

Architectural Design Guidelines

Payson Boulder Creek

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DESIGN PHILOSOPHY

Boulder Creek Payson is the quintessential luxury getaway, with estates embedded in the natural landscaping, amid extensive terrain and trail systems. Carved into the dense pine and Manzanita bordering Tonto National Forest, Boulder Creek offers the rare opportunity to own an heirloom caliber homesite balanced on the edge of open, boundless wilderness and the conveniences and luxuries of one of Arizona's most picture-perfect little towns. Surrounded by National Forest on two sides and nestled at the edge of Payson town limits, this handful of estate size lots simply must be walked (and sat and strolled and hiked and even picnicked) before their big-sky, bird-song, deer-quiet, whisper-pine peacefulness can be appreciated.

Care has been taken in the placement of roads, as well as the layout of each homesite to preserve the natural features of this beautiful land. The design of each residence will require its own sensitive approach to take full advantage of the special opportunities unique to each individual lot. Every home within Boulder Creek should exhibit its own identity and creativity while blending with and supporting the overall community design theme.

It is the goal of these Architectural Design Guidelines ("Guidelines") to create a community where the last home built is as fine as the first. All development exudes the same level of appropriateness. The purpose is not to create look-alike structures, but to ensure that designs are compatible with the site and the overall environment. Creativity, organic design, and innovative use of natural materials are encouraged.

Town water, sewer, propane, and electrical services are accessible to every homesite. Couple that with an easy stroll (or even quicker ride in case of cool summer afternoon showers or a charming winter snow) into the dining, nightlife, shopping, and colorful culture Payson has to offer year-round and it's little wonder so many people have fallen in love with these handsome lots balanced on the edge of Payson and wilderness.

In order to protect your investment, to preserve the natural beauty that enriches Boulder Creek and to foster the mountain charm that characterizes the overall theme of the community, residences are to be designed in accordance with these Architectural Design Guidelines. While protecting the distinct mountain environment of Boulder Creek, these Guidelines provide ample opportunity for individual and architectural creativity.

The guidelines that follow are supplemental to the Declaration of Covenants, Conditions & Restrictions ("Declaration" or "CC&Rs") and are binding upon all Owners and/or builders. The Guidelines may be altered from time to time to refine concepts as the Architectural Control Committee ("ACC" or "Committee") deems appropriate. **It is the responsibility of each owner ("Owner") to obtain and adhere to the stipulations of the most recent version of these Guidelines, and all applicable County or Town of Payson ordinances.**

It is the expectation of the Payson Boulder Creek Property Owners' Association ("Association" or "Property Owners' Association") for all Owners to comply with these Architectural

Guidelines. Please note the initial Owners of lots 1, 6, 9, and 17 owned their property prior to the implementation of these Guidelines and approval for those residences were approved by the Declarant and/or POA Board. Any new construction or improvements on these “grandfathered” lots will be subject to these Guidelines.

The Committee may give consideration for variations of these requirements, on a case-by-case basis, based on specific conditions existing on a specific lot, if such variations do not create a negative impact on adjacent homesites or common areas.

1.0 INTRODUCTION

1.1 SITE DESCRIPTION

Boulder Creek Payson currently consists of 20 luxury estate homesites, located amidst an expanse of ponderosa pine at over 5,000 feet of elevation at the edge of Payson, bordered by Tonto National Forest.

1.2 AUTHORITY

These Architectural Design Guidelines have been promulgated pursuant to Section VI (D.) of the CC&Rs for Boulder Creek, as first recorded on June 14, 2006, in Gila County, Arizona, as amended May 1, 2013, and as thereafter amended from time to time.

1.3 ENFORCEMENT

These Guidelines are binding upon all persons who at any time construct, reconstruct, refinish, alter or maintain any Improvements upon the property, or make any change in the natural or existing surface, drainage, or plant life. It is the responsibility of each Owner or his or her representative to obtain and review a copy of the most recently revised Architectural Design Guidelines. These Guidelines will be administered and enforced by the Architectural Control Committee of the Association in accordance with the Declaration and the procedures herein and therein set forth and may be amended from time to time. Any such proposed amendments shall be brought forth from the ACC to the Payson Boulder Creek Property Owners’ Association Board of Directors (“Board”) for a vote. A majority vote of the Board is required to amend the Guidelines. If any conflict should arise between the Guidelines, the Declaration and the requirements of the County Zoning Ordinance, the most restrictive requirement shall be deemed to apply.

