

WHEN RECORDED RETURN TO:
SEB Legal, LLC
PO Box 71565
Salt Lake City, UT 84171

AMENDED AND RESTATED
DECLARATION OF RESTRICTIVE COVENANTS
FOR HAMILTON FARMS
A Planned Unit Development
Herriman, Utah

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This Declaration is made on the date executed below by the Association after being approved by the requisite number of votes.

RECITALS

A. Hamilton Farms is a planned unit development located in Herriman City, Salt Lake County, Utah.;

B. Hamilton Farms PUD is subject to a declaration of covenants, conditions and restrictions recorded on January 23, 2003, as Entry No. 8503874 in the Salt Lake County Recorder’s Office (“Original Declaration”);

C. This Declaration replaces the Original Declaration and all its amendments and supplements in their entirety;

D. This Declaration shall be binding against all Lots within Hamilton Farms PUD as described in Exhibit “A;”

E. All Owners, guests, invitees, agents, and residents shall abide by the provisions of this Declaration;

F. Under the Original Declaration, developer rights and Class B membership have expired;

G. These covenants, conditions, restrictions, easements, and limitations shall run with the land described in Exhibit “A” and shall be binding on and burden all parties having or acquiring any right, title, or interest to the land or any part thereof and shall create servient tenements on the land. The covenants, conditions, restrictions, easements, and limitations shall also benefit all parties having or acquiring any right, title, or interest to the land and shall create dominant tenements on the land;

H. Under the Original Declaration Article VI, Section 6.5 and Utah Code § 57-8a-104, more than 67% of the Owners of the Lots approved this Declaration;

NOW THEREFORE, for the benefit of the Project and the Owners thereof, the following covenants, conditions, restrictions, and easements shall apply to and be binding on the Project:

1 DEFINITIONS

The following words when used in this Declaration (unless the context otherwise requires) shall have the following meanings:

1.1 Declaration

Declaration means this Declaration of Protective Covenants, as amended from time to time.

1.2 Development Standards

Development Standards means the residential development standards and design criteria stated in the Hamilton Farm Planned Unit Development Preliminary Plan prepared by Fieldstone Homes, Inc. and included in this Declaration as **Exhibit "B."**

1.3 Dwelling

Dwelling means a residential unit that is designated and intended for use and occupancy as a residence by a single family.

1.4 Family

Family shall mean and refer to Family as defined by the local zoning ordinance.

1.5 Improvements

Improvements means every structure or improvement of any kind, including but not limited to landscaping required under the Declaration and any Dwelling, deck, porch, awning, fence, garage, carport, driveway, storage shelter or other product of construction efforts on or in respect to the Project (but does not include any exterior antenna or satellite dish, authorized in accordance with the Declaration).

1.6 Lot

Lot means a subdivided parcel, lot or plot of ground as designated on the Plat.

Lot shall also include mechanical equipment, ducts, pipes, and appurtenances located outside the Lots boundaries but designated and designed to serve only the Lot, such as air conditioning compressors and other air conditioning apparatus, fixtures and the like, shall be considered part of the Lot. All pipes, wires, conduits, or other public utility lines or installations serving only the Lot shall be considered part of the Lot.

1.7 Owner

Owner means the person or persons owning any Lot (including the holder of a buyer's interest under a land sale contract, unless otherwise stated in the contract), but does not include a tenant

or holder of a leasehold interest or person holding only a security interest in a Lot (including the holder of a vendor's interest under a land sale contract, unless otherwise stated in the contract).

1.8 Plat

Plat means the plat maps on file with the Salt Lake County Recorder for Hamilton Farms PUD.

1.9 Project

Project means all of the land described in attached **Exhibit "A."**

1.10 Resident

Resident means any person living or staying at the Project. This includes but is not limited to all lessees, tenants, and the family members of Owners, tenants or lessees.

2 PROPERTY SUBJECT TO THIS DECLARATION

2.1 Property Subject

The real property which is, and shall be, transferred, held, sold, conveyed and occupied subject to this Declaration is located in Salt Lake County, Utah, and is described on **Exhibit "A."**

All of the Project shall be owned, conveyed hypothecated, encumbered, used, occupied and improved subject to this Declaration. The easements, covenants, conditions, restrictions and charges, described in this Declaration shall run with the property and shall be binding upon all parties having or acquiring any right, title or interest in such property or any part thereof and shall inure to the benefit of each Owner thereof.

3 PROPERTY RIGHTS IN LOTS

3.1 Use and Occupancy

Except as otherwise expressly provided in this Declaration, the Owner of a Lot shall be entitled to the exclusive use and benefit of such Lot and Dwelling. Each Lot shall be bound by, and the Owner shall comply with the Declaration for the mutual benefit of the Owners.

3.2 Easements Reserved

In addition to the easements shown on the Plat or provided for under this Declaration or law, the following easements are hereby reserved for the benefit of the Owners:

3.2.1 Utility Easements. Public utility providers shall have an easement over all Lots for the installation, maintenance and development of utilities and drainage facilities. The easement area of each Lot and all Improvements therein shall be maintained continuously by the Owner of the Lot in accordance with the terms of the Declaration, except for those improvements for which a public authority or utility provider is responsible.

3.3 Easements Shown on the Plat

Lots shall be subject to the easements shown on the Plat.

4 ARCHITECTURAL CONTROL

4.1 Architectural Standards and Guidelines

When repairing, restoring, replacing, remodeling or redecorating the exterior of a Dwelling the Owner shall use materials and colors that are similar to the original construction or that are complimentary of the surrounding Dwellings. Owners are subject to the architectural restrictions contained in the Development Standards and municipal code.

4.2 Noncompliance

Any construction, alteration, or other work done in violation of this Declaration shall be deemed to be in noncompliance. If in violation of this Declaration, Owners shall, at their own cost and expense, remove such nonconforming construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the non-conforming construction, alteration, or other work.

5 RESTRICTIONS ON USE

5.1 Use of Lots - Residential Use

Each of the Dwellings in the Project is limited to residential use only. Each Lot and Owner is subject to the uses and restrictions imposed by such restrictions included in the Development Standards and zoning regulations of Herriman City.

6 OWNER MAINTENANCE OBLIGATIONS

6.1 Lots

All maintenance of the Lots, Dwellings, and improvements shall be the sole responsibility of the Owner thereof, who shall maintain such Lot in accordance with the Declaration, Development Standards, and municipal code.

7 COMPLIANCE AND ENFORCEMENT

7.1 Compliance

Each Owner or Resident of a Lot shall comply with the provisions of this Declaration adopted pursuant thereto and any applicable statute. Failure to comply therewith shall be grounds for an action or suit maintainable by an aggrieved Owner.

7.2 Action by Owners

Subject to any limitation imposed under the Declaration or Utah law, an aggrieved Owner may bring an action against such other Owner to recover damages or to enjoin, abate, or remedy such thing or condition by appropriate legal proceedings.

