



W2639129

WHEN RECORDED, PLEASE MAIL TO:

Mt. Ogden Real Estate
6106 South 2900 East
Ogden, UT 84403

EN 2639129 PG 1 OF 23
ERNEST D ROWLEY, WEBER COUNTY RECORDER
05-JUN-13 903 AM FEE \$63.00 DEP JKC
REC FOR: GEORGE PAPAS

**DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE LOIS LANE SUBDIVISION**

THIS DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR the Lois Lane Subdivision (this "Declaration") is made and executed this 5th day of June, 2013, by Mt. Ogden Real Estate ("Declarant").

RECITALS

A. Declarant is the owner of certain real property in Weber County, Utah, more particularly described on Exhibit "A" attached hereto (the "Property"). Declarant has previously developed the Property as a residential subdivision which is known as the Lois Lane Subdivision (the "Project").

B. Declarant intends to establish a common scheme and plan for the possession, use, enjoyment, repair, maintenance, restoration, and improvement of the Project.

C. In order to efficiently manage and to preserve the value and appearance of the Project, it is necessary and desirable to perform such other acts as shall generally benefit the Project and the Homeowners.

DECLARATION

NOW, THEREFORE, it is hereby declared that the Project shall be held, sold, conveyed, leased, rented, encumbered, and used subject to the following easements, rights, assessments, liens, charges, covenants, servitudes, restrictions, limitations, conditions, and uses, which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having any right, title, or interest in the described Property or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each Owner thereof.

I. DEFINITIONS

The following words, phrases, or terms used in this Declaration shall have the following meanings:

(a) "Committee" shall mean and refer to the Lois Lane Subdivision Architectural Control Committee established pursuant to Article II hereof.

(b) "Declarant" shall mean and refer to Mt. Ogden Real Estate, a Utah corporation, and/or any successor or assigns to said company which, either by operation of law or through a voluntary conveyance, transfer, comes to stand in the same relationship to the Project as did its predecessor.

(c) "Design Guidelines" shall mean and refer to those guidelines made part of this Declaration intended to maintain a degree of protection by defining minimum design and construction standards for the Project, and more particularly described on Exhibit B hereof.

(d) "Lot" shall mean any separately numbered and individually described parcel of land shown as a Lot on the Plat and intended for private use and ownership.

(e) "Owner" shall mean (when so capitalized) the record holder of legal title to the fee simple interest in any Lot. If there is more than one record holder of legal title to a Lot, each record holder shall be an "Owner".

(f) "Plat" shall mean and refer to the following duly approved and recorded plat filed herewith in the office of the Weber County Recorder entitled the Lois Lane Subdivision.

(g) "Project" shall mean the Lois Lane Subdivision, as shown on the Plat and governed by this Declaration.

(h) "Property" shall mean and refer to that certain real property located in the Hooper City, State of Utah, and more particularly described on Exhibit A hereof.

II. ARCHITECTURAL CONTROL COMMITTEE

2.1 Purpose. In order to create, maintain and improve the Project as a pleasant and desirable environment, to establish and preserve a harmonious design for the community and to protect and promote the value of the Property, all exterior design, landscaping and changes or alterations to existing use, landscaping and exterior design and development shall be subject to design review and approval by Lois Lane Subdivision Architectural Control Committee (the "Committee").

2.2 Creation, Quorum & Members. The Committee shall consist of three (3) members with the initial members appointed by Declarant, in its sole discretion. A majority of the Committee members shall constitute a quorum, and the concurrence of the majority shall be necessary to carry out the provisions applicable to the Committee. In the event of death or resignation of any of the members, the surviving members of the Committee shall have full authority to appoint another person to fill the said vacancy. Except for the initial members appointed to the Committee, all members of the Committee must be Owners at the time of their appointment. Should any member move his or her residence outside of the Project, such member shall be disqualified to serve and the Committee shall declare a vacancy. At such time that all Lots owned by the Declarant are sold in the Property, the aforementioned Initial Committee shall be released from responsibility of the Committee. The reorganization of the Committee shall be by a fifty percent (50%) majority vote of the then current Owners within the Project. Notwithstanding, prior to all the Lots being sold, Declarant, at its sole discretion, may appoint replacement members to the Committee.

In the event of violation of any of the provisions of this Declaration, the Committee is authorized

and empowered to take such action as may be necessary to restrain or enjoin the violations of these codes and covenants. All costs, including attorneys' fees, of such enforcement shall be borne by the Owner(s) who are in violation of this Declaration.

III. COVENANTS, CONDITIONS AND RESTRICTIONS

3.1 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 (1) family dwelling not to exceed two (2) stories in height and private garage for not less than two (2) vehicles and not more than four (4) vehicles without the prior approval of the Committee.

3.2 Architectural Control. To maintain a degree of protection to the investment which homeowners in the Project may make, homes of superior design are required. Designs, landscaping, exterior lighting and other elements of the homes and/or lots shall be limited to those standards defined in this Declaration or as otherwise approved by the Committee. No landscaping, grading, excavation, building, fence, wall, residence, or other structure, or alteration of any kind, shall be commenced, erected, maintained, improved, altered, or made until the construction plans and specifications, along with a topographical plan showing the location of all improvements, including a landscaping plan (if applicable), have been approved in writing by the Committee. All subsequent additions to or changes or alterations in any building, fence, wall, or other structure, including exterior color scheme, and all changes in the grade on any Lot, shall be subject to the prior written approval of the Committee. Once approved by the Committee, no changes or deviations in or from the plans and specifications shall be made without the prior written approval of the Committee. Subsequent to receiving approval of the Committee and prior to the commencement of construction, each Owner will be responsible for obtaining a building permit from Hooper City.

3.3 Design Guidelines to Establish Design Standards. The Committee will base its approval of construction plans, specifications, landscaping plans, and other alterations on the compliance with the adopted Design Guidelines attached hereto as Exhibit B. Notwithstanding the foregoing, all structures constructed on the Property shall be of good quality workmanship and materials.

