

ENVIRONMENTAL GUIDELINES

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RANDALL A. COVINGTON
UTAH COUNTY RECORDER
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THESE ENVIRONMENTAL GUIDELINES are cited in the Master Declaration of Covenants, Conditions and Restrictions (the "Master Declaration") of the Mountain Vista Business Center ("Mountain Vista") and are made effective and recorded pursuant to, and by authority of, the Master Declaration. The purpose of these guidelines is to inform the owners of the standards and procedures which will be applied in approving or disapproving proposed improvements.

Introduction

It is the intent of the Mountain Vista Business Center Association that property landscaping be maintained at a high level of quality. To do so requires the cooperation and good faith of all new tenants, developers, landscape architects, engineers and above all, site workers. The techniques employed by these installers often determine the ultimate quality of the landscape.

These guidelines and requirements are intended to assist the developer in the landscape and sprinkler design and implementation to create a quality project. They are to be used to develop a consistently constructed project to facilitate ease of maintenance and project harmony. It is the purpose of these guidelines to aid those performing the landscape work at the Mountain Vista Business Center.

In addition to the Environmental Guidelines for the Mountain Vista Business Center, all applicable sections of the Provo City Code shall apply as it relates to landscaping, signage and lighting/illumination. These are Chapter 15.20 Development Landscaping requirements, Chapter 14.29.150. (1) Signs, and Chapter 15.21 Outdoor Lighting Regulations. Where there is a conflict between the Mountain Vista Business Center Environmental Guidelines and the respective Provo City Code, the later shall apply. These guidelines should be seen as enhancements of the Provo City Code and additional direction in accomplishing the purpose of an aesthetically pleasing environment. As such, these guidelines encourage the latest best practices, procedures and management for the respective elements addressed herein under the direction of the owners design professionals.

A. Architectural Review Board

As delineated in the master declaration of easements, covenants, conditions and restrictions, site landscaping at the Mountain Vista Business Center includes all planted materials, site furniture, site lighting, and mechanical equipment incidental to any building. All such landscaping plans must be submitted to the Architectural Review Board for written approval prior to installation. Individual property owners are encouraged to have their design professionals attend and present the design plans and drawings to the Architectural Review Board. As noted in the master declaration, all site landscaping must be completed within ninety days of completion of building construction or as soon, thereafter, as weather permits.

Plans must be drawn at a scale of 1"=20' or at a scale larger to show more detail. Plans will show site elements and landscaping that is proposed, existing, and surrounding the development parcel. See requirements for plans in the Declaration of Covenants, Conditions, and Restrictions for the Mountain Vista Center.

B. Lawn Installation

Lawn areas and turf grass are an acceptable form of ground cover. However, due to the nature of the arid climate found in Utah, lawn and turf grass should be used sparingly to reduce water consumption. Drought tolerant seed and sod varieties should be strongly considered.

1. Top Soil. A good loam or other soil which provides good aeration and does not readily compact should be used. It should be tested for adequate pH and for evidence of salts.

2. Lawn seed. It would be advisable for developers to use the same mixture consistently throughout the center to avoid color variation from project to project. This lawn seed mixture is as follows:

25% Standard Kentucky Bluegrass

25% "Baron" Kentucky Bluegrass

25% "Ram I" Kentucky Bluegrass

25% Perennial Ryegrass

Lawn areas should be seeded at a rate of 200 pounds per acre. The lawn seed should be at least 98% purity with an 85% germination rate.

3. Sod. Sod should be selected from a reputable source having seed mixture characteristics similar to those described in the Lawn Seed Mixture in section B.2. It should have adequate soil base and should have been grown long enough to have been mowed twice.

C. Trees

1. Trees. The most sensitive aspect of landscaping in the center is tree planting. Proper tree selection is important to insure success because of the soil and ground water conditions in the center. Great care should be taken in the selection of trees species for the Mountain Vista Business Center. The landscape design professional needs to consider the unique conditions of each site as tree species are selected. Special planting techniques or specific locating of trees may also be needed to maximize tree growth survival.

2. Tree distribution. In order to maintain the center like atmosphere intended for Mountain Vista, 15 trees to the acre should be used as a minimum standard in developing the planting plans. All areas not hard surfaced must be planted, unless otherwise agreed by the board, and considered part of landscaped area.

