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Annette Heinz, Notary Public

**EXHIBIT "D"**  
**DESIGN GUIDELINES**  
**FOR THE**  
**MOUNTAINSIDE ESTATES SUBDIVISION**

As authorized by Article X of the Declaration of Covenants, Conditions, and Restrictions for Mountainside Estates, the Declarant for the Mountainside Estates Homeowners Association hereby adopts these Design Guidelines for the Mountainside Estates Subdivision ("Design Guidelines"). Any property owner planning to undertake any building project, including additions and exterior renovations, on any property located within the Mountainside Estates Subdivision is required to supply the architect, draftsman, contractor, and site construction supervisor with a copy of these Design Guidelines prior to the onset of any building project, and must receive written authorization from the HOA or its delegated authority before beginning construction.

**1.1 Design and Layout Considerations:**

- A. Building projects are encouraged to incorporate materials, colors, and architectural styles in harmony with the mountain environment.
- B. Special considerations.
  - (1) Grades.
  - (2) Trees.
  - (3) Views.
  - (4) Neighboring sites, house locations, existing and planned setbacks.
  - (5) Overall landscape.

**1.2 Building Size:**

- A. Dwelling sizes shall consist of a minimum square footage of 1,500 square feet above ground level of enclosed living space, exclusive of porches (open or covered), decks, and common garages. All two-story dwellings shall contain not less than 1,100 square feet on the ground level of enclosed living space, exclusive of all porches (open or covered), decks, and common garages, and 2,250 square feet above grade. Total square footage for any dwelling shall not be less than 2,250 square feet, inclusive of basement and second story if applicable). Garages shall consist of at least 2 bays. Side load garages are encouraged where possible.

**1.3 Building Location:**

- A. Each owner shall stake his Lot on all four corners to identify the Lot boundaries.
- B. The foundation walls, the edge of roof lines, and the decks of all dwellings and structures on any building lot shall not be located nearer to the side or rear property lines than as specified by Logan City Building Code.

**1.4 Building Height:**

- A. No Lot shall have a dwelling or other structure that exceeds the maximum height permitted by applicable Logan City Building Code. Chimneys, flag poles and similar structures not used for

human occupancy are excluded for purposes of calculating the height of a structure.

### **1.5 Exterior Walls:**

- A. Materials encouraged (must be fire resistant) include:
  - (1) Cementboard
  - (2) Native stone
  - (3) Brick
  - (4) Rock
  - (5) Stucco
  - (6) Exposed patterned concrete
  - (7) Natural wood siding (that meets requirements of the Logan City Fire Marshall)
- B. Prohibited materials include:
  - (1) No natural wood siding is permitted without fire resistant sealer.
  - (2) No vinyl or aluminum siding shall be permitted.
- C. Foundations:
  - (1) Exposed concrete over three (3) feet in height is required to be faced with stone (natural, cultured or stone aggregate), plaster or finished with other materials approved by the Committee.
  - (2) Preferred facing for exposed concrete is stone or river rock veneer.
  - (3) Architectural patterned concrete may be used when integrated into the total design.
- D. Finishes:
  - (1) Transparent or semi-transparent finishes and earth tones are required on wood surfaces. Transparent finishes are preferred.
  - (2) Bright contrasting finishes are not recommended.
  - (3) Any artwork applied to the exterior walls must be approved in advance by the ACC.
  - (4) Railings shall be metal or wood. Vinyl railings are not permitted.

### **1.6 Roofs:**

- A. Design shall be complimentary to existing architecture.
  - (1) No roofline shall extend within 5 feet of the side or rear property lines.
  - (2) Roof materials allowed must be fire resistant, muted earth tone in color. Acceptable materials include:
    - i. Non-reflective metal.
    - ii. Stone finish.
    - iii. Synthetic, manufactured shingles or architectural asphalt shingles.

### **1.7 Windows:**

- A. Insulated glass windows as required by state and local codes.
- B. Wood window frames are recommended.

- C. Metal or vinyl window frames are acceptable.
- D. Mirrored glass is not acceptable.
- E. Low-E window systems are encouraged.

**1.8 Exterior Doors (including garage doors):**

- A. Solid core wood, plank or insulated metal are acceptable for exterior doors.

