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DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
HIDDEN EAGLE ESTATES

A Residential Community in the City of Bluffdale
State of Utah

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIDDEN EAGLE ESTATES (Declaration) is made effective the 30th day of April 2021, by Gregory J. Wolfley, TBJ & M, LLC, and Equity Trust Company Custodian FBO Scott McGavin IRA, (Declarants) together with Nancy J. Wolfley, Dusty Argyle, Equity Trust Company Custodian FBO Myra McGavin IRA, Equity Trust Company Custodian FBO West Jordan Family Dentistry 401k Plan, Scott McGavin TTEE, FBO Myra McGavin, and Equity Trust Company Custodian FBO West Jordan Family Dentistry 401k Plan, Scott McGavin TTEE, FBO Scott McGavin (Consenting Parties).

These Hidden Eagle Estates (Hereafter HEE) Covenants, Conditions and Restrictions (hereafter Guidelines) details the objectives of all single-family residential construction on lots within HEE, as described on the attached Exhibit "A". The HEE Architectural Review Committee (Hereafter ARC) will interpret, apply, and enforce these Design Guidelines.

As designated in the Declaration of Covenants, Conditions and Restrictions for HEE, the Architectural Review Committee (Hereafter ARC) will be comprised of (3) three Lot owners. See ARC guidelines below. This document may be amended from time to time at the discretion of the HEE Architectural Review Committee.

The zoning ordinances and codes of Bluffdale City, and any applicable building, fire, and health codes are in full force and effect on the Property, and no Lot may be occupied or used in a manner that is in violation of any such ordinances or codes. Owner is responsible for understanding and meeting all applicable codes, laws, regulations, etc. of government and municipal entities having jurisdiction over their project at HEE. The HEE is located in a Bluffdale City Code R-1-43 Zone.

OVERVIEW:

HEE was conceived and carefully planned as a residential community; the specific goals of this development are to:

- Create and Maintain a residential type neighborhood.
- Create and maintain an attractive landscaped neighborhood.
- Create and Maintain a safe and clean neighborhood.
- Preserve property values of the neighborhood.
- Allow appropriate animals for recreation and personal use.

Therefore, all architectural designs, buildings, landscaping, fencing improvements and use of all new construction, changes or alterations to existing buildings, improvements, additional landscaping and exterior design and alterations are subject to the design review process overseen by an ARC. See detailed design process below.

The HEE Declaration of Covenants, Conditions, and Restrictions (Hereafter CCR's) sets forth the Architectural, Site and Landscape Guidelines that shall define the requirements necessary for the development. All Owners shall strictly adhere to these Design Guidelines which shall be solely and exclusively interpreted, modified, or revised by the ARC.

The covenants, conditions and restrictions contained herein are intended to and shall run with the title of the land, and be binding upon the successors, assignee's, heirs, and any other persons holding any ownership or possessory interest in the Property and shall inure to the benefit of all other lots in the Property and the Association.

The home construction must begin no later than two years from the date of the sale from the developer to an individual lot owner. Home construction should be completed on a timely basis not to exceed 12 months.

DEFINITIONS:

Accessory structures - all mean any structure not attached to the house, including barns, stand-alone structures, including decks, gazebos etc.

Applicant - An Owner or Owner's representative who is authorized to represent and/or act upon any application matters or submitting.

ARC - The HEE Architectural Review Committee.

BCC - Bluffdale City Code

Building Envelope- The designated for buildings that conforms with the building setbacks or has been approved by the ARC and Bluffdale City.

Building Height - The maximum allowable height of buildings as currently defined in Bluffdale zoning guidelines.

City - all mean the city of Bluffdale, Utah, and its appropriate departments, officials, and boards.

Community - The greater HEE community located in Bluffdale City, Utah.

Compliance Deposit - The deposit that the Applicant is required to deliver to the ARC prior to commencing any Construction Activity.

Construction Site/Site - The lot during the construction phase.

Construction Activity - Any site disturbance, construction, addition or alteration of any building, landscaping, or any other improvement on a lot.

Contractor - A licensed general contractor, subcontractor or unlicensed individual engaged by Owner to make improvements.