7.3 Injunctive Relief

Nothing in this Section shall prevent an Owner or other interested party from resort to a court of competent jurisdiction in those instances where injunctive relief may be appropriate.

8 AMENDMENT AND DURATION

8.1 Amendments

8.1.1 Approval Required. Except as otherwise provided in this Declaration, this Declaration may be amended by approval of 67% of all Owners. However, if the Owners desire to amend this Declaration to create an association of owners or create assessments, they must obtain the written consent of all Owners.

8.1.2 Execution and Recordation. An amendment shall not be effective until the amendment is signed and acknowledged by the required number of Owners and is recorded in the Recorder's Office of Salt Lake County, Utah.

9 MISCELLANEOUS PROVISIONS

9.1 Invalidity; Number; Captions

The invalidity of any part of this Declaration shall not impair or affect in any manner the validity, enforceability, or effect of the balance of this Declaration. As used herein, the singular shall include the plural and the plural the singular. The masculine and neuter shall each include the masculine, feminine, and neuter, as the context requires. All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Declaration.

9.2 Joint Owners

In any case in which two or more persons share the ownership of any Lot, regardless of the form of ownership, the responsibility of such persons to comply with this Declaration shall be a joint and several responsibility and the act or consent of any one or more of such persons shall constitute the act or consent of the entire ownership interest.

9.3 Lessees and Other Invitees

Lessees, invitees, contractors, family members and other persons entering the Project under rights derived from an Owner shall comply with all of the provisions of this Declaration restricting or regulating the Owner's use, improvement or enjoyment of such Owner's Lot and other areas within the Project. The Owner shall be responsible for obtaining such compliance and shall be liable for any failure of compliance by such persons in the same manner and to the same extent as if the failure had been committed by the Owner.

9.4 Nonwaiver

Failure by any Owner to enforce any covenant or restriction contained in this Declaration shall in no event be deemed a waiver of the right to do so thereafter.


9.5 Waiver, Precedent and Estoppel

No restriction, condition, obligation or provision contained in this Declaration shall be deemed to have been abrogated or waived by any Owner by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur and any failure to

enforce the same shall not be deemed to constitute precedent or estoppel impairing the right of an Owner as to any similar matter.

IN WITNESS WHEREOF, the Hamilton Farms Homeowners Association, has caused this Declaration to be executed by its duly authorized officers on the 14 day of March, 2018.

Hamilton Farms Homeowners Association


By: Allen Robins
Its: Member / President

STATE OF UTAH)
 :SS.
County of Salt Lake)

On this 14 day of March, 2018, personally appeared before me Allen Robins, who being by me duly sworn, did say that (s)he is the agent of Hamilton Farms Homeowners Association authorized to execute this Declaration.

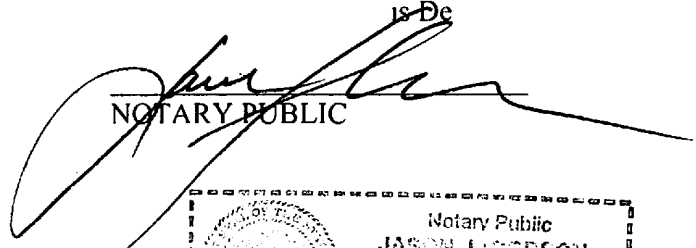
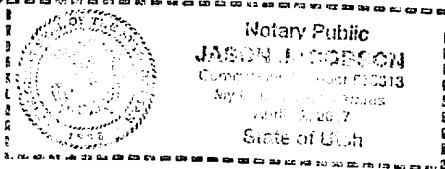
is De

NOTARY PUBLIC

Notary Public
JASON LINDERSON
Commission # 100013
My Commission Expires
April 1, 2017
State of Utah

EXHIBIT A

LEGAL DESCRIPTION

All Lots located within the Hamilton Farms PUD, more particularly described as follows:

HAMILTON FARMS PH 1 PUD (62 Lots)	L	101	32-03-428-001-0000	N
	L	102	32-03-428-002-0000	N
	L	103	32-03-428-003-0000	N
	L	104	32-03-428-004-0000	N
	L	105	32-03-428-005-0000	N
	L	106	32-03-428-006-0000	N
	L	107	32-03-428-007-0000	N
	L	108	32-03-428-008-0000	N
	L	109	32-03-428-009-0000	N
	L	110	32-03-428-010-0000	N
	L	111	32-03-428-011-0000	N
	L	112	32-03-428-012-0000	N
	L	113	32-03-428-018-0000	N
	L	114	32-03-428-017-0000	N
	L	115	32-03-428-016-0000	N
	L	116	32-03-428-015-0000	N
	L	117	32-03-428-014-0000	N
	L	118	32-03-428-013-0000	N
	L	119	32-03-428-019-0000	N
	L	120	32-03-428-020-0000	N
	L	121	32-03-428-021-0000	N
	L	122	32-03-428-022-0000	N
	L	123	32-03-428-023-0000	N
	L	124	32-03-428-028-0000	N
	L	125	32-03-428-027-0000	N
	L	126	32-03-428-026-0000	N
	L	127	32-03-428-025-0000	N
	L	128	32-03-428-024-0000	N
	L	129	32-03-428-029-0000	N
	L	130	32-03-428-030-0000	N
	L	131	32-03-428-031-0000	N
	L	132	32-03-428-032-0000	N
	L	133	32-03-428-033-0000	N
	L	134	32-03-426-012-0000	N
	L	135	32-03-426-013-0000	N
	L	136	32-03-426-014-0000	N

	L	137	32-03-426-011-0000	N
	L	138	32-03-426-010-0000	N
	L	139	32-03-426-009-0000	N
	L	140	32-03-426-008-0000	N
	L	141	32-03-426-007-0000	N
	L	142	32-03-426-006-0000	N
	L	143	32-03-426-005-0000	N
	L	144	32-03-426-004-0000	N
	L	145	32-03-426-003-0000	N
	L	146	32-03-277-005-0000	N
	L	147	32-03-277-004-0000	N
	L	148	32-03-427-007-0000	N
	L	149	32-03-427-008-0000	N
	L	150	32-03-427-013-0000	N
	L	151	32-03-427-012-0000	N
	L	152	32-03-427-011-0000	N
	L	153	32-03-427-010-0000	N
	L	154	32-03-427-009-0000	N
	L	155	32-03-427-003-0000	N
	L	156	32-03-427-002-0000	N
	L	157	32-03-427-001-0000	N
	L	158	32-03-427-004-0000	N
	L	159	32-03-427-005-0000	N
	L	160	32-03-427-006-0000	N
	L	161	32-03-276-003-0000	N
	L	162	32-03-276-002-0000	N

HAMILTON FARMS PH 2 PUD (151 Lots)	L	201	32-03-276-010-0000	N
	L	202	32-03-276-008-0000	N
	L	203	32-03-276-007-0000	N
	L	204	32-03-276-006-0000	N
	L	206	32-03-276-005-0000	N
	L	207	32-03-255-005-0000	N
	L	208	32-03-255-004-0000	N
	L	209	32-03-255-002-0000	N
	L	210	32-03-255-001-0000	N
	L	211	32-03-256-001-0000	N
	L	212	32-03-256-007-0000	N
	L	213	32-03-256-008-0000	N
	L	214	32-03-256-009-0000	N
	L	215	32-03-256-010-0000	N

