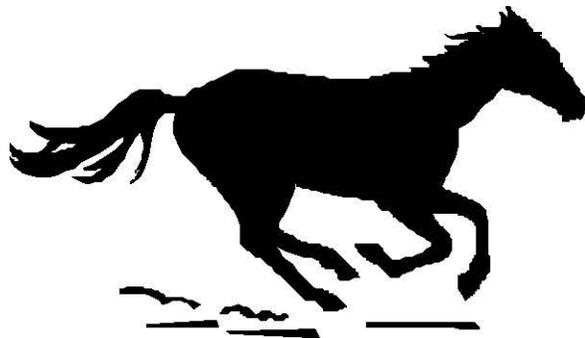


# ***Wild Horse***



# ***Subdivision***

**Architectural Committee (AC) Rules**

Revised January, 2015

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# SECTION 1: WILD HORSE SUBDIVISION ARCHITECTURAL RULES

## Introduction

**Setting:** Wild Horse Subdivision is a residential community located in Southeastern Arizona east of State Highway 92 on Andalusian Way and 3 Canyons Boulevard consisting of two separately platted subdivisions called Wild Horse and Wild Horse II subdivisions. These Rules shall govern both platted subdivisions, which shall be referred to collectively hereinafter as “Wild Horse Subdivision”. The subdivision contains approximately 646 acres with a total of 156 platted lots.

The setting feel and look of the residential community is critical for its long term desirability and value.

Wild Horse Subdivision offers homeowners the amenities of plentiful upper Sonoran desert open space and vegetation, mountain views, dark skies, and abundant wildlife. The rolling topography is ribboned with clusters of native oaks, junipers and mesquite trees, shrubs and grasses. To preserve the natural character of the area and create a compatible, consistent, and harmonious community, the design and construction must occur within a uniform framework.

**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.

These Rules address design issues in site planning, architecture, landscaping and building materials. The Architectural Committee (AC) is defined in Article VI of the CC&Rs. These Rules have been developed as a framework to express the community character of the Wild Horse Subdivision. They provide a documented basis for evaluating and directing the planning and design of improvements to each parcel. These Rules ensure that all development will complement and contribute to the total ambiance of Wild Horse Subdivision landscape. Adherence to these Rules will result in a high quality of appearance; land use compatibility success; and financial success and stability for both the residents and lot owners.

These Rules are design criteria to be used by owners, architects, engineers, landscape architects, builders and other professionals to maintain the design quality proposed herein. They will be used to review each builder’s design package to assure conformance with the overall community design objectives.

If there are any questions concerning these rules, the homeowner and or architect is encouraged to get clarification from the AC. It is far less costly to get design plans in accordance with the AC requirements in the planning stages rather than having to redo these plans after final plans are submitted. Strict adherence to these rules will be maintained by the AC.

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.

**Goals and Objectives:** The following project goals and objectives form the basis for these rules:

- Creation of a community with a strong open space theme, derived from the history of the Property;
- Provision of community Rules to facilitate sensitive integration of projects within the overall community development;
- Provision of variety in the community character through creative land use, architecture and landscape architecture;
- Utilization of natural drainage ways and riparian communities as a unifying element;
- Protection of property values and enhancement of investment;
- Maximization of panoramic views of the Huachuca Mountains and the San Pedro River Basin;

- Site development in a manner sensitive to the terrain (i.e. slope, natural drainage and run-off patterns, native vegetation, soil stability, and views);
- Unify and reinforce the existing landscape through establishment of plant lists for new residences and open space areas;
- Guide the owner and home builder through the design development process and retain the character of 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 members. The AC shall hold meetings on an as-needed basis. The Committee shall choose a Chairman and a Secretary and shall conduct business in accordance with established rules of order.

## **Site Planning**

**Site Planning:** Site planning addresses the placement of buildings, roads, and utilities. This requires an understanding of existing site opportunities and constraints. It involves issues of building form, orientation, coverage, setbacks, parking, utilities, and access.

**Zoning:** Cochise County Zoning along with the Arizona Unified Building Code governs all development, except as further restricted by the CC&Rs and the requirements contained herein.

**Building Site:** The building site is the portion of each lot within which all improvements must be built and alterations to the existing landscape permitted. The natural features of the lot, views, relationship to adjacent building sites and topography will determine the most appropriate building site.

**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. Site grading can compliment and reinforce architectural and landscape character by screening and reducing the perception of height and mass on larger residential structures; providing transitions between on-site and off-site uses; and providing elevation changes facilitating movements.

The building site must be graded and compacted to comply with any Cochise County Building Code in its entirety before any building construction is started. Any necessary procedures will be taken in the construction of steep slopes to assure that the surface of the slope is compacted as required, including, if necessary, over building and subsequent back dragging to remove loose dirt. Graded slopes shall not exceed the maximum cut and fill slope recommended specifications unless approved by the AC. All cut and fill slopes shall be landscaped. Grading of excessive large level pads is to be avoided.

