

# PROTECTIVE COVENANTS CANYON VIEW RANCHES

LOTS # 1-23

THE PROTECTIVE COVENANTS OF CANYON VIEW RANCHES, LOTS #1-23 INCLUSIVE. SOUTH WEBER CITY, DAVIS COUNTY, UTAH, DATED, JUNE, 2007

1. ALL LOTS IN THE TRACT SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS FOR A DETACHED SINGLE FAMILY DWELLING NOT TO EXCEED TWO STORIES IN HEIGHT AND A ATTACHED PRIVATE 2 OR MORE CAR GARAGE CONSISTING OF NOT LESS THAN 560 SQAURE FEET, AND AN ADDITIONAL 360 SQUARE FEET ON A 3 CAR GARAGE.

2. NO BUILDING SHALL BE ERECTED, ALTERED OR PLACED ON ANY LOT UNTIL THE CONSTRUCTION PLANS AND SPECIFICATIONS AND A PLAN SHOWING THE LOCATION OF THE STRUCTURE HAVE BEEN **APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE** AS TO THE QUALITY OF WORKMANSHIP AND MATERIALS. HARMONY OF EXTERNAL DESIGN WITH EXISTING HOMES AND AS TO LOCATION WITH RESPECT TO TOPOGRAPHY AND FINISH ELEVATION.

3. THE ARCHITECTURAL CONTROL COMMITTEE, (THE COMMITTEE), INITIALLY IS COMPOSED OF MICHAEL L. CLARK AND LARRY K. CLARK, THE COMMITTEE MAY DESIGNATE A REPRESENTATIVE TO ACT FOR THE COMMITTEE. THE MEMBERS SHALL HAVE FULL AUTHORITY TO DESIGNATE THEIR SUCCESSOR. NEITHER THE MEMBERS OF THE COMMITTEE NOR ITS DESIGNATED REPRESENTATIVE SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT, OTHER THAN NON-PERFORMANCE ON LANDSCAPE BONDS. NOR SHALL THEY HAVE ANY LIABILITY FOR THEIR DECISIONS. A TWO THIRDS MAJORITY OF THE THEN RECORDED OWNERS OF THE LOTS SHALL HAVE THE POWER, THROUGH A DULY RECORDED WRITTEN INSTRUMENT, TO CHANGE THE MEMBERSHIP OF THE COMMITTEE OR WITHDRAW FROM THE COMMITTEE OR RESTORE TO IT ANY OF ITS POWERS AND DUTIES, AND TO AMEND, CHANGE OR ALTER THESE PROTECTIVE COVENANTS.

4. ALL PLANS AND SPECIFICATIONS **MUST BE APPROVED BY THE COMMITTEE PRIOR TO STARTING CONSTRUCTION.** . 2 COMPLETE SET OF PLANS SHALL BE SUBMITTED TO THE COMMITTEE BEFORE CONSTRUCTION CAN COMMENCE. AN APPROVED SET WILL BE SIGNED AND RETURNED TO THE CONTRACTOR AND NEEDED TO REMAIN ON THE JOB SITE UNTIL CONSTRUCTION IS COMPLETE. CONSTRUCTION ON ALL LOTS MUST COMMENCE WITHIN 18 MONTHS OF THE DATE OF CLOSING. IN THE EVENT THAT CONSTRUCTION HAS NOT BEEN COMMENCED WITHIN THE 18 MONTHS, WRITTEN APPROVAL MUST BE OBTAINED FROM THE ABOVE MENTIONED COMMITTEE FOR UP TO AN ADDITIONAL 12 MONTHS.

THE COMMITTEE IS ENTITLED TO APPROVE PLANS AND SPECIFICATIONS WHICH ARE NOT IN STRICT COMPLIANCE WITH THESE COVENANTS. IF THE COMMITTEE DETERMINES SUCH WOULD BE IN THE BEST INTEREST OF THE SUBDIVISION.

