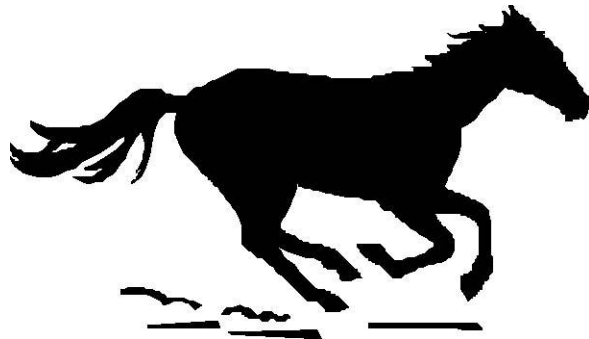


Wild Horse



Subdivision

Architectural Committee (AC) Rules

Revised July 2015

Board Approved October 2015

TABLE of CONTENTS

SECTION 1: WILD HORSE SUBDIVISION ARCHITECTURAL RULES – NEW CONSTRUCTION	1
Introduction	1
Site Planning.....	1
Site Improvements.....	2
Landscape Architectural Rules	6
Plant Materials.....	7
SECTION 2: PROCEDURES, PLAN REVIEW, CONSTRUCTION RULES	9
Overview of Procedures	9
Plan Review and Approval Requirements	10
Construction Rules and Regulations	11
SECTION 3: CONSTRUCTION RULES VIOLATIONS AND APPEALS	13
Construction Rules Violations Notification Process.....	13
List of Violations	13
Right of Appeal	14
SECTION 4: EXISTING HOMES	15
EXHIBIT A: Approved Color Palette	17
EXHIBIT B: Submittal Forms.....	18
EXHIBIT C: Sample Preliminary Site Plan	26

SECTION 1: WILD HORSE SUBDIVISION ARCHITECTURAL RULES – NEW CONSTRUCTION

Introduction

Purpose: The purpose of these Rules when combined with the recorded CC&Rs is to ensure consistently high-quality development and market success, thus protecting the investment of those who locate within the development area and assuring the residents and lot owners of a high-quality development.

The AC has been formed by the HOA to oversee that all plans are in general conformance with the development rules, conditions, and restrictions for Wild Horse Subdivision.

The Architectural Committee: The Wild Horse Subdivision Architectural Committee, herein referred to as the AC, established in accordance with the Wild Horse Homeowners Association CC & R's, shall have its members appointed by the Board of Directors. The AC is composed of three (3) regular and one (1) alternate member. The AC shall hold meetings on the first and third week of the month. The Committee shall choose a Chairman and a Secretary and shall conduct business in accordance with established rules of order.

Site Planning

Site planning addresses the placement of buildings, roads, and utilities with an understanding of existing site topography and constraints. It involves issues of structure height, setbacks, grading, drainage, utilities, and native vegetation.

Structure Heights: As per the first amendment to the Wild Horse CC&Rs the maximum structure height (from grade) shall be 26'. The height is measured from the elevation of the natural grade in the center of the proposed structure. The maximum number of stories shall be one. Finish floor elevations ("FFE's") will be determined on an individual basis, based on topographical contours of each lot. Approval of preliminary plan elevations such as FFE and structure height will be based on the graphic representation of the site topography taken as shown on the submitted plans.

Setbacks: All structures (including walls and fences) and improvements will adhere to the following setbacks:

- A. Front: 100'
- B. Sides: 100'
- C. Rear: 100'

Setbacks are referenced to the property lines. The Homeowners Association owns a 50' Right of Way (ROW) on all of the streets in the subdivision. For ease of measuring the setback compliance, the measurements may be made to the center of the street adjacent to the property line by adding 25' (½ of the ROW) to the setback.

Driveways and their approaches to the street are not subject to the front setbacks when part of the approved Site Plan.

Setback Variance Request: The Conditions Covenants and Restrictions (CC&Rs) in Wild Horse subdivision allow for the Architectural Committee (AC) to grant variances to the setback requirements. Variances are considered when it is *required* based on restrictive lot topography and county erosion setback. If a request for a setback variance is made, the rationale for the variance must be presented to the AC (Form # 1). If lot topography is used as a rationale for a variance request, a preliminary site plan shall accompany the request. A sample preliminary site plan is

attached to these AC Rules on page 34. If the county erosion setback is used as rationale for the variance request, it must be shown on a preliminary site plan submitted to the AC.

Grading: The intent of grading rules is to minimize the impact and extent of disturbed areas to preserve natural vegetation and the integrity of the natural landscape

Limiting maximum cut slope to 2.5:1 and maximum fill slope to 3:1 whenever possible;

- Recommendation that cut slopes should not exceed 4' in height, and fill slopes should not exceed 3' in height whenever possible; cut and fill areas should be broken up consistent with existing topography and vegetation;
- If 150 days after grading has occurred, there is no construction activity, the graded area shall be re-seeded with the seed mix recommended in the "Landscape" section; Replanting all graded slopes with trees, shrubs, and native type groundcovers to control erosion and minimize denuded view of the slopes;
- There shall be no grading prior to final plan approval;
- It is the lot owner's responsibility to see that minimal vegetation disturbance occurs outside the building site and during this process. If vegetation is disturbed, then it must be replaced.

Drainage: Natural drainage ways shall be preserved. No fence or other improvement, shall be constructed, or maintained on any lot which obstructs a natural drainage way or area designated as a "drainage easement" except with the consent of Cochise County and the AC. Collection and on-site retention of storm water run-off is encouraged to supplement irrigation.

Except as modified by new structures, drainage provisions shall be designed to maintain, to the extent possible, the original drainage flows on the lot.

Utilities: All new utility lines shall be underground. Screen all exterior utility pads and mechanical equipment such as air conditioners, pool equipment, water harvesting systems, solar cooling and heating devices with walls, fences, or vegetation as required by Article VIII of the CC&Rs

Native Vegetation: Native vegetation shall be preserved where possible.

Site Improvements

For the purpose of these Rules, structures/buildings are defined as homes, detached buildings (i.e. detached storage buildings, workshops, gazebos, playground equipment, etc.), flag poles, sun canopies and awnings, gutters and downspouts, walls and fences (attached or detached), solar devices and satellite dishes.

Size: All lots are restricted to a one story, single family, residential dwelling of not less than 2,000 square feet, with a maximum height of 26'. Also allowed:

- one guest house, no greater than 1,200 square feet of heated and cooled living space, and
- one storage building, not to exceed 600 square feet and 16' in height.