Site grading should reflect the natural topography and result in harmonious transitions between manmade graded areas and natural terrain. This is accomplished by:

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 grubbing, brushing, or grading prior to final plan approval and site staking 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.
- Retain natural vegetation to greatest extent possible (minimize size of building pads); Rounding tops and toes of all slopes.

**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. Alterations to natural drainage ways to prevent soil erosion shall be minimized. Developed drainage ways, if lined, shall use native rock. Any other lining material must be approved by the AC. Drainage ways shall conform to the requirements of all lawful public authorities including the Cochise County engineer to the full extent of the authority given such agency by law.

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. Unless prohibited by lot topography, drainage from driveways shall be retained on the lot. If driveway drainage cannot be retained on the lot, provisions shall be included to direct this drainage into street side drainage ditches.

**Utilities:** All new utility lines shall be underground. All disturbed areas to be finished, graded and re-vegetated to match existing adjacent undisturbed areas. Utilities must be clearly indicated on grading plans.

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. All clotheslines, equipment, garbage cans, service yards, wood piles or storage piles shall be kept screened by adequate planting or fencing so as to conceal them from the view of neighboring units and streets. All clotheslines shall be confined to patio areas.

**Native Vegetation:** The owner and his contractor shall comply with all State of Arizona laws and regulations governing native trees and plants. 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.

**Introduction:** The architectural theme for Wild Horse Subdivision will have a distinctive identity, expressing a thoughtful integration of structures and the desert environment. The theme will be based on a distinctive southern Arizona vernacular, having its roots in the Spanish, Mission or Southwestern style and shaped by the cultural and climate influences of southern Arizona.

This section provides descriptions of building materials and forms which are expressive of the intended architectural theme.

Architectural components are defined as appropriate or inappropriate as determined by the Architectural Committee (AC). The intent of these Rules is to establish a consistent architectural theme for Wild Horse Subdivision, while allowing for flexibility of design expression.

**Construction Period:** The construction period shall not exceed (12) months. The construction period as, defined, above commences with the issuance of a building permit, issued by Cochise County for an improvement on a lot within Wild Horse Subdivision and ends with issuance of an occupancy permit by Cochise County and Final Approval (resulting from the Final Site Inspection by the AC). Any extension needed beyond the initial twelve months Construction Period, must be submitted to and approved in advance by the AC. Final Inspection **must** be made prior to move-in. Correction of deficiencies found during the Final Inspection must be completed and re-inspected within 30 days of the Final Inspection. No owner, his/her guests, tenants, or family, may occupy any residence until the residence, outbuildings, garages, patios, walkways, driveways, and any other improvements which were contained on the plans approved by AC, have been completed, unless such owner has received the written permission of the AC to occupy such residence prior to such completion. Approved landscaping must be completed within nine (9) months, following Final Site Inspection by the AC.

**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 is within the palette range. Small amounts of accent colors are permitted.

For new construction, the color selections must accompany plans that are submitted for approval and any change must be submitted to the AC for approval. Structures that were completed prior to the issuance of these revised AC rules will be allowed to repaint in their existing exterior color; however the AC encourages the use of the adoptive color palette.

When repainting, the new color must come from the approved color palette and submitted to the AC for approval. Repainting of existing structures using the original paint colors does not require AC approval.

When repairing the exterior of existing structures (e.g. repair to cracks in stucco, replacement or repair of damaged wood trim, etc), 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.

**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 (60degree 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 that is a minimum of twelve inches taller than the immediately adjacent flat roof surface. 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. Any equipment, antennas or other attachments to the roof must satisfy the height requirements as set forth in the AC Rules.

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](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.

- *New Construction*

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.

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.

- *Retrofit Solar Devices*

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.

**Flag Poles:** Installation of a permanent free standing flagpole shall be allowed upon the proper application to and approval from the Architectural Committee for a site improvement change, or when submitted and approved with the initial structure application, 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 highest point of the residence lot;
- 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.

**Structure Height:** 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. Finished 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. Elevations to be stated relative to values as per present benchmarks located in the streets.

**Setbacks:** All structures 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' ( 1/2 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. If a request for a setback variance is made, the rationale for the variance must be presented to the AC. If lot topography is used as a rationale for a variance request a "grading plan" shall accompany the request. A sample grading 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 "Site Plan" submitted to the AC.

**Size:** All lots are restricted to residential dwellings of not less than 2,000 square feet single-family residential use. Accessory improvements, including patio walls, swimming pool, recreation court, and guest house shall be no greater than 1,200 square feet of heated and cooled living space and must be located within 50' of the main residence. One storage building is allowed, not to exceed 600 square feet in size and 16' in height, 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.

**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.

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 fixtures of these types shall be designed and constructed in styles, building materials and color generally matching or identical to the home. Detached fixtures require AC review and approval.