Declarants - Nancy J. Wolfley, Gregory J. Wolfley, TBJ & M, LLC, Dusty Argyle, Equity Trust Company Custodian FBO Myra McGavin IRA, Equity Trust Company Custodian FBO Scott McGavin IRA, Equity Trust Company Custodian FBO West Jordan Family Dentistry 401k Plan, Scott McGavin TTEE, FBO Myra McGavin, and Equity Trust Company Custodian FBO West Jordan Family Dentistry 401k Plan, Scott McGavin TTEE, FBO Scott McGavin

Design Guidelines or Guidelines - Design Guidelines comprised herein.

Design Review - The design review process defined herein from submittal to design approval, ending with issuance of the ARC Approval Letter.

Declaration - shall mean this Declaration of Covenants, Conditions and Restrictions, together with any subsequent amendments or additions.

Dwelling - all mean the single-family residence built or to be built on any Lot, including the attached garage.

Excavation - Any disturbance of the surface of the land including construction excavating, trenching or removal of any earth, rock or other material from the land or any grading of the surface of the ground.

Fill - Any addition of material to the lot

Floor Area - The actual area within the exterior walls of the home, not including garage or basement as designated.

Hardscape - All impervious surfaces placed on site, including concrete, pavers, stone, etc.

HEE - Hidden Eagle Estates

Improvements - Any construction or alteration of any physical element on a Lot including construction related activities, any excavation or fill, and landscape planting.

Lot - Shall mean any numbered building Lot shown on any official plat of all or a portion of the Property.

Owner - The person or persons having title to any Lot. Owner shall mean the person holding fee simple title, including the Declarant, and buyers under any contract for deed.

Residence - Primary structure designated as residence.

Site Coverage - The percentage of a site that is covered by a built element. This area includes any buildings or other impervious surfaces.

Structure - Any physical element constructed on a Lot including buildings, fences, gazebos, out buildings, etc.

LOT GUIDELINES:

Driveways

- Driveways are only allowed on the garage side of the home.
- Driveways to the rear of the property must originate from the garage side of the house. The opposite side of the lot must be landscaped.
- Driveways from the sidewalk to the rear plane of the house must be concrete or pavers or a mix of both. Asphalt, gravel, or road base are not allowed in this location.
- Sidewalks from the street to the house must be concrete, or pavers, or a mix of both.
- Driveway and curb cuts may be a maximum of fifty (40) feet wide.
- Exceptions for circular driveways may be allowed.
- A minimum of six (6) feet of landscape is required between the front driveway and the adjoining lot, from the sidewalk to the front plane of the home.

Parking & Vehicles

- Each Residence shall contain parking space within the Lot for at least three automobiles in an enclosed garage, minimum 3 car garage.
- Three additional paved parking spaces must be provided, within the hardscape driveway to accommodate off street guest parking.
- No on-street parking, beyond occasional temporary visitors during daytime hours only, will be permitted at HEE. In any event no overnight street parking.
- No old cars, non-working vehicles, trailers, boats, RV's, ATV's, etc. will be parked other than short term for prep to use, on the lot in view from the street.
- No work trucks are permitted to be parked on the property in sight of City streets.
- No over 1 Ton vehicles in size may be parked overnight on any lot or parked on the street.
- No parking can be created in the front yard that does not attach to the main driveway. No additional parking on the opposite side of the lot from the driveway and garage.

Fences and Walls

In order to maintain the visual quality of an open and natural landscape, above-grade fences within HEE shall be permitted in designated locations and with approved materials.

- The following materials for fencing shall be allowed: Masonry Block, Brick, Rock, Wrought Iron, Steel, Trex Materials, wood or Brown colored Vinyl. Other materials may be considered by the ARC.

- The following materials are not allowed: White colored vinyl, Chain link, Barb wire, field fence, railroad ties or any other temporary type fencing i.e, steel "Tee" posts etc.
- If masonry is used it is encouraged to be the same masonry that is used on the house.
- No fences are allowed in front yards. The exception is 3-4' high fencing is allowed on the two side property lines between the front of the house and the sidewalk.
- Up to Six (6) foot tall solid screen fencing is allowed to be installed along the rear lot line, and on side property lines to enclose and screen rear yard space. Side yard fencing adjacent to sidewalks must be located a minimum of 5' from the sidewalk. The space between the sidewalk and fence must be landscaped.
- No fencing shall encroach into the safe triangle zone adjacent to street intersections.
- All fencing must be natural or darker in color. No white colored fencing is allowed.
- Dog run fences are permitted only behind the residence and shall not exceed (300) square feet. They must be located no closer than (20) feet from side yards.
- Black or green vinyl coated chain link is permitted as an application for tennis courts, pickle ball courts, and dog runs.