L	216	32-03-256-011-0000	N
L	217	32-03-256-012-0000	N
L	218	32-03-256-013-0000	N
L	219	32-03-256-006-0000	N
L	220	32-03-256-005-0000	N
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L	223	32-03-256-002-0000	N
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L	256	32-03-402-002-0000	N

L	257	32-03-402-001-0000	N
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	L	351	32-03-401-047-0000	N

HAMILTON FARMS PH 3 PUD (58 Lots)	L	401	32-03-255-014-0000	N
	L	402	32-03-255-013-0000	N
	L	403	32-03-255-012-0000	N
	L	404	32-03-255-011-0000	N
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L	453	32-03-201-012-0000	N
L	454	32-03-201-013-0000	N
L	455	32-03-258-001-0000	N
L	456	32-03-258-002-0000	N
L	457	32-03-258-003-0000	N
L	458	32-03-258-004-0000	N

HAMILTON FARMS PH 3 PUD AMD (43 Lots)	L	459A	32-03-258-010-0000	N
	L	460A	32-03-258-009-0000	N
	L	461A	32-03-258-008-0000	N
	L	462A	32-03-255-015-0000	N
	L	463A	32-03-255-016-0000	N
	L	464A	32-03-255-017-0000	N
	L	465A	32-03-203-029-0000	N
	L	466A	32-03-203-030-0000	N
	L	473A	32-03-202-008-0000	N

	L	474A	32-03-202-007-0000	N
	L	475A	32-03-201-025-0000	N
	L	476A	32-03-201-024-0000	N
	L	477A	32-03-201-022-0000	N
	L	478A	32-03-201-021-0000	N
	L	479A	32-03-201-026-0000	N
	L	480A	32-03-201-027-0000	N
	L	481A	32-03-201-028-0000	N
	L	482A	32-03-201-029-0000	N
	L	483A	32-03-201-030-0000	N
	L	484A	32-03-201-031-0000	N
	L	485A	32-03-201-032-0000	N
	L	486A	32-03-201-033-0000	N
	L	487A	32-03-201-034-0000	N
	L	488A	32-03-203-028-0000	N
	L	489A	32-03-203-027-0000	N
	L	490A	32-03-203-026-0000	N
	L	491A	32-03-203-025-0000	N
	L	492A	32-03-203-024-0000	N
	L	493A	32-03-203-023-0000	N
	L	494A	32-03-203-022-0000	N
	L	495A	32-03-203-021-0000	N
	L	499A	32-03-203-031-0000	N
	L	500A	32-03-202-009-0000	N
	L	501A	32-03-202-010-0000	N

HAMILTON FARMS PH 4A PUD (45 Lots)	L	123	32-03-177-001-0000	N
	L	124	32-03-177-002-0000	N
	L	125	32-03-177-003-0000	N
	L	126	32-03-176-002-0000	N
	L	134	32-03-176-001-0000	N
	L	135	32-03-177-004-0000	N
	L	143	32-03-330-002-0000	N
	L	144	32-03-330-003-0000	N
	L	145	32-03-330-004-0000	N
	L	145	32-03-330-007-0000	N
	L	146	32-03-330-007-0000	N
	L	155	32-03-331-004-0000	N
	L	156	32-03-331-008-0000	N
	L	164	32-03-332-001-0000	N
	L	165	32-03-332-002-0000	N

	L	166	32-03-332-003-0000	N
	L	167	32-03-332-004-0000	N
	L	168	32-03-332-005-0000	N
	L	169	32-03-332-006-0000	N
	L	170	32-03-332-007-0000	N
	L	171	32-03-332-014-0000	N
	L	172	32-03-332-013-0000	N
	L	173	32-03-332-012-0000	N
	L	174	32-03-332-011-0000	N
	L	175	32-03-332-010-0000	N
	L	176	32-03-332-009-0000	N
	L	177	32-03-332-008-0000	N
	L	178	32-03-326-015-0000	N
	L	179	32-03-326-016-0000	N
	L	180	32-03-326-017-0000	N
	L	181	32-03-326-018-0000	N
	L	182	32-03-326-033-0000	N
	L	183	32-03-326-032-0000	N
	L	183	32-03-326-034-0000	N
	L	183	32-03-326-035-0000	N
	L	184	32-03-326-031-0000	N
	L	184	32-03-326-032-0000	N
	L	185	32-03-326-030-0000	N
	L	186	32-03-326-029-0000	N
	L	187	32-03-326-028-0000	N
	L	188	32-03-326-027-0000	N
	L	189	32-03-326-026-0000	N
	L	190	32-03-326-025-0000	N
	L	191	32-03-326-024-0000	N
	L	192	32-03-326-023-0000	N

HAMILTON FARMS PH 4B PUD (43 Lots)	L	142	32-03-330-001-0000	N
	L	147	32-03-330-006-0000	N
	L	148	32-03-330-005-0000	N
	L	149	32-03-303-005-0000	N
	L	150	32-03-303-006-0000	N
	L	151	32-03-303-007-0000	N
	L	152	32-03-331-001-0000	N
	L	153	32-03-331-002-0000	N
	L	154	32-03-331-003-0000	N
	L	157	32-03-331-007-0000	N

	L	158	32-03-331-006-0000	N
	L	159	32-03-331-005-0000	N
	L	160	32-03-303-004-0000	N
	L	161	32-03-303-003-0000	N
	L	162	32-03-303-002-0000	N
	L	163	32-03-303-001-0000	N
	L	193	32-03-326-022-0000	N
	L	194	32-03-326-021-0000	N
	L	195	32-03-326-020-0000	N
	L	196	32-03-326-019-0000	N
	L	197	32-03-302-023-0000	N
	L	198	32-03-302-022-0000	N
	L	199	32-03-302-021-0000	N
	L	200	32-03-302-020-0000	N
	L	201	32-03-302-019-0000	N
	L	202	32-03-302-018-0000	N
	L	203	32-03-302-017-0000	N
	L	204	32-03-302-016-0000	N
	L	205	32-03-302-015-0000	N
	L	206	32-03-302-009-0000	N
	L	207	32-03-302-010-0000	N
	L	208	32-03-302-011-0000	N
	L	209	32-03-302-012-0000	N
	L	210	32-03-302-013-0000	N
	L	211	32-03-302-014-0000	N
	L	212	32-03-302-008-0000	N
	L	213	32-03-302-007-0000	N
	L	214	32-03-302-006-0000	N
	L	215	32-03-302-005-0000	N
	L	216	32-03-302-004-0000	N
	L	217	32-03-302-003-0000	N
	L	218	32-03-302-002-0000	N
	L	219	32-03-302-001-0000	N