1.4 ARCHITECTURAL CONTROL COMMITTEE

These Architectural Design Guidelines have been adopted by the Architectural Control Committee, as established by Declarant, pursuant to the Declaration. The Committee shall initially consist of the Declarant, who may designate one (1) or more representatives to act for it. It is strongly suggested the Committee be composed of an odd number of

members, with a minimum of three (3). Committee members need not be architects, Owners, or residents. Currently, the ACC is comprised of three (3) members:

1. A representative from Ogden & Company, a third-party HOA management company,
2. A third-party reviewer/inspector, and
3. A board member of the Payson Boulder Creek Property Owners Association.

This three (3) person ACC will review all design requests and make recommendations to the Board for approval.

2.0 DEFINITIONS

A capitalized or non-capitalized term within these Design Guidelines shall have the same definition as in the Declaration. For convenience, some of those definitions along with other useful definitions are set forth below.

Architectural Control Committee shall mean the committee responsible for reviewing, approving, or disapproving architectural design plans and specifications required to be submitted before any building of any structure may commence.

Architectural Rules shall mean the rules and regulations adopted by the Architectural Control Committee.

Association means and refers to the Payson Boulder Creek Property Owners' Association, an Arizona nonprofit corporation.

Board shall mean the board of directors of the Property Owners' Association.

Common Area shall mean the common area, together with those fences and trails, which by the terms of this Declaration or by contract, become the responsibility of the Property Owners' Association. Note: Tract B and Tract C are no longer common areas.

Homesite or **Homesites** shall mean and refer to any plot of land shown as a numbered lot upon the recorded subdivision map or plat of the Boulder Creek property.

Improvement shall mean, but not exclusively, any driveway, excavation, grading, landscaping, outdoor lighting, or any structure built on a homesite.

Owner shall mean the record owner, whether one (1) or more persons or entities, of a fee simple title or an equitable title when purchasing under contract to any homesite which is part of the property, but specifically excluding those having such interests merely as a security for the performance of an obligation.

Plans shall mean complete architectural drawings and other plans and specifications showing the nature, kind, shape, site, exterior, material and the like required to be submitted to the Architectural Control Committee.

Plat Map shall mean the map recorded in the Official Records of Gila County, Arizona covering any or all of the property and amendments.

Property shall mean that certain real property described and depicted in Exhibits "A & B" of the Declaration and such additional real and personal property as may hereafter be brought within the jurisdiction of the Association.

Residence shall mean any structure built upon a homesite in which a single-family unit lives.

Single-Family Unit shall mean a group of one (1) or more persons related by blood, marriage or legal adoption, or a group of not more than three (3) persons not so related, who maintain a common household.

Structure shall mean, but is not limited to, any accessory, attachment, equipment, fence, garage, obstruction, pool, residence, spa, or utility of any kind built on a homesite.

3.0 USE RESTRICTIONS

The following use restrictions are set forth in the Declaration and repeated here so that Owner will not plan site-work, improvements, or landscaping which will be inconsistent with these requirements.

3.1 SINGLE-FAMILY RESIDENTIAL

All homesites shall be used, improved, and devoted exclusively to single-family residential use.

3.2 PROHIBITION OF OFFENSIVE ACTIVITIES

No activity shall be permitted on any homesite which is noxious, offensive, or limits the enjoyment of other homesite owners in the neighborhood. This includes, but is not limited to:

- A. Any outside burning of trash, leaves, or debris at any time by Owners, builders, their designees, or any other persons. Fires in barbeques and appropriate non-flammable containers of fire pits of a safe and moderate size are permissible.
- B. Dumping of leaves or other debris, petroleum products, fertilizers or other potentially hazardous or toxic substances anywhere within the property, except fertilizers may be applied to landscaping provided care is taken to minimize runoff.
- C. Use and discharge of firecrackers and fireworks.
- D. Accumulation of rubbish, trash, recyclable materials, or garbage, except between regular garbage pickups, and then only in approved containers.

- E. Any business, trade, or similar activity, except that an Owner residing in a residence may conduct “discreet business activities” within the residence, as detailed per Section V of the Declaration.

3.3 VEHICLES

No motorized or non-motorized vehicle may be parked or stored on any part of any homesite, easement, right of way, or in the street adjacent to homesite, unless such vehicle is concealed from public view, and the view of adjoining Boulder Creek homesites.