3.4 Limited Liability / Review for Aesthetic Purposes Only. Neither the Committee, nor the Board, nor the Declarant shall have any liability in connection with or related to approved or disapproved plans, specifications or improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the proposed work nor its effect on future drainage. The review of the plans is for aesthetic purposes only.

3.5 Construction Completion. There is no time limit for beginning construction; however, upon commencement, the completion timeframe for the exterior portion of any structure shall not exceed 12 months from commencement to substantial completion. "Substantial completion" shall mean the home is ready for receipt of an occupancy permit, with only minor work remaining to be complete. "Commencement" shall be the first date any foliage is cut or dirt is excavated in anticipation of the landscaping or construction to be built. All building debris, excavation, dirt, etc. associated with the building process shall be removed within the 12-month period. Such debris and excavation dirt shall not be permitted on any of the streets or sidewalks within the Project.

3.6 Landscaping Completion. As soon as possible after substantial completion of construction, but not later than the summer following substantial completion, each homeowner is required to landscape

his/her lot in compliance with the landscape section of the Design Guidelines.

3.7 Building Location. No building shall be located on any Lot nearer to the front lot line or the rear lot line than the minimum building set-backs as specified on the recorded plat. If no details are specified on the plat, then the set-back restriction shall be as determined by the City of Hooper municipal code. In the event of any conflict between the plat and municipal code, the stricter standard shall prevail.

3.8 Temporary Occupancy and Temporary Buildings. No trailer, tent, shack, garage, barn temporary building or temporary structure of any kind, shall be used at any time for a residence, either temporarily or permanently. Temporary buildings or structures used during the construction of a dwelling on any property shall be removed immediately after the completion of construction.

3.9 Accessory Structures. Patio structures, trellises, sunshades, gazebos, and any other appurtenant buildings shall be constructed of materials consistent with the colors, textures, and materials approved for the dwelling and shall be integral to the architecture of the house and subject to the Design Guidelines and prior written approval of the Committee.

3.10 Exterior Antennas, Lights, and Power Lines. Exterior antennas are prohibited. Exposed metal flues, vents, ventilator, or other metallic rooftop protrusions shall be coated or painted with a neutral color which will blend harmoniously with the surrounding Property. The size and location of TV dishes must be approved by the Committee and are required to be placed or screened so they are not readily visible to neighboring Lots and streets. All power lines and similar type cables shall be buried underground. No shortwave radio antennas may be constructed on any Lot or attached to any structure thereon without the prior written approval of the Committee. Exterior lighting is subject to the Design Guidelines

3.11 Nuisances: Construction Activities. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot, and no odors or loud noises shall be permitted to arise or emit therefrom, so as to render any such property or any portion thereof, or activity thereon, unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to the occupants of such other property. No other nuisance shall be permitted to exist or operate upon any Lot so as to be offensive or detrimental to any other property in the vicinity thereof or its occupants. Normal construction activities and parking in connection with the building of improvements on a Lot shall not be considered a nuisance or otherwise prohibited by this Declaration. However, during construction the Lots shall be kept in a neat and tidy condition and trash and debris shall not be permitted to accumulate outside of proper disposal containers. All construction equipment and building materials shall be stored or kept in a neat and organized manner.

No articles, material, construction equipment, or construction or commercial vehicles of any nature shall be parked or stored on any street located within the Project.

The use of motorcycles and other motorized recreational vehicles which may produce audible annoyance to the Owners shall be limited to ingress and egress from the Project.

No oil or gas drilling, development, operations, refining, storage, quarrying, or mining operation of any kind shall be permitted upon or in any Lot. The burning of rubbish, leaves, or trash on the Property is prohibited. No Owner shall permit anything or any condition to exist upon any Lot which

shall induce, breed, or harbor infectious plant diseases or noxious insects.

Trash containers shall be covered and kept screened from view from the street, except during collection.

The Committee, in its sole discretion, shall have the right to determine the existence of any nuisance.

3.12 Signs. Except as provided in this Section 3.12, no signs of any kind shall be displayed to public view on any Lot except one sign of not more than six (6) square feet advertising the property for sale or rent. Notwithstanding the foregoing, signs in compliance with city ordinances used by a builder, developer or Declarant may be displayed to advertise the improvement or Lot during the construction period. The placement of signs, graphics, or advertisements which are permanent in nature or represent advertisement for small-businesses conducted in the home or on a Lot are prohibited. Political signs are excluded from the provisions of this Section 3.12, however they shall comply with municipal code and in all cases be removed from public display within 30 days after the applicable election.

3.13 Animals. In accordance with the Hooper City municipal code, animals are permitted in the Project including "large" non-domesticated animals such as horses. All Owners acknowledge that they are moving into an area where there are property owners who have or will have rights to maintain such large animals on their properties and accordingly understand that the area is subject to normal, everyday sounds and odors and all other aspects associated with said animal lifestyle.

3.14 Repair & Maintenance of Buildings. No building or structure on any Lot shall be permitted to fall into disrepair, and each such building and structure shall at all times be kept in good condition and repair and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, then, subject to the approvals required by Section 3.1 above, such building or structure shall be immediately repaired or rebuilt or shall be demolished.

3.15 Landscape Maintenance. All yards shall be maintained in a reasonable manner as determined by the Committee including, but not limited to, (i) grass mowed regularly to generally accepted lengths, (ii) weeds treated and/or removed from lawns, flower beds and rock areas, and (iii) dead plant material and trees removed and/or replaced.

3.16 Restriction on Further Subdivision, Property Restrictions, and Rezoning. No Lot shall be further subdivided or separated into smaller lots by any Owner, and no portion less than all of any such Lot, nor any easement or other interest therein, shall be conveyed or transferred by any Owner, without the prior written approval of the Committee, which approval must be evidenced on the Plat or other instrument creating the subdivision, easement, or other interest. No further covenants, conditions, restrictions, or easements shall be recorded by any Owner or other person against any Lot without the provisions thereof having been first approved in writing by the Committee, and any covenants, conditions, restrictions, or easements recorded without such approval being evidenced thereon shall be null and void. No application for rezoning of any Lot and no applications for variances or use permits shall be filed with any governmental authority unless the proposed use of the Lot has been approved by the Committee and the proposed use otherwise complies with this Declaration.

