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CAROL DEAN PAGE, DAVIS CNTY RECORDER
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DECLARATION OF PROTECTIVE COVENANTS, AGREEMENTS,
RESTRICTIONS, AND CONDITIONS AFFECTING
THE REAL PROPERTY KNOWN AS DEERE VALLEY PHASE 2

These covenants shall apply to all lots included in the Deere Valley Subdivision Phase 2 (lots 201-237) excluding lot number 204.

PART A - RESIDENTIAL AREA COVENANTS

1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one dwelling not to exceed two stories in height. Said premises shall be used for private resident purposes only, except as hereinafter set forth and no structure of any kind shall be moved upon said premises, nor shall any incomplete building be permitted to remain incomplete for a period in excess of one year from the date the building was started. All homes shall have a minimum of a two car enclosed garage which shall be attached. Any additional detached garage building shall be compatible in design, architecture and materials to the residence.

2. ARCHITECTURAL CONTROL. No building shall be erected, placed, or altered 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 quality of workmanship and materials, harmony of external design with existing structures and as to location with respect to topography and finished grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. No chain link or wire fence shall be permitted on any front or side yard facing the street. All fences facing the street will be of materials compatible with the design, architecture, and materials on the exterior of the residence and neighboring residences.

3. DWELLING QUALITY AND SIZE. For all lots excluding lot numbers 213, 214, 215, 216, 217, 218, 219, and 220, the ground floor square feet area of the main structure exclusive of garage and any one story open porches shall not be less than 1,500 square feet for a one-story dwelling. If a one-story dwelling has 100% brick or rock, the square feet shall not be less than 1,400. In a two-story home which is two stories above the curb level for all lots except those mentioned above, the combined area of the ground story level and the story above ground story level, exclusive of garage and any one-story open porches shall total not less than 2,100 square feet. For a two-story home, who's exterior is 100% brick or rock, the combined area of the ground story level and the story above ground story level shall not total

less than 2,000 square feet. All split level and split entry homes for all lots except those excluded above must be 1,800 square feet (in the combined area of a single level and each of the levels in the adjoining two-story portion of the dwelling, exclusive of the garage and any one-story porches). The split entry dwelling shall be treated in the same way as a split level dwelling. In a split entry dwelling, the above ground level shall be not less than 1,800 square feet, exclusive of garage and any one-story open porches. If four feet or more of foundation is above finished grade, then that level becomes a story. For the purposes of these covenants, the basement area shall in no event be considered a story.

For lot numbers 214, 215, 216, 217, 218, 219, and 220, the ground floor square feet area of the main structure exclusive of garage and any one story open porches shall not be less than 1,400 square feet for a one-story dwelling. In a two-story home which is two stories above the curb level for lots mentioned above, the combined area of the ground story level and the story above ground story level, exclusive of garage and any one-story open porches shall total not less than 1,800 square feet. All split level and split entry homes for lot numbered above must be 1,600 square feet (in the combined area of a single level and each of the levels in the adjoining two-story portion of the dwelling, exclusive of the garage and any one-story porches). The split entry dwelling shall be treated in the same way as a split level dwelling. In a split entry dwelling, the above ground level shall be not less than 1,800 square feet, exclusive of garage and any one-story open porches. If four feet or more of foundation is above finished grade, then the basement becomes a story. For the purposes of these covenants, the basement area shall in no event be considered a story.

It is the purpose of this covenant to assure that all dwellings shall be of a quality of workmanship and material substantially the same as or better than that which can be produced at the date that these covenants are recorded. All construction to be of new material, except that used brick may be used. No building shall be erected or placed on any lot having less than 50% brick or native stone. No building shall be erected or placed on any lot having less than 100% brick, native stone or a combination of brick, native stone or stucco on the front of the building. All homes shall have 2 x 6 fascia or larger.

NOTE: The Architectural Control Committee reserves the right to be totally "SUBJECTIVE" in approving or disapproving any home to be built in Deere Valley in order to maintain the integrity of the development. These covenants are set in place as a guide for the committee and therefore, any adjustments (up or down, increased or decreased) by the committee when approving or disapproving a set of building

plans may be subjective and shall be deemed acceptable by the existing home owners.