Grading and Drainage

Grading must be done with minimum disturbance of lot topography. Surface drainage shall not drain to adjoining Lots except as established by natural drainage patterns, nor cause a condition that could lead to soil erosion. Lot 101 through 106 have a yard drain line and inlet box. Final grading of property will direct storm water to the inlet box. Property owners are responsible for the maintenance of the pipe and inlet box on their property. Precautions will be taken to keep silt and debris out of the system.

Refuse Containers

Details for location of refuse concealed containers will be designated by the Owner in the submitted drawings and site plan. Containers shall be appropriately concealed by a screen wall. All Lots (improved or unimproved) shall be kept free of rubbish, weeds, and other unsightly items. Trash, rubbish, garbage, or other waste shall not be kept except in covered containers. Garbage and trash receptacles shall be permitted when kept in a visually screened enclosure, such that the garbage and trash receptacles are not visible from the improved roads within the Property.

Retaining Walls

Boulders and Split Face Block are allowed retaining wall materials. Railroad Ties are not permissible. Other materials may be considered by the ARC.

Sport Courts and Basketball Backboards

- Sport courts, pickle ball, tennis courts, swimming pools etc. are permitted in back portion of the lot.
- Backboards attached to the street facing front of a garage are not permitted.

Swimming Pools and Spas and equipment enclosures

Pools must be properly enclosed for safety and constructed according to City and County codes.

Transmission/ Television Antennas

No transmission antennas of any kind or nature, or other devices for the transmission of television or radio signals, or television and reception antennas shall be placed or maintained upon the Lot.

BUILDING & STRUCTURE GUIDELINES:

Design diversity within the limits of the Design Guidelines is anticipated and desired. Key architectural concerns including lot placement, massing, building height, color and materials selection should be carefully considered in the design process. The architectural standards and design restrictions are intended to preserve, protect, promote, and enhance the qualities of the community at HEE. Designs that have excessive long or large planes without breaks will not be approved. These guidelines apply to all primary and auxiliary structures.

Architectural Styles

The preferred Architectural Design palate is a refined rustic look. The various styles of designs considered will be:

- Contemporary
- Contemporary Mountain
- Shingle
- Prairie
- Modern Farmhouse
- Other styles may be added to or removed from this list at the discretion of the ARC.

Building Height

- Primary building or Residence height is a maximum of thirty-five (35) feet to the top of the roof.
- Auxiliary building exterior walls may be a maximum of eighteen (18) feet tall. Auxiliary building roof pitch should be as low as possible to avoid blocking neighbor views and to avoid competing visually with the house. Maximum height to be (30) feet at top of the roof.

Dwelling Size

- Single level rambler homes will have a minimum of 2,600 sq. ft. of finished Floor Area on the main level.
- Two story homes will have a minimum of 2,200 sq. ft. of finished Floor Area on the main level and a total of 3,800 total sq. ft., excluding basement.

Setback and Placement

Residence

No dwelling shall be erected upon any residential site so that any wall shall be:

- Closer than thirty (30) feet to the front boundary line of said premises which extends along a platted street in the subdivision.
- Closer than thirty (30) feet to the rear boundary line.
- Closer than twenty (20) feet to any side boundary line.

Auxiliary Building

No auxiliary building shall be erected upon any lot so that any wall shall be closer than ten (10) feet to the rear or side boundary line.

Colors and Finishes

Muted natural tones should be used for all exterior elements, especially in the predominant color palate of the structure body. Colors with Light Reluctance Value (LRV) below fifty (50%) are required. Material samples for all project elements must be submitted to the committee for approval during the Architectural Review. Bright or dramatic colors shall not be used as primary exterior colors.

Exterior Trim and Fascia

All fascia and trim should be substantial in mass and scale. Fascia with several steps and in a (10) inch width or larger is encouraged. Natural fascia material is encouraged, and metal fascia is allowed in natural tones. Wider metal trim should have integrated ribs to minimize unsightly inconsistency.

Exterior Walls

Stone, brick, hardy, board, semi-transparent stained wood, stucco, metal, and glass are the exterior materials approved.