3.17 Building Height. All building heights shall comply with the limitations established by the Hooper City code.

3.18 No Commercial Use. No gainful occupation, profession, or other non-residential use shall be conducted on the Lot, and no persons shall enter into any Lot for engaging in such uses or for the purpose of receiving products or services arising out of such usage without review and approval of the Committee and the appropriate municipal officials. Home based businesses and/or home offices which do not require public visitors and/or multiple business clientele on a regular basis are excluded from this provision.

3.19 Fuel Storage. No tank for storage of fuel may be maintained or installed without the prior written consent of the Committee and the appropriate permits of Hooper City.

3.20 Building Material Storage. Prior to the commencement of construction, no building material of any kind or character shall be placed or stored upon any Lot until the Owner thereof is ready to commence improvements, and then the material shall be placed within the property lines of the Lot upon which the improvements are to be erected and shall not be placed in the streets or between the curb and the property line.

3.21 Easements. Easements for installation of and maintenance of utilities, drainage facilities, yard drain systems, and water tank access and lines are reserved as shown on the recorded Plat. Within these easements, no structure, planting, or other materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or water tank lines or which may change the direction of flow of drainage channels in the area or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each of the Lots 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.

3.22 Parking and Storage. No major mechanical work or repairs are to be conducted in streets or front yards of houses. No inoperative or unregistered automobile or vehicle shall be placed or remain on any Lot or adjacent street for more than 48 hours. No commercial-type vehicles shall be parked or stored within the front yard setback of any Lot or within the side yard building setback on the street side of a corner Lot, or on the residential street except while engaged in transportation. Trailers, mobile homes, trucks over three quarter ton capacity, boats, campers not on a truck bed, motor homes, buses, tractors, and maintenance or commercial equipment of any kind shall be parked or stored behind the front yard set-back in an area screened from street view. Sufficient side yard gate access should be planned and provided for in the design of the home to permit ingress, egress, and storage of trailers and recreational type vehicles on the side and rear yards. The storage or accumulation of junk, trash, manure, or other offensive or commercial materials is prohibited. No pads used for the storage of vehicles or other material either temporarily or permanently shall be constructed within the front yard set-back area of a given Lot.

3.23 Water Discharge. It shall be unlawful for any person owning, occupying, or having control of any Lot to suffer or permit irrigation or water from the roof or eaves of any house, building, or other structure or from any source under the control of such person, to be discharged and spread upon the surface of any sidewalk, or adjoining Lot. This is intended to require that the Owner maintain water on his Lot unless otherwise approved and/or directed by municipal code.

3.24 Basements. Due to the high ground water and possible shallow sewer depths in the area, the building of basements within the Project may be prohibited or otherwise ill advised. Owners who

build any structures below natural grade do so at their own risk. Each owner acknowledges that it has been advised regarding the existence of high ground water, possible shallow sewer depths, flooding, seeping and the danger of basements; assumes all risks arising out of or related to basements or below grade structures, and waives all claims and actions against Hooper City, Declarant, any lender extending financing to the Project and their respective owners, partners, members and managers arising in connection with the building of any structures below natural grade.

3.25 Declarant's Exemption. Nothing contained in this Declaration shall be construed to prevent the erection or maintenance by Declarant, or its duly authorized agents, of temporary structures, trailers, improvements or signs necessary or convenient to the development, marketing, or sale of property within the Project.

3.26 Supplemental Use Restrictions Upon Expansion. In any supplement to this Declaration which is recorded in conjunction with the addition to the Project of a portion of the Additional Land, Declarant shall have the right in its sole discretion to specify use restrictions and standards applicable to such portion. In Declarant's sole discretion, the restrictions and standards so specified may be different than or in addition to the restrictions and standards set forth in the foregoing Sections of this Declaration.

3.27 Maintenance of Common Areas. There are no common areas associated with the Project.

3.28 Governing Bodies. Each lot within the Project shall be subject to the dues, assessments, rules and regulations of the following, but not limited to, governing bodies or districts: City of Hooper, Weber Basin Water District and South Weber Sewer District.

IV. AMENDMENTS

4.1 Amendments. This Declaration may be amended by recording in the office of the Weber County Recorder a "Certificate of Amendment," duly signed and acknowledged as required for such amendment. The Certificate of Amendment shall set forth in full the amendment adopted and shall certify that at an election duly called and held for such purposes, sixty-seven percent (67%) of the Owners voted affirmatively for the adoption of the amendment.

(a) Until 90% of lots are sold, Declarant may unilaterally modify The Declaration to accommodate any public use, school use, park use, church use, or street or easement use.

4.2 Term: Method of Termination. This Declaration shall be effective upon the date of recordation hereof and, as amended from time to time, shall continue in full force and effect for a term of twenty (20) years from the date of recordation. From and after such date, this Declaration, as amended, shall be automatically extended for successive periods of ten (10) years each, unless there is an affirmative vote to terminate this Declaration by seventy-five percent (75%) (minimum) of the Owners at an election held for such purpose within six months prior to the expiration of the initial effective period hereof or any ten-year extension. The Declaration may be terminated at any time if, at an election held for such purposes, at least ninety percent (90%) of the Owners cast votes in favor of termination of these CC & R's. If the necessary votes are obtained, the Owners shall cause to be recorded in the office of the Weber County Recorder a "Certificate of Termination," duly signed by the Owners, with their signatures acknowledged. Thereupon, the covenants herein contained shall have no further force and effect.

V. MISCELLANEOUS

5.1 Severability. Any determination by any court of competent jurisdiction that any provision of this Declaration is invalid or unenforceable shall not affect the validity or enforceability of any of the other provisions hereof.