**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. 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. Recommended wall materials shall conform to the recommended building materials, but can also include ornamental iron in combination with masonry.

Repair of exterior walls using the original material/colors does not require AC approval.

**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.

Repair of existing driveways using the original material does not require AC approval.

**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 will be permitted.

## **Landscape Architectural Rules**

Landscaping is grading for landscaping 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.

The Wild Horse Subdivision area is characterized by a Desert Upland plant community. Predominant plants include existing grasslands, oaks and mesquite trees. Much of the native vegetation is healthy, attractive, and suitable for buffering, screening, and other landscape uses. A landscape theme for the community can act to unify and reinforce the open space and circulation components in the creation of the community structure. The landscape theme for the project will be an enhanced natural desert. Projects within Wild Horse Subdivision shall be landscaped with emphasis on indigenous plant materials, blending development into the existing desert and promoting water conservation.

### **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 Schedule 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.

No living plants, shrubs, or trees shall be placed or maintained upon any un-enclosed patio or yard 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, shrubs and trees as stated in the Plant Materials Schedules.

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.

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 Schedule 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 the area between the street, the front & side yards of the house and any area 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 shall be kept neatly trimmed and dead fallen plants should be removed. To ensure visual continuity selecting plants listed in the Transitional Landscaping and Desert Restoration Plant Materials 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 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. Plant Materials have been selected that exist on the site in order to replicate the desert layers. Because some Huachuca Foothills plant materials are unavailable commercially or are difficult to transplant, a few selected plants that are good performers, readily available, and compatible with Foothills plant materials have been added to the Desert Restoration Plant Materials Schedule.

**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. Water conservation irrigation shall be provided until plantings are established. Disturbed washes within development site shall be re-vegetated and enhanced to restore them to a natural appearance. If individual lots contain steep slopes, rock coverage shall be less than 60% of the slope and be integrated with bank cover plantings to provide a more natural appearing edge blending with existing conditions.

**Rock Mulch:** To ensure visual continuity on the ground plane between the Transitional Landscaping and the undisturbed natural desert, the use of decomposed granite and river run rock shall be limited to 50% of the total disturbed area. 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.

**Alteration of Lot or Residence:** No 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 lot or create visible scarring of the property without the prior consent of the Architectural Committee.

### **Other Landscaping Requiring 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 after the initial construction and initial landscaping have been completed. Such projects include new walls, patio enclosures, changes to driveway location or materials, new berms or other changes to the approved grading plan, major plantings or other similar projects.

### **Landscaping Not Requiring AC Approval**

Maintenance of existing landscaping including the replacement or 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).

## Plant Materials Schedules

- Prohibited Plant Materials List
- Desert Restoration Plant Materials/Natural Landscaping Plant Schedule
- Transitional Landscaping Plant Materials

### Prohibited Plant Materials 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.
2. All Washingtonia species, Phoenix dactylifera and Phoenix canariensis will be prohibited for aesthetic reasons, as well as for their high maintenance requirements. This includes **all palms**.
3. **Olive trees**, (*Olea europaea*) will be prohibited for reasons of their profuse production of allergy producing pollen.
4. **Oleanders** (*Nerium oleander*) will be prohibited for aesthetic reasons, as well as for their profuse production of allergy producing pollen.
5. **Fountain Grass** (*Pennisetum setaceum*) will be 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*) will be prohibited as a defined weed and for its profuse production of allergy producing pollen.
7. **Buffelgrass** (*Pennisetum Ciliare*) will be prohibited as it is considered to be invasive.
8. Mineral landscape features, such as ground covers and boulders, will be limited to materials indigenous to the Sonoran Desert.
9. **Mulberries** (*Morus*) will be prohibited as a noxious pollen producer.
10. **Desert Broom** will be 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 Plant Schedule

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 plant material of similar types. Any such proposed plant material shall be compatible with our high desert environment.

### Trees:

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

### Large Shrubs:

<b>Common Name</b>	<b>Scientific Name</b>
Bush Dalea	Dalea pulchra
Catclaw Mimosa	Mimosa biuncifera
Cliffrose	Purshia Mexicana stansburiana
Evergreen Sumac	Rhus virens
Greythorn	Zizyphus obtusifolia
Manzanita	Arcrostaphylus pungens
Morman Tea	Ephedra
Mountain Mahogany	Cercocarpus betuloides
Rubber Rabbit Brush	Chrysothamnus nauseosus

### Small Shrubs:

<b>Common Name</b>	<b>Scientific Name</b>
Little Leaf Sumac	Rhus Microphylla
Mexican Bird of Paradise	Caesalpinia Mexicana
Threadleaf Groundsel	Senecio longilobus
Turpentine Bush	Ericameria laricifolia

### Groundcovers/Wildflowers:

<b>Common Name</b>	<b>Scientific Name</b>
Buckwheats	Eriogonum
Fleabane	Erigeron
Fairy Duster	Calliandra eriophylla
Green Lotus	Lotus greenei
Tufted Evening Primrose	Oenothera caespitosa