4. SET BACK LINES. The following set back lines shall apply:

(a) No building shall be located on any lot nearer than 20 feet to the front lot line, or nearer than 20 feet to any street side line on corner lots.

(b) No building shall be located nearer than 10 feet to an interior lot line. No dwelling shall be located nearer than 20 feet to the rear lot line.

(c) For the purpose of these covenants, eaves, steps and open porches shall not be considered as part of a building provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

5. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 70 feet at the point where there is proposed to be located that part of the dwelling closest to the front street.

6. EASEMENTS. Easements for installation and maintenance of irrigation, utilities, and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. No structure shall be constructed within 12 feet vertically or horizontally of any power conductor.

7. NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an 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 purposes. No automobiles, trailers, boats, or other vehicles are to be parked or stored on the street in front of any lot. All RV storage to be to side or rear of homes and concealed from front of street. All roof mounted heating and cooling equipment to be set back side of the roof out of view from the street. All TV antennas are to be placed in the attic out of view. Satellite Dishes, etc., to be hidden from view from the street. Within one year of occupancy of any home built on a lot in Deere Valley, the front and side yards shall be planted in lawn or other acceptable landscaping so as not to be an eyesore.

"Acceptable landscaping" and "Lawn" shall be interpreted by the majority of the then existing home owners in the subdivision.

8. TEMPORARY STRUCTURES. No structure of a 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.

9. PRIVATE RESIDENCE: MOVING OF STRUCTURES. Said premises shall be used for private residence purposes only, except as hereinafter set forth and no structure of any kind shall be moved from any other prior residence upon said premises. No incomplete building shall be permitted to remain incomplete for a period in excess of one year from the date the building was started.

10. SIGNS. No sign of any kind shall be displayed to the public view on any lot except signs advertise the property for sale.

11. OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, 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.

12. LIVESTOCK AND POULTRY. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose and are restricted to the owners premises or on leash under handlers control.

13. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All trash cans, or other equipment for the storage or disposal of such materials shall be kept in a clean or sanitary condition and away from public view.

14. SIGHT AND DISTANCE AT INTERSECTIONS. No fence, walls, hedge, or shrub planting which obstructs sight 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 intersection of the street lines, or in the case of rounded property corner, from the intersection of the street property 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.

15. SLOPE AND DRAINAGE CONTROL. No structure, planting or other material shall be placed or permitted to remain, or other material shall be placed or permitted to remain, or other activities undertaken which may damage or interfere with established flow ratios, create erosion or sliding problems, or which may change the direction of flow of drainage channels or obstruct or retard the flow of water through drainage channels. The slope control area of each lot and all improvements in them shall be maintained continuously by the owner of the lot, excepting those improvements for which public authority or utility company is responsible. It shall be the responsibility of the owner to see that his lot conforms with and continues to conform with any established Grading and Drainage or Soils report.

16. GEOTECHNICAL STUDY. The geotechnical study included in these covenants shall be considered part of the covenants and the recommendations mentioned in the study shall be required by the builders and land owners.

PART B - ARCHITECTURAL CONTROL COMMITTEE

1. MEMBERSHIP. The Architectural Control Committee is initially comprised of Neil J. Wall and Wayne Brough and three other members to be named later by the Developer. In the event of death or resignation of any member of the Committee, the remaining members shall have the full authority to designate a successor. Neither the members of the committee, nor its designated representatives shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a two-thirds majority of the lots shall have the power through this duly recorded written instrument to change the membership of the Committee or restore to it any of its powers and duties.

2. PROCEDURE. The Committee approval or disapproval as required in these covenants shall be in writing. The lot owner must submit a set of formal plans, specifications, and site plan to the Committee before the review process can commence. In the event the Committee or its designated representative fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or thereof, approval will not be required and the related covenants shall be deemed to have been duly complied with.

PART C - GENERAL PROVISIONS

1. TERMS. These covenants are to run with the land permanently and shall be binding on all parties and all persons claiming under them unless an instrument signed by

two-thirds majority of the then owners of the lots has been recorded, agreeing to change covenants in whole or in part.

2. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person violating or attempting to violate any covenant either to restrain violation or to recover damages.

3. SEVERABILITY. Invalidation of any on of these covenants by judgment or court shall in no way affect any one of the other provisions which shall remain in full force and effect.