5.2 Rule Against Perpetuities. Each provision contained in this Declaration which is subject to the laws or rules sometime referred to as the rule against perpetuities or the rule prohibiting unreasonable restraints or alienation shall continue and remain in full force and effect for the period of 21 years following the death of the last survivor of the issue of John C. Phillips, and the now living children of such issue, or until this Declaration is terminated as hereinafter provided, whichever first occurs.

5.3 General Reservations. Declarant reserves the right to grant, convey, sell, establish, amend, release, and otherwise deal with easements, reservations, exceptions, and exclusions with respect to the Property which do not materially interfere with the best interests of Owners and/or the Association including, but not limited to, access and utility easements, road easements, pedestrian and equestrian easements, pedestrian and hiking trails, and easements and drainage easements.

5.4 Run with the Land. Declarant for itself, its successors, and assigns, hereby declares that all of the Property shall be held, used, and occupied subject to the provisions of this Declaration, and to the covenants and restrictions contained herein, and that the provisions hereof shall run with the land and be binding upon all persons who hereafter become the Owner of any interest in the Property.

THIS DECLARATION, any amendment or supplement hereto, and any amendment or supplement to the Record Plat shall take effect upon its being filed for record in the office of the County Recorder of Weber County, Utah.

EXECUTED the day and year first above written.

DECLARANT:

Mt. Ogden Real Estate, a Utah Corporation

BY: George Pappas

ITS: Pres.

STATE OF UTAH)

: ss.

COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 5 day of June, 2013 by George Pappas, who acknowledged he is the President of Mt. Ogden Real Estate, Inc.

Lindsay Kibler
Notary Public

My Commission Expires:

10-25-2014



The Property includes all of lots one through 10 of the Lois Lane Subdivision located in Hooper City, Utah and further described as follows:

Lot #	Address	City, State, Zip	Tax I.D.
1	5517 S 6800 W	Hooper City, UT 84403	101280001 /
2	5539 S 6800 W	Hooper City, UT 84403	101280002 /
3	5561 S 6800 W	Hooper City, UT 84403	101280003 /
4	5583 S 6800 W	Hooper City, UT 84403	101280004 /
5	5615 S 6800 W	Hooper City, UT 84403	101280005 /
6	5637 S 6800 W	Hooper City, UT 84403	101280006 /
7	5659 S 6800 W	Hooper City, UT 84403	101280007 /
8	5638 S 6800 W	Hooper City, UT 84403	101280008 /
9	5604 S 6800 W	Hooper City, UT 84403	101280009 /
10	5570 S 6800 W	Hooper City, UT 84403	101280010 /

DR

EXHIBIT B
DESIGN GUIDELINES FOR LOIS LANE SUBDIVISION

I. INTRODUCTION & DESIGN VISION

1.1 Introduction. These Design Guidelines are intended to encourage design freedom and allow room for self-expression. They provide parameters for the homes to be constructed, yet are intended to encourage flexibility for the design of site specific homes which are architecturally superior expressions.

1.2 Design Vision. The design vision for the Lois Lane Subdivision is to create a neighborhood that captures the essence of the rural lifestyle embodied throughout the Hooper City area – and is filled with quality homes with modern conveniences. The execution of this goal depends upon the adoption and adherence to fundamental design standards, whose objectives can be summarized as follows:

- Retain the rural qualities of the site whenever possible, accomplished primarily by conscientious and thoughtful design, landscaping and lighting;
- Build homes and outdoor spaces which are custom and/or semi-custom in nature of varied yet complimentary styles intended to integrate into the rural character of the neighborhood – homes which would feel out of place in typical “tract” subdivisions;
- Bring a commitment to design quality in the houses that is based upon a refined judgment of what it means to place a house carefully within a lot in visual terms, in construction and in relation to adjoining homes;
- Design, install and maintain landscaping and areas for animals (if applicable) with appropriate materials, scale, quantity and specimens to compliment the neighborhood.

II. AUTHORITY & ADMINISTRATION OF DESIGN GUIDELINES.

2.1 Covenants, Conditions and Restrictions. These Design Guidelines have been promulgated pursuant to Article II of the Covenants, Conditions and Restrictions for the Lois Lane Subdivision (herein called the “Declaration”). They shall be administered and enforced by the Lois Lane Subdivision Architectural Control Committee (“Committee”) in accordance with the Declaration and the procedures herein and therein set forth. In the event of any conflict or inconsistency between these Design Guidelines and the Declaration, the Declaration shall control.

2.2 Applicable for All Improvements. The Design Guidelines are applicable to and binding upon all persons who construct, refinish, or alter any part of the exterior of any building

or make any other improvements upon, under, or above any property; upon all persons who create, fill, or make any change in the existing surface contours or drainage, or install any utility line thereon.

2.3 Aesthetic Purposes Only. The review of the plans by the Committee is for aesthetic purposes only. No review has or will be made by the Committee with respect to code compliance, structural integrity or any other laws, rules or ordinances which may affect the property. Any design review process by the Committee is not in lieu of, but in addition to, any review and/or permitting process required by the City of Hooper or other applicable governing agencies or utilities. It is the lot owner's responsibility to ensure all such compliance.

2.4 Amendments. The Design Guidelines may be amended from time to time, and it is the responsibility of each owner or owner's representative to obtain and review a copy of the most recent revised Design Guidelines.

III. DESIGN & REVIEW PROCESS

3.1 Consultants and Design Review Fee. The Committee is hereby authorized to perform (or to retain the services of one or more consulting architects, landscape architects, or urban designers, who need not be licensed to practice in the State of Utah, to advise and assist the Committee in performing) the design review functions prescribed in these Design Guidelines and to carry out the provisions set forth therein.

Each Lot Owner may be required to pay a \$250 Design Review Fee to the Committee before any home plans shall be reviewed or approved by the Committee. The \$250 fee will be used by the Committee to pay the costs of architects and other professionals retained by the Committee to review home plans.

3.2 Steps in the Approval Process. The following section outlines the required steps, documentation and submittal procedures for the design review process of a new house. A limited review of "smaller" improvement projects shall be permitted pursuant to guidelines established by the Committee.