### Succulents:

<b>Common Name</b>	<b>Scientific Name</b>
Agave	Agave Palmeri
Beargrass	Nolina microcarpa
Cane Cholla	Opuntia spinosior
Desert Spoon	Dasyilirion wheeleri
Engleman's Prickly Pear	Opuntia englemannii
Pincushion Cacti	Mammillaria species

### Grasses: (A source for native grasses is [www.azreveg.com](http://www.azreveg.com))

<b>Common Name</b>	<b>Scientific Name</b>
Arizona cottontop	Digitaria californica
Blue grama	Bouteloua gracilis
Cane beardgrass	Bothriochloa barbinodis
Green sprangletop	Leptochloa dubia
Plains lovegrass	Eragrostis intermedia
Sideoats grama	Bouteloua curtispindula
Texas bluestem	Schizachyrium cirratum

## Transitional Landscaping Plant Materials

### Trees:

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

### Succulents:

<b>Common Name</b>	<b>Scientific Name</b>
Agave	Agave palmeri
Beargrass	Nolina microcarpa
Cane Cholla	Opuntia spinosior
Desert Spoon	Dasylyrion wheeleri
Engleman's Prickly Pear	Opuntia englemannii
Indian Fig Prickly Pear	Opuntia ficus-indica
Pincushion Cacti	Mammillaria species

### Grasses:

<b>Common Name</b>	<b>Scientific Name</b>
Arizona cottontop	Digitaria californica
Blue grama	Bouteloua gracilis
Cane beardgrass	Bothriochloa barbinodis
Green sprangletop	Leptochloa dubia
Plains lovegrass	Eragrostis intermedia
Sideoats grama	Bouteloua curtipendula
Texas bluestem	Schizachyrium cirratum

(A source for native grasses is [www.azreveg.com](http://www.azreveg.com))

### Groundcover/Wildflowers:

<b>Common Name</b>	<b>Scientific Name</b>
Blue Fax	Linum lewisii
Blue Gamma Grass	Bouteloua gracilis
Blackfoot Daisy	Melampodium leucanthum
Buckwheats	Eriogonum
Buffalo Grass*	Buchole dactyloides
Chocolate Flower	Berlandiera lyrata
Coneflower	Ratibida columnaris
Coreopsis	Coreopsis spp.
Desert Marigold	Baileya multiradiata
Fairy Duster	Calliandra eriophylla
Fleabane	Erigeron
Gaillardia	Gaillardia spp.
Gaura	Gaura spp.
Globemallow	Sphaeralcea spp.
Green Lotus	Lotus greenei
Lantana	Verbenacea
Mexican Primrose	Oenothera birlandieri
Morning Glory	Convolvulus, Ipomoea spp.
Paper Flower	Psilostrophe tagentina
Penstemon	Penstemon spp.
Primrose	Oenothera spp.
Sun Drops	Calylophus hartwegii
Sun Drops	Calylophus drummondii
Trailing Indigo Bush	Dalea greggii
Tufted Evening Primrose	Oenothera caespitosa
Verbena	Verbena spp.

\*is not Buffelgrass (Pennisteam Ciliare) which is invasive.

**Large Shrubs:****Common Name**

Arizona Rosewood  
 Bush Dalea  
 Catclaw Mimosa  
 Cliffrose

Desert Hackberry  
 Desert Honeysuckle  
 Evergreen Mock Orange  
 Evergreen Sumac  
 Feathery Acacia  
 Greythorn  
 Hop Bush  
 Little Leaf Sumac  
 Manzanita  
 Morman Tea  
 Mountain Mahogany  
 Ocotillo  
 Pyroantha Species  
 Rubber Rabbit Brush  
 Texas Ranger  
 Wright Bee Bush

**Scientific Name**

Vaquelinia  
 Dalea pulchra  
 Mimosa biuncifera  
 Purshia Mexicana  
 stansburiana  
 Celtis pallida  
 Arisacanthus thurberi  
 Pittosporum  
 Rhus virens  
 Acacia angustissima  
 Zizyphus obtusifolia  
 Dodonaea viscosa  
 Rhus Microphylla  
 Arcrostaphylus pungens  
 Ephedra  
 Cercocarpus betuloides  
 Fouquieria splendens  
 Chrysothamnus nauseosus  
 Leucophyllun species  
 Aloysia wrightii

**Small Shrubs:****Common Name**

Apache Plume  
 Arizona Yellowbells  
 Barberry  
 Beargrass  
 Coffeeberry  
 Creosote Bush  
 Dalea  
 Flame Anisacanthus  
 Four-wing Saltbush  
 Hawthorn  
 Mexican Bird of Paradise  
 Mountain Mahogany  
 Red Yucca  
 Salvia  
 Shrubby Senna  
 Sugar Sumac  
 Threadleaf Groundsel  
 Turpentine Bush  
 Yucca

**Scientific Name**

Fallugia pradoxa  
 Tecoma stans  
 Berberis spp.  
 Nolina microcarpa  
 Rhamnus californica  
 Larrea tridentata  
 Dalea spp.  
 Anisacanthus spp.  
 Atriplex canescens  
 Crataegus Monogyna  
 Caesalpinia Mexicana  
 Cercocarpus spp.  
 Hesperaloe parviflora  
 Salvia spp.  
 Cassia wislizeni  
 Rhus ovata  
 Senecio longilobus  
 Ericameria laricifolia  
 Yucca spp.