Any improvements, including patio walls, swimming pools, recreational courts, flag poles, guest house and storage building must be located within 50' of the main residence.

Structural Building Materials: All structures in Wild Horse Subdivision shall be designed and constructed in styles generally referred to as Spanish, Mission or Southwestern, consistent with the geography, topography, and cultural history of southern Arizona and harmonizing with the desert and foothill environment. Permitted materials include:

A. Cement stucco over CMU

- B. Split face concrete block
- C. Brick and mortar washed brick
- D. Fired adobe block
- E. Mud stucco over stabilized adobe block
- F. Stucco over wood frame
- G. Stone

All exposed wood timbers shall be kiln dried and bolted or strapped securely in place. Over sizing of structural exposed timbers is recommended with a minimum nominal thickness of 2-1/2". All exposed wood shall be treated with a preservative, stained or painted, and maintained. All exposed roof scuppers, gutters, downspouts and sheet metal shall be painted. Copper gutters and chain drains can be used providing they conform to the non-painted portion of the above or may have natural patina.

Exterior Appearance & Colors: Exterior appearance shall blend with the natural surroundings and the landscaping. Mill finished aluminum window and door frames are not permitted, nor are reflective surfaces.

The AC has adopted an earth tone color palette and an LRV (light reflective value) standard between 20-50% to be used when selecting colors for vertical surfaces. A copy of the color palette may be borrowed from the AC for a two week period. The colors that make up the palette are from Sherwin Williams for the sake of reference. Any manufacturer is acceptable so long as the color and LRV are within the palette range. Small amounts of accent colors are permitted.

For new construction, the color selections must accompany plans submitted for approval; any change must be submitted to the AC for approval.

Roofs, Pitches and Materials: Simple pitched gable, hip or shed roof forms as well as flat roofs with parapet walls will be permitted in Wild Horse Subdivision. All pitched roof materials must be approved by the AC to ensure a continuity of textures and colors and that the roof that is visible to WH properties does not present unreasonable glare or interference with other properties or the street. Permitted materials are mission tile, aged copper roofing or other equivalent materials that have minimal shine and have a flat matte, velvet, suede or eggshell finish, with a Light Reflective Value (LRV) no greater than 40. Additionally, gloss scale measuring its reflectivity as a mirror of less than 20 on the ASTM D 523 and ISO 2813 specular gloss scales (60 degree incidence angle). Mill finished aluminum, asphalt shingles and wood shingles are not permitted. Metal roofs shall be carefully reviewed and scrutinized by the AC protecting the value and desirability of the Property and ensuring the roof shall not have an obtrusive appearance or reflective glare visible on any neighboring lot or the roadway. Considering factors include roof pitch and elevations, Solar Reflectance rating and index values, texture, finish and color of the metal material in determining approval of metal roofs.

Flat roofs shall be any roof area having a lesser slope than 3 vertical, 12 horizontal. All flat roofs shall be enclosed by a parapet wall. Continuity of parapet walls in flat roof areas is required so that the roof is concealed from view of other Lots and from the roadway. If an installation of solar devices is anticipated, the parapet walls must be tall enough to also screen these devices from adjacent properties and the roadway. High LRV value colors are permitted on flat roofs as long as they are not visible from any other property in the Wild Horse subdivision. If flat roofs are on structures at lower elevations in the subdivision, care must be taken to assure that no portion of the high LRV coating is visible from higher elevation properties.

All vents and other projections shall be colored to blend with the finished roof material coating color. No mechanical equipment or apparatus of any kind, including without limitation, evaporative coolers, heating and cooling units (except for customary vents and chimneys) will be permitted on roofs unless approved by the AC in its sole discretion and screened from view by a parapet wall or other screen not to exceed 4 feet in height or as the AC shall require. No radio, television or other antennas or any kind or nature or device for the reception or transmission of radio, microwave, television or other similar signals, shall be placed or maintained upon any Lot except as may be permitted by the AC. Repair/replacement of roofing material using the original materials/colors does not require AC approval.

Chimneys: Chimneys should continue the same finish and texture as the building. Fireplace chimney heights and forms will be restricted to not exceed the building code minimum height criteria and must compliment the structure's overall design.

Gutters and Downspouts: Gutters and downspouts and other devices for control of roof water are an important item in dealing with the high concentrations of rainfall in the desert. These elements shall be concealed or integrated into the architectural design.

Skylights: Skylights are to be designed as an integral part of the roof.

Glass & Glass Treatments: The installation of reflective metallic film (designed to reduce sun and heat) on the inside of windows shall be subject to the approval the AC. Such treatments shall not have an obtrusive appearance or reflective glare visible on any neighboring lot or the street. Reflective glass, reflective foil or aluminum foil is not allowed on windows. Only drapes, blinds, shutters or other appropriate window coverings will be allowed.

Exterior Lighting: All exterior lighting shall be subject to the approval of the AC. Energy conserving lamps are encouraged. All exterior lights must be located and maintained in a manner which, in the opinion of the AC, does not have an obtrusive appearance or cast a glare visible from any other neighboring property or the roadway. All lights must be attached to the residence or other permitted structures (i.e. walls). No free-standing lighting is allowed except for low voltage or solar lighting.

Home owners should also be aware that other exterior lighting restrictions are presented in the ordinances of Cochise County commonly known as the Cochise County Light Pollution Code. Refer to Cochise County Website: http://cochise.az.gov/cochise_planning_zoning for detailed information.

Flashing & Vents: All flashing and vents will be colored to match the material to which it is attached.

Solar Devices: Installation of solar devices on new and existing homes requires review and written approval by the AC.

Consistent with Arizona State Statutes, Wild Horse CC&R's allow for the installation of solar devices. Also, like other HOA rules and regulations, The Wild Horse Architectural Committee solar device guidelines are written to minimize any detrimental effect on the neighborhood and promote aesthetic sensitivity by those building new homes or who plan to build new homes in the future.

It, therefore, becomes the responsibility and expectation of each home or lot owner to work with the AC committee and make every attempt to minimize any adverse visual impact of such devices, first, to maintain the beauty of our neighborhood and second so as not to diminish the value of neighboring and community properties. This responsibility is especially important for those who are planning retrofit solar devices on existing homes.

Arizona State Statutes (ARS 33-1816, 44-1768 and 44-1762) state that, communities that have Covenants, Conditions and Restrictions cannot deny the installation of solar devices. The law also permits those communities to require installations that reduce the visual impact of those devices as long as the restrictions do not significantly affect the efficiency or cost of the device itself.