4. AMENDMENT. These covenants can be amended by two-thirds majority of the property owners recording an amendment to these covenants.

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1.0 INTRODUCTION

We have completed the geotechnical study for the proposed Deer Valley subdivision to be located near 2800 North and Hillfield Road in Layton, Utah. This study was made to assist in evaluating the subsurface conditions and engineering characteristics of the foundation soils and developing our opinions and recommendations concerning appropriate foundation types and floor slabs for future residences proposed in this development. This report presents the results of our geotechnical investigations including field exploration, laboratory testing, engineering analysis and our opinions and recommendations. Data from the study is summarized in Figures 1 through 6, and on Table I.

2.0 CONCLUSIONS

- (1) Our test pits excavated at this site showed approximately 4 to 6 inches of topsoil, followed by loose to medium-dense, fine grained, clean to silty sand with occasional sandy gravel lenses to the total depth explored of 11 feet.
- (2) Spread footings founded on the medium-dense sands and gravels or structural fill should provide adequate support for the proposed structures.
- (3) Free water was not encountered at this site; however, there was evidence that perched water flows had occurred in the more porous lenses at this site.
- (4) Proper drainage control is important to the performance of the structures in this development.

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3.0 PROPOSED CONSTRUCTION

The development consists of a proposed 76 building lots on which one- to two-story residential structures with basements will likely be constructed. We anticipate that the structures will be of wood frame construction with possibly a masonry veneer. Structural loads should be light, consistent with other similar buildings, i.e. 2500 to 3000 pounds per lineal foot. It is likely that grading will be required to provide level pads for the homes.

4.0 SITE CONDITIONS

The property is located on the north slope of the Hobb's Creek drainage. There are several developments of single family homes which have been recently completed or are currently under development in this area. The property has a prominent knoll and ridge running east-west across the site near the north side of the development. The ground to the north of the ridge drops downward to Hillfield Road at grades generally between 8 and 20 percent. The ground to the south of the ridge slopes downward at grades of about 6 to 25 percent then steepens to grades of 30 to 50 percent dropping into the Hobb's Creek drainage. A tributary, north-south running drainage is located on the east side of the development. Vegetation across the site consists of native grasses and scrub

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oak. The proposed area of development is located on the flatter portion of the property to the north of the steep drainage slopes. A general plan of the development, as provided by the owner, is shown on Figure 2.

The site is bound on the north by Hillfield road, on the south by Hobb's drainage and on the east and west by residential developments. The existing structures are relatively new and to date generally appear to be performing satisfactorily from a foundation standpoint.

The Hobb's Creek drainage has had numerous shallow slides identified along its length. Several slides were noted around Hobb's Reservoir located to the east of the site. A fairly recent shallow slide has occurred on the lower south drainage slope several hundred feet west of the property. An inspection of this slide showed vegetation indicative of consistently wet soil conditions near the toe of the slide. Our studies indicate that native slopes which are 2:1 (horizontal to vertical) or flatter in this drainage are reasonably stable providing the soils do not become saturated. Higher magnitude earthquake events could, however, trigger shallow landslides. The recommendations presented

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in this report are designed to reduce the risks involved with development on this site.

5.0 FIELD INVESTIGATION

The field investigation consisted of four test pits excavated on January 17, 1994, to depths of 10 to 11 feet at the locations shown on Figure 2. The soils encountered at the site were continuously logged by an engineer from our office. Samples were obtained at approximate 3 foot intervals and returned to our laboratory for testing. A graphical representation of the soils encountered is shown on Figures 3 through 6, Log of Test Pits.

6.0 LABORATORY TESTING

Upon completion of the excavations the samples obtained from the test pits were sealed and returned to our laboratory where each one was inspected to confirm field classification in accordance with the Unified Soil Classification System and to select representative samples for laboratory testing.

Due to the granular nature of the subsurface soils the field and laboratory tests were limited to natural density and moisture and mechanical analysis. Results of these tests are shown on Table I, attached.

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Samples will be retained in our laboratory for 30 days following the date of this report at which time they will be disposed of unless a written request for additional holding time is received prior to the disposal date.

7.0 SUBSURFACE CONDITIONS

Our test pits excavated at this site indicated that approximately 4 to 6 inches of topsoil covers the property. The topsoil is underlain by loose to medium dense, fine grained, clean to silty sand with occasional layers of sandy gravel. Some of the gravels are cemented and have iron staining. Although not encountered in our test pits clay lenses are common in the lacustrine deposits in this area and may be encountered in some regions of the development.

