

DESIGN GUIDELINES FOR THE TUBAC RIO CRUZ HOMEOWNERS ASSOCIATION

1. INTRODUCTION

1.1 DEVELOPMENT PHILOSOPHY

Tubac Rio Cruz Homeowners Association is a carefully planned community encompassing ninety-six (96) acres located in Tubac, Arizona. The community is being master planned by Tubac Rio Cruz, L.L.C. As an extension of the Tubac Rio Cruz, L.L.C.'s efforts to develop an architecturally consistent and unique community, building requirements were created by this Design Guideline document which should be closely reviewed and complied with prior to submitting improvement or homebuilding plans for initial review.

1.2 PURPOSE OF THE DESIGN GUIDELINES

The Design Guidelines contained in this booklet have been prepared to ensure that the overall planning philosophy of Tubac Rio Cruz, L.L.C. is carried out as each portion of the Tubac Rio Cruz community is built. Hence, the guidelines are intended first as an information source to builders, developers, architects, or investors interested in the Tubac Rio Cruz program and second as a regulatory mechanism to ensure that all improvements in the community are completed in a sensitive manner. These guidelines will thus ensure a high standard of project-wide design consistency throughout the life of the community.

As a part of the Design Guidelines, a mandatory program of architectural review has been established to evaluate every proposal for development in the community. The purpose of the review program is to ensure that the high standards of the community set forth in this document are upheld in each phase of development.

The Tubac Rio Cruz design Guidelines are intended to be a conceptual, dynamic guide to development and as such are subject to change where the Architectural Review Committee (ARC) determines such change is in the best interests of the community.

These design standards are binding on any persons, company, or firm which intends to construct, reconstruct, or modify any permanent or temporary improvement (building, roads, etc.) in the Tubac Rio Cruz community or in any way alter the natural setting of the desert environment.

1.3 RELATIONSHIP TO CC&Rs

Accompanying the Design Guidelines are Covenants, Conditions, and Restrictions (CC&Rs), which have been adopted formally and recorded to establish the homeowners association and to guarantee long-term maintenance of all common facilities within the community. The Design Guidelines also serve to implement the overall framework of development and zoning restrictions established by Santa Cruz County.

2. DESIGN STANDARDS

The following standards apply to design elements common to all portions of the Tubac Rio Cruz community. They promote an integrated, consistent, and sensitive design treatment throughout the various sub-areas comprising the community.

2.1 OPEN SPACE

In compliance with the design philosophy, open space areas shall be permanently maintained in a natural environmental setting devoid of any permanent or temporary man-made structures.

2.2 LANDSCAPE THEME

Consistent with the overall design philosophy, a landscape theme has been established emphasizing the preservation and enhancement of native plant life. To the fullest extent possible, buildings and other improvements shall be sited and constructed so as to minimize disturbance of surrounding native plant vegetation. In instances where removal of plant life cannot be avoided, all reasonable efforts shall be made to relocate suitable transplantable plant material. Should revegetation be necessary, only native plant materials as listed in the Approved Plant List (**Appendix A**) or approved by the ARC shall be used.

The only exception to this policy is that non-listed plants may be used in private areas (atriums, behind walls, and so forth), common areas, monumentation, or special screening situations as determined by the ARC to enhance the visual integrity of the community.

Numerous plants have been selected as uniquely suited to the area. Landscaping with these plants will preserve the aesthetic and biologic integrity of the environment. The plant lists (contained within the **Appendix A**) will assist homeowners, landscape architects, and builders in formulating landscape plans.

The design standards have defined three landscape zones for which different standards of landscaping apply:

- ❑ Natural open spaces, which consist of undisturbed natural desert vegetation. No plant material shall be introduced here. Additionally, no water, fertilizing or other maintenance activities shall occur in the natural area other than the clean up of man-made debris.
- ❑ The functional open space, which is the area subject to disturbance but upon which nothing will be built. Within 30 days of completion of desired construction, the functional open space shall be revegetated with specified plant material from the approved plant list to provide a gradual transition between natural open spaces and private landscape areas. Minimal irrigation in the transitional area will allow desert species to flourish. This area is subject to the prohibited plant list.
- ❑ The private area, which is located behind private walls and structures. The private area is least restrictive in terms of selection of plants, trees, and shrubs that may be planted. The private area may include any plants not listed on the prohibited list that conform to the height restrictions listed in the **Appendix A**.

2.3 CIRCULATION & STREETSCAPES

An internal primary paved road supports the underlying community structure. Key elements of the road system include:

- Two entrances into the development from Chavez Siding Road.
- A paved collector road provides internal access to the home sites. This collector road has a minimum pavement width of twenty-four (24) feet.

