval. This is required to minimize outages to the other homeowners.

Board Representative: 801-458-7281

IV
BUILDING CHECKLIST AND
ARCHITECTURAL REQUIREMENTS

ALL STRUCTURES WILL CONFORM TO THE
RICH COUNTY DEVELOPMENT CODE BOOK

SET BACK REQUIREMENTS: All homes and accessory buildings will follow the Rich County Development Code Book for set back requirements.

PRIMARY DWELLING:

1. One (1) primary residence per lot.
2. Front property line set back is thirty (30) feet.
3. Side yard set back from property lines is eight (8) feet on one side and ten (10) feet on the opposite side.
4. Side yard from a street is twelve (12) feet.
5. Back property line set back is thirty (30) feet with the exception of Patio Home lots which is 15 feet.
6. Height (average ground level to highest part of roof structure) is not to exceed thirty-five (35) feet.

ACCESSORY BUILDINGS:

1. Accessory buildings can be, but are not limited to – Detached garages, sheds, carports, gazebos, etc.
2. Accessory buildings cannot cover more than 25% of the required rear yard area (see Rich County Code book for further instruction).
3. Front property line set back is thirty (30) feet.
4. Side yard set back is three (3) feet on one side and ten (10) feet on the opposite side.
5. Rear yard buildings which are located at least ten (10) feet behind the main building may have a rear yard set back of three (3) feet. The exception to this is corner lots rearing on the side yard of another lot. In this situation the minimum rear yard set back for all buildings shall be ten (10) feet. This information was taken from the Rich County Code book, page 39.
6. Height (average ground level to highest part of the roof structure) on detached garages is thirty (30) feet maximum. All other accessory buildings are limited to fifteen (15) feet.

SITE PREPARATION:

1. All vegetation removed from property must hauled to the Rich County Land Fill by the property owner. **THE SCV DUMPSTERS ARE NOT TO BE USED!**

2. If the construction lot is on a slope and grading is required, all grading or leveling will take place within the construction property limits. When such grading is required, the owner will be mindful of not creating drainage problems on adjacent properties. The construction property owner is responsible for retaining any dirt that may slough off onto adjacent property.

UTILITY REQUIREMENTS:

1. Locate water, sewer and electrical hookups fifteen (15) feet from the front property line.
2. Each cabin is to be equipped with a winter shut off valve and drainage capabilities to prevent freezing when not in use.
3. Bury water lines a minimum of forty-eight (48) inches
4. Swan Creek Village will provide the water meter box, meter box lid, risers and meter yoke. A metering device is not required at this time but may be needed in the future.

LANDSCAPING REQUIREMENTS:

1. Planting of grass is allowed.
2. Lots must be kept tidy and clean at all times.
3. Property owners must be respectful of adjacent property when planting trees. Try not to block views. The trees will be in keeping with the mountain theme, Quaking Aspen, Maple and Pine.
4. Fencing is allowed but must be approved by the SCV ARCHITECTURAL COMMITTEE.

BUILDING REQUIREMENTS:

Before submitting an application for building or modifying any portion of your property, read and be familiar with Article 2, paragraph 2.4 of the "First Amendment to Amended and Restricted Declaration of Covenants, Conditions and Restrictions for Swan Creek Village", dated 17 October 2008. Any violation of this paragraph subjects property owner to a \$3,000.00 fine. This applies to any variations of already approved plans.

NOTE: One complete sets of plans shall be submitted to the SCV Architectural Committee. No Pre-fabricated or Manufactured Homes are allowed and the Architectural Committee shall have the authority to deny any Architectural approval, based purely on esthetics as stated in the Swan Creek Village Homeowners Associations CC& R's.

Prior to ground breaking, this includes any grade modifications, property owners must submit:

- A. One set of plans to be held by Swan Creek Village Architectural Committee.

- i. Electronic PDFs emailed to each member of the architectural committee (see committee member emails here:

<http://swancreekvillage.org/covenants-conditions-and-restrictions/>)

B. Copy of a current county survey.

1. Will have their property surveyed by a licensed land surveyor and the property corners identified.
2. Swan Creek Village HOA will not be responsible for any structure built across or encroaching on an adjacent building lot.
3. Obtain an approved Rich County Building Permit.
4. Will review the SCVHOA Restrictive Covenants and Building Requirements prior to the designing and building of Cabin.