5. NO DWELLING SHALL BE PERMITTED ON ANY LOT WITH THE GROUND FLOOR AREA OF THE MAIN STRUCTURE OF A ONE STORY, (RAMBLER), EXCLUSIVE OF OPEN PORCHES AND GARAGES OF LESS THAN 1550 SQUARE FEET IF THE HOME HAS A THREE CAR GARAGE, AND NOT LESS THAN 1700 SQUARE FEET WITH A TWO CAR GARAGE. NOR LESS THAN 2300 SQUARE FEET ABOVE GRADE FOR A DWELLING OF MORE THAN ONE STORY WITH A THREE CAR GARAGE (MINIMUM HOME FOOTPRINT TO BE 1200 SQUARE FEET), AND NOT LESS THAN 2100 SQUARE FEET WITH A TWO CAR GARAGE. THE CONSTRUCTION MATERIALS FOR EACH HOME SHALL BE OF SUPERIOR QUALITY.

6. ALL ROOFING SHALL BE A MINIMUM OF 30 YEAR ARCHITECTURAL ASPHALT SHINGLE, WOOD SHINGLES, TILE SHINGLES. ALL ROOFS SHALL HAVE A MINIMUM OF AN 6/12 PITCH. ALL FACIA TRIM SHALL BE A MINIMUM WIDTH OF 6 INCHES.

7. ALL BUILDINGS ERECTED OR PLACED ON ANY LOT WILL COMPLY WITH ONE OF THE FOLLOWING TWO OPTIONS DEPENDING ON HOME STYLE: ALL EXTERIOR PERCENTAGES ARE TAKEN BY THE ENTIRE SQUARE FOOTAGE OF ALL SIDES OF THE HOME MINUS GARAGES DOORS, WINDOWS, AND DOORS.

A) ONE STORY DWELLINGS WILL HAVE AT LEAST 65% BRICK OR NATIVE STONE WITH THE BALANCE BEING STUCCO OR CEMENT BOARD ON THE FRONT OF HOME, AND A MINIMUM OF A 4 FOOT BRICK OR STONE ON SIDES OF HOME, CAN HAVE A FULL STUCCO REAR ELEVATION

B) TWO STORY, 1 ½ STORY OR MULTI-LEVEL HOMES WILL HAVE AT LEAST 40% BRICK OR NATIVE STONE WITH THE BALANCE BEING STUCCO OR WOOD ON THE FRONT OF HOME, AND A 4 FOOT MINIMUM BRICK OR STONE ON SIDES OF HOME, CAN HAVE A FULL STUCCO REAR ELEVATION.

C) NO VINYL, ALUMINUM, OR STEEL SIDING IS ALLOWED ON ANY ELEVATION OF THE HOME. THE ARCHITECTURAL CONTROL COMMITTEE MAY ALLOW MASONARY SIDING IN SPECIFIC SITUATIONS. ALL DETACHED GARAGES, SHEDS OR ACCESSORY BUILDING WILL FALL UNDER THE SAME ARCHITECTURAL REQUIREMENTS AS A HOME.

D) EACH HOMES EXTERIOR COLORS ARE ENCOURAGED TO BE EARTH TONES AND GREYS WHILE ALLOWING ACENTS OF BEIGE, WHITE, RUST, BLACK OR GREEN. ALL EXTERIOR COLORS MUST BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.

E) ALL DWELLINGS SHALL BE REQUIRED TO INCORPORATE A MINIMUM OF TWO OF THE FOLLOWING ARCHITECTURAL ELEMENTS:

- i. WINDOW PANE DETAIL, I.E. ADDED GRID PATTERN TO THE WINDOW GLASS.
- ii. SHUTTERS INSTALLED ON ALL SECOND FLOOR WINDOWS.
- iii. MATERIAL OR COLOR BREAK BETWEEN THE FIRST AND SECOND FLOORS. MATERIAL BREAKS COULD INCLUDE TRIM DETAILS, BRICK AND OR STONE DETAILS, OR OTHER OPTIONS APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.
- iv. ROUGH SAWN TIMBER COMPLIMENTING EXTERIOR.
- v. A COMBINATION OF BOTH BRICK AND STONE ON THE EXTERIOR OF HOME.

F) THE ARCHITECTURAL CONTROL COMMITTEE HAS THE RIGHT TO APPROVE PLANS THAT DO NOT MEET THE ABOVE MENTIONED REQUIREMENTS IN SECTION 6, 7, AND 8. THE ARCHITECTURAL CONTROL COMMITTEE HAS THE RIGHT TO REQUIRE MORE OR LESS EXTERIOR UPGRADES THAN THOSE LISTED ABOVE IF IT DEEMS NECESSARY.