- **Stone/Brick** - 100% brick or stone exterior finish is allowed.
- **Hardy Board Siding**- Vertical and horizontal siding is permitted. Board and batten, ship lap and T&G are all encouraged exterior surfaces. Diagonal siding is not allowed.
- **Metal Siding** - Metal siding may be used upon approval of the ARC. Copper or steel siding, naturally oxidized or treated in darker tones, are encouraged as accent elements. Corrugated, galvanized, aluminum siding or shiny metal of any kind is prohibited.
- **Stucco**- 100% stucco is not allowed. Stucco homes must adhere to the Stone and Brick Veneer requirement as described below.
- **Stone & Brick Veneer** – Required on all homes unless waived by the ARC. Minimum forty (40%) of front facing walls, twenty (20%) on all others. Manufactured stone will be allowed based on a per project basis by the ARC. Some architectural styles will be exempted from this requirement.
- **Other** – other appropriate exterior wall materials may be used with ARC approval.

Roofs

All roofs must have the proper mass, proportion, pitch, and placement for the particular style of house design. General requirements include:

- Roof pitches on primary residences must be within a range of 5/12 to a 10/12 slope. All roofs shall be pitched with the exception of a small percentage of flat roof may be allowed by the ARC.
- Roof pitches on auxiliary structures must be within a range of 4/12 to 7/12. Greater pitches may be allowed on a case by case basis.
- Large roof overhangs are encouraged.
- Sloped roofs are to be constructed of non-reflective materials colored in earth tones that complement the natural environment.
- All roofs must be a dark color to visually recede into the background and natural setting.
- Roof Materials
 - Wood shakes or composite roofs that closely simulate shakes are permitted.
 - Clay or concrete roof tiles are acceptable provided they are muted, dark colors.
 - Architectural grade asphalt shingles are permitted.

- Metal roofs in weathered copper or dark tones are allowed.
- Vents, skylights, curbs and flashing and other acceptable equipment are to be painted to match the roof.
- Roof vents must be generally located on the back roof exposure and not in view from the street if possible.

Garages

A minimum three bays, with no more than three-bay (garage doors) directly facing the street.

- Garage door openings are encouraged to be inset at least 6" from the front face of the garage to promote architectural appeal.
- One over sized garage door, over 8' tall, is permitted to face the street, if it is a maximum of 12' x 12'. Additional oversize garage doors are permitted that do not face the street.
- Garages are not permitted to protrude in front of the front plane of the house. We desire the house, not the garage, be highlighted.

Gutters, Downspouts, and Snow Shedding

Gutters, downspouts, and flashing will be fabricated to match existing flashing's or be made of aged copper.

Chimney Caps, Flues and Roof Vents

All chimney caps and vents should align with the overall style and home design. Masonry and metal caps are permitted. The specific design, finish color and material must be submitted with a final plan.

Accessory Structures

Lots are permitted to have a detached garage, barn, gazebo, or other approved outbuildings, provided that such detached structures:

- Receives prior approval from the ARC.
- Are not over 30' in total height.
- Matches the style, design, and exterior materials of the house, including roofs.
- Are not overwhelming in size based on proximity to the adjacent Lot.
- Are not intended for any type of commercial use.
- Are not metal portable sheds.
- Are not Cargo Shipping Containers.

Porches and Decks

Porches provide a personality and welcome invitation to the HEE community. They also extend the opportunity for outdoor living space. Therefore, it is encouraged that home designs incorporate at least one porch that is part of the front elevation. All porch and deck columns and supports are to be substantial in scale.

Windows and Glazing

Window size, placement, shape, and grid configuration should be coordinated and align with the house plan design. Disjointed haphazard window patterns will not be allowed. Reflective glass in any application is not permitted.

Exterior Equipment and Satellite Dishes

All exterior mechanical, electrical, and other utility equipment such as air conditioning units, metering devices, transformers, natural gas service lines, and the like shall be completely screened from public view and adjacent homes.

Satellite dishes are permitted in an area of the site that is not visible from the road. Satellite dishes are permitted only when 30" or less in diameter. Roof mount and/or post mount on site can be submitted with final building plans or the location must be subsequently submitted to the ARC for approval prior to placement.

Solar and Energy Components

All solar applications must be specifically approved by the ARC for each Applicant. Solar applications may be allowable when they are completely integrated in the architectural design of the residence and their introduction does not detract from the visual integrity of the building or surrounding site. Panels must be on the back or south facing roof panels.