**1.9 Energy Efficiency/Solar Design:**

- A. Passive solar design considerations are encouraged whenever possible.
- B. Active solar applications may be approved if panels are an integral part of architectural design and inoffensive from neighboring views.
- C. Energy saving features are encouraged, such as high density, high R-value, or other wall and ceiling insulators.
- D. High efficiency furnaces and hot water heaters are recommended.

**1.10 Skylight Recommendations:**

- A. Only flat glass skylights are recommended on sloped roofs.
- B. Bubble or gable skylights are discouraged because of problems with snow and ice movement.

**1.11 Exposed Metal, Chimney, Vents:**

- A. All exposed metals, such as fascias, gravel stops, flashing, wall vents, roof vents, metal enclosures, and chimneys shall be painted an approved color. Inconspicuous metal smoke stacks and roof flashing may be exempted.
- B. Spark screens are mandatory on all chimneys. Chimneys or stacks should not be placed in proximity of existing trees.

**1.12 Site Development Standards:**

- A. Lot setbacks are as specified in Logan City code.
- B. Fences, wall, and barrier devices may be used for privacy and screening purposes but should be incorporated into the total design. The ACC will review their design, appropriateness, size and construction in relation to the proposed residence and neighboring Lots.
- C. Garages and carports must be integrated with the home design. A minimum of two (2) permanent parking spaces must be provided on the site. The Architectural Committee may grant an exception to these parking requirements if parking cannot be provided on the Lot due to physical constraints of the Lot. Any use of road easement property must be approved by the

ACC..

- D. Retaining walls: For sites requiring retaining walls, these should be built of:
- (1) Native stone.
  - (2) Patterned concrete or pre-cast concrete units, and hill holding blocks.
  - (3) Rock.
  - (4) Treated wood timber.
  - (5) Other materials harmonious to the area and approved by the Committee.

#### **1.13 Land Use and Building Type:**

- A. No building shall be erected, altered, placed, or permitted to remain on any Lot other than one (1) single-family dwelling and private garage sufficiently sized for two or more vehicles (i.e., not less than twenty and one half feet wide by twenty-two feet deep (20'5"W x 22'D) without the approval of the ACC. Any deviations from this requirement must be approved in writing by the ACC.

#### **1.14 Tree Conservation, Landscaping, and Re-vegetation:**

It is the Association's main intent to maintain and preserve any common area landscaping before, during and after construction. Trees and vegetation adjacent to a construction area should be protected (with boundary tape, hay bales, or by similar means) during the construction period, and storage of any building materials should be located in areas that will not damage adjacent or common area landscaping.

##### **A. Tree Removal and Replacement Standards**

- (1) The Owner or Contractor who damages trees, shrubs, or groundcover in adjacent lots or common area shall be required to replace such plants or trees by replanting of same species and type. Any evergreen and aspen trees removed without authorization shall be replaced by two trees 8-foot minimum for evergreen trees and 12 foot minimum for aspen trees. Coniferous trees (trees with cones) shall be replaced by two (2) similar coniferous trees at least twelve-feet (12) in height at the time of planting. Tree replacement and the number of trees required shall be determined by the Architectural Committee. All trees cut down for construction shall be promptly removed to prevent bark beetle infestation. Any fallen, dead, beetle, or mistletoe infected trees shall be removed from the site.
- (2) Any diseased trees on the Property should be removed.

##### **B. Penalty**

- (1) Any person violating any of the provisions of this section shall be required to pay a maximum penalty of five hundred dollars (\$500) per individual tree and a minimum payment of two hundred fifty dollars (\$250) per individual tree removed improperly.

#### **1.15 Accessory Structures and Facilities.** Patio structures, trellises, swimming pools, sunshades, gazebos, tennis courts, greenhouses 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. All pools must be fenced and be in compliance with any applicable city ordinances. All accessory structures and facilities require the prior written approval of the ACC.

- A. Swimming pools, spas, fountains, and game courts shall be located to avoid excessive impact to adjacent properties with light or sound. No game courts shall be located in front yards. Pool heaters and pumps must be screened from view and sound insulated from neighboring houses.
- B. Temporary shelters, and metal storage units are not acceptable.

**1.16 Landscaping.** Use of landscaping materials for hedges and retaining walls is encouraged. No structures or fences shall be permitted within eight feet (8') of the right-of-way line for any street or public way. Fences, walls, or hedges shall not exceed the maximum height permitted by city code; provided, however, that no opaque wall, fence, or hedge or screening materials shall be maintained within a required front yard. Installation of all fences and walls is subject to the prior written approval of the ACC and the reasonable approval of adjacent Owners. Lots not built on within 18 months of purchase shall be maintained.