## SECTION 2: PLAN REVIEW, CONSTRUCTION RULES, AND AC LIAISON

### 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 and 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.
- 2) The homeowner applies for approval of his/her project (Form #1). 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.
- 3) An AC liaison will be assigned to the project upon acceptance of Form #1 by the AC. The liaison will facilitate communications between the AC and the contractor, the homeowner and the site inspector.
- 4) The complete plan submittal plus materials descriptions and samples will then be given to the ACs designated architect for professional review. After review the architect will submit his review to the AC for approval.
- 5) Upon the completion of this review any differences between the proposed submissions and the architects' recommendations will be provided to the homeowner for consideration and response.
- 6) After communications with the homeowner, the AC will provide the architect with the proposed revisions for his/her reconsideration and recommendations.
- 7) After any further differences between the architects' recommendations and the homeowner requests have been resolved the revised plans will be signed by a representative of the AC with one set of approved plans given to the homeowner.
- 8) The building site will be staked and Form #2 will be filled out. The site staking is to verify compliance with the setbacks. The homeowner is responsible for compliance with county erosion setbacks.
- 9) 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. The General Contractor Construction Compliance Contract (Form #3) will be signed by the AC liaison and the contractor. The \$3000 compliance deposit is due at this time. The Homeowner Compliance Contract (Form #4) will be signed by the AC liaison and the homeowner with the \$1000 compliance deposit due at this time. The Start Construction Authorization (Form #5) will be signed by the AC liaison, the contractor and the homeowner. Also the Contact Information (Form #6) will be filled out at this time.
- 10) The building envelope will be fenced by the homeowner or contractor.
- 11) When forms for the foundation have been set and before any concrete is poured the site inspector will be contacted and will verify that the structure location is in accordance with the Site Plan.
- 12) Ongoing inspections by the site inspector will be made to verify compliance of the constructions rules and that the approved plans are being followed. If there are any observed violations of the construction rules or discrepancies in following the plans, the site inspector will notify the AC liaison and the violations process will be initiated.
- 13) On completion of the construction, the homeowner will request final inspection by the AC.
- 14) The AC liaison will conduct the final inspection and upon its successful completion the liaison will sign Form #7, Final Site Inspection, and request authorization of return of the compliance deposit to the general contractor.
- 15) On completion of the landscaping, the homeowner will request final inspection of the landscaping.

- 16) The AC liaison will conduct the final landscaping inspection and upon its successful completion the AC liaison will sign the final landscaping inspection form (Form #8) 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 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.

Plans submitted for approval by the AC shall meet, include or reflect the following minimum requirements:

### **Site Plan:**

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, including out-buildings, if any
4. Finish floor elevations (s) of the structure (s) with values stated per a land topography map
5. Locations, elevation call-outs and material specifications of related improvements of driveways, patios, etc.
6. Locations, material specifications and top-of-wall elevations of all proposed patio walls, retaining walls, etc.
7. Location and proposed alignment of underground utility service lines
8. Location of all utility yard enclosures and mechanical equipment enclosures (including pool equipment, if any)
9. Location of TV antenna or satellite dish to be included in plans.
10. Location of ground mounted Solar Devices
11. Location of any water collection tanks
12. The location of all existing trees of 3" or greater caliper within 50' of any planned structure.
13. The location of all utility yard enclosures with all utility meters.
14. The locations of all mechanical equipment (condensers, etc.) and the proposed enclosures.

### **Grading Plan:**

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.

The grading plan information may be incorporated into the site plan and/or elevation drawings.

See Sample grading Plan - page. 34

### **Floor Plans:**

1. Drawn to scale at one-quarter inch equals one foot
2. Finish floor elevations(s) values stated
3. Enclosed living area square footage totals noted

### **Roof Plan:**

1. Drawn to scale of 1 inch equals 30 feet.
2. All roof sections' slopes, flashings and materials.
3. On flat roofs, the locations of roof mounted mechanical systems including AC and solar devices.