HAMILTON FARMS PH 4C PUD (35 LOTS)	L	100	32-03-178-018-0000	N
	L	101	32-03-178-017-0000	N
	L	102	32-03-178-016-0000	N
	L	103	32-03-178-015-0000	N
	L	104	32-03-178-014-0000	N
	L	105	32-03-178-013-0000	N
	L	106	32-03-178-012-0000	N

L	107	32-03-178-011-0000	N
L	108	32-03-178-010-0000	N
L	109	32-03-178-001-0000	N
L	110	32-03-178-002-0000	N
L	111	32-03-178-003-0000	N
L	112	32-03-178-004-0000	N
L	113	32-03-178-005-0000	N
L	114	32-03-178-008-0000	N
L	115	32-03-178-009-0000	N
L	116	32-03-178-007-0000	N
L	117	32-03-178-006-0000	N
L	118	32-03-177-005-0000	N
L	119	32-03-177-006-0000	N
L	120	32-03-177-007-0000	N
L	121	32-03-177-008-0000	N
L	122	32-03-177-009-0000	N
L	127	32-03-176-010-0000	N
L	128	32-03-176-009-0000	N
L	129	32-03-176-008-0000	N
L	130	32-03-176-007-0000	N
L	131	32-03-176-006-0000	N
L	132	32-03-176-005-0000	N
L	133	32-03-176-004-0000	N
L	134	32-03-176-003-0000	N

EXHIBIT “B”

DESIGN STANDARDS

As Modified and Approved by the Planning Commission
on December 13th, 2001

HAMILTON FARMS
PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAN
DEVELOPMENT STANDARDS & GUIDELINES

PREPARED FOR:

HERRIMAN CITY

PREPARED BY:

FIELDSTONE HOMES, Inc.

1. INTRODUCTION

Hamilton Farms is a master planned community developed by Fieldstone Homes, Inc. The master planned community is a mix of single family detached residential neighborhoods ranging from 7,500 sq. ft. Neighborhood Lots to one-half acre Equestrian Lots. Project amenities include parks, equestrian and pedestrian trails and open space along the major collectors fronting the project. Hamilton Farms proposes an ideal setting where families can live and enjoy the benefits of living in a community with a variety of residential neighborhood areas and types.

Hamilton Farms is proposed as a Planned Unit Development (PUD) consistent with the provisions of Chapter 19.38 of the City of Herriman's Zoning Code. As a PUD, it is necessary to vary the City's standard zoning requirements to accommodate the planned community features. As a result, we have designed the residential neighborhoods, as close to the standard requirements as feasible, however, variations will be necessary. The Development Standards section included herein designates specific standards that are to be applied to this project. These standards would take precedence over similar standard requirements. Where standards are not established herein, City of Herriman Standards and Ordinances would prevail.

2. PROJECT DESCRIPTION

a. Location

Hamilton Farms is located in the southwesterly quadrant of the intersection of 13400 South and 6400 West in Herriman. The property comprises approximately 175± acres and includes property bounded on the east by 6400 West; the south by Rose Canyon Road; and the north by 13400 South. Figure 1 is a plat illustrating the property boundaries as well as the immediate surrounding properties.

b. Zoning

As part of the application for a Planned Unit Development, the applicant also requested amendments to the Zoning Ordinance/Map. The Zoning Ordinance/Map Amendment, including the Russell Lewis property, has been approved by the City Council to change the property from the previous A-2 zoning to the A-1 zoning classification with 2.5 dwelling units per acre overall density.

1
107-46-1001

HAMILTON FARMS PUD

P S O M A S

1
107-46-1001

... of Section 4, Township 4 South, Range 2 West, Salt Lake Base and Meridian, Containing the 6400 acres of land partitioned as being described in that certain Warranty Deed ...

TRACE PARCEL:
A parcel of land lying and situated in the East half of Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian ...

BEHINDING PARCEL:
A parcel of land lying and situated in the East half of Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian ...

MARRIAGE:
The above trace parcel and surrounding parcels were presented to the State ...