3. Tree size. No deciduous trees of less than 2" caliper will be accepted, nor will evergreen trees less than 6' in height be accepted. No bare root stock will be accepted.

4. Tree root conditions. Practice has demonstrated that trees that are handled the least perform the best. The following root conditions are listed in descending order of preference:

a. Tree spade transplanting. Where economically feasible, oversizing the root ball on trees will help them to sustain the shock of planting. For example, where normally a 44" tree spade would be used to transplant a 3" caliper tree, a 66" tree spade would be used to move the tree.

Transportation and transplanting must be immediate upon removal of the tree from the original site.

b. Balled and burlapped. The size and condition of root balls should minimally meet the American Nurserymen Standards, and where possible, tree balls should be oversized.

5. Tree pit preparation. Standard tree pit preparation shall be used by using a hydraulic spade, backhoe or hand excavation. Care shall be taken to insure proper drainage. Appropriate backfill method shall be used to insure tree is at proper depth leaving a well around the tree.

6. Tree wells. A tree well or water basin should be formed at the base of the tree and watered the day of planting.

7. Staking. Staking of trees after planting is costly, requires more maintenance, and usually is not necessary if the trees are planted correctly. Therefore, trees in the park should not be staked immediately after planting. It may be determined later by the Landscape Architect that the tree needs to be staked to avoid damage.

8. Wilt prevention. It is often the preferred practice of the Landscape Contractor to apply a wilt protection agent after plants have been planted. It is recommended that all trees be sprayed with "Wilt-proof" or some similar product at the time of planting to help prevent moisture loss and reduce transplanting shock.

9. Wrapping. Wrapping of tree trunks, if done with the correct type of wrapping, can be important for protection against cold, wind, heat, pests, and maintenance damage. The recommended type of tree wrap is the paper/asphalt type.

D. Tree Pit Drainage:

Because of the high water table, a critical element in the success of the plant materials at Mountain Vista Business Center is the provision for drainage around the root zone of each tree. Each tree or group of trees, if proper drainage is not obvious, should be installed with root drains wherever possible. Pit drains are typically constructed from ADS perforated and non perforated pipe. Perforated ADS pipe is installed in the bottom of the pit around the root

ball, and non perforated ADS pipe is attached to the perforated pipe and should be extended to daylight. It is recommended the Mirafi 140 Filter Fabric or equal be used to wrap the perforated section of pipe. Where positive drainage is difficult, the drain inlet may be located above drainage well.

E. Shrubs and Ground Covers:

1. Shrubs. The most successful use of these plant materials is in areas of good drainage, top soil and subsoil conditions. These conditions help to sustain good growth for these plant types. It is recommended that shrubs and ground cover generally only be used in areas that are well above the existing water table and have good drainage capabilities. If it is necessary to plant in areas with poor natural drainage, the following steps should be taken to provide proper drainage: Perforated ADS tubing, wrapped with Mirafi 140 Filter Fabric or equal should be used where other drainage options are impractical. Tubing should be laid below the root zone with a minimum slope of .002 and should daylight to an acceptable drainage way.

2. Shrub size. It is recommended that the following mix of shrub sizes be used to insure a quality landscape:
70% of the shrubs planted shall be at least 5 gal. size stock. A full 30% of the shrubs planted shall be at least 1 gal. size stock. It is recommended that slower growing shrubs, particularly evergreen and broad leaf evergreens, be 5 gal. size and faster growing plants be from 1 gal. containers.

3. Shrub condition. All plants shall be of the highest quality and meeting the "American Standard for Nursery Stock" as it pertains to height, spread and plant conditions. No plants shall be root bound nor shall they have been repotted to a larger size within two months of planting. No bare root stock will be accepted.

F. Irrigation System:

All landscaped areas on developed property shall have a professionally designed and installed automated water conserving irrigation system. Due to the arid climate in Utah, property owners are to encourage their design and construction professional to utilize best acceptable practices with regard to irrigations systems that will conserve and reduce water usage.

G. Pedestrian Pathway:

A six (6) foot wide concrete path will be located along street frontage as specified by the Mountain Vista Business Center Pathway Master Plan. The installation of said pathway shall occur at the time of parcel development. The standards and specification for the pathway shall be consistent with Provo City sidewalk requirements.