3.2.1 Step 1: Pre-Design Meeting. Prior to preparing either a schematic plan for your lot or any proposed improvement you and/or your architect should meet and discuss with the Committee your particular site and identify any initial concerns. If conceptual house plans are available at this time, they should be reviewed.

This meeting will provide you with guidance prior to the initiation of design work and will acquaint you with the expectations of the Committee. This meeting, in almost all cases, can help to define an orderly and efficient design and review process. Your Pre-Design Meeting should be scheduled at least 1-2 weeks prior to the proposed meeting date.

3.2.2 Step 2: Schematic Plan Submittal. After the Pre-Design Meeting, your architect should prepare a set of Schematic Plans (preliminary plans). The Schematic Plans will

be reviewed, along with any other preliminary information which is available, i.e., exterior colors or materials, by the Committee. The purpose of this submission is to present your design intentions to help ensure that your proposed design conforms to the concepts contained in these Design Guidelines. The objective is to save you time, money and effort before proceeding with more detailed design work.

If the Schematic Plans are consistent with the Design Guidelines, as determined by the Committee, you will be notified and should proceed towards your final documents. However, if the Committee determines these preliminary documents are inconsistent with the Design Guidelines, the Committee may request modifications to the plans and/or reject the submission, and a revised submittal will be required. Although variances to the Design Guidelines may be approved in certain circumstances, this will be the exception rather than the rule.

3.2.3 Step 3: Working Drawings Submittal. Following approval of your Schematic Plans, you must then submit the working drawings ("Working Drawings") that conform to the approved Schematic Plans. Any changes from the Schematic Plans must be brought to the attention of the Committee, as small but significant changes in detailing may not be readily apparent to the Committee. The Working Drawings submittal shall include two copies of the following, plus an electronic copy (as applicable):

A. Site Plan / Vicinity Plan. Scale presented at 1" = 10'-0". Indicate proposed building footprint, top of foundations and/or finished floor elevations, roof plan, property boundaries, building development area, Open Space Area (if applicable), easements, utilities, tree locations, existing and proposed contour lines at 1'-0" intervals, utility meter locations, existing vegetation, existing and proposed roads, driveway, walks, patios or decks, and other accessory site improvements. Indicate scale and north direction. Show relationships to adjacent properties.

B. Floor Plans, Elevations & Details. Scale presented at a minimum of 1" = 50'-0". Indicate the exterior appearance of all views labeled in accordance with the Site Plan, height of chimney, natural and finished grade for elevations of all views. Describe all exterior materials, colors and finishes (walls, roofs, trim, chimneys, windows, doors, etc.). The elevation drawings should indicate material textures. Provide design details to sufficiently represent the visual expression of the building, exposed connections and material interfaces.

C. Building Sections. Scale presented at a minimum of 1" = 50'-0". Indicate building walls, floats, interior relationships, existing and finished exterior grades and any other information needed to clearly describe the interior/exterior relationships of the building.

D. Sample Board. Provide appropriately sized samples for each material presented. This sample board will be retained by the Committee. The sample board must be marked with owner's name and address. Samples must be identified with manufacturer's name, color and/or number. This board must depict all exterior materials and colors including, but not limited to: roof, exterior walls, exterior trim, chimney (if applicable), windows, exterior doors and masonry.

E. Landscape Plan. Provide a landscape plan indicating drainage, sod and bed areas, plant legend, exterior patios, and other pertinent information.

F. Cost Estimate. A general cost estimate for the home and landscaping.

3.2.4 Step 4: Review and Approval. If, after reviewing the Working Drawings submittal, the Committee determines that the Working Drawings represent a logical and consistent development of the approved Schematic Plans, approval shall be automatic. Should the Working Drawings be in substantial variance with the approved Schematic Plans or if they violate any of the Design Guidelines, the Committee may reject them and a revised submittal will be required.

The Working Drawings are to be submitted to the Committee at least 10 days prior to a scheduled Design Review meeting.

3.3 Other Approval Information.

3.3.1 Building Permit and Construction. Upon your approval from the Committee of your Working Drawings you should then submit to the City of Hooper for your building permit. Once construction starts, it shall be pursued diligently in order to assure prompt completion of the work, in accordance with Article III of the Declaration.

3.3.2 Approval Expiration. Construction must be started within 180 days of the date of the Committee's approval of the applicable application or the Committee's approval shall be deemed withdrawn and plans must be re-submitted in accordance with these guidelines.

3.3.3 Submittal Contact. The contact for the Committee shall be the Declarant until such time as the Homeowner's Association is turned-over to the residents.

IV. SQUARE FOOTAGE & GARAGE REQUIREMENTS

4.1 Square Footage. The minimum square footage requirements of the homes are as follows:

- A. Ramblers: 1,650 finished square feet above finished grade
- B. Two Stories: 2,000 finished square feet above finished grade with a minimum of 900 square feet on the main floor above finished grade
- C. Tri-level plans: 1,650 finished square feet above finished grade with a minimum of 900 square feet on the main floor above finished grade.
- D. Split Entry: 1,650 finished square feet above finished grade with a minimum

of 900 square feet on the main floor above finished grade

- E. Raised Rambler: 3,000 finished square feet above finished grade with a minimum of 1,500 square feet on the main floor above finished grade

The calculation of square footage of any style shall exclude garages, porches, verandas, carports, patios, basements, porches, eaves, overhangs and steps. Any square footage with any portion thereof beneath the top grade of the foundations will not qualify to satisfy the minimum square footage requirement. Any deviations from this requirement must be approved in writing by the Committee.

- 4.2 Garage. Each home shall have a minimum of a two-car enclosed garage.

V. EXTERIOR MATERIALS & ELEMENTS

5.1 Introduction to Building Materials & Elements. Home plans and styles should be varied to express individuality but still be architecturally compatible. This will result in an inviting and attractive neighborhood. Homes with identical or nearly identical form and color are not permitted.

Only those exterior materials which will blend harmoniously with the natural environment, with special emphasis on earth-toned colors, shall be permitted. Homeowners can mix the use of stone, brick, stucco, and siding, and modify color schemes to vary street scenes. If an owner or builder has purchased more than one lot, reversing floor plans so garages and entries are adjacent to each other and altering side and front yard setbacks can enhance curb appeal.