Every attempt must be made to minimize any adverse visual impact of solar devices. Roof mounted solar collectors should be screened from view as part of the architectural design of the building or integrated and blended into the form of the building so as to present a finished appearance. Devices mounted on sloping roofs should be set in the roof into specifically designed cutouts with the devices flush mounted to the roof surface. Roof color and the solar device color must be coordinated and match as nearly as possible.

Solar devices mounted on flat roofs which are screened by parapet walls and ground mounted solar devices that are screened by walls or landscaping are the preferred installations to minimize visual impact on neighboring properties.

Ground mounted solar devices must be located adjacent to and integrated with the residence, site and landscape design. Ground mounted solar collectors are considered to be "structures" and, as such, must be within the allowed setbacks. The county may grant a variance for locating solar panels in the erosion setbacks if the electrical portion of

the panels is elevated above the flood plain in which case the AC will also consider granting a variance for that location.

Flag Poles: Installation of a permanent free standing flagpole is allowed subject to the following limitations:

- A. The height of the flagpole shall not be more than the lesser of
 - a. eighteen feet (18')
 - b. or the height of the residence;
- B. The flagpole shall be placed no further than fifty feet (50') from the residence and no closer than thirty feet (30') from the front property line; and
- C. The flagpole shall have a matte finish of a color on the Architectural Committee's color palette with a maximum light reflective value of forty (40).

Outside Storage: Personal property other than barbeques, lawn and/or deck furniture may not be stored outside of a residence or garage unless reasonably screened from view from neighboring properties and the street. The Architectural Committee must approve such screened enclosures.

Sun Canopies and Awnings: Sun canopies and awnings are permitted in moderation, but require approval of the AC.

Mechanical Equipment: No apparatus, including without limitation, evaporative coolers, heating units (except for customary vents and chimneys), shall be placed on a lot or on the roof of any unit unless approved by the AC. Equipment must be screened from view by a parapet wall or other screen and shall not exceed 4' in height or as the AC requires.

Garages: Garages, including RV garages, should not be the major visual element from the front of the house. All garages must be built of the same material as the residence and attached, as a part thereof and painted to match the color of the house. A minimum two-car garage is required for each home with doors of a style or design approved by the AC. Garages must be enclosed and garage doors must face away from the street that fronts the house or as approved by the AC. Garages should be of normal size and any construction of more than a three-car garage will require approval by the AC. As the prevailing strong winds in Wild Horse come from the southwest, it is recommended that garage doors not face that direction.

The Wild Horse Rules and Regulations have very restrictive vehicle parking restrictions so lot owners should include in their architectural plans to provide adequate enclosed parking for all vehicles, including machinery and trailers, and any additional vehicles anticipated for future needs.

Detached Storage Buildings, Workshops, Gazebos, etc.: All detached structures of these types shall be designed and constructed in styles, building materials and color generally matching or identical to the home. One storage building is allowed and must be located within 50' of the main residence and be of the same architectural design as the main structure. Storage buildings shall not be used as garages for the storage of motorized vehicles. See Article VIII Section 1 of the WH II CC&Rs for restrictions on garages.

Walls and Fences: All walls shall be considered extensions of the adjacent building, and be constructed of colored brick or gray brick covered with masonry or masonry-like materials and can include ornamental iron. The only perimeter fence allowed within any Lot shall be a wood fence or masonry wall, unless specific written permission is obtained from the AC. All wood fences, colors other than natural, must be approved by the AC. Wall heights shall not exceed 6 feet and shall be measured from the existing natural grade at the exterior of the wall. Soften long wall lines with plant recesses and landscape for vertical and horizontal relief. All walls (colored brick or other) either will be the same or finished and painted the same, as to be complimentary or identical to the home or structure/building color.

Driveways & Parking Areas: Driveways and parking areas shall be paved only with the below listed acceptable paving materials:

- A. Concrete
- B. Chip and seal
- C. Asphalt
- D. Decomposed granite
- E. Brick or Pavers
- F. Exposed aggregate concrete
- G. Gravel

Driveways that cross washes shall have appropriate concrete toe-downs or culvert if the driveway causes erosion or allows excessive water flow that causes damage to the adjacent road. Driveway grading and paving shall minimize the disturbance of bordering natural vegetation. Driveways may be used for construction access and to accommodate temporary guest parking.

Satellite Dishes: Plans and location must be submitted and approved by the AC. Regardless of the above, the AC shall approve placement of one meter (40”) or less satellite dish on a roof provided that it is screened by a parapet or other screen as is acceptable to the AC.

Mailboxes: In Wild Horse, mailboxes are clustered by streets at central locations as determined by the United States Post Office. No other mailboxes or newspaper boxes are permitted.

Landscape Architectural Rules

Landscaping includes grading and water drainage, installation of ground cover (stone and/or grass, etc.), planting of trees and plants, and installation of exterior lighting and fixtures. Fixtures include lawn and roof ornaments, and any other fixtures that might be visible or intrusive to neighboring homes or roadways.

Specifics Pertaining to and Requiring AC Approval

Landscaping and Desert Restoration plans are to be submitted to the AC at the time of new home construction and shall be completed within nine (9) months after Final Site Inspection. Exceptions may only be allowed by written request to and approval of the AC.

The design rules within Wild Horse Subdivision require minimum disturbance to the existing native vegetation. Plants listed in the Prohibited Plant Materials may not be used. The height of any plant may not exceed the highest elevation of the home (exclusive of chimneys or other pop-up elevations), with the exception of all plants listed on either the Transitional Landscape or Desert Restoration Plant Materials Schedules, which are exempt from this height limitation.

Lot Owners shall provide and maintain the landscaping on their individual Lots. The native growth of the Property, including grasslands, Mesquite and Oak trees, shall not be destroyed or removed from any portion of the Property except as provided in Article VIII of the CC&R’s and as may be necessary for permitted and approved improvements.

If any natural growth is removed or destroyed without the approval of the AC, or where not necessary for construction of approved improvements, the AC may require the replacement of the same and the costs shall be borne by the Property Owner as set forth in the HOA CC&R’s.

There are three categories of landscaping that are allowed within a given lot.

Ornamental Landscape: Ornamental Landscaping is defined by the AC as inside patio walls or under covered entry ways. Ornamental plant material, including grass, may be used as long as it complies with the following two restrictions:

- A. Plants listed in the Prohibited Plant Materials List may not be used.