8. NO PREVIOUSLY ERECTED, USED, OR TEMPORARY STRUCTURE, MOBILE HOME, TRAILER HOUSE, OR ANY OTHE NON-PERMANENT STRUCTURE MAY BE INSTALLED OR MAINTAINED ON ANY LOT. NO PREFABRICATED HOUSING MAY BE INSTALLED OR MAINTAINED ON ANY LOT..

9. NO OBNOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME ANY ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. NO CLOTHES DRYING OR STORAGE OF ANY ARTICLES WHICH ARE UNSIGHTLY ON PATIOS, UNLESS IN ENCLOSED AREAS BUILT AND DESIGNED FOR SUCH PROPOSES. NO AUTOMOBILES, TRAILERS, BOATS, OR OTHER VEHICLES ARE TO BE STORED ON STREETS OF FRONT AND SIDE LOTS UNLESS THEY ARE IN RUNNING CONDITION, PROPERLY LICENSED, AND ARE BEING REGULARLY USED. AUTOMOBILES MUST BE MOVED EVERY 24 HOURS. ALL RV STORAGE TO BE TO SIDE OR REAR OF HOME AND MUST NOT PROTRUDE FROM THE FRONT PLANE OF HOME OR GARAGE. ALL EXPOSED METAL FLUES, VENTS, VENTICATORS, OR OTHER METALIC ROOF TOP PROTRUSIONS SHALL BE POSITIONED ON THE BACK SIDE OF THE ROOF AND SHALL BE PAINTED WITH TONES WHICH COMPLIMENT SURROUNDING STRUCTURES. ALL TV ANTENNAS ARE TO BE PLACED IN THE ATTIC OUT OF VIEW. SATELLITE DISH ETC., TO BE HIDDEN FROM VIEW FROM THE STREET.

10. NO STRUCTURE OF TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDINGS SHALL BE USED ON ANY LOT AT ANY TIME AS A RESIDENCE EITHER TEMPORARILY OR

PERMANENTLY. EXCEPTION: TEMPORARY CONSTRUCTION OFFICE.

11. SUCH EASEMENT AND RIGHTS OF WAY SHALL BE RESERVED TO THE UNDERSIGNED. ITS SUCCESSORS AND ASSIGNS, OR AND OVER SAID REAL PROPERTY FOR THE ERECTION, CONSTRUCTION AND MAINTENANCE AND OPERATION THEREIN OR THEREON OF DRAINAGE PIPES OR CONDUITS AND PIPES, CONDUITS, POLES, WIRES AND OTHER MEANS OF CONVEYING TO AND FROM LOTS IN SAID TRACT, GAS ELECTRICITY, POWER, WATER, TELEPHONE AND TELEGRAPH SERVICES, SEWAGE AND OTHER THINGS FOR CONVENIENCE TO THE OWNERS OF LOTS IN SAID TRACT. AS MAY BE SHOWN ON SAID MAP AND THE UNDERSIGNED, ITS SUCCESSORS, AND ASSIGNS, SHALL HAVE THE RIGHT TO SO RESERVE ANY OR ALL OF THE LOTS SHOWN ON SAID MAP. NO STRUCTURES OF ANY KIND SHALL BE ERECTED OVER ANY OF SUCH EASEMENTS EXCEPT UPON WRITTEN PERMISSION OF THE OWNER OF THE EASEMENT. THEIR SUCCESSORS OR ASSIGNS.

14. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE PROFESSIONAL SIGN ON NOT MORE THAN ONE SQUARE FOOT AND ONE SIGN OF NOT MORE THAN FIVE SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT. OR SIGNS USED BY A BUILDER TO ADVERTISE DURING THE CONSTRUCTION AND SALE PERIOD.

15. NO LOT SHALL BE USED OR MAINTAINED AS DUMPING GROUND FOR RUBBISH. TRASH, GARBAGE OR OTHER WASTE SHALL BE KEPT IN SANITARY CONTAINERS. ALL INCINERATORS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIAL SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION. EACH LOT, AND ITS ABUTTING STREET, ARE TO BE KEPT FREE OF TRASH, AND OTHER REFUSE BY THE LOT OWNER. NO UNSIGHTLY MATERIALS OR OTHER OBJECTS ARE TO BE STORED ON ANY LOT IN VIEW OF THE GENERAL PUBLIC. PURCHASER OR CONTRACTOR OF LOT SHALL BE HELD RESPONSIBLE FOR DAMAGES CAUSED BY HIM OR HIS CONTRACTOR TO ANY LOTS IN THE SUBDIVISION.