Adding single story architectural components to a two-story home such a porch roofs, bay windows, or balconies will create visual interest. And, mixing stone or brick with siding and stucco on the front façade can provide balance and diversity.

Stone chimneys, decorative porch rails, window boxes and shutters, the use of timber trim over entries, wood window trim, and decorative corbels used over garage doors are a few of the elements that when included in the architectural styling add character and appeal to a home and overall neighborhood.

The exterior façade of each home should embody three of the primary building elements: stone, brick, siding, stucco, wood. Each should have three exterior colors, two primary and one trim.

5.2 Permitted Building Materials. The following represents the primary materials and building elements permitted for use at the Lois Lane Subdivision:

5.2.1 Stone & Brick. The use of stone and brick create a community-wide continuity. These materials "ground" the homes to the actual site and tie them to the true traditions of a rural setting. These masonry products offer significant substance and are used in

construction to express mass which evokes a rich and warm design. Typically, 20% of the front façade of each home should be either brick or stone. The installation of masonry products should not terminate on the corners of the building, allowing the side of the stone to be revealed. Rather, they should be “wrapped” around the corner to simulate mass or terminate at a logical return point such as a pop-out, cantilever, chimney, etc.

Acceptable stone will have warm undertones. Various methods of stacking and patterns will be encouraged, allowing different expressions. Full bed natural stone, natural stone veneer and “cultured” artificial stone are permitted.

Acceptable brick will be warm, natural earth tone colors. Only real brick is allowed, no simulated brick veneer will be permitted. Brick may also be used as an effective accent when used in conjunction with stucco and may be used as an accent above windows or garage doors.

5.2.2 Stucco. Stucco should be full coat, integrally colored, earth tones, cement plaster, hand-applied by experienced craftsmen. There should be a rich texture with subtle variations of both finish and color. Plaster wall surfaces should be thoughtfully detailed and transitioned to primary materials – wood, masonry, etc. Window trim on stucco walls in rough-sawn wood or compressed fiberboard material is encouraged. These elements may be stained or painted (as applicable) and provide considerable depth and detail compared to typical styrofoam “pop-outs”. Smooth, uniform, extensive stucco installations are discouraged.

5.2.3 Siding, Soffit & Fascia. Embossed fiber cement products such as Hardiplank™, various wood and vinyl siding materials are permitted. The embossed fiber cement products are durable and relatively low-maintenance. As a wall surface, the siding materials may be applied horizontally as lap siding, beveled, tongue-in-groove, board-on-board, or vertically as board and batten siding. Siding may be applied in a smooth, rough or rustic manner and the finish should be stained or painted with natural, subdued hues. Siding may also be used as an accent material at the top of gable ends, on building pop-outs, bay windows, etc. Timbers or decorative posts trimmed with siding material and/or a masonry base are encouraged for use as supporting structural members. Rough sawn or hand hewn, rectangular cut or semi-round timbers provide detail and texture that references the heritage of rural construction. Doors, windows, trim and fascia may also be constructed of wood. These building elements offer the opportunity to create accents, providing embellishment and texture. Stains of richer hues may be used on siding employed in these building elements. Siding should be limited to a maximum of 80% on the front façade. Aluminum may be used as a trim, soffit, and fascia. A minimum width of 6 inches shall be required on the fascia, except where exposed rafter tails and/or purlins are incorporated into the design.

5.2.4 Roofing. Wood shakes, synthetic wood shakes, or heavy dimensional asphalt shingles in natural tones are permitted. These materials provide a traditional appearance that is rich in texture, light and durable. Providing a cohesiveness of design, these materials allow roof forms to create large overhangs protecting the building surfaces from the harsh realities of sun and also from extensive snowfalls. Metal roofing in either standing seam or small scale corrugated panels provides the opportunity to present a great

variation in roof texture and finish. If utilized, metal roofing should primarily be used as an accent element and not as the main roofing material. Material finishes shall conform to the color section of these guidelines. No primary colors (i.e. reds, greens, etc.) shall be allowed. In no case shall the material after weathering be reflective.

VI. CORNER LOT HOME DESIGN

6.1 Sensitivity to Corner Design. Due to the higher visibility on these locations particular attention should be paid to enhanced design when building corner-specific home plans. Adding wrap-around architectural elements is important for proper aesthetics. Elements such as continuing the stone or brick wainscot present on the front façade onto the side façade, or adding a wraparound porch are two such ideas. Other elements could include a brick or stone chimney, pop-out or bay windows, or plant-ons over windows.

On the exposed street sides, two-story homes should incorporate rear elevation design elements such as varied wall planes, decorative siding, and enhanced window treatment such as shutters, window boxes, or added trim. Large wall expanses and the use of a single surface material should be avoided.

The Committee will review corner-lot home plans not only to assess individual compliance with the neighborhood design standards, but also to insure variation in architectural and building elements to enhance aesthetic appeal and streetscape.

VII. EXTERIOR COLORS

7.1 Exterior Color Guidelines. Colors in general should be subdued, warm colors for large field applications, allowing the building to recede into the site. Earth tones are recommended. Richer colors should be reserved for trim and accents. The color of exterior materials, whether applied or innate, should appear natural, rather than manmade or synthetic. Discrete application of accent colors will enliven and enhance the overall design of the buildings. Colors for metal roofing shall be of earth tones or for paint finishes of subdued hues. Primary colors such as reds, greens, blues, and yellow and drastic contrasts in value (light and dark) are discouraged. Weathered or aged finishes are permitted, however they should be thoughtfully applied to enhance the building. Reflective finishes are not allowed and white should only be used as an accent or trim color. Garage door colors should be complimentary to the other exterior colors on the home, and match with either the color of the body and/or the trim of the house. Stark contrast in the color of the garage door(s) to other elements of the home is discouraged.