- B. The height of any plant may not exceed the highest elevation of the home (exclusive of chimneys or other pop-up elevations).

If any owner uses a plant in the patio area that may exceed this height limit, he does so at his own risk. In the event that the plant is not maintained below the specific height, the owner will be required to remove the plant or have it trimmed accordingly. All plants listed on either the Transitional Landscape or Desert Restoration Plant Materials schedules are exempt from the height limitation, therefore selecting plants from these schedules is highly recommended.

Transitional Landscape: Transitional Landscaping is defined by the AC as any area between the street, the front & side yards of the house that is mowed or rocked. The intent of Transitional Landscaping is to enhance the quality of the existing native Huachuca Foothills landscape. When the Transitional landscaping matures, there should be filtered views of the house through desert trees and vegetation. Shrubs, trees, hedges, and plantings of every kind located in the Transitional area must be kept neatly trimmed and dead fallen plants removed. To ensure visual continuity selecting plants from the Transitional Landscaping and Desert Restoration Plants is highly recommended.

Undisturbed Natural Vegetation - Desert Restoration: If the designated undisturbed native vegetation is inadvertently destroyed or removed during construction the homeowner is required to restore the native vegetation to its original condition. No living native vegetation on the lot, including, Oaks, Juniper, Manzanita, Mesquite trees, and other native specimen vegetation shall be disturbed or removed unless approved by the AC.

No living plants, shrubs, or trees shall be placed or maintained upon any un-enclosed patio or yard area (Transitional Landscaping area) on the property or any Lot unless a detailed landscaping plan shall have been first approved by the AC; and having met the criteria for permitted and prohibited plants as stated in the Plant Materials Lists.

Each Owner of a Lot shall keep all shrubs, trees, hedges, grass and plantings of every kind located in the Ornamental and Transitional area on his Lot (including setback areas and Common Areas) neatly trimmed and well maintained. The remainder of the site shall remain undisturbed native vegetation.

Re-vegetation & Erosion: All graded areas within each individual lot shall be re-vegetated for erosion control. Re-vegetation shall be with native plant materials and/or native seed mix. Disturbed washes within development site shall be re-vegetated and enhanced to restore them to a natural appearance.

Rock Mulch: The color of the crushed rock shall be earth tone, river rock (3 inches or larger), and boulders can be used in the landscaped areas, however, they must be native to the immediate area.

Alteration of Drainages: No lot owner shall alter in any way the drainage areas along the Association roadways, the drainage easements located on the owner's property or the natural drainage to adjacent properties without the prior consent of the Architectural Committee.

Plant Materials

Prohibited Plant List

The objective of the Prohibited Plant Materials List is to preserve and protect the Sonoran Foothills landscape and to minimize allergy producing pollen. The following are prohibited:

1. Any species of tree or shrub whose mature height may reasonably be expected to exceed the highest elevation of the home (exclusive of chimneys or other pop-up elevations) with the exception of those on the Natural Landscaping Materials Schedule or the Desert Restoration Plant is prohibited.
2. All Washingtonia species, Phoenix dactylifera and Phoenix canariensis is prohibited for aesthetic reasons, as well as for their high maintenance requirements. This includes **all palms**.
3. **Olive trees**, (Olea europaea) is prohibited for reasons of their profuse production of allergy producing pollen.

4. **Oleanders** (*Nerium oleander*) is prohibited for aesthetic reasons, as well as for their profuse production of allergy producing pollen.
5. **Fountain Grass** (*Pennisetum setaceum*) is prohibited as a defined weed with the potential to spread throughout the development and also as a fire hazard.
6. **Common Bermuda Grass** (*Cynodon dactylon*) is prohibited as a defined weed and for its profuse production of allergy producing pollen.
7. **Buffelgrass** (*Pennisetum Ciliare*) is prohibited as it is considered to be invasive.
8. Mineral landscape features, such as ground covers and boulders, are limited to materials indigenous to the Sonoran Desert.
9. **Mulberries** (*Morus*) is prohibited as a noxious pollen producer.
10. **Desert Broom** is prohibited due to the potential for it to spread uncontrollably throughout the development. Homeowners are encouraged to remove existing Desert Broom from their lot during the initial construction and landscaping process and maintain an ongoing program of Desert Broom eradication.

Desert Restoration Plant Materials/Natural Landscaping Plants

The Architectural Committee is aware some of the approved plant materials listed below, especially oak trees species, may be unavailable in commercial markets. Homeowners facing this problem are encouraged to propose substitute plants of similar types. Any proposed plant material shall be compatible with high desert environment.

Trees:

Common Name	Scientific Name
Alligator Juniper	<i>Juniperus deppeana pachyphlaea</i>
Arizona White	Oak <i>Quercus arizonica</i>
Desert Willow	<i>Chilopsis linearis</i>
Emory Oak	<i>Quercus emoryi</i>
Mesquite	<i>Prosopis velutina</i> or <i>glandulosa</i>
Mexican Blue Oak	<i>Quercus oblongifolia</i>
One Seed Juniper	<i>Juniperus monosperma</i>

Transitional Landscaping Plant Materials

Trees:

Common Name	Scientific Name
Acacia	<i>Acacia</i> supp.
Afghan Pine	<i>Pinus Eldareca</i>
Alligator Juniper	<i>Juniperus deppeana</i> <i>pachyphlaea</i>
Arizona Ash	<i>Fraxinus velutina</i>
Arizona White Oak	Oak <i>Quercus arizonica</i>
Desert Willow	<i>Chilopsis linearis</i>
Emory Oak	<i>Quercus emoryi</i>
Mesquite	<i>Prosopis velutina</i> or <i>glandulosa</i>
Mexican Blue Oak	<i>Quercus oblongifolia</i>
New Mexican Locust	<i>Robinia neomexicana</i>
One Seed Juniper	<i>Juniperus monosperma</i>
Palo Verde	<i>Cercidium</i> spp.
Photinia	<i>Photinia fraseri</i>
Salt Bushes	<i>Atriplex canescence</i>
Silverberry	<i>Elaeagnus pungene</i>
Texas Ebony	<i>Pithecellobinum flexicaule</i>
Western Red Bud	<i>Cercis occidentalis</i>

SECTION 2: PROCEDURES, PLAN REVIEW, CONSTRUCTION RULES

Overview of Procedures

There are several steps in the Wild Horse Architectural Committee (AC) approval and construction process. Below are the sequential steps necessary for a successful construction project.