LANDSCAPE GUIDELINES:

All the elements of the Landscape Guidelines will be included in a detailed plan to be approved by the ARC prior to the commencement of any landscaping.

- The front yard landscaping must be complete within ninety (90) days of receiving an occupancy permit from Bluffdale City. The rear yard landscaping, excluding parking areas, corrals, pasture areas etc. must be complete within two years. If any time deadline falls during the months November through March, the deadline will be extended with permission of the ARC.
- Plant materials must be kept alive with an automatic irrigation system.
- Front yards must be minimum of (25%) lawn and a maximum of (75%) lawn. A mixture of lawns and shrub beds creates the most pleasing and balanced look.
- Front yard landscape must incorporate a min. of six (6) trees in addition to park strip trees required by the City.
- The park strip is the responsibility of the adjacent lot owner to install landscape and an irrigation system. Trees to be planted in park strips shall be based on the Street Tree Plan approved by Bluffdale City. The ARC has a copy of this Plan and must approve the tree placement. This tree plan may be modified based on exact driveway placement. Park strip ground cover shall be sodded Kentucky Bluegrass lawn.
- Landscape Maintenance: The owner is required to maintain landscape in accordance with industry standards. The park strip must be maintained by the lot owner. In general lawns must be mowed on a weekly basis, fertilized, watered properly and be free of weeds. Flower & Planter beds must be kept free of weeds. If any street tree dies it must be replaced with a minimum of a 2-inch caliper tree by the lot owner. Lots must be kept neat and clean.

ANIMAL GUIDELINES:

Large Animals

- The number of large animals allowed on each lot will be determined by Bluffdale City Code. Current BCC allows a maximum of four (4) horses or cows, or a mix.
- Large Animals will only be allowed on the rear (50%) of the lot, no animals will be allowed on sides of houses or in front yards.

- Animals cannot be a nuisance to the neighbors or adjoining lot owners. Animal areas must be kept clean on an ongoing routine basis including removal of manure etc. as to not create excessive smells, flies etc.
- Barns for shelter of large animals are required. Barns will be treated as an auxiliary building.
- Horse trailers, equipment, etc. will be stored in the rear yard out of site from street view.

Dog Guidelines

- No more than three dogs per residence are allowed at any time. BCC 05.30.040. Canine Hobby Licenses are not allowed.
- Dog runs are not permitted in front or side yards and are permitted behind primary residence and shall not exceed 300 square feet.
- Dog enclosures shall be located no closer to side yard property lines than 20'.
- Annoying barking dogs are not allowed. They must be controlled by the owners or removed from the property if determined a nuisance by the City or ARC.

Other Animals

- Other animals will be allowed and regulated as per BCC 05.30.150

HOME OCCUPATION:

Home Occupations are allowed that are only clerical or office in nature. The conduct of a home occupation must occur entirely within the residence. Only one employee is allowed. No employees or guests can park on the street on a routine basis. See BCC.

RESTRICTIVE GUIDELINES:

Exterior Lighting. All such lighting shall be directed downward and onto the confines of the Lot on which it is installed. This restriction shall not prevent street lighting maintained by the City or a front yard post light.

Commercial Business. This is a residential neighborhood not a commercial district. Construction equipment i.e.. backhoes, large trailers, excavators etc. not used exclusively on site for improvements, are not allowed to be stored on site. Auxiliary buildings may not be used for running a commercial business or storage of commercial products or equipment. Auxiliary buildings are only allowed for the personal use of owners. Trucks larger than a one (1) ton may not be stored on site.

Fuel Storage. No fuel, oil, gasoline, propane, or other fuel storage tanks may be installed or maintained on the property. Dwellings shall be heated with natural gas, solar (not visible from the street), or electric heat. Propane or other such containerized fuels may be used only during construction of the Dwelling until the permanent heating system is installed and operational.

Transient Lodging Prohibited. Lots are to be used for residential housing purposes only and shall not be rented in whole or in part for transient lodging purposes, boarding house, "bed and breakfast", Airbnb or VRBO or other uses for providing commercial accommodations. No lease

of any Dwelling shall be for a period of less than 360 days. No Dwelling on a Lot shall be subjected to time interval or time fractional ownership. Renting of apartments located in a residence is allowed as per BCC.