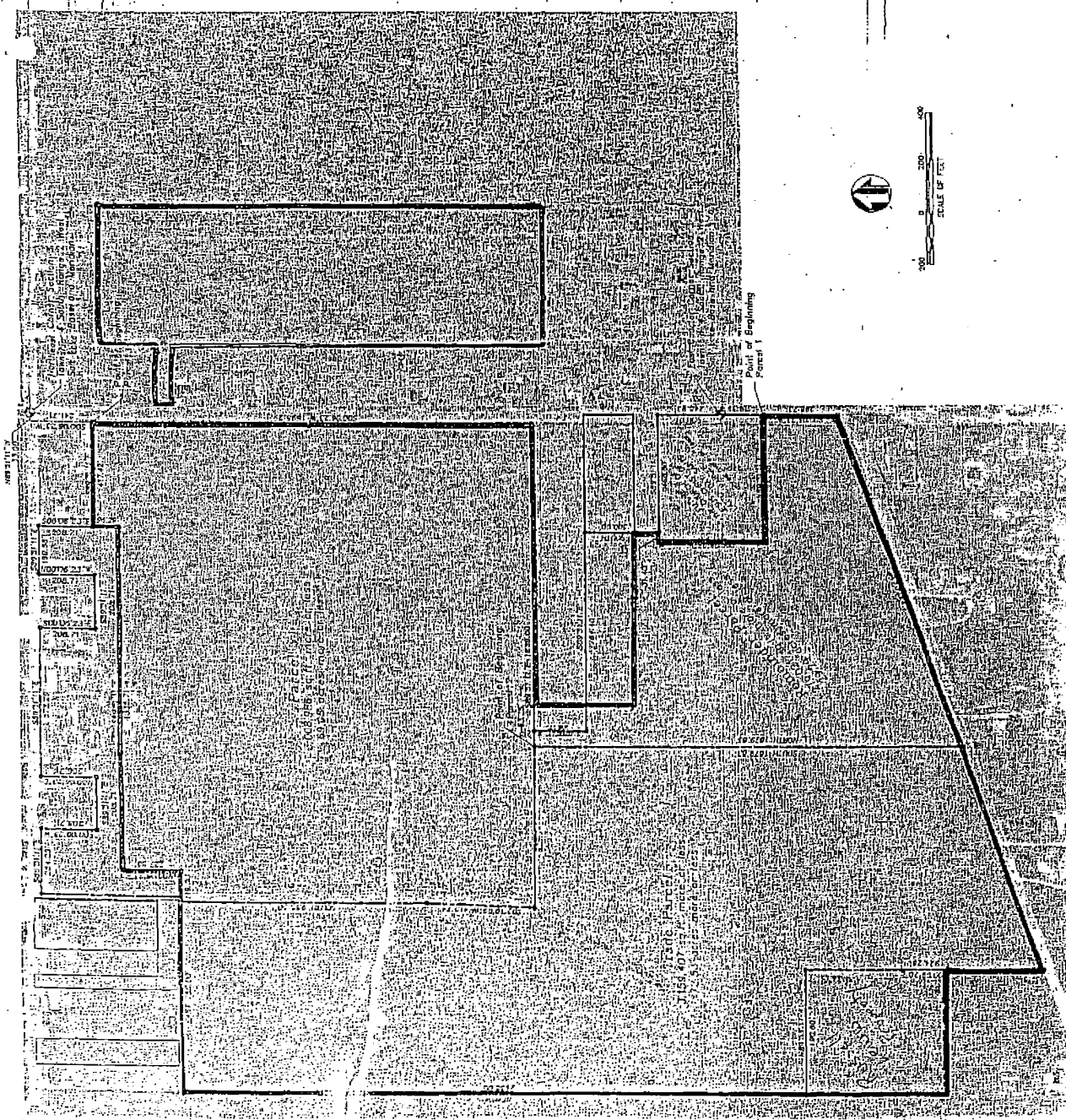


Figure 1.
Pict of Property
Boundaries and
Adjacent Properties

AK07259603277

**c. *Planned Unit Development (PUD) Ordinance
(Chapter 19.38) Requirements***

Chapter 19.38 of the Herriman Zoning Code includes the criteria for planning and developing a PUD. Included within the ordinance provisions are sections discussing the purpose of the ordinance, the authority to modify regulations, minimum property areas and the various steps needed to obtain PUD approval.

In regard to the applicability of these regulations to Hamilton Farms, the following criteria have been identified.

- i. The Hamilton Farms property (175 +/- acres and the 6 acres Russell Lewis property) meets the minimum area requirements as found in Section 19.38.050.
- ii. The Hamilton Farms PUD proposes site-specific development standards and guidelines for the land use designations included herein. These standards and guidelines supercede the applicable sections of the Herriman Zoning Code (herein referred to as "Herriman Code"). Uses permitted are residential in nature as incorporated in the Herriman Code.
- iii. Hamilton Farms is proposed herein as a Preliminary PUD Plan and Subdivision Plat. This document will serve as an exhibit to the Development Agreement and will be approved concurrently with the City's approval of that Development Agreement.

d. *Maintenance District/Homeowners Association*

Fieldstone Homes will have significant open space, buffer area, parks, and trails that can be an amenity for the residents of Herriman. Fieldstone proposes the dedication of these areas to the City and a service district would cover the maintenance of these areas.

Hamilton Farms will have a Homeowners Association (HOA), formed by the developer. This HOA could own, operate and maintain the property's open space, recreation and trails areas for the exclusive use of the homeowners of Hamilton Farms. Additionally, the HOA will be responsible for the enforcement of the Codes, Covenants & Restrictions (CC&Rs).



SITE SUMMARY

Total Site: 175.66 Acres ± 4 Acres
 1st Phase: 72.29 Acres ± 5 Acres
 Check Size: 43.5 Acres
 2nd Phase: 103.37 Acres ± 6 Acres
 Check Size: 47.1 Acres
 Units: 491 Units ± 15 Units
 25 Units/Acre
 Open Space: ± 12.0 Acres
 Multi-Use Park: 2.15 Acres
 Community Center: 2.8 Acres
 "Truck" Road: 2.0 Acres

*All measurements are taken from the Plat Survey and Control on adjacent lots. Actual measurements may vary slightly due to surveying conditions and the location of the property survey.



PRELIMINARY PLAN
 11/13/2004

Hamilton Farms

Herriman, Utah
 Fidelity Home
 6965 Union Park
 Mirabel, Utah

Kelly Kelly

6 Acres
 17,000
 17,000

3. LAND USE PLAN

The Land Use Plan (Figure 2) includes a description of the master plan. The Land Use Plan is summarized in Table 1.

a. Land Use Categories

The Hamilton Farms PUD includes three single-family detached residential land use categories and an open space land use category. Hamilton Farms proposes unique names for each of the land use designations (i.e. Residential - Standard), but attempts to use corresponding residential and/or agricultural district (i.e. R-1-10 and A-1) standards where applicable.

The following is a brief description of each of the Hamilton Farms land use categories.

i. Residential Land Use Categories

Residential – Neighborhood Lot (R-1-10): This category permits single-family detached homes on lots with a minimum square footage of 7,500 square feet. The minimum lot width will be 67 feet.

Residential – Rural Lot (R-1-10): This category permits single-family detached homes on lots with a minimum square footage of 10,000 or 12,000 square feet. The minimum lot width will be 80 feet.

Residential – Equestrian (A-1): This category permits single-family detached homes on equestrian lots with a minimum square footage of 20,000 square feet. The minimum lot width will be 90 feet.

ii. Open Space Category

Open Space and Recreation: Open space and recreation areas are an important part of the Hamilton Farms PUD. The newly adopted General Plan/Master Plan requires 20% of the total project acreage to be open space and recreation areas. Open space and recreation uses incorporated in the Land Use Plan include, parks, neighborhood pocket parks, pedestrian paths & equestrian trails, and natural open space. The open space and recreation areas are designed in the Land Use Plan as a network of parks and storm detention basins enhanced by a perimeter open space element (on the east and south property boundaries) with both pedestrian and equestrian trails. A large component of the

open space requirement will be fulfilled with a fee-in-lieu payment towards the development of the City's regional park and equestrian center.

b. Land Use Areas

Hamilton Farms has five (5) residential areas and open space. The open space areas are functionally incorporated into an overall storm water detention system.

Table 1, the Land Use Statistical Summary, illustrates the distribution of land use categories, the division of the open space area and the number of acres dedicated to public streets.

c. Phasing Plan

The Hamilton Farms PUD is divided into five (5) residential phases and three (3) open space areas. Figure 3 is the Phasing Plan. The developer anticipates that the five (5) residential phases will be constructed over a five to eight year period (final phasing division between 2 and 3 will be determined at a later time in approximate equal acreages).

d. Improvement of Open Space.

The open space, parks, buffer areas, and trail system shall be improved as each of the associated phases is developed.

SITE SUMMARY

Total Site: 175.55 Acres ± 684,448 S
 Trade Paved: 22.50 Acres
 Not Paved: 153.05 Acres ± 640,003
 Church Site: 4.73 Acres
 Units: 432 Lots ± 15% Lots

Net Density: 2.1 Units/Acre
 Open Space: 150.82 Acres ± 612.9 Acres
 Church/Trade Paved: 44.5 Acres
 Church/Trade Paved: 2.18 Acres
 Church/Trade Paved: 2.59 Acres

*All lot areas that have been confirmed by final survey and may be an additional 2.5% depending on various survey readings with the adjacent property owners.