A comprehensive streetscape design is incorporated into the design of the primary road. This includes curb treatment and special landscape treatment in selected areas. A program of revegetation will be undertaken adjacent to roadways to minimize the impact of paved area on the surrounding desert environment.

2.4 PROJECT ENTRIES

The Tubac Rio Cruz entry will provide an integrated design of landscaping, signage, and monumentation, which maintains compatibility with the surrounding neighborhood. The project entry serves to introduce and define the limits of the Tubac Rio Cruz community and is intended to impart a subtle tasteful introduction to the community. The two entrances to the community are located off of Chavez Siding Road.

2.5 ARCHITECTURAL DESIGN THEME

The architectural theme for the Tubac Rio Cruz community is to reflect the thoughtful integration of structures within the southwest environment. Santa Fe, Spanish, and contemporary styles, as well as other building types that appropriately blend with the surroundings and with a southwest building theme, are encouraged.

Only single story homes are permitted. A height limitation of twenty (20) feet from existing grade is applicable for flat parapet-roof designs and twenty-four (24) feet for gabled-roof. NOTE: Only forty percent (40%) of either type of home may be twenty (24) feet high, unless otherwise approved by the ARC. In general, low-profile structures that are integrated into the natural terrain and vegetation are encouraged.

Acceptable building materials include the following: masonry, adobe, brick, rock, and stucco. The use of wood as a predominant exterior material is not acceptable as it has a history of weathering poorly and is not a traditional feature of this environment.

Generally, muted colors that do not predominate are acceptable for use on building exteriors. These colors should reflect the hues of the ambient rock outcroppings and plant materials and are drawn from the following ranges: browns, including rusts, sepias, sands, tans, and buffs; some olive tones; and certain gray tones. Other tones and colors may be used for trim or accent. Highly reflective colors or materials are prohibited on all wall and roof surfaces. **Under no circumstances may any tone or color exceed a light reflectivity value of 60.** Primary or bold colors such as red, white, black, etc., are discouraged.

Color gradations from building to building should be gradual. **All architectural elements, including color, are subject to approval of the ARC.** Final approval of color can be subject to a test patch, which is to be a not-less-than six (6) foot square, on the building prior to painting the entire building.

2.6 **LIGHTING**

The beauty of the night at Tubac Rio Cruz will be enhanced by judicious and limited use of lighting. Lighting shall be utilized only as necessary to provide the functional requirements of safety, security, and identification. Unnecessary use of light is prohibited in the interest of energy efficiency and maintenance of the quiet nighttime environment.

Where utilized within the community, light standards shall not exceed thirty-six (36) inches in height and shall consist of a "bollard" type or other low-profile design of masonry or concrete material. All exterior lighting fixtures must be of southwestern character and submitted as part of the building package. Other designs may be approved by the ARC if found to be aesthetically pleasing. The light source shall be shielded to reduce dispersal of ambient light in a skyward direction. The light shall be directed only down and onto the street in a limited radius. The standards shall be separated sufficiently to create isolated "pools of light" on the pavement, rather than a continuous, saturated condition.

In keeping with this philosophy, the use of low-pressure sodium or incandescent fixtures is recommended. High-pressure sodium and mercury vapor lighting is prohibited. **All forms of exterior lighting, whether for landscaping, accent, or safety, must be submitted for review and approval by the Architectural Review Committee prior to installation.**

2.7 **SIGNAGE**

No permanent signage is permitted. **All temporary signs shall be of design and materials approved by the ARC.** Plans showing design and location must be submitted for review and approval prior to installation of any signs. It is imperative that proper signage controls be placed to increase safety, enhance directional character, and enhance the overall visual environment of the community. The following sign standards shall apply:

A. Real Estate Signs

No residential signage shall be allowed except temporary real estate signs, temporary construction signs, or other signs approved by the ARC. Such signs will be no more than 18-inches by 24-inches.

B. Directional Signage

A comprehensive, integrated program of directional and safety signage shall be undertaken and implemented to facilitate on-site traffic circulation.

2.8 **GRADING & DRAINAGE**

Grading and Drainage

At the time of initial approval, a grading plan shall be submitted to the ARC for review that illustrates existing and proposed contours, cut and fill areas, and all existing plant material within the subject area. A vegetation management plan shall also be implemented, as described in these guidelines.

Site grading shall be done with a minimum of disturbance to topographic features and environmental elements. Where topographic constraints exist, architectural design solutions shall be utilized rather than grading solutions. Mass grading is prohibited; grading is only allowed within the building envelope as designated by the site plan. Stem wall, or other construction techniques shall be encouraged.