Overnight Parking and Storage of Vehicles. The storage of any automobiles, trucks, buses, tractors, trailers, camping vehicles, boats, boat trailers, snowmobiles, mobile homes, two and three wheeled motor vehicles, or other wheeled motor vehicles shall be parked behind the rear set back of any residential structure. Storage is defined as being parked for more than 5 days without being moved.

Re-Subdivision. No Lot may be subdivided.

ARCHITECTURAL REVIEW COMMITTEE:

The initial Architectural Review Committee (Hereafter ARC) is comprised of three people appointed by the developers, also known as the Declarant. After December of 2021, a new ARC of three lot owners, elected by majority vote of all lot owners, will take over the committee's duties. Each lot owner will have one vote. The committee may change members at any time at the discretion of the majority of lot owners. The Committee shall act by a majority vote of those present in any meeting duly called for conducting official business.

Members of the ARC will evaluate all design proposals in accordance with the HEE Design Guidelines as constituted at the time. The ARC members will review each design proposal and determine the compliance with HEE Design Guidelines. The HEE Design Guidelines contain specific requirements and general suggestions for all project designs. Care will be taken to review each project and allow for discretion and flexibility on specifics provided the overall project is in keeping with the goals of the HEE CCRs. The Committee is empowered to oversee and enforce, and approve variations, to the Architectural Design Standards set forth in this Declaration.

Approval of any variances or deviations will take into consideration the special merit and of a specific situation and will rely on consistency with the HEE Design Guidelines. No specific decision made by the ARC will set a precedent or establish a parameter that will be considered for any other applications presented to the ARC. Variances to the design standards contained in this Declaration may be granted at the sole discretion of the ARC by majority vote. It is recognized that all possible design scenarios are not specifically addressed in this document and variances may be beneficial. The ARC cannot grant any variance that has the effect of modifying applicable zoning or building code regulations.

Plans for any new project, as well as plans for renovation, expansion, or refurbishing of existing buildings and landscape must receive final approval by the ARC, prior to commencement of construction.

Violation Deemed a Nuisance - Any violation of these Covenants which is permitted to remain on the property is deemed a nuisance and is subject to abatement by the ARC Association or by any other Owner.

ARCHITECTURAL DESIGN REVIEW PROCEDURE:

The design review process is established to insure a convenient flow and application process for all involved. The general procedure is outlined and will be consistently followed. Exceptions regarding timing will be considerate of both parties. Any delays in submission or response from the ARC does not constitute approval or an exception to the required guidelines.

A written approval is required in every situation. That written notice of approval will be delivered in a letter form or an email specifically establishing final approval for an application. The final letter of approval must be submitted to the City prior to a building permit being issued.

- **Plans Submitted.** Architectural and Site Plans and Landscape Plans for the construction of any improvement must be submitted to the ARC for review and approval. It is recommended that preliminary plans be submitted before the expense of final construction drawings is incurred. The plans must be in sufficient detail to show the location on the Lot of the exterior walls of the Dwelling and all other structures to be built with it; detailed drawings of all elevations of all buildings showing locations of windows, doors, roof pitches, decks, and other exterior elements; a list of exterior materials and roofing materials and/or a sample, including color samples; and a landscaping plan showing the location of landscaped areas, fences (including fence design). In the case of an addition or modification of an existing Dwelling, the Committee may waive any of the forgoing it determines to be unnecessary for its review
- **Review Fee.** Currently there is no review fee. If there is a need for outside review of any improvement the Property Owner will be responsible for those fees incurred. The Property Owner will be notified in writing prior to incurring any costs.
- **Review.** Within fifteen (15) days from receipt of a complete submission, the Committee will review plans and make an initial determination as to whether the plans comply with the conditions imposed by the Declaration. If they do not, the plans will be rejected. If they are in compliance, the Committee will approve the plans. The Committee may also approve the plans subject to specific modifications or conditions. Owners may desire to submit preliminary plans for review. The Committee will review preliminary plans, and make its comments known to the Owner provided, however, that no preliminary approval is to be considered a final approval, and no final approval will be granted on less than a complete submission. Upon approval, the Committee and the Owner will each sign a copy of the plans, which shall be left with the Committee. Construction that is not in strict compliance with the approved plans will not be permitted.
- **Limitations on Review.** The Committee's review is limited to those matters described in this Declaration. The Committee shall have no responsibility to enforce building codes, zoning ordinances, or other statutes, laws, or ordinances affecting the development or improvement of real property and shall have no liability to any Owner whose plans were approved in a manner that included any such violation.
- **Variances to Design Guidelines**
Variances to the design standards contained in this Declaration may be granted at the sole discretion of the ARC by majority vote. A variance decision will be based on how the request will adversely or positively effect the goals of these guidelines and the HEE neighborhood. It is recognized that all possible design scenarios are not specifically

addressed in this document. The ARC cannot grant any variance that has the effect of modifying applicable zoning or building code regulations.