Prepared by
 Date: 10/20/2011
 Project: 10559 PG 4590

PRELIMINARY PLAN

Hamilton Farms
 Herriman, Utah

Frank & Co. Inc.
 6903 Union Park
 Midvale, Utah 84045

Maplewood, UT
 84043

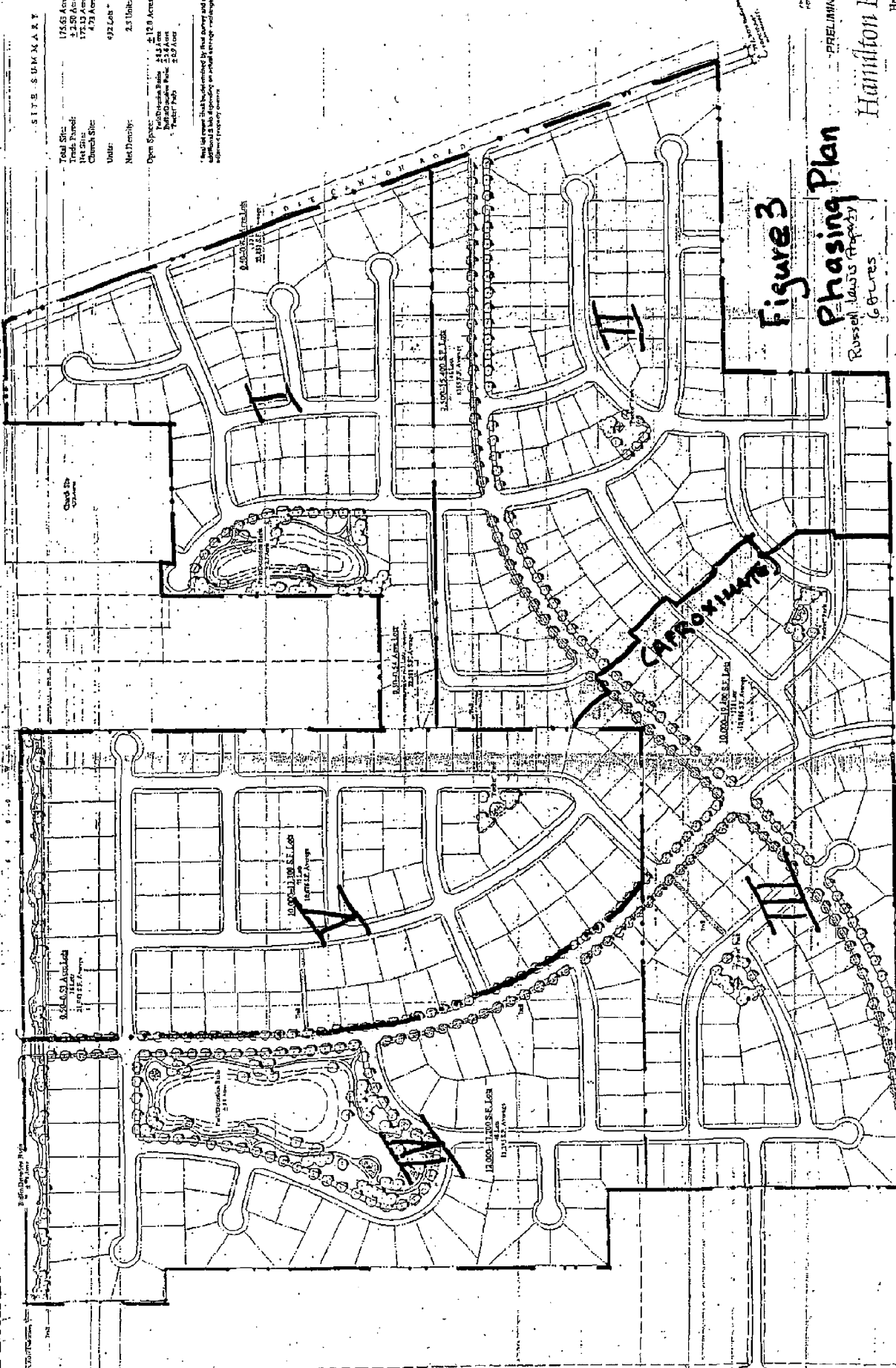


Figure 3
Phasing Plan
 Russell Davis Property
 6 Acres

**Table 1
LAND USE STATISTICAL SUMMARY**

Phase	LAND USE TYPE	NO. OF LOTS	TOTAL OPEN SPACE*	TOTAL ACREAGE
1	Residential Lots	65	2.7	27.22 +/-
2 & 3	Residential Lots	224	.6	73.36 +/- ***
4	Residential Lots	56	6.8	32.47 +/-
5	Residential Lots	87	1.9	36.2 +/-

Development Area.....173.97 +/- acres
 Open Space (parks, pedestrian & equestrian trails, perimeter open space
 detention areas, excluding church property).....12 +/- acres
 Total Lots.....432 lots**

* For the purposes of calculating density, the donated church site has been included, however, for the purposes of this rezoning it is not included. The church site already has a conditional use permit.
 ** final lot count shall be determined by final survey and may be an additional 3 lots depending on actual acreage exchange with the adjacent property owners
 *** Russell Lewis Property, 6 acres, included with Phases 2 & 3 making for a total of 79.36 +/- acres

4. **STREET SYSTEM**

a. **Off-Site Street Improvements**

13400 South, 6400 West and Rose Canyon principally provide access to the Hamilton Farms PUD. Both 6400 West and Rose Canyon will be dedicated to the City and improved to a forty (40) foot half width major collector including curb, gutter and sidewalk/equestrian trail.

Secondary access is also available to the property via 13400 South in the 3rd Phase of development. A connection for the future extension of collector streets to both the west and south will be provided for.

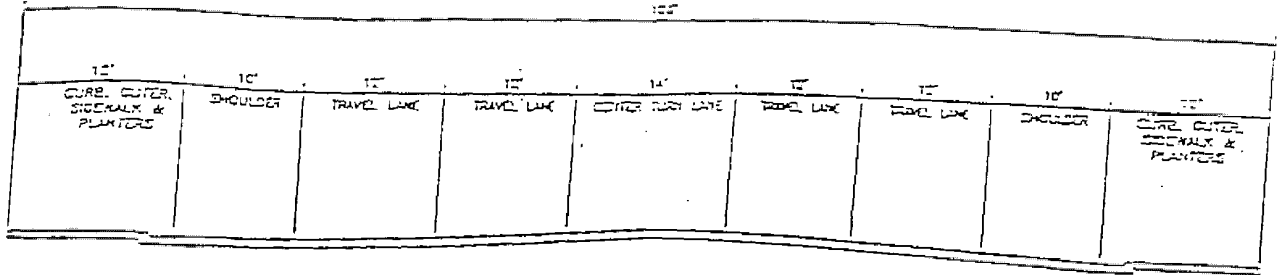
b. **On-Site Street Improvements**

Two classes of on-site streets are proposed for Hamilton Farms. A minor collector street is proposed with a 66-foot right-of-way and a 46 foot improved section*. The improved section includes asphalt paving and standard curb and gutter. 8 foot sidewalks shall be required on both sides of the 66' ROW, of which, 4 feet shall be an easement on the fronting property.