**1.17 Natural Damage:**

- A. No Property Owner or contractor shall interfere with or redirect the natural course of any drainage and run-off or construct any improvement, place any landscaping or create any condition which shall alter the drainage pattern or run-off from its natural flow into or across the land of another, except to the extent such alteration in the drainage pattern or run-off is approved in writing by the ACC and any other public authorities having jurisdiction.

**1.18 Outdoor Lighting:**

- A. Lighting of parking areas or walkways that is necessary for safety purposes should be installed in a manner which enhances the overall appearance of the Owner's property, but which will not be disturbing to neighbors, pedestrians or motorists. In general, floodlights are discouraged unless required in a particular circumstance and used with proper shading device. No lights shall be allowed on any site which are unreasonably bright or cause unreasonable glare.

**1.19 Job Site Maintenance & Nuisance Reduction**

- A. Cleanliness of the job site will be inspected during construction. The owner is responsible for any trash or construction related debris, including dirt and gravel left by contractors and employees on association roads and common areas. Dumpsters are to be emptied prior to overfilling.
- B. Concrete trucks must be cleaned only on the job site at a designated spot.
- C. Construction work and delivery truck hours are to be from 7:30 a.m. to 7:00 p.m., Monday through Friday, 8:00 a.m. to 8:00 p.m. on Saturdays. No construction or delivery activity is to take place on Sundays.
- D. No music is to be played from vehicles or other external sources that are outside the house under construction. If music is played indoors, it must not be so loud that it can be heard by adjacent homeowners in the neighborhood.
- E. Construction vehicles, including delivery trucks, cement trucks, dump trucks, backhoe tractor-trailers, and any similar construction equipment must be parked on the property designated as the job site. In the event that additional parking or loading/unloading space is temporarily required, vehicles and/or equipment must be parked far enough off of the road to allow private

and emergency vehicles to pass by.

**1.20 Miscellaneous Notes:**

- A. Structural snow loads should meet or surpass the standards for site elevation, historical snow depths, and seismic zone
- B. Excessively heavy or large construction excavation equipment will not be permitted due to possible destruction of the road and road bed.
- C. No vehicles with steel treads shall be driven on Association Roads without prior written approval from the ACC.

**EXHIBIT "A"**

All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 MOUNTAINSIDE ESTATES, as shown by the official plat thereof, filed May 20, 2022, as filling No. 1320325, in the office of the Recorder of CACHE County, Utah.

Together with: (a) the exclusive right to use and enjoy each of the Limited Common Areas which is appurtenant to said lot, and (b) The non-exclusive right to use and enjoy the Common Areas and Facilities included in said Project (as said project may hereafter be expanded) the accordance with the aforesaid Declaration and Survey Map (as said Declaration and/or Condition, Covenants and Restrictions and Map may hereafter be amended or supplemented).

Tax Parcel Nos. 05-126-0001, 05-126-0002, 05-126-0003, 05-126-0004, 05-126-0005, 05-126-0006, 05-126-0007, 05-126-0008, 05-126-0009, 05-126-0010, 05-126-0011, 05-126-0012, 05-126-0013, 05-126-0014, 05-126-0015, 05-126-0016, 05-126-0017, 05-126-0018, 05-126-0019, 05-126-0020, 05-126-0021, 05-126-0022, 05-126-0023, 05-126-0024, 05-126-0025, 05-126-0026, 05-126-0027, 05-126-0028, 05-126-0029, 05-126-0030, 05-126-0031, 05-126-0032, 05-126-0033, 05-126-0034, 05-126-0035, 05-126-0036, 05-126-0037, 05-126-0038, 05-126-0039, 05-126-0040, 05-126-0041, 05-126-0042, 05-126-0043, 05-126-0044, 05-126-0045, 05-126-0046, 05-126-0047, 05-126-0048, 05-126-0049, 05-126-0050, 05-126-0051, 05-126-0052, 05-126-0053, 05-126-0054, 05-126-0055, 05-126-0056, 05-126-0057, 05-126-0058, 05-126-0059, 05-126-0060, 05-126-0061, 05-126-0062, 05-126-0063, 05-126-0064