3.4 FLAGS

The Association shall not prohibit the display of the American flag, an official or replica of a flag of the United States Army, Navy, Air Force, Marine Corps., or Coast Guard by an Association member on that Member’s lot if the American flag or military flag is displayed in a manner consistent with the Federal Flag Code (P.L. 94-344; 90 Stat. 810:4 United States Code Sections 4 through 10). The Association also shall not prohibit the display of a POW/MIA flag, an Arizona State flag, or an Arizona Indian Nations flag. Flag poles shall be limited to a height of eighteen (18) feet and shall be constructed of non-reflective materials.

4.0 SITE PLANNING

4.1 SITE DEVELOPMENT

The climate, terrain, and natural landscape of Boulder Creek are all important factors that must be considered in the design of any residence or improvement. Structures, driveways, and other improvements should be designed to fit the contours of the site, rather than altering the site to fit a non-responsive residence or Improvement. Rock outcroppings, grade changes, slope, and locations of existing native vegetation shall be considered when designing a residence, along with orientation and location of neighboring residences. Designs should follow existing contours and minimize cut and fill situations, creating a residence which is nestled into the land, rather than being perched upon it.

Site development shall be sensitive to the natural topography. Existing vegetation shall be preserved to the greatest extent possible without endangering the dwelling in the event of a forest fire. The existing natural landscape shall be preserved between lots to the greatest extent possible so that common boundaries maintain visual continuity, while ensuring minimal intrusion into the naturally existing forest terrain. All residences and Improvements in Boulder Creek should appear as if they have grown from the land.

All structures, site development, and landscaping shall attempt to preserve mountain views and promote the privacy and aesthetic quality of neighboring structures and

outdoor spaces. Every effort will be made by the Architectural Control Committee to enhance and maintain views from any homesites.

Although certain lots in Boulder Creek currently have particular views, no expressed or implied rights or easements exist which guarantee that any views will be maintained and not impeded by the construction of any approved residence.

At the time of site clearing and during construction, access to the site shall be only on the designated roads and one (1) properly prepared driveway per lot. Only one (1) ingress and egress are allowed per homesite, unless otherwise approved by the ACC. Clearing and site damage shall be minimized. Debris or slash, from the pre-construction, preparation, and clearing shall be removed from the lot prior to the beginning of any construction, except the driveway.

If any changes are proposed after approval of the site plan by the Committee, updated site plans shall be submitted, and construction of the changes shall not occur until the Committee has reviewed and approved such changes.

No land leveling, excavation, grading, planting, landscaping, residence, outbuilding, fence or wall, or other improvement of any kind shall be commenced on any homesite without approval by the ACC, except for Firewise activity, and issuance of a building permit from the Town of Payson.

4.2 BUILDING ENVELOPE

The maximum building envelope area for each homesite is depicted on the recorded Plat. The usable portion of the building envelope area of each lot may be restricted by drainage and topographical features unique to each lot. The location and dimensions of all Improvements and the actual building envelope are subject to the approval of the ACC. No construction or improvements may be located outside the designated building envelope, except for driveway access to the residence. No modifications to the building envelope shall be made without the approval of the ACC. Property Owners shall preserve in its undisturbed, open, and natural state the portions of each homesite outside the building envelope area to maintain the native and natural environment of Boulder Creek.

4.3 DRAINAGE, GRADING & RETAINING WALLS

The unique character of Boulder Creek is due in part to the natural topography of the site; consequently, sensitive grading and drainage controls are extremely important. Development of a proper drainage plan, prepared by a licensed and registered civil engineer, is the responsibility of the Owner and must be acknowledged by signing and returning the included "Drainage Acknowledgement Form" as part of the submittal process.

Natural drainage ways shall be preserved wherever possible, while grading shall conform to the natural topography resulting in a harmonious transition with the existing terrain.

However, measures shall be taken by the Owner to ensure drainage flow is not concentrated onto adjacent lots, and to prevent soil erosion on their respective lots and adjoining lots. Run-off water should not drain onto adjoining lots, common areas, or open spaces except in the manner that it drained prior to construction. Ground floor levels should be established high enough so that final placement of backfill, walkways, driveways, and porches will produce positive drainage away from the structure in all directions.

The use of natural architectural elements (i.e., boulder retaining and/or site walls) is encouraged to support transitions in grade and to slow the flow of storm runoff and prevent erosion; however, drainage must not be diverted from natural pathways, and on-site retention of stormwater run-off is discouraged. No fence or other improvement shall be constructed which will obstruct or interrupt the normal drainage of the lot.