- 1) If a homeowner is contemplating the construction of a structure on his/her property they should first consider the property topography and county erosion setbacks relative to placement of any envisioned structures planned. If there is any concern please contact the Architecture Committee (AC) to review the considered structure placements on the property. If it is necessary the homeowner needs to apply to the AC for a setback variance (Form #1, Plan Review Application).
- 2) The homeowner applies for approval of his/her project (Form #2, Plan Review Request). A non-reimbursable plan review fee of \$600 is due with this submittal. Review the next section, *Plan Review and Approval Requirements* to see what materials are necessary to accompany this submittal. Form #3, Plan Checklist, must be completed, signed and accompany the review request.
- 3) The complete plan submittal plus materials descriptions will be given to the ACs architect for professional review. After review, the architect will submit his/her review and recommendations to the AC.
- 4) Upon the completion of the AC review, the AC will send its recommendations to the homeowner for consideration and response.
- 5) After communications with the homeowner, the AC will provide the architect with any revisions for his/her review and recommendations. The architect review will be submitted to the AC.
- 6) After any further differences between the AC recommendations and the homeowner requests have been resolved, the revised plans will be reviewed by the AC and, if approved, both sets of plans will be signed by a representative of the AC with one set of approved plans given to the homeowner. Permission will be given at this time for the pad grading. The contractor may apply for the county building permit at this time.
- 7) An AC liaison will be assigned to the project upon plan approval by the AC. The liaison will facilitate communications between the AC and the homeowner, contractor, and the site inspector.
- 8) When forms for the foundation have been set and before any concrete is poured, a meeting of the AC liaison, homeowner, general contractor and the site inspector will be held at the building site. The site will be inspected by the AC liaison, the homeowner and the site inspector to verify that the structure location is in accordance with the Site Plan. Form #4 (Start Construction Authorization) will be completed and signed by the AC liaison. The \$3000 contractor compliance deposit as well as the \$1000 homeowner compliance deposit due at this time.
- 9) Ongoing inspections by the site inspector will be made to verify compliance of the constructions rules and the approved plans are being followed. If there are any observed violations of the construction rules or following the plans, the site inspector will notify the AC liaison and the violations process will be initiated.
- 10) On completion of the construction, the homeowner will request final inspection by the AC.
- 11) The AC liaison will conduct the final inspection and upon its successful completion the liaison will sign Form #4, Construction Final Approval, and request authorization of return of the compliance deposit to the general contractor.
- 12) On completion of the landscaping, the homeowner will request final inspection of the landscaping.
- 13) The AC liaison will conduct the final landscaping inspection and upon its successful completion the AC liaison will sign the Landscaping Final Approval form (Form #5) and request authorization for the return of the homeowners' compliance deposit.

AC approved plans will be valid for six (6) months following approval. If construction is not started within this time period, all variances will be void and plans will need to be resubmitted to the AC along with \$300 fee to cover re-review. Appropriate submittal forms are included in Exhibit B.

Plan Review and Approval Requirements

Two sets of the following materials are required for the approval process to begin.

Site Plan:

Note: All elevations are in feet above sea level.

1. Drawn to scale at minimum of one inch equals 30 feet
2. Property lines indicated and setbacks dimensioned
3. Location of structure on site, improvements, trees, existing contours with elevations, including any out-buildings
4. Proposed finished grades, lot drainage pattern and drainage system
5. If culverts are required, show the location, diameter and length
6. Finish floor elevations(s) of the structure(s)
7. Locations, elevation call-outs and material specifications of related improvements of driveways, patios, etc.
8. Locations, material specifications and top-of-wall elevations of all proposed patio walls, retaining walls
9. Location of any TV antenna or satellite dish
10. Location of any ground mounted Solar Devices with screening enclosure,
11. Location of any water collection tanks with screening enclosure
12. The location of all existing trees of 3" or greater caliper within 50' of any planned structure
13. The locations of all mechanical equipment (condensers, pool equipment, etc.) with their screening enclosures
14. The location of any outside garbage can(s), with screening enclosure

Floor Plans:

1. Drawn to scale at one-quarter inch equals one foot
2. Enclosed living area square footage totals noted

Elevations:

All dimensioning of drawings are feet above finished floor elevation (FFE).

1. Drawn to scale at one-quarter inch equals one foot.
2. All exterior building dimensioning
3. Existing contour grades and proposed finished contour grades
4. Finish floor elevation(s) lines
5. Top-of-wall and top-of-roof (structural height) dimensions for all building components
6. If roof sections are pitched, LRV needs to be specified.
7. If non-tile roof material is used the specular gloss needs to be specified.

Exterior Color Descriptions:

(Color print out with manufacturers' number and LRV, not physical samples)

1. Exterior walls
2. Exterior trim
3. Roofing materials

Landscaping Plan(s):

1. Master site plan drawn to scale at minimum one inch equals 30 feet
2. Master site plan reflecting all existing major native growth removed by construction or that is within 20 feet of proposed improvements
3. Detailed treatments of re-vegetation and new supplemental vegetation of all exterior areas (not enclosed by patio walls, etc.) impacted by construction
4. Any proposed substitutions for plant materials identified by both common and scientific name, with a rationale for any substitutions.

Construction Rules and Regulations

The AC shall be responsible for the enforcement of the construction standards. The AC reserves the right and has the discretionary power to enforce any of the previously stated provisions of the AC Rules of Wild Horse Subdivision by whatever measure it deems appropriate, including fines as directed by the Board of Directors and in accordance to the Wild Horse Subdivision CC&Rs.

Construction Period: As per the Wild Horse CC&Rs: All construction shall be completed within eight (8) months from the start thereof unless a waiver and extension of time is issued by the AC. For the purpose of this paragraph, “start” shall mean the date of issuance of a county building permit for the improvement on a lot. “End” is determined by the issuance of the AC *Final Site Inspection* approval. Any extension needed beyond the initial eight months construction period, must be submitted to and approved in advance by the AC (*Form # 7, Construction Period Extension Request*). Final inspection **must** be made prior to move-in. Approved landscaping must be completed within nine (9) months following the final site inspection by the AC.

Construction Trailers, Portable Field Office: The use of construction trailers, portable field offices, or any other similar temporary structure on the site is strictly prohibited, except upon prior written consent of the AC. No structure of a temporary nature shall be used for living purposes during construction. No prefabricated residences or mobile homes shall be placed on the property.