Grading will be necessary in the course of community development as roads, buildings, and other improvements are constructed. Grading within the Tubac Rio Cruz community shall adhere to the following guidelines unless otherwise approved by the ARC:

- ❑ The ARC is recommending a limit of 30,000 square feet for grading. A grading plan that illustrates existing and proposed contours, cut, and fill areas and existing plant material within the subject area shall be included with the preliminary submittal to the ARC for review.
- ❑ Grading shall not occur within natural open spaces and drainage areas (except for necessary roadways and utilities).
- ❑ Graded areas shall be kept to absolute minimum to reduce impacts on the surrounding environment. In built-out areas, architectural solutions shall be implemented to reduce impacts of grading.
- ❑ Grading, when necessary, shall result in curved and undulating contours, not sharp or squared, to create a rolling, natural appearance.
- ❑ Graded areas shall be revegetated within thirty (30) days of the completion of construction with plant material from the approved list and to the satisfaction of the ARC.
- ❑ Graded areas outside perimeter walls shall be revegetated within a maximum of sixty (60) days of completion of construction and to the satisfaction of the ARC.
- ❑ Exposed, manufactured cut slopes shall have a maximum slope of 1:1 and manufactured filled slopes of 3:1. Retaining walls may be used instead of or in combination with manufactured slopes to encourage terracing. Walls shall be constructed of materials that are harmonious with the adjacent structure(s) and the indigenous materials of the site. Exposed cut or fill slopes must be restored so that the finished product blends smoothly with the surrounding terrain and architecture. Native rock and/or native plant material shall be used to prevent erosion and create visually pleasing treatments. Incongruous treatments are prohibited.

A number of natural drainage courses intersect the site. With the exception of roadways, no permanent or temporary improvements may be built in a drainage course, unless approved by the ARC.

2.9 UTILITIES

A primary utility system will be completed within the Tubac Rio Cruz community, including water, phone, and electric lines. **Owners will be responsible for the installation and upkeep of an individual septic system.** Utility lines are extended along major collector roads terminating at the beginning of development areas. All utility lines shall, unless otherwise approved by the ARC, be placed underground. Existing above ground utilities may be placed underground at the Tubac Rio Cruz, L.L.C.'s discretion. No natural gas is available in the development. Propane gas may be used provided the propane gas storage tank is adequately screened by walls.

2.10 MAILBOXES

All mail in this development is presently delivered to Post Office boxes. Should on-site mail be delivered in the future, all mailbox design will be the same throughout the community. Manufacturer information on mailbox design will be provided to Owners by the Architectural Review Committee or its consulting architect.

2.11 GENERAL NOTES

Firewood and other material shall be enclosed in such a manner so as not to be attractive to rodents, snakes, and other animals and to minimize potential danger from fires. These materials shall also be stored in such a manner so as not to be seen from any road or other residence.

Garbage, refuse, and pet foods shall likewise be stored in a secure, enclosed place to avoid intrusion by the native fauna.

3. RESIDENTIAL: OVERALL

3.1 INTRODUCTION

The residential component of the Tubac Rio Cruz community will occupy the majority of the developed project. Carefully planned Design Guidelines will help to keep the physical impacts of residential development at a minimum, while enhancing the quality of life for those living in and around the community. The standards listed below are applicable to all residential development except where noted. Standards that apply to any one product type are listed in the appropriate subsequent sections.

All lots will be developed as detached, single-family residences. Guest homes are allowed provided they conform to CC&R's, design requirements, and county codes.

3.2 SITE DEVELOPMENT STANDARDS

A. Driveways

All driveways must be constructed of a permanent, all-weather material approved by the ARC. Permissible materials include gravel, asphalt, exposed aggregate, concrete, and paving stones (pavers). Dirt driveways are prohibited. Edging stones and/or pavers are recommended for lining gravel driveways. All gravel composition (rock type) and color is to be approved by ARC.

All driveways are to have a concrete pad from the edge of road pavement and extending a minimum of twenty (20) feet into the property. Adjacent to the roadway pavement, a concrete edging measuring twenty-four (24) inches deep and twelve (12) inches wide and flush with the top of the road pavement shall be installed. This concrete edging is to be as wide as the actual driveway entrance. Where a drainage ditch is present a metal culvert of an appropriate size shall be installed under the concrete driveway entrance pad. **All driveway plans are to be submitted to the ARC for review and approval.**

B. Building Setbacks

Building setbacks are specific to each site, as designated on the site plan and determined and provided by the Developer.

C. Parking

A minimum of two off-street parking spaces shall be provided on each lot in an enclosed garage structure. Guest parking areas must be incorporated into and submitted with the preliminary plans.