Free water was not encountered in the test pits excavated for this project. However, the cementation and iron staining observed in the gravel layers indicate that water may be transported through these lenses at various times. Development of the area, with the accompanying lawn irrigation may increase the potential of water transport through these more permeable lenses.

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8.0 SITE GRADING

Organic topsoil, man-placed fill not discovered during the field investigation and soils loosened by construction activities should be removed from building and drive areas prior to foundation excavations and site grading fills. Following the stripping, the native soils should be proof-rolled to a firm, non-yielding surface.

For stability purposes all fill placed should meet structural fill criteria. Structural fill should consist of the native sands and gravels or similar soils, with a maximum particle size of 3 inches and less than 25 percent fines (materials passing the No. 200 sieve). The liquid limit of the fines should not exceed 35 and the plasticity index should be below 15. Structural fill should be placed in maximum 8-inch loose lifts at a moisture content within 2 percent of optimum and compacted to at least 95 percent of maximum density (ASTM D 1557). Where fill is placed against native slopes steeper than 20 percent the fill should be layered into the slope by benching. Benching consists of excavating a series of benches which are at least 2 feet wide and vertically separated by a distance of approximately 2 feet.

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Most excavations at the site can be accomplished with standard earthmoving equipment. However, some ripping may be required when cemented gravels are encountered. The cuts in the native soils, which are less than 10 feet deep, should stand temporarily at slopes of 1:1 (H:V). Cuts over 10 feet deep or situations where water is encountered in the excavation will require flatter slopes. No person should be allowed to enter utility trenches over 4 feet deep without shoring, in addition OSHA and local safety regulations should be followed. Permanent slopes of either cuts or fills should not be steeper than 2:1 (H:V).

The native sands at this site are moderately to highly erodible and non-vegetated slopes will be susceptible to erosion damage. Grading should be such that runoff is directed away from the slopes and concentrated only in lined or armored channels. Disturbed slopes will likely require continued maintenance until a vegetative cover is established, unless these slopes are artificially protected with erosion mats.

9.0 SEISMIC CONSIDERATIONS

Based on published data, no active faults are known to traverse the site and no faulting was indicated by our test pits excavated for this project. The nearest known fault is the Wasatch which is

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located approximately one mile east of the subject property. No special seismic considerations are required by current regulations other than the proposed structures should be designed in accordance with the "Zone 3" requirements of the Uniform Building Code.

10.0 FOUNDATIONS

Lightly loaded, spread footings founded on the native sands and gravels should provide adequate support for the proposed structures. If clay lenses are encountered at footing elevations the clays should be removed to a depth of at least 18 inches below footings and replaced with structural fill. The following recommendations should be followed during design and construction of this project:

- (1) Spread footings on the native sands and gravels or structural fill, where necessary, should be designed for a maximum soil pressure of 1400 psf. A one-third increase is allowed for short term transient loads such as wind and seismic events. Footings should be uniformly loaded.
- (2) Footing excavations should be compacted with a mechanical tamper prior to footing placement.
- (3) Continuous footings should have a minimum width of 20 inches.
- (4) Exterior footings should be placed below frost depth which is about 30 inches in this area.
- (5) The bottom of footings should extend at least 18 inches below the lowest adjacent final grade.

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- (6) Foundation walls on continuous footings should be well reinforced both top and bottom. We suggest a minimum amount of steel equivalent to that required for a simply supported span of 12 feet.
- (7) Footing excavations should be kept horizontal and stepped down where necessary to meet slope grade changes.
- (8) Structures should not be partially supported on native soils and partially on structural fill. If this situation occurs we recommend that the footings be overexcavated such that all footings are supported on at least 12 inches of structural fill or the footings in the fill areas be extended deeper to the native soils. Structural fill should be at least twice the footing width.
- (9) The horizontal distance between the outer edge of any footing and the face of the slope should be 20 feet. Block walls or concrete flatwork should not be closer than 5 feet from the edge of steeper slopes.

If footings are designed and constructed in accordance with the recommendations presented above the risk of total movement exceeding 1 inch and differential movement exceeding 0.5 inch for a 25-foot span will be low.