VIII. DESIGN ELEMENTS

8.1 Entries. Entries make a significant impact on the character of a building and are generally the first tactile experience a person has when entering a building. As such, great care should be taken in developing an entry and the door associated with it. An entry

should capture the character of the entire building yet be easily identifiable.

In residential buildings, careful consideration should be given to the material and detail of the garage door. The use of materials such as iron banding, raised panels, and wood siding can help integrate the door with the adjacent materials of the building.

8.2 Exposed Foundation Wall. No more than eighteen (18) inches of exposed concrete foundation shall be exposed on any home. For homes which are raised out of the ground such as split-level designs or raised rambblers, the foundation wall shall be screened with landscaping, retaining walls and other aesthetically-pleasing elements as determined by the Committee.

8.3 Garages. The home, not the garage, should be the primary focus of attention when viewing the front elevation. The front entry of the home should be the focal point. Home plans should vary so garages are not at the same setback on every home. The garage can be de-emphasized by moving it back in the front elevation.

Varying garage door patterns and splitting one large door into two single doors can also enhance curb appeal. When homes of the same design are placed side-by-side, variation to the street scenes can be provided by reversing floor plans so that garages can be adjacent to each other, thereby creating an undulating setback. It is encouraged that some garage doors are oriented towards the side lot line.

8.4 Paving. Driveway and other flat paved areas may be concrete, exposed aggregate concrete, stamped concrete, asphalt, quarry tile, brick, or paving blocks. Gravel driveways are not permitted and gravel shall be permitted in bedding and walkway areas, or as otherwise approved per the landscape plan.

8.5 Windows. Windows of a building are an important part of its overall visual impact and should be carefully proportioned and detailed. Location, type, and size should be considered. Recessing windows in the wall surface can accentuate the appearance of wall depth. Openings should be grouped to express the organization of the building and the proportions should be studied carefully to provide an attractive, well-proportioned mass. The style of windows should include divided lights and allow for larger panes. Window materials may be wood, vinyl clad and aluminum clad in natural finishes. Accent colors may also be allowed subject the approval of the Committee. Triangular, arched, and round windows should be minimized.

8.6 Roof shape. The shape of the roof is an element in the organization of building massing and in developing the relationship of the buildings to their surroundings. Roof shape should be considered carefully to prevent the roof shape from dominating the architecture of the project. Roof designs should be simple, functional, and provide visual order to the buildings. A predominate shape should define the primary building form. Roof ridge alignments should consider primary views from the building and the visual impact of the form to the surrounding site.

Gable, intersecting gables, partial hip and full hip roofs are acceptable. All homes must have at least one gable on front and a minimum of one gable shall have roof returns. Shed

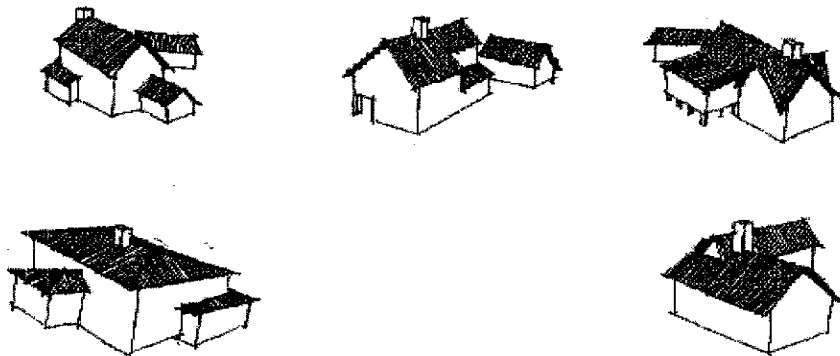
roofs will be allowed as ancillary or secondary roofs for sub-elements of the building but will require approval from the Design Review Committee.

Two story homes need to incorporate single story roof elements into their design to help scale the two story elements back to the ground. The profile for one and two story homes need to be varied with massing in sufficient size to create a balanced appearance.

8.7 Roof Slope. Roof Slope is a major contributing factor in establishing the impact a roof has on a building. It is also an important functional element, creating a surface to shed or retain rain, snow and ice. The slope of the main roof will be between 4/12 and 12/12. Front gables must have at least an 8/12 pitch. Significant roof overhangs will be required to protect wall surfaces and pedestrians from sun, rain, snow, and ice. Roof forms should be designed to direct shedding materials to desired locations and away from adjacent properties.

Appurtenances are functional items such as clerestories, ridge ventilators, skylights, and snow and rain diverters. These items should be designed as integral parts of the roof.

Roof massing should provide simple, geometric forms. Aesthetic merit should be derived from careful proportioning; good scale, thoughtful detail, and incorporate inherent qualities of natural materials. The function and residential use of these buildings and rooflines should be evident by exterior observation.

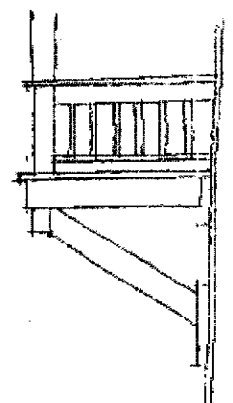
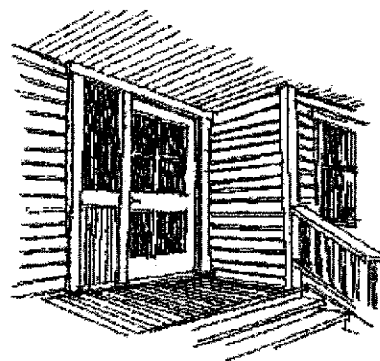
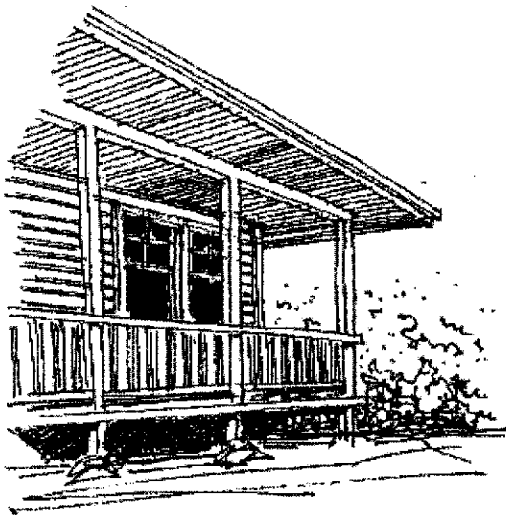


8.8 Chimneys. Chimneys make a dramatic statement on any building, providing a substantial and stable appearance if designed properly. Chimneys should be made of stone or siding and should complement the primary finishes of the building.