Only temporary on-street parking will be permitted for visitors, if the garage and guest parking cannot accommodate them. Regular on-street parking will not be permitted.

3.3 ARCHITECTURAL STANDARDS

The intent of these guidelines and standards is to promote quality living environments that preserve the integrity of the desert environment and the development philosophy of the Tubac Rio Cruz Community.

A. Building Design, Square Footage, and Height Requirements

The ARC has approved a minimum 2,500 square foot size requirement for all homes.

As described in section 2.5 above, a height limitation of twenty (20) feet from existing grade is applicable for and parapet-roof designs, twenty-four (24) feet for gabled-roof, or as otherwise specified on the individual site plan provided by the Developer. NOTE: Only forty percent (40%) of either type of home may be twenty-four (24) feet high, unless otherwise restricted by the ARC. In general, low-profile structures that are integrated into the natural terrain and vegetation are encouraged.

B. Fire Codes

All home construction must conform to one of the following three Tubac Fire District construction codes as outlined in **Exhibit B**. These are listed as follows:

1. Type III construction with fire District access, depending on placement on lot.
2. Type V construction with an approved residential fire sprinkler system
3. Private swimming pools with dry hydrant installation with other requirements

C. Solar Applications

The use of passive and active solar designs is enthusiastically encouraged. Components of these systems shall be designed and installed so as not to create any adverse visual impact upon any portion of the community. All designs are subject to review and approval by the ARC.

D. Roof Design and Materials

Roof design and constructed material are subject to review and approval by the ARC. Roof lines shall be compatible with the overall character of the foothill topography, flat in some areas, more pitch in others. From an energy conservation perspective, roof projections over windows are encouraged. All pitched roofs must have mission or cement tiles. All flat roofs must have mission or cement tile accents. All cement tiles must be of a color through dye type. Reflective materials are prohibited. All colors and other roof materials will be approved by the ARC. No mechanical equipment of any kind will be permitted on roofs. All vents and other projections shall be colored to blend with the roof.

E. Exterior Material, Color, and Appearance

Exterior building materials shall be of natural materials that blend into and are compatible with the natural landscape. This includes brick, masonry, stucco, adobe, concrete block, or other suitable material as approved by the ARC to promote and enhance the environment.

Large expanses of wood surfaces are not approved. It is expected that exterior treatments and colors will be of muted tones. Dominant colors such as black, white, or red are not allowed. **Under no circumstances may any tone or color exceed a light reflectivity value of 60.**

F. No Reflective Finishes

No highly reflective finishes (other than glass, which may not be mirrored) shall be used on any exterior surfaces (other than surfaces of hardware fixtures) and including without limitation, the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes, equipment, mailboxes, and newspaper tubes.

G. Building Projections

All architectural building projections, including chimney flues, vents, gutters, downspouts, utility boxes, porches, railings, and stairways shall match the color of the main residence or shall be of an approved color. No radio or television antennae or large satellite dishes are permitted without prior approval of the ARC. Small satellite dishes are permitted.

H. Patios and Courtyards

Patios and courtyards shall be designed as an integrated part of the main structure and located entirely within the walled building site.

I. Walls and View Fences

Walls constructed of stucco, stone, or masonry may be used to delineate the private outdoor areas of the residence. They should be a visual extension of the architecture of the main residence. The texture and color of walls shall conform to the same color and material standards as the main residence and the indigenous materials of the surrounding natural slopes. Wall heights must be consistent at the point of intersection with perimeter walls. Perimeter walls, for the purposes of this section, are defined as those walls running adjacent to arterial streets. The maximum wall height is six (6) feet.

View fences are acceptable with the approval of the ARC.

J. Foundations

All exterior wall materials must be continued down to finished grade, thereby eliminating unfinished foundation walls.

K. Service Yard (air conditioners, LP gas tanks, swamp coolers, etc.)

Walls are required as screening for a service yard, if any, to enclose all above-ground garbage and trash containers, propane tanks, clotheslines, and other outdoor maintenance and service facilities. The exterior materials, color, and appearance of all service yards are subject to the restrictions outlined in Section E above.

L. Mailboxes

All mailboxes shall conform to the approved, standardized design designated by the ARC.

M. Additional Construction and/or Exterior Changes

Any changes to the approved plans before, during, or after the construction of an improvement must first be submitted to the ARC for approval. Any changes to the building footprint, or those changes that significantly alter the exterior appearance of the proposed home must be reviewed and approved by the ARC prior to receiving final building approval.