11.0 FLOOR SLABS

The interior floor slabs may be supported totally on the native sands which have been proof-rolled, or totally on structural fill. It has been our experience that floor slabs supported partially on native soils and partially on structural fill may develop cracking due to differential settlement between the two materials. We

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recommend that if any portion of the slab is supported on structural fill that grading be conducted such that the entire slab is underlain by at least 12 inches of structural fill. Further, if clays are encountered at the floor slab level at least 12 inches of the clay should be removed and replaced with structural fill. At least 4 inches of free draining gravel should be placed under the floor slabs to distribute floor loads and break the rise of capillary water. The slabs should be adequately reinforced with the reinforcement continuous through interior floor joints. Stress related cracking due to differential settlement of the walls with respect to the slab can be significantly reduced by using a "Floating Slab System" where rigid connections of the slabs to bearing walls are avoided.

12.0 SURFACE DRAINAGE

Wetting of the foundation soils will generally cause some degree of volume change within the soil and should be prevented both during and after construction. We recommend that the following precautions be taken at this site:

- (1) The ground surface should be graded to drain away from the structures in all directions. We recommend a minimum fall of 8 inches in the first 10 feet.

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- (2) Roof runoff should be collected in rain gutters with downspouts designed to discharge well outside the backfill limits.
- (3) Sprinkler heads, if planned, should be aimed away and kept at least 5 feet from foundation walls.
- (4) Landscaping requiring frequent watering should not be used within 2 feet of the foundation walls.
- (5) Other precautions which may become evident during design and construction should be taken.

13.0 FOUNDATION DRAINS

As discussed earlier in the report there are indications that seasonal perched water conditions could be encountered at the site. Development of the area and the subsequent lawn irrigation could increase the risk of perched water conditions in the subgrade which could cause basement seepage and may effect localized slope stability. Therefore, we recommend that foundation drains be installed around the building footings. The drains should consist of a free draining gravel surrounding a collection pipe sloped to drain to a free gravity outfall, storm drain line or pumped sump.

14.0 GENERAL CONDITIONS

The exploratory data presented in this report were collected to provide geotechnical design recommendations for this project. Variations from the conditions portrayed in the test pits often

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occur which are sometimes sufficient to require modifications in the design. Thus it is important that we observe subsurface materials exposed after stripping and in the excavations to take advantage of the opportunity to identify unusual soil conditions which could influence the performance of the facilities being planned. An experienced geotechnical engineer or technician from our office should observe site preparation activities and conduct testing as required to confirm the use of proper procedures. Further, we recommend that plans and specifications be reviewed by our office to determine if the recommendations presented in this report were understood and properly implemented.

The geotechnical study as presented in this report was conducted within the limits prescribed by our client, with the usual thoroughness and competence of the engineering profession in the area. No other warranty or representation, either expressed or implied, is intended in our proposals, contracts or reports.

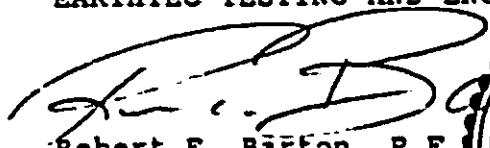
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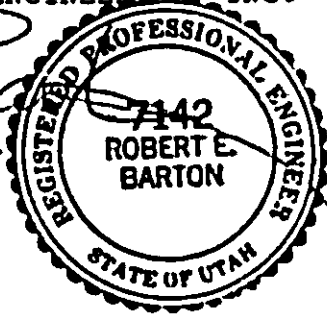
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We appreciate the opportunity of providing our services on this project. If we can answer questions or be of further service, please call.

Respectfully;
EARTHTEC TESTING AND ENGINEERING, INC.



Robert E. Barton, P.E.
Principal Engineer



3 Copies Sent

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THIS DECLARATION IS MADE THIS 21st DAY OF NOVEMBER 1994.

By: Neil J. Wall
Neil J. Wall, NWC INC PRES.

State of Utah)
) :ss.
County of Davis)

On this 21st day of NOVEMBER, 1994, personally appeared before me Neil J. Wall the signers of the within instrument, who duly acknowledged to me that they executed the same.

My Commission Expires: July 14 1997

Ally McQuivey

Notary Public
Residing at: LAYTON