CONSTRUCTION GUIDELINES:

Construction Commencement

No construction may begin within HEE until:

- Final Construction Documents have been submitted to and approved by the ARC.
- Building Permit has been issued by Bluffdale City.
- Pre-Construction Meeting has taken place with the ARC.
- Compliance deposit has been received by the ARC.

Compliance Deposit

A refundable compliance/damage deposit of \$1,500.00 is collected from the applicant prior to construction commencing in order to:

- Ensure the proposed construction is conducted professionally
- Ensure the job site remains organized and the street remains clear of debris and mud.
- Ensure the project complies with the HEE Design Guidelines.

If a project is non-compliant with ARC Guidelines, the ARC will notify the applicant of the issue and discuss the solution. At its sole discretion, the ARC may choose to use a portion of the deposit to help correct an issue. The ARC will refund the deposit when it deems the project is fully complete including:

- Certificate of Occupancy
- Building is complete
- Hardscape is complete
- Landscape of the front yard is complete.
- All construction tools, material and debris are removed.
- Design Guidelines have been complied with completely in the opinion of the ARC.
- Any damage to street improvements from construction including but not limited to asphalt, curb, gutter, sidewalk, light poles is repaired and accepted by Bluffdale City and Developer. Any repair cost that is in excess of the deposit will be the responsibility of the lot owner.

Construction Signage/Marketing

Reasonable construction signs can be placed in an organized fashion for the Architect/Designer, Builder and Landscaper during construction. Signs will not exceed 6 sq. ft. in size. All signs must be removed when construction is complete.

Construction Parking/Access to lot

It is the responsibility of the lot owner and contractor to ensure the subs, etc. do not use or cross other lots. All construction vehicles will be required to park on the construction site or shoulder directly in front of the lot.

Construction Activity and Noise Control

Construction hours are as follows:

Monday - Friday.....7:00 am to 8:00 pm
Saturday..... 8:00 am to 5:00 pm
Sunday..... 6:00 am to 7:00 pm

Construction Site Management

All construction sites shall be managed carefully with cleanliness in mind. Any recurring nuisance or debris will be removed by the ARC using the compliance deposit to pay for charges incurred. All sites will:

- Remain organized, clean, and free of debris. Any trash left on job site shall be secured. Material not secured on site or in receptacle is likely to cause a nuisance.
- Have Builders manage mud control and clean up immediately when material from their site is spread into the road.
- Carefully manage concrete washout and have a designated location onsite.

OWNERS OBLIGATIONS

Maintenance of Property: Cleanliness. All Lots and the Improvements and landscaping on them shall be maintained in a clean, sanitary, and attractive condition at all times. No unsightliness is permitted on any Lot. This shall include, without limitation, the open storage of any building materials (except during construction or Improvements) open storage or parking of farm or construction equipment, boats, campers, camper shells, trailers, trucks larger than pick-up trucks is restricted to behind the rear set back of the residential structure. Inoperable motor vehicles; accumulations of lawn or tree clippings or trimmings; accumulation of construction debris or waste; household refuse or garbage except as stored in tight containers in an enclosure such as a garage; and the storage or accumulation of any other material. Each Lot Owner shall be responsible to maintain his or her Lot, including the park strip, and all Improvements and Landscaping on the Lot in an attractive manner so as not to detract from the appearance and ambiance of the subdivision. Vacant Lots shall be clean in appearance and shall be kept free from refuse, debris, unsightly and dry weeds, and potential fire hazards.

Lots 108,109,110,111 SPECIAL GUIDELINES:

These lots currently have an existing house and a horse boarding operation. The home and out buildings are intended to stay in their current condition. The horse boarding is being reduced in size immediately and consolidated south of the existing house. The two arenas and round pens currently located in front on lots 112 & 113 are going to be removed upon sale of those lots. The horse boarding operation may continue, as presently constituted, for a maximum period of three years from the time the first new HEE house is occupied. Manure shall be cleaned up and removed from these lots regularly. Horse corrals shall be located on the west side of the property. The Horse boarding business shall remain licensed with Bluffdale City and be operated in accordance with BCC.