4. If roof sections are pitched, LRV and specular gloss need to be specified.

**Elevations:**

1. Drawn to scale at one-quarter inch equals one foot
2. All exterior building elevations shall be represented
3. Existing contour grades and proposed finished contour grades
4. Finish floor elevation(s) lines
5. Top-of-wall and top-of-roof elevation call-outs or dimensions for all building components
6. All exterior materials specified and exterior material colors/samples provided with LRV values.
7. Exterior color identification (manufacturer numbers) shall be noted on the plans
8. Roofing materials identification shall be noted on the plans.
9. Top-of-wall elevation call-outs and material specified for all utility/equipment enclosures

**Landscaping Plan(s):**

1. Master site plan drawn to scale at minimum one inch equals 30 feet
2. Specific area plan (if needed) drawn to scale at minimum one-eighth inch equals one foot
3. Master site plan should reflect all existing major native growth removed by construction or that is within 20 feet of proposed improvements
4. Landscaping plan(s) should outline and detail specific treatments of re-vegetation and new supplemental vegetation of all exterior areas (not enclosed by patio walls, etc.) impacted by construction
5. Any proposed substitutions for plant materials A shall be identified by both common and scientific name.

Justification shall be included for any substitutions.

## **Construction Rules and Regulations**

The following construction standards have been established to ensure quality development while protecting the natural vegetation. The Wild Horse Homeowners Subassociation and 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 rules of Wild Horse Subdivision by whatever measure it deems appropriate, including fines as directed by the Homeowners Sub-association Board of Directors and in accordance to the Wild Horse Subdivision. The AC reserves the right to grant waivers and extensions where necessary.

**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 Subassociation. 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.

Security of each site shall be the sole responsibility of the owner of the lot.

**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.

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.

**Building Envelope Fencing:** The building envelope is the portion of each lot within which all improvements must be built and alterations to the existing landscape may be permitted. The most appropriate building envelope will be determined by natural features of the lot, views, relationship to adjacent building envelopes and topography, and will adhere to approved grading plans by the AC. The Wild Horse Homeowners Subassociation shall have the right to repair any damage done to the landscape outside the building envelope and charge the owner for said repairs.

A fifty (50) foot construction area adjacent to any improvements must be allowed prior to determining the building envelope and grading area. Prior to any clearing or grading, the building envelope shall be clearly staked and fenced and said fence shall remain standing through final inspection approval by the AC.

The building envelope fence shall be brought out to the front property line and driveway, and constructed of steel posts and two-strand smooth wire or nylon rope. This is necessary in order to monitor the grading limits and undisturbed open space.

**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.

**Grading Hours:** No grading or use of heavy machinery will commence before 6:00 a.m. Approval by the AC must be obtained for work performed under special conditions.

## **Architectural Committee Construction Liaison**

The AC will appoint an individual (normally a member of the AC) to act as construction liaison representative (CLR) for each new house, major exterior remodeling or other new project being constructed in Wild Horse. The primary responsibilities of the CLR are as follows:

- 1) To represent the Homeowner's Association at construction kickoff meeting involving the Owner and the Contractor to answer any questions on the Wild Horse Subdivision Rules.
- 2) To inspect the site and the construction on a regular basis to help insure these Rules are being observed.
- 3) To provide early warning to the Owner and/or Contractor of potential construction violations.
- 4) To facilitate effective communication between the Owner/Contractor and the AC
- 5) To review the Construction Rules and Regulations.
- 6) To take pictures of main road access to lot to show condition of such road prior to construction.

The intent of the AC is to facilitate the timely completion of construction of every new house or other construction in Wild Horse in accordance with CC&R's and the Wild Horse Subdivision Rules. Appointment of and activities by the CLR does not relieve either the Owner or the Contractor of complying with all Association requirements.

## 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:** A courtesy call is made by the Wild Horse Homeowner's Association agent (the WH Agent) to the offending Lot Owner and contractor. The substance of the call shall indicate the specific violation; the date by which the violation must be corrected; and the fine that may be incurred by the Lot Owner if the violation is not cleared. The Lot Owner will have two (2) business days after the date of the call to either appeal the violation or clear the violation.

**Step 2:** If a violation is not cleared as required by Step 1, above, a written Notice of Violation is sent by the WH Agent to the offending Lot Owner and contractor. The notice shall indicate the specific violation and the fine that will be assessed against the Compliance Deposit if the violation is not cleared. A copy of the notice will also be sent to the Lot Owner as well as kept on file by the (AC). The Lot Owner will have four (4) business days after the Notice of Violation has been sent to clear the violation.

**Step 3:** If the violation in the Notice of Violation in Step 2, above, is not cleared in a timely fashion then the following process will be activated by the WH Agent:

- A. Apply the fine against the Compliance Deposit,
- B. Notify the Lot Owner and contractor the fine has been applied,
- C. Issue a written Stop Work Order on the applicable construction site,
- D. Request the Lot Owner or contractor to show evidenced either visually or in writing that the violation has been cleared,
- E. Request the Lot Owner or contractor to submit sufficient funds to restore the Compliance Deposit to full value, and
- F. Terminate the Stop Work Order once the Compliance Deposit value has been restored.