Debris & Trash Removal: Owners and builders shall clean up trash and debris on the construction site at the end of each day. Rubbish containers or “dumpsters” are required when the construction framing of the home is initiated. Trash and debris shall be removed as needed and delivered to a dump site located off the project. Lightweight material, packing, and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site or out of the dumpster. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the property. Any debris not contained within the site shall be cleaned up immediately. If not, it will be removed at the owner’s expense by the Wild Horse Homeowners Sub-Association. It is preferable not to wash out concrete trucks in Wild Horse Subdivision. If concrete trucks are washed out on individual building sites or lots, one designated cleanout site within the graded building envelope will be permitted. Other concrete or masonry by-products shall be cleaned out in one designated site and removed from site in conjunction with other debris and trash removal.

Vehicles & Parking Areas: Construction crews shall not park on, or otherwise use, other lots, open spaces, washes or drainage ways. All vehicles shall be parked within designated areas as not to inhibit traffic. No equipment or trucks shall be permitted to operate outside the limits of the building site or construction access designated on the approved construction site plan. Damage to streets, shoulders of streets, adjacent lots or undisturbed open space shall be the responsibility of the lot owner and will be subject to fines. Heavy equipment operators and truck drivers should be advised the consequences of violation provisions of any of these rules by the lot owner.

Site Utilities: All existing utilities shall be located and protected at owner’s expense prior to the start of construction. If it becomes necessary to use any equipment or machinery for temporary utilities, this equipment shall have appropriate sound control devices so as to minimize objectionable noise.

Sanitary Facilities: During construction, portable, clean sanitary facilities shall be on site at all times. These facilities shall be cleaned and maintained to insure sanitary conditions and secured so as not to be blown over by the wind.

Restoration or Repair of Other Property: Damage and scarring to other property included, but not limited to, open space, other lots, roads, driveways, and/or other improvements shall not be permitted. If any such damage occurs, it must be repaired/restored promptly at the expense of the lot owner.

Construction Access: The only approved construction access during the time a residence, or other structure, or other improvements are being built shall be over the approved driveway for the lot or parcel, unless the AC approves an alternate access point. Areas shall not be cleared or graded until actual construction is to begin.

Signs: During construction, a general contractor is the only business permitted to have a sign on a lot, and then only one sign. The contractor's sign shall be no larger than 48 X 36 inches with a dark colored frame and mounted no higher than 36 inches from the ground. No financial institutions or sub-contractors are allowed to display signs. Any sign must be removed before final inspection.

Construction Hours: Construction vehicles and/or workers and material deliveries may enter Wild Horse Subdivision no earlier than 6:00 a.m. and depart no later than 6:00 p.m. Monday through Saturday. Work may not be performed on Sunday, or New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas.

Approval of AC must be obtained for work performed under special circumstances.

SECTION 3: CONSTRUCTION RULES VIOLATIONS AND APPEALS

Construction Rules Violations Notification Process

If a violation is called to the attention of the Architectural Committee such violation must be verified by either an AC member or a member of the Wild Horse Homeowner's Association Board of Directors. Once a violation has been verified the process for handling a violation and/or for any subsequent appeal of the violation is as follows:

Step 1: The contractor and property owner is notified and the fine is enforced immediately.

- A. The fine will be deducted from the contractor's Compliance Deposit,
- B. If the violation continues a written Stop Work Order on the applicable construction site will be issued.
- C. The Stop Work Order will be lifted once the violation stops and the Compliance Deposit value has been restored.

Step 2: If the Lot Owner allows or repeats the same violation on the same construction site after the first violation the fine will be doubled each time the violation is repeated.

List of Violations

Severe Violations: where Step 4 above is applicable. The fine for these violations is \$500 unless noted below:

- A. Starting construction prior to receiving an approved copy of the plans
- B. Starting construction prior to a pre-construction survey by the WH Agent.
- C. Starting construction prior to supplying the AC with a copy of the Cochise County building permit.
- D. Starting construction prior to posting a contractor's compliance deposit.
- E. Starting construction without AC approval with completed form #5.
- F. Failure to honor a Stop Work Order. Plus \$250/per day.
- G. Failure to complete construction within the required eight month period or within any extensions to such period granted by the AC. Fine is \$250/week for each week or portion thereof beyond the required completion date. Approval of construction period extension requires a completed Form # 6.
- H. Moving into residence before the final inspection is completed and signed off.

Major Violations: where Steps 1 through 3 are applicable. The fine for these violations is \$300 unless noted below:

- A. Obtaining a building permit from Cochise County before obtaining approval of the plans by the AC.
- B. Use of adjacent property for any reason without the owner's written consent on file with the AC prior to use.
- C. Lack of deployment of a construction dumpster on site and lack of control and/or disposal of construction debris and/or trash on site or any adjacent lot. This includes emptying of the onsite dumpster prior to debris falling out or being blown over the site.
- D. Any changes to the exterior of the building or major landscaping without prior approval of the AC.
- E. Storing building materials on the street in front of the construction site for more than one eleven hour working day.
- F. Clearing or disturbing property for construction without written approval of the AC.
- G. Violation of the sign restriction rule. Plus \$25/day.
- H. Construction during non-construction days. Fine is \$250/day.
- I. Failure to repair construction damage to roads adjacent to building site after construction is complete. Fine is \$500/week.
- J. Failure to complete landscaping in accordance with the approved plans within the required nine months period or within any extension period granted by the AC. Fine is \$250/week for each week or portion thereof beyond the required completion date.
- K. Construction activity outside construction hours. Fine is \$150 per day.

In addition to the fines stated here all legal and collection costs for the enforcement of construction rules will be borne by the homeowner.

Right of Appeal

In all cases where a fine has been issued the Contractor or Lot Owner has the right to appeal the decision of the AC. The Contractor or Lot Owner wishing to exercise this right must notify the AC by e-mail or in writing within two days of the fine being imposed. If a Contractor or Lot Owner appeals a violation, he/she must still pay the fine and/or clear the violation prior to continuing the work while the appeal is being reviewed. If on subsequent review it is deemed that no violation existed or the violation is to be waived then the fine will be returned to the Compliance Deposit.

SECTION 4: EXISTING HOMES

Modifications

No additional building, structure, fence, wall or landscaping (“structure”) shall be erected, placed or altered on any lot within the Development until the plans and specifications showing the location of the structure upon the site have been approved by the Architectural Committee. A member shall not alter the topographic conditions of his/her lot or create visible scarring of the property without the prior consent of the Architectural Committee. The owner should first contact the AC to answer any questions, and determine if AC review is necessary. The AC committee can then advise the owner about what types of materials need to be submitted for the review.