The existing home and out buildings will remain. Screen or rail fencing will be allowed along the street side, due to the configuration of the home with the side yard adjacent to the street and shall be a minimum of four (4) feet off the sidewalk for rail fencing and five (5) feet off the sidewalk for solid screen fencing. All fencing materials will adhere to these CCR guidelines. The area between the fencing and the sidewalk will be landscaped as per CCR guidelines. Temporary fabric will be allowed on the fence between lots 107 and 108 to help screen the boarding operation.

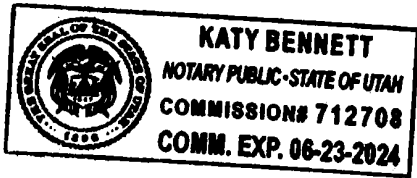
Signature Page to Hidden Eagle Estates CC&R's

Nancy J. Wolfley
Nancy J. Wolfley

Gregory J. Wolfley
Gregory J. Wolfley

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

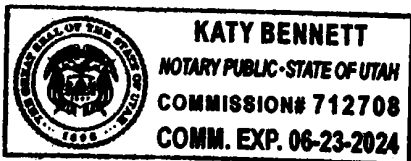
Subscribed and sworn to before me by Nancy J. Wolfley on this 5TH day of May, 2021.



Katy Bennett
Notary Public

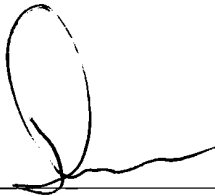
STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

Subscribed and sworn to before me by Gregory J. Wolfley on this 5TH day of May, 2021.



Katy Bennett
Notary Public

Signature Page to Hidden Eagle Estates CC&R's



Dusty Argyle

TBJ & M, LLC



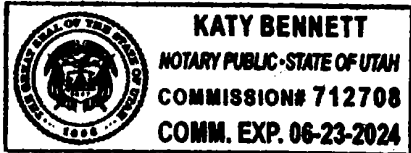
Kenneth S. Olson, Manager

STATE OF UTAH)

:SS

COUNTY OF SALT LAKE)

Subscribed and sworn to before me by Dusty Argyle on this 5TH day of May, 2021.



Notary Public

STATE OF UTAH)

:SS

COUNTY OF SALT LAKE)

Subscribed and sworn to before me by Kenneth S. Olson, as Manager of TBJ & M, LLC on this 4th day of May, 2021.



Notary Public

Signature Page to Hidden Eagle Estates CC&R's

Equity Trust Company Custodian FBO Myra McGavin IRA

Myra McGavin
Myra McGavin, authorized signer

Equity Trust Company Custodian FBO Scott McGavin IRA

Scott McGavin
Scott McGavin, authorized signer

Equity Trust Company Custodian FBO West Jordan Family Dentistry 401k Plan, Scott McGavin TTEE, FBO Myra McGavin

Myra McGavin
Myra McGavin, authorized signer

Equity Trust Company Custodian FBO West Jordan Family Dentistry 401k Plan, Scott McGavin TTEE, FBO Scott McGavin

Scott McGavin
Scott McGavin, authorized signer

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

Subscribed and sworn to before me on this 5TH day of May, 2021 by Myra McGavin, authorized signer for Equity Trust Company Custodian FBO Myra McGavin IRA and Equity Trust Company Custodian FBO West Jordan Family Dentistry 401k Plan, Scott McGavin TTEE, FBO Myra McGavin.



Katy Bennett
Notary Public

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

Subscribed and sworn to before me on this 5TH day of May, 2021 by Scott McGavin, authorized signer for Equity Trust Company Custodian FBO Scott McGavin IRA and Equity Trust Company Custodian FBO West Jordan Family Dentistry 401k Plan, Scott McGavin TTEE, FBO Scott McGavin.



Katy Bennett
Notary Public

Exhibit "A" to Hidden Eagle Estates CC&R's

Lots 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113, Hidden Eagle Estates Subdivision, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

Being Part of Salt Lake County Tax Parcel Numbers 33-16-100-029 and 33-16-100-031