N. Parking

A minimum of two off-street parking spaces shall be provided on each lot in an enclosed (two-car) garage structure. Guest parking areas must be incorporated into and submitted with the preliminary plans. Only temporary on-street parking will be permitted for visitors, if the garage and guest parking cannot accommodate them. **Regular on-street parking will not be permitted.**

O. Recreational Vehicles

No boats, trailers, or other recreational vehicles shall be stored on-site unless they are parked inside an enclosed area that is permanently attached to a main residence, or unless alternate storage plans are approved by the ARC.

4. DESIGN REVIEW PROCESS

4.1 PURPOSE

These Design Guidelines have been adopted to ensure that the Tubac Rio Cruz community develops in an overall consistent manner. The enforcing instrument is the ARC, which reviews all proposals for construction and ensures that such proposals meet the intent not only of the guidelines, but also of the development philosophy of the Tubac Rio Cruz community. **The ARC also has the authority to interpret the guidelines in the event the guidelines may not be explicit in a given instance. The ARC may also amend the guidelines.**

4.2 ARCHITECTURAL REVIEW COMMITTEE MEMBERSHIP & ORGANIZATION

The ARC shall consist of three (3) to five (5) members. Each member shall hold his or her office until such time as he or she shall resign or be removed.

4.3 APPOINTMENT OF MEMBERS

Except as provided below, the right to appoint and remove members of the ARC shall be solely vested with the Tubac Rio Cruz, L.L.C. or its assignees.

4.4 DUTIES

The ARC shall consider and act upon proposals for construction and improvements within the Tubac Rio Cruz community to see that such proposals are in compliance with the standards, goals, and objectives of these guidelines. The ARC shall perform other such duties as from time to time may be delegated to it by the Association. The ARC may also amend these Guidelines.

4.5 MEETINGS

The ARC shall meet as necessary to perform its duties pursuant to the Conditions, Covenants, and Restrictions. The Vote or written consent of a majority of members shall constitute and act by the ARC unless the unanimous decision of its members is otherwise required by the CC&Rs or these Design Guidelines. The ARC shall keep and maintain a written record of all actions taken by the ARC. Furthermore, the ARC may delegate its authority to a single member of the ARC to act on behalf of the ARC. Such delegation is effective if it is in writing and signed by all members of the ARC.

4.6 COMPENSATION

Unless specifically authorized by the Association, members of the ARC shall not receive any compensation for services rendered. All members shall be entitled to reimbursement for reasonable expenses incurred in the performance of their function or duty. Professional consultants retained by the ARC shall be paid such compensation as determined by the ARC.

4.7 AMENDMENT TO DESIGN GUIDELINES

The ARC may from time to time adopt, amend, and repeal by majority vote, these Design Guidelines, which may serve to supplement, clarify, interpret, or implement the Guidelines. All such rules and regulations shall be appended and made a part of the Design Standards and shall thereupon have the same force and effect as if they were a part of the original Guidelines. Each property owner is responsible for obtaining a copy of the most current standards.

4.8 NON-LIABILITY

Neither the ARC nor any member thereof shall be liable to the Association or to any other owner or person for any damage, loss, or prejudice suffered or claimed on account of (a) the approval or disapproval of plans, drawings, and specifications whether or not defective, (b) the construction or performance of work, whether or not pursuant to approved plans, drawings, and all specifications.

5. DESIGN REVIEW PROCEDURES

5.1 SUBMITTAL OF PLANS

Plans and specifications shall be submitted to the ARC in accordance with the following procedures.

5.2 REVIEW OF PLANS

Two sets of building plans (duplicates) must be submitted to the ARC for review. One set will be returned to the owner or his/her representative with comments, the other will be retained for the Association's records. The ARC shall conduct reviews of plans during regular meetings or at such other times as deemed appropriate. Applicants, architects, engineers, builders, or owners may not attend any meeting of the ARC unless specifically requested by the ARC. The ARC shall respond in writing within fifteen (15) working days after the review, provided the plans are in accordance with the requirements outlined in this section. Results of reviews will not be discussed over the telephone with applicants, owners, or their consultants. Any response an owner or applicant may wish to make to a decision made by the ARC must be made to the ARC in writing.

5.3 FEES

Review fees will be established on a proposal-by-proposal basis depending upon the scale, scope, and complexity of the associated review process, but in no event shall a review fee be less than five hundred dollars (\$500).

5.4 PRE-DESIGN MEETING

It is strongly recommended that, prior to preparing plans for any proposed improvements, an owner and/or his or her architect meet with the ARC to discuss the proposed plans. The intent of this informal meeting is to offer guidance prior to preparations of preliminary plans.

5.5 PRELIMINARY SUBMITTAL

Preliminary plans, including all of the exhibits described below, are to be submitted after the pre-design meeting. An ARC Review Fee (new homebuilding) of \$500 made out to Tubac Rio Cruz, LLC shall be attached.