Additional buildings and structures: The following actions require AC approval:
These include:

- Major modifications to any existing structure that affects neighboring properties
- A guest house, no greater than 1,200 square feet of heated and cooled living space, and
- One storage building, not to exceed 600 square feet and 16’ in height,
- Patio walls, swimming pools, recreational courts, flag poles, sun canopies, awnings, and gazebos.

The owner should review the criteria for each of these structures in the Sections 1 above, before submitting plans to the AC.

Solar Devices: Installation of solar devices on existing homes requires review and written approval by the AC. Solar devices mounted on flat roofs which are screened by parapet walls and ground mounted solar devices that are screened by walls or landscaping are the preferred installations to minimize visual impact on neighboring properties. The visual impact of ground mounted installations on adjacent properties also needs to be taken into consideration. Roof color and the solar device color on existing slanted roofs should be coordinated and match as nearly as possible.

Repainting

Structures that were completed prior to the issuance of these revised AC rules may repaint in their existing exterior color; however the AC encourages the use of the approved color palette. When repainting, any new color must come from the approved color palette and be submitted to the AC for approval. Repainting of existing structures using the original paint colors does not require AC approval.

Repairs

When repairing the exterior of existing structures (e.g. repair to cracks in stucco, replacement or repair of damaged wood trim, etc.), with any new material or paint color different from the original must be approved by the AC. Repairs using the same materials and paint colors as the original does not require AC approval.

Examples not requiring AC approval:

- Repair of existing driveways using the original material
- Repair of exterior walls using the original material/colors

Landscaping

Landscaping Requiring AC Approval: The following conditions require AC approval:

- A. Landscaping projects that involve altering drainage within the Transitional or Undisturbed Natural areas.
- B. When materials such as rock & gravel piles are anticipated to be stored in the Transitional area for more than 30 days.
- C. Major landscaping projects such as projects that include new walls, patio enclosures, changes to driveway location or materials, new berms or other changes to the approved site plan, major plantings or other similar projects.

Landscaping Not Requiring AC Approval: Maintenance of existing landscaping including the replacement of placement of trees, plants or groundcovers that have been damaged or died from disease does not require AC approval. However, replacement materials, groundcover, plants and trees must be the same as the original, or comply with those listed in the Transitional Landscaping and Desert Restoration Plant Materials. Refer to Part I of the HOA Rules and Regulations (RRs) for additional information pertaining to lot maintenance.

Addition of trees and plants within the existing landscaping (having met the criteria for permitted and prohibited plants, shrubs and trees as stated in the Plant Materials Schedules) does not require AC approval. However, the height of any plant or tree may not exceed the highest elevation of the home (exclusive of chimneys or other pop-up elevations).

EXHIBIT A: Approved Color Palette

A copy of the Wild Horse Home Owners Association AC Approved Color Palette may be borrowed from the AC for a period of two weeks.

The palette consists of a range of thirty-five (35) AC approved earth tone colors that have an LRV (light reflective value) of between 20 – 50%. The colors within the palette are Sherwin Williams Brand Paint names and numbers* and are used for reference purposes. Colors from other manufactures are acceptable as long as the color is within the palette range, and the LRV does not exceed 50%.

*Manufacturers change color names and numbers periodically; therefore the AC will rely on the actual color to determine approval.

EXHIBIT B: Submittal Forms

Form 1: Variance of Setback Request

Form 2: Plan Review Request

Form 3: Plan Checklist

Form 4: Start Construction Authorization

Form 5: Final Site Inspection

Form 6: Final Landscaping Inspection

Form 7: Construction Period Extension Request

WILD HORSE HOMEOWNERS ASSOCIATION

FORM #1

VARIANCE OF SET BACK REQUEST

Owner _____

Owner's signature _____

LOT # _____

Required materials:

Preliminary Site Plan to include¹:

- ___1. Drawn to scale at minimum of one inch equals 30 feet.
- ___2. Property lines indicated and setbacks dimensioned
- ___3. Location of structure on site, improvements, trees, existing contours with elevations, including any out-buildings
- ___4. Proposed finished grades, lot drainage pattern and drainage system.
- ___5. Finish floor elevations(s) of the structure(s) with values stated per a land topography
- ___6. Locations, material specifications and top-of-wall elevations of all proposed patio walls, retaining walls

Rationale for the variance:

¹ See Sample Preliminary Site Plan in Exhibit C.

WILD HORSE HOMEOWNERS ASSOCIATION

FORM #2

PLAN REVIEW REQUEST

OWNER _____ PHONE _____

Owner's signature _____

LOT# _____

Materials required:

TWO COPIES OF:

- ___1. Site Plan,
- ___2. Floor Plans,
- ___3. Elevations,
- ___4. Exterior Color Descriptions
- ___5. Landscaping Plan, and

ONE COPY OF:

- ___6. Completed and signed Form 3, Plan Checklist (See Section 2 – Plan Review and Approval Requirements).

The application fee of \$600 is due at this time with a check payable to the Wild Horse HOA.

Approved by (signature): _____ **Date:** _____

Printed Name and Function: _____

On behalf of the Architectural Committee

WILD HORSE HOMEOWNERS ASSOCIATION

FORM #3

PLAN CHECKLIST

Site Plan:

Note: All elevations are in feet above sea level.

- 1. Drawn to scale at minimum of one inch equals 30 feet
- 2. Property lines indicated and setbacks dimensioned
- 3. Location of structure on site, improvements, trees, existing contours with elevations, including any out-buildings
- 4. Proposed finished grades, lot drainage pattern and drainage system
- 5. If culverts are required, the location, diameter and length shown
- 6. Finish floor elevations(s) of the structure(s)
- 7. Locations, elevation call-outs and material specifications of related improvements of driveways, patios, etc.
- 8. Locations, material specifications and top-of-wall elevations of all proposed patio walls, retaining walls
- 9. Location of any TV antenna or satellite dish
- 10. Location of any ground mounted Solar Devices with screening enclosure
- 11. Location of any water collection tanks with screening enclosure
- 12. The location of all existing trees of 3" or greater caliper within 50' of any planned structure
- 13. The locations of all mechanical equipment (condensers, pool equipment, etc.) and their screening enclosures
- 14. The location of any outside garbage can(s), with screening enclosure

Floor Plans:

- 1. Drawn to scale at one-quarter inch equals one foot
- 2. Enclosed living area square footage totals noted