H. Contractors Responsibilities:

All contractors working sites in the Center must, of course, comply with Provo City and State of Utah ordinances, rules, and regulations as well as the Easements, Covenants, Conditions, Restrictions (CC&R's) of Mountain Vista Business Center. Contractors must protect themselves and their employees from claims under the Workman's Compensation Act and from any claim for personal injury or death resulting from work under a landscape program or other activity by maintaining necessary insurance coverage.

The Contractor must also protect all materials and work against theft or destruction from any cause and provide and maintain all necessary restraints for the protection of the public. Contractors shall be held responsible for any damage or injury to persons or property which may occur as a result of the Contractor's fault or negligence in her or his employee's work or in the lack of protection at the construction site.

In mounding of landscaped areas, general contractors are normally responsible for rough grading to within 2" of subgrade elevation, and landscape contractors for finish grading and top soil placement to a depth of 4". This, however, may vary according to individual contracts. Final grades must be smooth and uniform. Where there is mounding, the areas should have a smooth and continual grade between existing or fixed controls and the desired elevations. Contours on finished grades should always be considered, as the grades must be accessible to riding mowers and excessive water runoff must be avoided. Slopes should have grades not greater than three to one in ground cover areas and lawn areas.

Any changes or substitutions from the approved landscape plan must be approved by the landscape architect or owner's representative. Major changes must be approved in writing by the Architectural Review Board.

Work should be suspended when weather conditions may result in damage to the materials being installed, but extended work suspensions must be approved by the owner or his representative.

Care should always be exercised when digging in the Center so as not to damage existing work, including underground utilities and above ground pipes, hydrants, and watering systems. Should such systems be encountered that interfere with planting, the owner or his representative should be consulted. The contractor has the responsibility for the immediate repair of any damages to existing facilities caused by his work. It shall be the

responsibility of the owner or its representative to contact "Blue Stakes" prior to any excavation, grading or digging.

INTRODUCTION

This publication summarizes the sign control and regulation policies of the Architectural Review (Control) Board. The Mountain Vista Architectural Review Board has determined that the following criteria will best serve the interest of all concerned. Mountain Vista tenants and patrons are desirous of establishing and maintaining a high level of architectural and environmental decor while still recognizing that each business entity within the center needs and desires identification for the benefit of patrons and tenants. It is desirable that the attractive appearance of the structures and grounds at the center be maintained at the highest level. Each developer will arrange for the design and installation of signs at its buildings in the center. Signs are needed on premises for the limited purpose of identifying the property and the names of principal lessees located in the center. Advertising in the sense of competing for business should be accomplished other than by signs or devices.

A. Administration of Controls:

1. Prior to the installation of any sign the design shall be submitted for approval to the Architectural Review Board.

2. To obtain approval by the Architectural Review Board, two (2) sets of appropriate drawings and specifications shall be filed with said Review Board not less than seven (7) days prior to the next scheduled meeting. Plans must clearly delineate the location and orientation on the premises of the signs submitted for consideration. This shall include the size, conformation, materials, structure, and framing method and mechanics of lighting, including location and alignment of electrical service. A drawing shall also be submitted with complete depiction of proposed art work, lettering, and other embellishment, with color scheme depicted. It is recommended that an architectural rendering of the signs, in color, be made available for display at the Architectural Review Board meeting.

B. Signs Requirements:

All permissible signs shall meet the standards and the minimum provisions of the Provo City Code, particularly the sign provisions of the Planned Industrial Zone, Chapter 14.29.150 (1) Signs and Chapter 14.38 Signs and Outdoor Advertising.

C. General Sign Standards

1. Copy. Signs will be restricted to those listing only the person, firm, company, or corporation operating on the site.

2. Measurement. A wall sign with the individual letters applied directly will be measured by a rectangle

around the outside of the lettering and/or the pictorial symbol and calculating the area enclosed by such a line.

3. Wall Sign Mounting. All signs attached to the building will be surface mounted.

4. Number. Only one single or double faced permanent sign will be allowed per street frontage per site.

5. Lighting. Permanent signs visible from the exterior of any building shall be lighted, but no signs or any other contrivance will be devised or constructed so as to rotate, gyrate, blink, flash or move in any fashion.