8.9 Solar Equipment. Solar panels are to be integrated into the roof design. Panels and frames must be compatible with roof colors, all equipment must be screened from view, and prior written approval must be obtained from the Committee.

8.10 Modular and/or Cubicle Home Design. Modular and/or cubicle home designs are not permitted. Mobile homes are not permitted.

8.11 Balconies and Railings. Balconies and railings are encouraged and should be designed as a natural extension of the architecture using porches that are part of the building. These elements should not project from the roof but be contained by it. Balconies and porches should be designed to prevent snow accumulation and ice build-up. They should be located so neither snow, nor ice will fall on pedestrian walkways. Balcony building materials shall be wood, stone, or other natural materials. Wood and metal railings will be allowed. Vinyl railings are allowed subject to the Design Review Committee approval.



IX. LIGHTING REGULATIONS

9.1 Intent of Lighting Regulations. The general intent of the outdoor lighting regulations are not to limit the enjoyment, quality design or safety aspects of outdoor lighting. Rather, they are intended to limit "light pollution" to adjoining properties and the neighborhood.

9.2 Height of Installation. Residential fixtures shall not be mounted more than 8 feet above driveway grade or 6 feet above porch grade as measured adjacent to structure.

9.3 Wattage and Orientation. The fixture shall house an incandescent, fluorescent or high pressure sodium lamp with no more than 60 watts of lamp per fixture.

9.4 Quantity. Fixture quantity is limited to one (1) at each exterior door and one (1) on each side of the garage door. Spot and/or flood lights are permitted but they shall be installed in a manner to limit exposure to adjoining neighbors and the use of such lights shall be restricted to security or nighttime activities when people are in the direct vicinity of the lights.

9.5 Light Spillage. The fixtures shall be openly located at appropriate distances from a property boundary (or reduced lamp wattages) in order to ensure that light does not inappropriately spill onto adjacent properties or open space.

9.6 Landscape Lighting. Landscape lighting should be installed in a manner to limit light spillage to adjoining neighbors.

X. FENCING REGULATIONS

10.1 Fencing Guidelines. Fences may be vinyl, decorative metal such as wrought iron, stone, masonry or decorative metal combined with stone or masonry or wood (such as cedar). However, the objective is to keep the overall landscape at the neighborhood open, so picket-style or open rail fencing up to a 4' in height is preferred. Privacy fencing is allowed in rear yards to provide desired space separation. Chain link (including vinyl coated) is not allowed. Decorative metal fences must be kept rust free.

10.2 Fencing Colors. Fencing shall utilize natural, earth-tone colors and should coordinate with the color of the house. Fence materials must not fade weather or discolor in any way over time. Fences with optional colors such as vinyl shall have a natural earth tone stain or color. White, tan and other earth-tone colors are allowed.

XI. LANDSCAPING

Landscape designs should be created to promote the unique rural characteristics of the

area, compliment the architecture of each home and contribute to an attractive neighborhood. Species, size, and placement of landscape elements shall be determined by the homeowner and approved by the Committee prior to commencement of landscaping, as follows:

11.1 Timing for Installation. As soon as possible after substantial completion of construction, but not later than the summer following substantial completion, each homeowner is required to landscape his/her lot consistent with these Design Guidelines.

11.2 Limitation. No planting or structures shall be placed or permitted which may damage or interfere with established yard drains, slope ratios, create erosion, or change the direction of drainage channels. All materials used to retain and contour the slope of any Lot or improvement must conform with the natural beauty and color of the Project.

11.3 Yard Landscape Requirements.

- Irrigation. All front yards, including the landscape boulevard (park strip), are required to have an underground automatic irrigation system.
- Trees & Plants. Each front yard must have (i) at least two trees including one deciduous tree (minimum 1 ½" caliper when planted) and one evergreen tree (minimum 6' tall when planted) and (ii) an assortment of foundation shrubs or landscaping that helps cover the foundation of the home.
- Front Yard Landscaping. Front yards, (not including the park strip) must have at least 70% of the yard finished with grass or ground cover plants. The majority of the landscape boulevard (park strip) shall be grass with automatic irrigation and planted and maintained in accordance with the City of West Bountiful municipal code.
- Maintenance. All yards shall be maintained including but not limited to grass mowed regularly, lawn weeds treated, flower bed weeds removed, rock areas weeded, dead trees removed/replaced, dead shrubs removed/replaced, etc. Any trees, lawns, shrubs, or other planting provided by Declarant shall be properly nurtured and maintained by Owner.
- Stone and Aggregate. Crushed granite/aggregate stone must be limited to pathway areas. Landscape rocks will be allowed in flower beds.
- Artificial Vegetation. No artificial vegetation or grass is permitted except (i) front door decoration, (ii) holiday decoration, or (iii) under a covered roof or porch area.
- Lot Drainage. Lot drainage shall direct water toward the street where possible and shall not adversely impact surrounding properties.

debris shall be permitted to accumulate on any vacant lot in the Project. At all times (and particularly from April 1st through November 30th when weeds are growing) all lots shall be maintained so that weeds do not exceed 6" in height.

- Pools & Spas. Pools, spas, fountains, and game courts shall be located to avoid impacting adjacent properties with light or sound. Pool heaters and pumps must be screened from view and sound insulated from neighboring houses. All pools must be fenced in compliance with local ordinances.

- Game Courts. No game courts shall be located in front yards. Skateboard areas and/or similar areas and ramps shall not be a "noise nuisance" and shall only be permitted if adequately screened from view from adjoining neighbors and streets.