**Step 4:** Certain violations are considered so severe that they will warrant levying a fine immediately after the two (2) business day violation clearance period specified in Step 1, above. In these situations the WH Agent will notify the offending Lot Owner and contractor of the violation by phone, fax or e-mail and issue a Notice of Violation. The fine will be posted against the Compliance Deposit at this time. The Lot Owner will have two (2) business days after the date of Notice of Violation to appeal.

**Step 5:** If the Lot Owner allows or repeats the same violation on the same construction site after the above notice periods have expired then process Steps 1 through 4 will be reapplied and the fine will be doubled each time the violation is repeated.

The WH Agent, upon receiving an appeal of a Notice of Violation, will notify the AC. The AC will review the appeal no later than its next regularly scheduled meeting and advise the WH Agent and the Lot Owner of its decision.

### 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 twelve 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.
- 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.
- L. Failure to remove the general contractors sign before final inspection.

The AC may from time to time at its sole discretion amend, repeal or add to this Construction Violation Notice Process including additional violations and fines hereunder as it deems appropriate. It is the responsibility of each owner and/or contractor to obtain and adhere to the stipulations of the most recent version of this Construction Violation Notice Process.

*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 Notice of Violation has been issued the Lot Owner has the right to appeal the decision of the AC. The Lot Owner wishing to exercise this right must notify the WH Agent by fax, e-mail or in writing during the time period specified in Steps 2 or 4, above. If a Lot Owner appeals a violation, the Lot Owner 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.

## **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: Plan Review Application

Form 2: Pre-Construction Site Staking Review

Form 3: General Contractor Construction Compliance Contract

Form 4: Homeowner Compliance Contract

Form 5: Start Construction Authorization

Form 6: Contact Information

Form 7: Final Site Inspection

Form 8: Final Landscaping Inspection

**WILD HORSE HOMEOWNERS ASSOCIATION**

**FORM #1**

**PLAN REVIEW APPLICATION**

OWNER \_\_\_\_\_ PHONE \_\_\_\_\_

Owner's signature \_\_\_\_\_

LOT# \_\_\_\_\_

TWO COPIES OF COMPLETED PLANS, SPECIFICATIONS, COLORS AND SAMPLES AND LANDSCAPE PLAN ARE ENCLOSED FOR REVIEW. 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 #2**

**PRE-CONSTRUCTION SITE STAKING REVIEW**

OWNER \_\_\_\_\_ PHONE \_\_\_\_\_

LOT# \_\_\_\_\_

**Signature of the homeowner:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of site inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of the AC liaison:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**WILD HORSE HOMEOWNERS ASSOCIATION**

**FORM #3**

**GENERAL CONTRACTOR CONSTRUCTION COMPLIANCE CONTRACT**

The General Contractor's Construction Compliance Deposit, a check made payable to the Wild Horse HOA, shall be provided by the contractor and will be placed in the compliance deposit fund pending satisfactory completion of all aspects of the project and approval of the AC. The AC will return the deposit to the general contractor upon that approval.

If the project is not completed in accordance with the approved plans within one year plus AC authorized extensions, the AC may remove any structures from the property, deducting all costs from the construction compliance deposit. If the compliance deposit does not cover all costs incurred by the AC in restoring the property to its original condition, the contractor will be liable for the additional costs. *In addition to the costs stated here all legal and collection costs will be borne by the contractor.*

If fines are paid out of this compliance deposit I agree to immediately replace those funds in the deposit.

The compliance deposit amount is \$3000 with a check payable to the Wild Horse HOA.

GENERAL CONTRACTOR \_\_\_\_\_ PHONE \_\_\_\_\_

Address \_\_\_\_\_

Telephone number \_\_\_\_\_

Contractor's license # \_\_\_\_\_

I have received a copy of the Wild Horse constructions rules, have read them and agree to abide by them in the construction of this project.

General contractor's signature \_\_\_\_\_ Date \_\_\_\_\_

AC liaison signature \_\_\_\_\_ Date \_\_\_\_\_

**WILD HORSE HOMEOWNERS ASSOCIATION**

**FORM #4**

**HOMEOWNER COMPLIANCE CONTRACT**

The Homeowners Compliance Deposit, a check made payable to the Wild Horse HOA, shall be provided by the homeowner and will be placed in the compliance deposit fund pending satisfactory completion of all aspects of the project including landscaping according to the plans and approval of the AC. The AC will return the deposit to the homeowner upon final landscaping approval.

If fines are paid out of this compliance deposit I agree to immediately replace those funds in the deposit.

If the project is not completed in accordance with the CC&Rs, the AC Rules and/or the approved plans, the AC may complete or remove the project as required, deducting all costs from the homeowners compliance deposit.

The compliance deposit amount is \$1000.