16. NO FENCE, WALL OR OTHER OBJECT OF SIMILAR DESIGN MAY BE CONSTRUCTED ON ANY LOT NEARER THE STREET LINE THAN THE FRONT HOUSE LINE, NOR SHALL ANY FENCE, WALL OR OTHER OBJECT OF SIMILAR DESIGN BE CONSTRUCTED ON ANY LOT TO A HEIGHT GREATER THAN 6 FEET. FENCE MUST BE TAN, CLAY, ALMOND OR WHITE VINYL; OR DARK ROD IRON; OR CHAIN LINK, NO WOOD; OR TRECK FENCING.

17. NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS FROM LINES AT ELEVATIONS BETWEEN 2 AND 6 FEET ABOVE THE ROADWAYS SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET PROPERTY LINES AND LINE CONNECTING THEM AT POINTS 20 FEET FROM THE INTERSECTION OF THE STREET LINES. OR IN THE CASE OF A ROUNDED PROPERTY CORNER FROM THE INTERSECTION OF THE STREET LINES

EXTENDED. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY ON ANY LOT WITHIN 10 FEET FROM THE INTERSECTION OF A STREET PROPERTY LINE WITH THE EDGE OF A DRIVEWAY OR ALLEY PAVEMENT. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTIONS UNLESS THE FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES.

18. NO OIL DRILLING, OIL DEVELOPMENT OPERATIONS, OIL REFINING, QUARRYING OR MINIMUM OPERATIONS OF ANY KIND SHALL BE PERMITTED UPON OR IN ANY LOT. NOR SHALL OIL WELL, TANKS, TUNNELS, MINERAL EXCAVATIONS OR SHAFTS BE PERMITTED UPON OR IN ANY LOT. NO DERRICK OR OTHER STRUCTURE DESIGNED FOR USE IN BORING FOR OIL OR NATURAL GAS SHALL BE ERECTED, MAINTAINED OR PERMITTED UPON ANY LOT.

### **LANDSCAPING**

19. MUST MAINTAIN CITY STANDARDS

20. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF 20 YEARS FROM THE DATE THESE COVENANTS ARE RECORDED. AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF 10 YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED CHANGING SAID COVENANTS IN WHOLE OR IN PART. ENFORCEMENT SHALL BE BY PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY COVENANTS EITHER TO RESTRAIN INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OF COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT. ENFORCEMENT SHALL BE BY HOMEOWNERS WHO HAVE PURCHASED LOTS IN SAID SUBDIVISION AND BUILT HOME ON THEM. THE DEVELOPER AND OR ARCHITECT CONTROL COMMITTEE ACCEPTS NO RESPONSIBILITY FOR ENFORCEMENT AND SHALL HAVE NO LIABILITY FOR PERSONS VIOLATING THESE COVENANTS. THE SUCCESSFUL PARTY TO ANY LITIGATION BASED UPON OR RESULTING FROM THESE COVENANTS SHALL BE ENTITLED TO REASONABLE ATTORNEYS FEES AND COSTS FOR THE ENFORCEMENT OF THESE COVENANTS.

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21. NOTE: SPECIAL RESTRICTIONS ON LOTS 10-14
- 1) NO EXCAVATION OF EXISTING (HILL AREA) CAN BE PREFORMED UNTIL PROPERTY OWNER CAN SUPPLY TO SOUTH WEBER CITY, ADDIQUITE PLANS, SPECS, ENGINEERING FOR ANY AND ALL EXCAVATION WORK THAT MAY IMPACT THE INTEGRITY AND OR STABILITY OF (HILL AREA).
  - 2) BEFORE ANY (HILL AREA) EXCAVATION CAN BE PREFORMED A LETTER OF APPROVAL ISSUED FROM SOUTH WEBER CITY WILL BE REQUIERED AND A COPY OF SAID LETTER WILL REMAIN ON SITE UNTIL ALL (HILL AREA) WORK IS COMPLETED.
  - 3) NO (HILL AREA) EXCAVATION SHALL ACURE DURING MONTHS OF HIGH MOSTURE SATURATION.
  - 4) SOUTH WEBER CITY MAY REQUIRE A BOND TO INSURE THAT ANY AND ALL RETAINTION WORK IS PREFORMED TO THE HIGHEST STANDARDS.