The following are design conditions that must be adhered to:

- A.** All PH lots require 800 square feet minimum for (ground floor living area).
- B.** All other lots require 1000 square feet minimum for (ground floor living area).
- C.** The footprint of any primary residence dwelling or accessory building must be within the setback requirements. The footprint includes attached garages, carports, stairways and decks. Any deck, porch or roof overhang that requires support from the ground; such as concrete deck support, i.e. footings or pillars are considered part of the footprint. Cantilever structures, such as small decks, closets, bay window areas, etc. that do not need ground support, are not included as part of the footprint however they cannot overhang more than six (6) feet. Concrete patios and decks that are at ground level are not considered part of the footprint.
- D.** Homes and accessory buildings such as (sheds, detached garages, gazebos, etc.) are to be constructed with a “Mountain Rustic Theme”. To maintain consistency in the PRUD (Private Residential Unit Development), exterior surfaces such as siding and trim (including garage doors) can be clear coated natural, if stained or painted they shall be of earth tones (browns, greens, grays and various shades of brown and gray). If garage doors are metal, they must be painted with the same earth tone colors. Siding veneers such as log, rock, pine, cedar, redwood and hardy plank type siding is acceptable and fir, cedar, redwood and Trex or other composite type material for decking is acceptable. Vinyl, aluminum or steel used for siding are not allowed. Stucco may be used to a limited amount, but it can only be the Antiqued Drivit System, style. Aluminum may be used for soffit material only provided that it remains in an earth tone color which blends with the siding. **NO WHITE VINYL WINDOWS OR DECK RAILINGS ARE .**

- E. Exposed concrete foundation or basement walls must be finished with concrete plaster or rock. Other finishes may be approved on a case by case basis.
 - F. Roof pitch can be no less than a 5-12 slope. Main roof porches cannot be less than 3/12 slope. Roofing material can be cedar, asphalt, metal, or fiberglass shingles. If metal is used for roofing it must be in a blending color. White, blue, red etc. are not acceptable. Roofing material color must be approved by the SCV Architectural Committee.
 - G. Spark arresters are required for all chimneys.
 - H. A culvert pipe of no less than twelve (12) inches in diameter must be installed under driveways of lots that are on the uphill side of the road or where drainage problems could occur. This is to protect the driveways and roads from water runoff damage. All culverts are to be kept clean and free of blockage.
4. RICH COUNTY CODE requires that all construction sites have a roll off dumpster placed at the site for waste materials. No building materials or trash may be burned or buried within the subdivision. USE OF THE SWAN CREEK VILLAGE DUMPSTERS IS NOT ALLOWED FOR CONSTRUCTION MATERIAL. Fines may be imposed for violation.
 5. OPEN AREAS OR OTHER PEOPLES LOTS ARE NOT TO BE USED (without written permission from the lot owner) FOR ACCESS TO CONSTRUCTION LOTS DURING OR AFTER CONSTRUCTION. PROPERTY OWNERS WILL BE LIABLE FOR ANY DAMAGE OR RESTORATION TO THOSE AREAS AND LOTS.
 6. During construction the job site will remain clean and orderly. All product containers such as boxes, wrapping plastics and paper products that can easily be blown away by the wind shall be contained.
 7. CERTIFICATE OF OCCUPANCY REQUIRED. Member shall not use or occupy, or permit the use or occupancy of any building or premises prior to issuance of a Certificate of Occupancy from Rich County for the premises and/or building.

MISCELLANEOUS REQUIREMENTS:

1. Park all owner and guest vehicles off the street.
2. Quiet hours are from 10 pm to 7 am
3. Dogs will be kenneled, on a leash or on a shock collar, with a control wired yard, at all times.
4. Owners must control barking dogs.

GRAND FATHER CLAUSE:

1. Some improvements may have been completed prior to the implementation of these new Architectural Requirements and Building Checklist, which creates a non-compliant condition. These improvements will be grandfathered in and will remain in place.
2. Correction of any non-conforming improvements must be made if Rich

County deems it necessary.

3. Any non-conforming improvements falling into disrepair and needing to be rebuilt or replaced will be replaced or rebuilt to the current requirements.

II. Fine Policy and Schedule of Fines

WHEREAS Article 8 "Membership" Paragraph 8.1, 8.2, 8.2.1 and in the Second Amendment Article 9: General Provisions: Paragraph 9.3.2. and 9.3.2.1. of the CC&R's grants the Board of Trustees with the power to conduct Association business and to protect community harmony.

WHEREAS the Board of Trustees is authorized to enforce timely assessment payments from owners and compliance with Rules and Regulations and other policies enacted in accordance with the governing documents by assessing monetary penalties against owners, their guess, occupants, and renters who are in violation.