HOMEOWNER \_\_\_\_\_ PHONE \_\_\_\_\_

Address \_\_\_\_\_

Telephone number \_\_\_\_\_

Homeowner's signature \_\_\_\_\_ Date \_\_\_\_\_

AC liaison signature \_\_\_\_\_ Date \_\_\_\_\_

**WILD HORSE HOMEOWNER'S ASSOCIATION**

**FORM #5**

**START CONSTRUCTION AUTHORIZATION**

The following functions have been performed:

- Plan review approved
- Site staking verified
- Contact form completed
- 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

The AC authorizes the start of construction on Date \_\_\_\_\_

**AC liaison signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**WILD HORSE HOMEOWNER'S ASSOCIATION**

**FORM #6**

**CONTACT INFORMATION**

**Contractor's Contact Information**

Contractor's Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Contractor's email address \_\_\_\_\_

**Contractor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner's Information**

Owner's Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Owner's email address \_\_\_\_\_

**Owner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**AC liaison information**

Liaison name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Liaison's email address \_\_\_\_\_

**AC Liaison's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**WILD HORSE HOMEOWNERS ASSOCIATION**

**FORM #7**

**FINAL SITE INSPECTION**

OWNER \_\_\_\_\_ PHONE \_\_\_\_\_

LOT# \_\_\_\_\_

GENERAL CONTRACTOR \_\_\_\_\_ Date: \_\_\_\_\_

The following things have been removed from the construction site:

\_\_\_ Porta-Potty

\_\_\_ dumpster

\_\_\_ Contractor's sign

\_\_\_ All construction equipment

\_\_\_ All flashing and vents have been colored to match adjacent surfaces

**FINAL APPROVAL DATE:** \_\_\_\_\_

**AC liaison (signature):** \_\_\_\_\_

**WILD HORSE HOMEOWNERS ASSOCIATION**

**FORM #8**

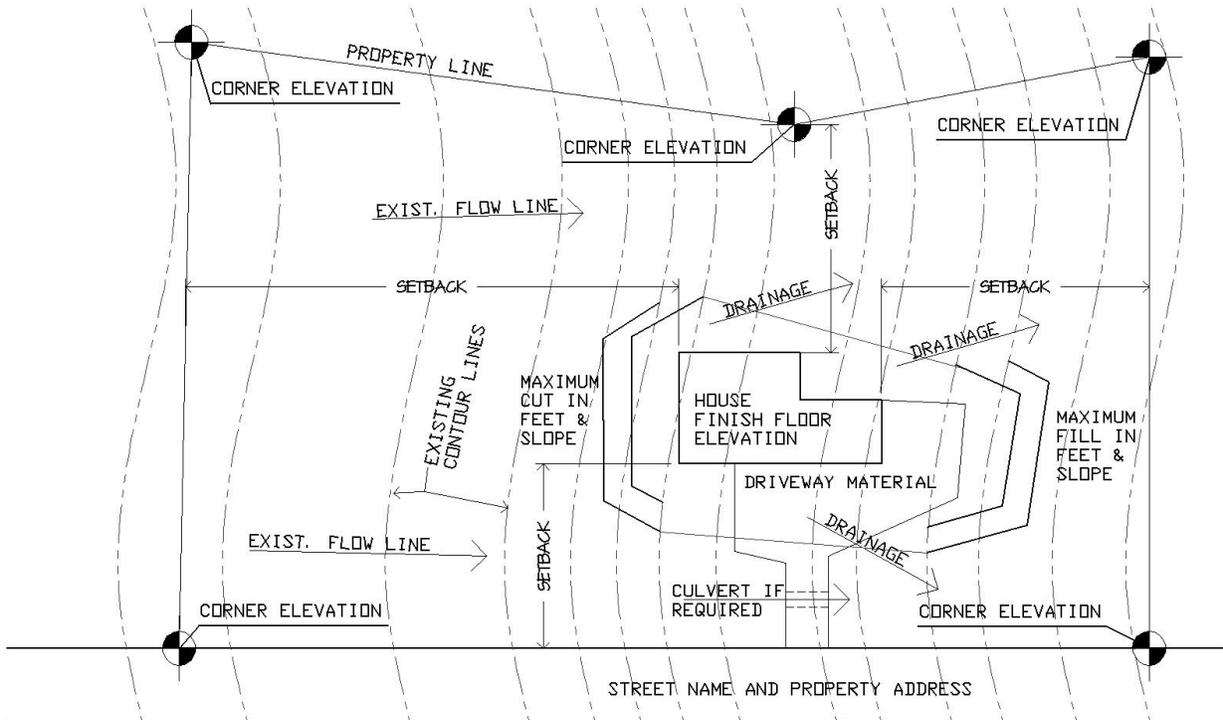
**FINAL LANDSCAPING INSPECTION**

OWNER \_\_\_\_\_

LOT# \_\_\_\_\_

**Signature of the AC liaison:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## EXHIBIT C: Sample Grading 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.