The preliminary submittal package shall consist of three (3) sets of the following items:

1. Site plan at appropriate scale showing the location of buildings, the residence, and all buildings or other major structures, driveways, and parking areas, walls, mailbox locations, and a grading plans, including existing and proposed topography.
2. Survey prepared by a licensed surveyor or civil engineer showing lot boundaries and dimensions, topography on a scale standard in the industry for similar projects, major terrain features, including rock outcroppings, washes, and functional and natural open spaces, and indicating all protected plants, highlighting those plant materials that will be removed during construction or that are within twenty (20) feet of the proposed improvements. Any applicant submitting plans for approval to the ARC shall be responsible for the verification and accuracy of all lot dimensions, grade, elevations, and the location of the key features of the natural terrain. Each applicant shall certify to the accuracy thereof before the ARC will undertake its review.
3. Roof plan and floor plans (at no less than 1/8"=1'10").
4. Exterior elevations (all) with both existing and proposed grade lines at same scale as floor plans.
5. Indications of all exterior materials and colors.
6. Design review fee in an amount specified by the ARC.
7. Any accessory improvements contemplated on the lot must be shown on the preliminary submittal (e.g., pool, Ramada, guesthouse, etc.).
8. Any other drawings, materials, or Tubac Rio Cruz requested by the ARC.

5.6 PRELIMINARY REVIEW & CONSTRUCTION FENCING

The ARC will review the preliminary plans and provide a written response to the applicant once approval has been granted by the ARC. After preliminary approval has been granted, applicant must remain within the building envelope that is designated on the site plan created by the Developer. All other areas of the lot will be designated as Natural Undisturbed Open Space ("NUOS") or easements. Areas under improvement will be properly fenced during construction, and any alterations to the property must remain within the fenced boundaries.

5.7 FINAL SUBMITTAL AND REVIEW

If preliminary approval is obtained from the ARC, the following documents are to be submitted for final approval prior to any grading construction. All final plans must include:

1. An approximate time schedule indicating starting and completion dates of construction, utility hookup, completion of landscaping work, and anticipated occupancy date.
2. Site plan showing the location of the building, building envelope, the residence, and all buildings or other major structures, driveway, parking areas, a grading plan (including existing and proposed topography), utility connections, and finished floor elevations, including garage.
3. Roof plan and floor plans (at no less than 1/8" = 1'0").
4. All exterior materials and colors, including window and glass specifications. Materials and colors must be presented on an 18" x 24" board (at least 1/8" thick); clearly marked with applicant's name, filing date, and lot description; and identified with manufacturer's name, color, and/or number.
5. Exterior elevations (all) with both existing and proposed grades shown.
6. Wall section and details of exterior decks or patios.
7. Complete landscape plan, on same scale as site plan, showing areas to be irrigated, if any; proposed plants and sized thereof; driveway, retaining wall, decorative features, and so forth, if not shown elsewhere on architectural plans; and an indication of the area wherein storage of materials and debris will be confined.
8. Cross-section of structure indicating existing and proposed grade lines on the site.
9. Exterior building corners of the proposed residence or other structures and other major improvement areas, including the driveway location if requested by the ARC, shall be staked on the site for the ARC inspection. All plants proposed for transplanting shall be tagged.
10. The final response by the ARC shall be issued in writing. However, at least three days prior to commencement of construction, or any other on-site work, the applicant shall notify the ARC so that it can make a visual inspection of the lot to insure that the final building layout and staking is in accordance with the final plans approved by the ARC.

11. Engineering certification of foundations and the securing of a building permit is the responsibility of the owner and/or builder. Construction documents (working drawings and specifications) are to be in accordance with the final design and plans approved by the ARC. Clearing, grading, or construction shall not commence until all of the above requirements are satisfied.

5.8 SUBSEQUENT CHANGES

Additional construction, landscaping, or other improvements and/or any changes after completion of an approved structure must be submitted to the ARC for approval prior to making such changes and/or additions.

5.9 RE-SUBMITTAL OF PLANS

In the event of any disapproval by the ARC of either a preliminary or a final submission, a resubmission of the plans must follow the same procedure as an original submittal. An additional architectural review fee may accompany each such resubmission as required by the ARC.

5.10 INSPECTION OF WORK IN PROGRESS

The ARC may inspect all work in progress and give notice of noncompliance. Absence of such inspection and notification during the construction period does not constitute either approval of the ARC with work in progress or compliance with these Design Guidelines or the Declaration.