6. Size and Quantity:

- a. Double-face signs shall count as one (1) unit when computing numbers of signs allowed.
- b. The area of one (1) face only shall be used in computing area of double-face signs.
- c. Multi-face signs shall be used only with specific written approval of the Architectural Review Board.

7. Materials. Signs may be fabricated of any substantial, durable materials suitable to the purpose and compatible with materials employed for the finish surfaces of building(s) on the premises. Metals shall be adequately coated or protected against exposure to the weather. All signs shall comply with applicable sign provisions and structural codes of Provo City.

8. Design.

- a. Use of a rectangular form for sign panels is preferred; other regular geometric shapes will be considered. Where the use of a free form or stylized periphery is desired, it shall be accomplished by means of appropriate art work within a rectangular or other geometric frame.
- b. The number of separate panels constituting a sign unit shall be kept to a minimum; the use of a "sign post" concept is not considered appropriate to the intent of these regulations.
- c. The use of different styles or types of letters on each sign shall be minimized. All signs on each leasehold shall be of consistently uniform design and colors.
- d. Signs secured to buildings or walls shall be installed on the same plane as the surface to which attached, shall not project more than 16 inches from such surface, and shall not extend nor be mounted above the parapet or eave, whichever feature occurs at the sign location.
- e. Where the name of the leasehold premises occurs on any sign, such name shall be given significant precedence in the arrangement and scale of the text or art work inherent in the design.
- f. The dimensions and shape of sign panels or elements mounted on building facades or marquees shall be in good, architecturally acceptable proportion to the dimensions of the surface on which mounted. Where more than one identification or directional sign occurs on the premises, all of each type shall be of as nearly identical size, shape and/or scale as necessary and appropriate

graphics will permit.

9. **Illumination.** All permanent signs within the Mountain Vista Business Center shall be lighted in order to convey a uniform appearance and to contribute to the quality and ambiance of the development. Sources of illumination (bulbs, fluorescent tubes, etc.) shall not be directly exposed to view. No flashing or blinking lights will be permitted.

10. **Maintenance.** All signs shall be kept in "like new" condition and shall be promptly restored to first class condition if damaged or otherwise marred. Copy or text employed on signs shall be kept accurate and current.

11. **Location.** All signs shall be contained within the premises to which applicable and shall be so oriented as to preclude hazardous obstruction to vision of pedestrians and/or vehicle operators. No portion of any signs shall be located within eight (8) feet of any street or highway.

E. Recommendations to Lessees:

1. Formulate overall sign program before initiation of design of first phase of sign development.
2. Discuss overall concept and specific sign designs with staff of Mountain Vista Business Center prior to submission of designs for Architectural Review Board approvals.
3. Assure coordination of sign requirements or subleases with leasehold requirements well in advance of firm commitments to Developers.
4. Submit sign design proposals well in advance (14 days) of scheduled Architectural Review Board meetings to assure comprehensive review prior to such meetings.
5. Do not erect or install any signs without approval of the Architectural Review Board.

F. Temporary Decorations:

1. The use of temporary flags, bunting, pennants, etc., and similar devices commonly used for "grand openings" shall be permitted without Architectural Review Committee approval for the period commencing 10 days prior to such opening and shall be removed from sight not more than 30 days after the initial publicized or otherwise obvious opening. Similar restrictions are applicable to the use of these devices for special occasions which occur from time to time during the year, except that the removal should be effected within seven (7) days of the termination of such occasion or festivity. Any use of such decorations for a combined period exceeding forty (40) days per calendar year will be subject to approval by the Architectural Review Board.

SECTION III - SITE LIGHTING GUIDELINES

All outdoor lighting shall comply with Provo City Code 15.21 Outdoor Lighting Regulations. All outdoor lighting fixtures shall be consistent with and compatible with the design features and elements of the primary building on the property. Care should be taken to choose fixtures with similar design features, elements and material that will promote harmony of design. All outdoor lighting fixtures and design shall follow the same submittals, review and approval process as the signage and landscaping requirements for the Mountain Vista Business Center. In no event are "cobra head" light fixtures acceptable for use or approval at the Mountain Vista Business Center.

EXHIBIT "A"

Legal Description:

Mountain Vista Business Center, Plat A, Lots 1, 2 & 3.