Elevations:

All dimensioning of drawings are feet above FFE

- 1. Drawn to scale at one-quarter inch equals one foot
- 2. All exterior building dimensioning
- 3. Existing contour grades and proposed finished contour grades
- 4. Finish floor elevation(s) lines
- 5. Top-of-wall and top-of-roof (structural height) dimensions for all building components
- 6. If roof sections are pitched, LRV specified
- 7. If non-tile roof material, specular gloss specified

Exterior Color Descriptions:

(Color print out with manufacturers' number and LRV, not physical samples)

- 1. Exterior walls
- 2. Exterior trim
- 3. Roofing materials

Landscaping Plan(s):

- 1. Master site plan drawn to scale at minimum one inch equals 30 feet
- 2. Master site plan reflecting all existing major native growth removed by construction or that is within 20 feet of proposed improvements
- 3. Detailed treatments of re-vegetation and new supplemental vegetation of all exterior areas (not enclosed by patio walls, etc.) impacted by construction
- 4. Any proposed substitutions for plant materials identified by both common and scientific names with a rationale for any substitutions.

Owner's Signature _____

WILD HORSE HOMEOWNER'S ASSOCIATION

FORM #4

START CONSTRUCTION AUTHORIZATION

The following functions have been performed:

- Plan review approved
- Site staking verified
- Contractors construction compliance deposit made
- Homeowners compliance deposit made
- Copy of the county building permit has been received
- Photos of the street in front of the construction access have been taken
- Construction Rules reviewed

Contact Information

Contractor _____

Property Owner _____

AC Liaison _____

Site Inspector _____

Contractor's Representative Signature _____

Property Owner's Signature _____

AC Liaison's Signature _____

The AC authorizes the start of construction on (Date) _____

WILD HORSE HOMEOWNERS ASSOCIATION

FORM #5

FINAL SITE INSPECTION

OWNER _____ PHONE _____

LOT# _____

GENERAL CONTRACTOR _____ Date: _____

The following items have been removed from the construction site or completed:

___ Porta-Potty

___ Dumpster

___ Contractor's sign

___ All construction equipment

___ All flashing and vents colored to match adjacent surfaces

FINAL APPROVAL DATE: _____

AC Liaison (signature): _____

WILD HORSE HOMEOWNERS ASSOCIATION

FORM #6

FINAL LANDSCAPING INSPECTION

OWNER _____

LOT# _____

Signature of the AC Liaison: _____ Date: _____

WILD HORSE HOMEOWNERS ASSOCIATION

FORM #7

CONSTRUCTION PERIOD EXTENSION REQUEST

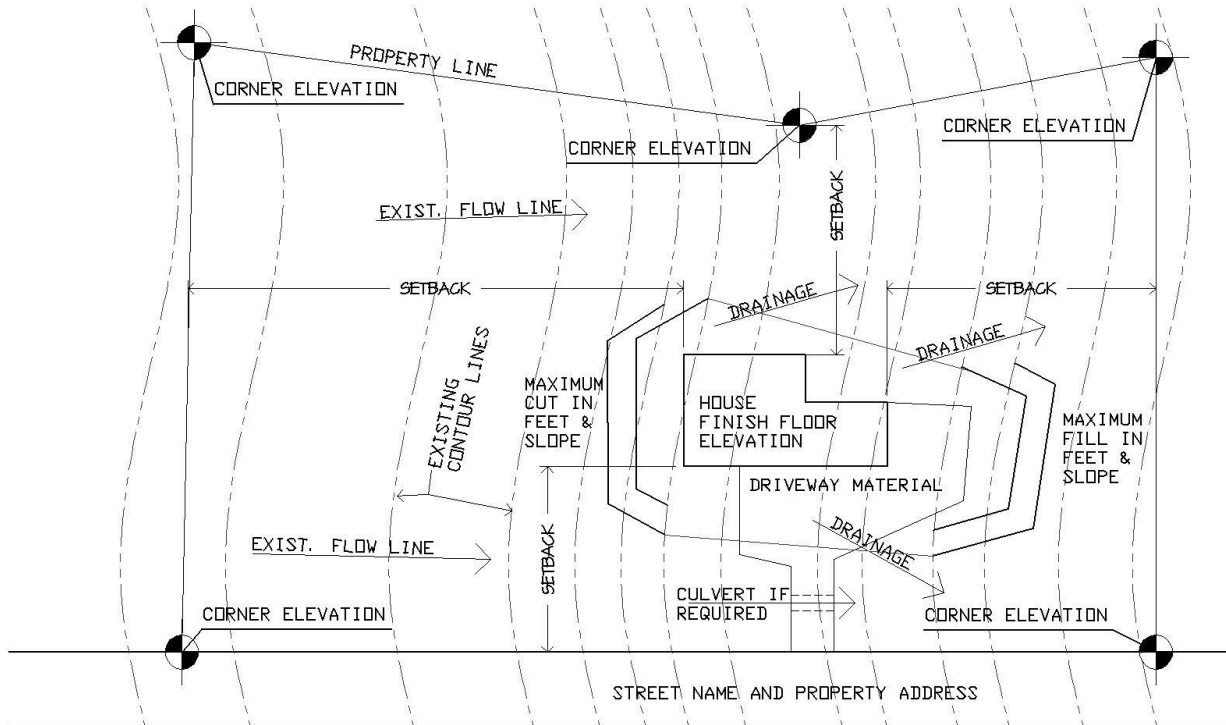
Property Owner _____

Request Date _____

Estimated Completion Date _____

Rationale:

EXHIBIT C: Sample Preliminary Site Plan



WILD HORSE SUBDIVISION
GRADING AND DRAINAGE
SAMPLE DRAWING

- GRADING PLAN REQUIREMENTS PER ARCHITECTURAL COMMITTEE RULES:
1. DRAWN TO SCALE AT MINIMUM OF ONE INCH EQUALS 30 FEET.
 2. SHOW STRUCTURES, IMPROVEMENTS, TREES, EXISTING CONTOURS AND FLOW LINES.
 3. SHOW PROPOSED FINISHED GRADES, LOT DRAINAGE PATTERN AND DRAINAGE SYSTEM, INCLUDING LEACH FIELD.
 4. SHOW DRIVEWAY SLOPES AND FINISHED FLOOR ELEVATIONS.
 5. IF CULVERTS ARE REQUIRED, SHOW THE LOCATION, DIAMETER AND LENGTH.