5.11 COMPLETED WORK

1. Upon completion of any residence or other improvements for which final approval was given by the ARC, the Owner shall give written notice of completion to the ARC.
2. Within such reasonable time as the ARC may determine, but in no case exceeding ten (10) days from receipt of such written notice of completion from the Owner or his or her duly authorized representative, a representative from the ARC may inspect the residence and/or improvements. If it is found that any such work was not done in strict compliance with the final plan approved by the ARC, it shall notify the Owner in writing of such noncompliance within five (5) days after its inspection, specifying in reasonable detail the particulars of the noncompliance and shall require the Owner to remedy the same.
3. If, upon the expiration thirty (30) days from the date of such notification by the ARC, the Owner has failed to remedy such noncompliance, the ARC shall notify the Owner, and it may take such action to remove the non-complying improvements as is provided for in the Design Guidelines or the Declaration, including without limitation injunctive relief or the imposition of a fine.
4. If, after receipt of written notice of completion from the Owner, the ARC fails to notify the Owner of any failure to comply within the provided period following the ARC's inspection, the improvements shall be deemed to be in accordance with the final plan.

5.12 NON-WAIVER

The approval by the ARC of any plans, drawings, or specifications for any work done or proposed, or in connection with any other matter requiring the approval of the ARC under the Design Guidelines or the Declaration, including a waiver by the ARC, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar plan, drawing, specification, or matter whenever subsequently or additionally submitted for approval.

5.13 RIGHT TO WAIVER

The ARC reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

6.14 ESTOPPEL CERTIFICATE

Within thirty (30) days after written demand therefore is delivered to the ARC by any Owner, and upon payment therewith to the ARC of a reasonable fee from time to time to be fixed by it, the ARC shall record an estoppel certificate executed by any two of its members, certifying with respect to any lot of said Owner, that as of the date thereof either (a) all improvements and other work made or done upon or within said lot by the Owner, or otherwise, comply with the Design Guidelines and the Declaration, or (b) such improvements and/or work do not so comply, in which event the certificate shall also (1) identify the non-complying improvements and/or work and (2) set forth with particularity the cause or causes for such noncompliance. Any purchaser from the Owner, or mortgagee or other encumbrances, shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Association, ARC, Tubac Rio Cruz, L.L.C., all Owners and other interested persons, and such purchaser, mortgagee, or other encumbrances.

5.15 COMMENCEMENT OF CONSTRUCTION

Upon receipt of approval from the ARC, the Owner shall, as soon as practicable, satisfy all conditions thereof, if any, and diligently proceed with the commencement and completion of all construction, reconstruction, refinishing, alterations, and excavations pursuant to the approved plans. The Owner shall satisfy all conditions and commence the construction, reconstruction, refinishing, alterations, or other work pursuant to the approved plans within eighteen (18) months from the date of such approval. If the Owner shall fail to comply with this paragraph, any approval given shall be deemed revoked unless upon the written request of the Owner made to the ARC to extend expiration of said eighteen (18) month period along with a finding by the ARC that there has been no change in circumstances and the time for such commencement is extended in writing by the ARC. The ARC shall determine, on a case-by-case basis, the appropriate maximum construction period permitted for any proposed improvement(s). The Owner shall in any event complete the major construction or reconstruction of any improvement on his lot within eighteen (18) months after commencing construction thereof. Minor construction or reconstruction (including the roof, exterior walls, windows, and doors) shall be completed within six (6) months from the commencement of construction, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner owing to strikes, fires, national emergencies, or natural calamities. If Owner fails to comply with this paragraph, the ARC shall notify the Association of such failure and the Association, at its option, shall either complete the exterior in accordance with the approved plans or remove the improvement, and the Owner shall reimburse the Association for all expenses incurred in connection herewith.

6. CONSTRUCTION REGULATIONS

6.1 PURPOSE

To assure that the landscape of each Lot is not damaged during any construction activities; the following construction regulations shall be enforced during the construction period. These regulations shall be made a part of the construction contract document specifications for each residence or other improvements on a Lot and all Builders, Owners, and other persons shall be bound by these regulations. Any violation by a Builder shall be deemed to be a violation by the Owner of the Lot.

6.2 PRE-CONSTRUCTION CONFERENCE

Prior to commencing construction, the Builder must meet with the ARC and/or the Association's consulting architect to review construction procedures and coordinate his activities in the Tubac Rio Cruz community.

6.3 OCCUPATIONAL SAFETY & HEALTH ACT COMPLIANCE (OSHA)

All applicable OSHA regulations and guidelines must be strictly observed at all times.

6.4 DEBRIS & TRASH REMOVAL

Owners and Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site at least once a week to a dumping site located off the project. Lightweight material, packaging, and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site. Owners and Builders are prohibited from dumping, burying, or burning trash anywhere on the lot except in areas, if any, expressly designated by the ARC. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore, or affecting other lots and any open space.