IT IS RESOLVED THAT the following Schedule of Fines will be followed

1. Fines for specific offenses are:

EXHIBIT A: Schedule of Fines

Offense Per Day Per Occurrence

- | | | |
|---|-----------------|---------------|
| 1. Public Safety----- | N/A | \$ 500.00* |
| 2. Architectural----- | \$ 15.00 | N/A |
| 3. Set Back Requirements----- | \$ 15.00 | N/A |
| 4. Parking----- | \$ 10.00 | N/A |
| 5. Noxious Activities or Excessive Noise----- | N/A | \$ 50.00 |
| 6. Unauthorized use of Off Road Vehicles----- | N/A | \$ 50.00 |
| 7. Rental Restrictions----- | \$ 1000.00 | \$ 7000.00 |
| 8. RV lots Restrictions----- | \$ 50.00 | N/A |
| 9. Pets and Animals----- | N/A | \$ 25.00 |
| 10. Common Area----- | N/A | \$ 200.00 |
| 11. Auto Maintenance or Repairs----- | \$ 10.00 | \$ 10.00 |
| 12. Trash Disposal----- | N/A | \$ 225.00 |
| 13. Yard Maintenance----- | \$ 10.00 | N/A |
| 14. Fencing ----- | \$ 10.00 | N/A |
| 15. Open Fires----- | N/A | \$ 500.00* |
| 16. Firearms(discharging)----- | N/A | \$ 500.00* |
| 17. Other Violations of the Declaration----- | Up to \$ 250.00 | N/A |
| 18. Water Service Tampering----- | N/A | \$ 500.00* |
| 19. 2.1 Nonpayment and water disconnect fee-- | N/A | \$ 200.00 |
| 20. Use of ANY type of firework----- | N/A | \$ 1000.00* * |

There is no correction period for items with an asterisk; occurrences must be remedied immediately.

2. Notification. Before assessing the first fine for any violation, the board shall: (1) notify the Lot Owner of the violation, (2) Inform the Owner that a fine will be imposed if the violation is not remedied within 48 hours, or immediately as noted above, as required by the Utah

Ownership Act. (3) Inform the Owner that the Owner may request an informal hearing to protest or dispute the fine within 14 days from the date the fine is assessed.

2.1 In the event that the annual dues, fines or any special assessment are unpaid after 120 days of the original due date and appropriate attempts to collect have been unsuccessful, the Board has the authority to terminate water service. If water service is terminated, SCVHOA will charge \$200.00 for a disconnect fee and \$200.00 to reconnect when all fees and interest are paid in full.

3. Request a Hearing. A lot owner who is assessed a fine may request an informal hearing to protest or dispute the fine within 14 days from the date the fine is assessed. The hearing requested shall be conducted in accordance with standards provided in Section 6 below

4. Unpaid Fines. All unpaid fines shall accrue interest and late fees as provided in the CC&R's and if not paid the association has the authority to pursue and legal means possible.

5. Appeal Process. Any Owner receiving a fine who believes no violation occurred, may submit a written explanation to the Board of Trustees. The owner will be given an opportunity for a hearing and no enforcement fee will be imposed until after the hearing.

6. Hearing: Procedures.

6.1 As a part of the notice of violation, a date is specified by which a hearing must be requested. The owner/resident must prepare a request for a hearing and mail the request to the Board in sufficient time to arrive no later than the last date stipulated in the notice of violation

6.2 The President of the Association will schedule a hearing before the Board at the next regular Board meeting if time permits the proper notification to the alleged violator. If there is not sufficient time for such notification, the hearing will be scheduled for the following regular Board meeting.

6.3. Once the President has determined when the hearing will be conducted, the manager or Board will notify the alleged violator of the date and time of the meeting during which the hearing will be conducted. The hearing will be conducted in "Executive Session" at a regular or special meeting of the Board.

6.4 At the hearing, the Board will hear and consider arguments, evidence, or statements regarding the alleged violation. Following a hearing and due consideration, the Board will issue its determination regarding the alleged violation and notify the alleged violator within 15 days of the date of the hearing. The decision of the Board will be final and binding on the alleged violation and complainant.

6.5 No interest or late fees may accrue until after the hearing has been conducted and a final decision has been rendered

6.6 If no request for a hearing is filed within the prescribed period of time, a hearing will be considered waived and the allegations contained in the notice of violation will be deemed admitted and any prescribed remedy will be instituted.

6.7 Failure of an alleged violator to attend a requested hearing without advanced request to change the hearing date will be deemed a waiver of the hearing and the allegations contained in the notice of violation will be deemed admitted and any prescribed remedy will be instituted.

NOW, BE IT FURTHER RESOLVED, the Board of Trustees of the Swan Creek Village Homeowners Association, hereby adopts a formal schedule of fines by which all owners will be bound in the event of a violation of the Governing Documents, attached here to as Exhibit A:

NOW, BE IT FURTHER RESOLVED, that the attached schedule of fines may be amended and revised from time-to-time by the Board of Trustees for the Swan Creek Village Homeowners Association.

NOW, BE IT FURTHER RESOLVED, that nothing herein shall limit the authority of the Board of Trustees from enforcing the Governing Documents of the Swan Creek Village Homeowners Association by any and all means permitted by law, in addition to the levying of fines, as may be deemed necessary.

III. Miscellaneous

1. **Short Term Rentals Prohibited.** No property within the Association may be leased for less than thirty days. Any advertising to lease property within the Association that does not expressly state that the lease of the property can only be for more than thirty days is prohibited.
2. **Attorney Fees and Costs.** If any action or proceeding is brought to enforce any provision of the Association's governing documents, as that term is defined in Utah Code 57-8a-102(12), the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.