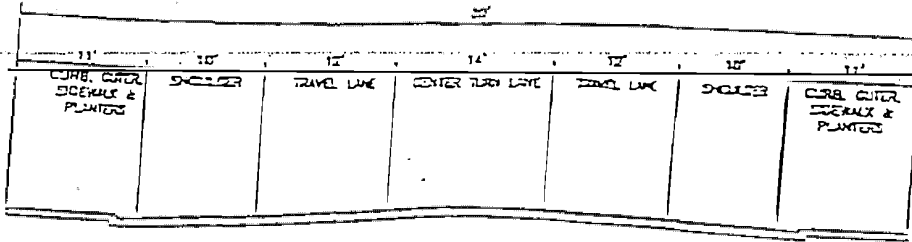
A standard residential neighborhood street section is also proposed to service the residential areas. The residential neighborhood local street section is a 60-foot right-of-way with a 37 foot improved section. The improved section includes asphalt paving and a standard curb and gutter. This standard will be for all other streets within the development. 4 foot sidewalks shall be required on both sides of all streets.

Figure 4 illustrates typical cross sections of the collector and standard residential neighborhood streets.

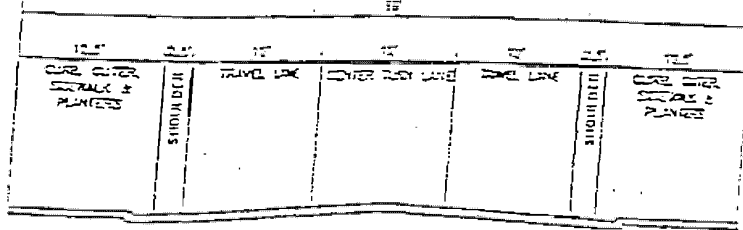
*Redesign of the 66-foot wide roads shall be done in conjunction with the traffic engineer and city planner



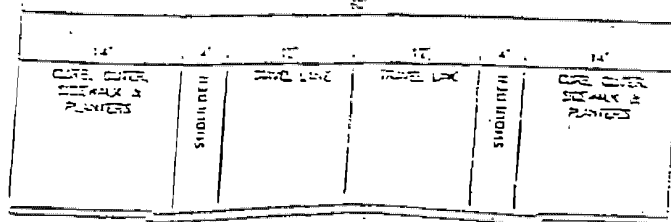
MINOR ARTERIAL - 105' RIGHT-OF-WAY



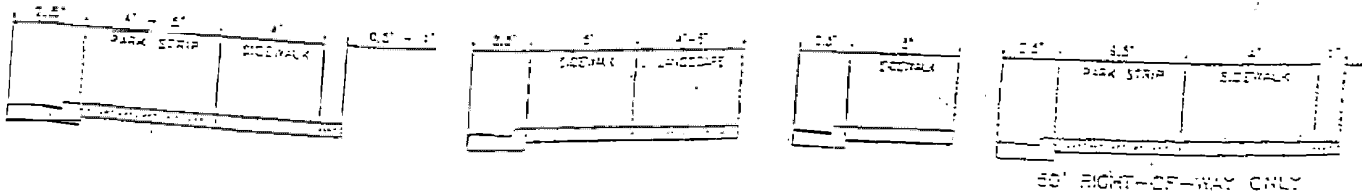
MAJOR COLLECTOR - 80' RIGHT-OF-WAY



MINOR COLLECTOR - 65' RIGHT-OF-WAY



LOCAL - 50' RIGHT-OF-WAY



OTHER CROSS SECTIONS

Figure 4, PLAN NO. 100
Street Sections
Collector and
Standard Residential

5. UTILITIES

a. Water Service

The proposed development may be served by one of three water purveyors. The City of Herriman, Herriman Pipeline and/or Jordan Valley Water Conservancy will provide culinary water to the proposed development. Preliminary discussions have been held with these three entities. The Developer proposes to take culinary water service from an existing and/or new reservoir located near the property through an adequate service main. The service main will be looped from the property into the existing water service system. Six (6) to Eight (8) inch service lines will be constructed throughout the property to service the new lots and homes.

The City Herriman or Herriman Pipe Irrigation Company, a private water company, may provide secondary or irrigation water. This requirement of secondary water will be determined at a later stage after Herriman City finishes its water needs assessment.

b. Sewer Service

Sewer service will be provided by Salt Lake County Service District #1. 8" and 10" sewer lines surround the property on the north, east and south boundaries. Eight (8) inch sewer lines will be built on the property to service individual lots and homes.

c. Storm Drainage.

The design of the Hamilton Farms planned community will incorporate storm drainage features designed to detain a minimum 100 Year Storm. This will be accomplished through the placement of detention swales in park and open space areas. Runoff from these detention areas will be connected to the master plan system in 13400 South and 6400 West. The Developer will construct all of these on-site storm drainage facilities. Extension of the Master Plan improvements will be constructed by the developers of the area and act as a credit towards the storm drain fee.

6. DEVELOPMENT STANDARDS

As a Planned Unit Development, Hamilton Farms proposes a mix of residential neighborhoods based upon the recently adopted General Plan/Master Plan for the City of Herriman. The underlying zoning for this area has been revised from the A-2 to A-1/ZC. The PUD section of Herriman's Code allows for a "diversification in the relationship of various uses and structures to their sites and to permit more flexibility in the use of such sites." To meet this stated City purpose, Fieldstone proposes the development standards included herein that illustrate residential designations, as amended.

a. **Residential Development Standards**

i. **Residential – Neighborhood Lot and Rural Lot**

1. **Incorporation by Reference**

The Residential – Neighborhood Lot and Rural Lot land use categories incorporates by references the provisions included in the City of Herriman's R-1-10, except as amended in the following;

2. **Permitted uses.**

The permitted uses provided in Section 19.10.020 of the Herriman Code, Permitted Uses, under the designation R-1-10 of the Herriman Zoning Ordinance are modified as follows:

- (i) Single Family Residential and accessory buildings not to exceed 150 square feet.

3. **Conditional Uses.**

The conditionally permitted uses provided in Section 19.10.030 under the designation R-1-10 of the Zoning Ordinance are incorporated by reference, excepting the following conditional uses. These are permitted with a CUP within Residential – Neighborhood Lots and Rural Lots (limited to these only):

- i. home day care
- ii. home occupations
- iii. adult day care center (4 or less adults)
- iv. child day care center (6 or less children)

4. **Lot Development Standards**

Minimum Residential – Neighborhood Lot Size	7,500 sq. feet
Minimum Residential – Rural Lot Size	10,000 sq. feet
Minimum Width of Interior Neighborhood Lots at Front Setback (30' back of ROW)	67 feet
Minimum Width of Corner Neighborhood Lots at Front Setback (30' back of ROW)	75 feet

Minimum Width of Interior Rural Lots at Front Setback (30' back of ROW)..... 80 feet
 Minimum Width of Corner Rural Lots at Front Setback (30' back of ROW)..... 90 feet
 Minimum Frontage 45 feet
 (on a public street - does not apply to irregular shaped lots as identified on the Preliminary Development Plan or Preliminary Plan with private driveway access)

Minimum Yard Setback Requirements:
 Front – setback @ garage face 25 feet
 Front – setback @ other than garage face 20 feet
 Rear Yard 20 feet
 Side Yard Total of 20 feet minimum of 8 feet

Maximum Building Height 35 feet

Minimum House Sizes

	Single Level House	Multi/Split Level House	Two Level House
On a 7,500 sq. ft. lot	1,300 sq. ft.	1,300 sq. ft.	1,700 sq. ft.
On a 10,000 sq. ft. lot	1,300 sq. ft.	1,300 sq. ft.	1,500 sq. ft.
On a ½ acre lot	1,300 sq. ft.	1,300 sq. ft.	1,900 sq. ft.