6.5 SANITARY FACILITIES

Each Owner and Builder shall be responsible for providing adequate sanitary facilities for his construction workers. Potable toilets or similar temporary toilet facilities shall be located only on the site itself or in areas approved by the ARC.

6.6 VEHICLES & PARKING AREAS

Construction crews will not park on, or otherwise use, other lots or any open space. Private and construction vehicles and machinery shall be parked only in areas designated by the ARC. All vehicles will be parked so as not to inhibit traffic and within the designated areas so as not to damage the natural landscape.

6.7 CONSERVATION OF LANDSCAPING MATERIALS

Owners and Builders are advised of the fact that the lots and open spaces contain valuable native plants and other natural landscaping materials that should be absolutely protected during construction, including

topsoil, rock outcroppings and boulders, and plant materials. Materials that cannot be removed should be marked and protected by flagging, fencing, or barriers. The ARC shall have the right to flag major terrain features or plants that are to be fenced off for protection. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the construction site.

6.8 EXCAVATION MATERIALS

Excess excavation materials must be hauled away from the subject property to a designated location.

6.9 RESTORATION OR REPAIR OF OTHER PROPERTY

Damage and scarring to other property, including, but not limited to, natural and functional open spaces, other lots, roads, driveways, and/or other improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the person causing the damage or the Owner of the lot. Upon completion of construction, each Owner and Builder shall clean his construction site and repair all property that was damaged, including, but not limited to, restoring grades, planting shrubs and trees as approved or required by the ARC, and repairing streets, driveways, pathways, drains, culverts, ditches, signs, lighting, fencing, curbs, roads, common areas, and walls to the satisfaction of the ARC.

6.10 CONSTRUCTION AREA PLAN

Prior to the commencement of any construction activity on a lot, the Owner and Builder shall provide a detailed plan as to the manner in which the desert will be protected, and the areas to which all construction activity will be confined, including: size and location for construction material storage, limits of excavation, drive areas, parking, chemical toilet location, temporary structures, if any, dumpsters, storage of debris, fire extinguisher, utility trenching, and construction sign. This plan should identify the methods for protection, such as fencing, flagging, rope, barricades, or other means, to be set up prior to commencement of construction.

6.11 CONSTRUCTION ACCESS

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, and subcontractors in the community. The following practices are prohibited in the Tubac Rio Cruz community:

- ☐ Changing oil on any vehicle or equipment on the site itself or other than at a location designated for that purpose by the ARC.
- ☐ Allowing concrete suppliers and contractors to clean their equipment other than at locations designated for that purpose by the ARC.
- ☐ Removing any rocks, plant material, topsoil, or similar items from any property of others within the community, including construction sites.
- ☐ Consuming alcoholic beverages and/or non-prescriptive drugs.
- ☐ Carrying any type of firearms on the property.
- ☐ Using disposal methods or units other than those approved by the ARC.

- ❑ Carelessly disposing of cigarettes and other flammable materials. At least one, ten (10) pound, ABC-rated, dry chemical fire extinguishers shall be present and available in a conspicuous place on the construction site at all times.
- ❑ Using or transporting over the open spaces.

6.13 DUST & NOISE CONTROL

The Contractor shall also be responsible for controlling dust and noise from the construction site per applicable governmental ordinances and regulations.

6.14 SIGNAGE

Temporary construction signs shall be limited to one sign per site not to exceed six (6) square feet of total surface area. The sign shall be freestanding and the design and location of such a sign shall be approved first by the ARC.

6.15 FINES

Failure to comply with any of the restrictions and regulations contained herein may result in fines determined and imposed by the ARC.

6.16 HOURS OF OPERATION

Daily working hours for each constructions site shall be 6:00 a.m. to 6:00 p.m. Monday through Saturday. No construction work shall be permitted on Sundays or holidays.

EXHIBIT A

In order to fully realize the potential of Tubac Rio Cruz's estate-sized lots and to promote innovative custom building, the Architectural Review Committee developed these guidelines to assist with creating unique building Plans. These guidelines are strongly recommended, but variations in keeping with the Association's standards will be considered. Again, please bear in mind that the purpose of these Design Guidelines is to promote both aesthetic continuity and appreciating property values.

Minimum square footage:	2,500 square feet
Maximum grading:	30,000 square feet, including driveways

ASSOCIATION-RELATED FEES

Assessment:	55\$ per month.
ARC Review Fee (new homebuilding):	\$500

I HAVE READ AND UNDERSTAND THE ABOVE DESIGN GUIDELINES

BUYER

DATE