Required Improvements:
 Street grading; Street base; Street paving; curb, gutter and sidewalk;
 Culinary and Secondary water facilities; Waste water disposal; Street name signs; Fire hydrants; Street monuments.

ii. Residential - Agricultural/Equestrian

1. Incorporation by Reference.

The Residential/Agricultural land use category incorporates by references the provisions included in the City of Herriman A-1 residential/ agricultural district, except as amended in the following;

2. Permitted uses.

The permitted uses provided in Section 19.18.020 of the Herriman Code, Permitted Uses, under the designation A-1 of the Herriman Zoning Ordinance are modified as follows:

- (i) Single Family Residential and accessory buildings not to exceed 800 sq. ft

- (ii) Agriculture

3. Conditional Uses.

The conditionally permitted uses provided in Section 19.18.030 under the designation A-1 of the Zoning Ordinance are incorporated by reference, excepting there from the following uses. These are permitted with a CUP within Residential – Agricultural/Equestrian lots:

- (i) home day care
- (ii) home occupations
- (iii) adult day care center (4 or less adults)
- (iv) child day care center (6 or less children)
- (v) fruit/vegetable stand w. produce grown on premises

(4) Lot Development Standards

Minimum Lot Size ½ acre

Min. Width of Interior Lots at Front Setback (30' back of ROW).....90 feet

Minimum Frontage 50 feet
 (on a public street - does not apply to irregular shaped lots as identified on the Preliminary Development Plan or Preliminary Plan with private driveway access)

Minimum Yard Setback Requirements:

Front..... 30 feet
 Rear Yard..... 30 feet
 Side Yard 10 / 10 feet

Maximum Building Height 35 feet

Minimum House Sizes:

	Single Level House	Multi/Split Level House	Two Level House
On a 7,500 sq. ft. lot	1,300 sq. ft.	1,300 sq. ft.	1,700 sq. ft.
On a 10,000 sq. ft. lot	1,300 sq. ft.	1,300 sq. ft.	1,500 sq. ft.
On a ½ acre lot	1,300 sq. ft.	1,300 sq. ft.	1,900 sq. ft.

Required Improvements:

Street grading; Street base; Street paving; curb, gutter and sidewalks;
 Culinary and Secondary water facilities; Waste water disposal; Street name signs; Fire hydrants; Street monuments.

(5) Raising of Horses

Only on those Rural lots that have at least one-half acre qualify for horse ownership and shall otherwise comply with the city's requirements as if ½ acre lots. All lots meeting these standards shall be identified on the Final Plat of each phase.

b. Open Space and Recreation Standards

Hamilton Farms proposes to develop both neighborhood parks and perimeter open space components. Other open space requirements will be met with a fee-in-lieu for development of the Herriman regional park facility.

(1) Permitted uses.

- (i) Public park and recreation areas.
- (ii) Public and/or privately held open space including storm water detention areas.
- (iii) Private park and recreation areas.
- (iv) Trails and Equestrian Facilities
- (v) Publicly or commonly held and maintained native open space areas.

(2) Development Standards

There are no specific development standards for the open space and recreation areas. The areas should be developed and maintained consistent with the Hamilton Farms Land Use Plan.

7. DESIGN CRITERIA

Hamilton Farms is a master planned community that balances a variety of residential neighborhoods and recreational amenities. As a master planned community, Hamilton Farms will be developed based upon a consistent pattern of design criteria that serve to accomplish the following design criteria objectives:

- **Rural/Urban Design Theme**

Hamilton Farms is proposed as a master plan community with both urban and rural themes. Design elements, such as architecture, site planning, landscape architecture and streetscape, proposed for the community should support and enhance the mixed character of the project and the surrounding areas. All residential designs shall be

subject to the approval of the Master Developer's Architectural Review Committee and subsequent Hamilton Farms Architectural Review Committee.

□ **Architecture**

- Attractive, state of the art home design that incorporates such exterior features as a collection of varying rooflines, varying surfaces and window and door surround treatments. Fieldstone shall provide single story plans. The same house design cannot be beside each other or directly across the street from each other.
- A variety of surfaces and materials such as vinyl siding, stucco, brick, and stone along with complementary colors should be used as both primary and accent features with brick and/or stone covering at least 30% of the net front elevation less windows, doors (including garage doors) and vent openings. All front elevations shall be 100% masonry (stucco/rock/brick) except for accents may be vinyl. Houses within the interior of the project with basements have the option for vinyl siding or stucco on the back and side elevations only but are still required to have the 100% masonry front elevation.
- The development of a diverse neighborhood architectural appearance through the use of several floor plans with three to five elevations for each floor plan. All floor plans shall include a covered front porch.
- Architectural features shall exclude the use of flat roofs (as per City ordinances) and rain gutters on all down slope roofs.
- All homes shall accommodate for a minimum two-car garage and carports shall not be allowed.
- Slab floors shall be permitted with conventional footing systems. Basements shall be offered as an option and shall be required for any house less than 1,400 sq. ft. above grade. Additionally, 35% of the interior lots shall have full basements. All ½ acre perimeter lots shall have full basements.

□ ***Site Planning and Landscape Architecture***

Project-wide master planned community guidelines should support and enhance Hamilton Farms through site planning and landscape architectural features such as, but not limited to landscaping, community signage, entry monumentation, streetscape appearance, recreational areas and open spaces.

Site planning should emphasize the creation of a sense of arrival, place and community.

- Entry statements, using the community signage, should be designed at major project entrances that reflect the master planned community's rural/urban theme and portray a sense of arrival.
- The landscaping along bordering major collector streets should be designed to enhance both the sense of arrival and place.
- Pedestrian and equestrian pathways bordering the community should be equally available to all members of the community and should support the sense of community while providing a regional connection to the Herriman community.
- Equestrian neighborhoods should be connected to the overall equestrian trail system, as much as practical.
- Installation of front yard landscaping shall be required within 6 months of initial occupancy.

□ ***Recreation and Equestrian Corridors***

The design of a balance between improved open space — irrigated landscaped areas with lawns, trees, shrubs and groundcovers — and natural open spaces — non-irrigated, native plant materials with perennial grasses, shrubs and trees — serve to provide variety to the appearance and use of the open space corridors.

- Improved open space areas should be designed to provide for passive and active recreational activities while also serving as storm drain detention areas..
- Natural open space areas can be enhanced by utilizing rock and native plants being designed to accommodate surface drainage giving the appearance of a natural watercourse area.