Cut-and-fill slopes shall not be steeper than 3:1 unless stabilized with riprap, retaining or terraced walls and shall not exceed six (6) feet in vertical height unless soil information requires a more restrictive treatment. All cut-and-fill slopes are subject to local codes and regulations. All cut-and-fill slopes shall be landscaped and re-vegetated. Riprap used to stabilize slopes must be hand-placed rock from the site or native to the Tonto National Forest and shall be placed on approved weed fabric or other material.

Natural retaining walls shall not exceed six (6) feet in height. Any retaining walls over three (3) feet must be designed with a fifteen (15) degree angle to the base and faced with indigenous rock. The use of dry-stacked rock walls is strongly encouraged. Multiple retaining wall systems with intermediate landscaping must be used when a single wall exceeds six (6) feet in height and must be re-vegetated in-between wall terraces.

4.4 RE-VEGETATION AND LANDSCAPING

All disturbed areas of the homesite shall be landscaped or re-vegetated back to a condition closely resembling the forested area as it naturally occurred prior to construction. Landscaping should be designed to maintain the natural forest appearance. Any undisturbed areas should remain as they naturally exist. All forest land outside of a building envelope will be left natural without introduced grasses or plants and without removal of living trees having diameters and heights exceeding those referenced in the Town of Payson building permit requirements.

Only trees, shrubs and plants as approved by the Committee shall be used for re-vegetation to areas outside of private patios. Native shrubs, trees and ground covers are found extensively at Boulder Creek. Recreating this natural vegetation in disturbed areas is encouraged to prevent erosion and other disruption of the land. Any ground cover shall be found as naturally existing in the surrounding natural forest areas and be compatible with the existing environment.

Permanent underground irrigation operated by automatic timers shall be installed for all landscaped areas that will not adapt to normal area precipitation. Drip irrigation techniques shall be utilized wherever feasible.

A complete landscape and drainage plan, including plant type/size/locations, is required for review and approval. All landscape improvements, trees, plants, and other landscaping pursuant to the approved plans are to be installed within sixty (60) days after completion of the residence. Should the Owner decide to keep the landscaping natural (no plantings), no landscape plan is required, however the ACC must approve of this, and a drainage plan would still be required. If the ACC does not approve of keeping it natural, due to requirements by the Town of Payson or large areas of disturbed earth, then a landscape plan will be required and must be installed no later than 60 days after completion of the residence.

5.0 ARCHITECTURAL RULES

The world's most admired neighborhoods enjoy the unique character created by the patina of time. It is the intent of the Boulder Creek Architectural Control Committee to create a residential Community of timeless design where the last home built is as fine as the first. Design continuity may be achieved through form, height, massing, materials, colors, and details. The result should be a neighborhood of imaginative, subtle homes which complement their surroundings, allowing the natural setting to remain the dominant image.

Residences in Boulder Creek should be custom in design, responding to the unique feature of each homesite and incorporate the elements of these Design Guidelines to ensure that the home will harmonize with the community.

Outside living spaces, large porches, decks, and patios are encouraged design elements which should be incorporated into the design. **Acceptable design styles for Boulder Creek are:** *Alpine, Mountain Ranch, Log Cabin, Adirondack, or similar architecture.*

Certain architectural styles will not be permitted in Boulder Creek; *Santa Fe, Spanish, Victorian, Tudor, Tuscan, Mediterranean, Contemporary and/or Modern, half-timber designs, A-frame construction, New England Salt Box, Old English, or Colonial.* Other styles will be reviewed by the ACC to determine if that style is compatible with the character and mountain spirit of Boulder Creek.

All structures and improvements built on a homesite shall be of new construction and no structure shall be a mobile home, a manufactured home or a home that is moved from any other location onto a homesite. The Committee will consider log homes constructed off-site, disassembled, and then reconstructed on-site on a case-by-case basis. The architectural design of all dwelling units constructed within the property shall be consistent with these architectural

rules in character and shall not be of such a sharply contrasting nature to make the residence look unusual or incompatible with other existing or contemplated residences.

Design integrity will be reviewed for each new residence as to the conformance with the following elements of composition:

- *Site Integration:* Residences shall be designed to pose minimal intrusion onto the landscape.
- *Scale:* All homes must be appropriately scaled relative to the lot.
- *Proportion:* Each design element of the residence should be proportionally related to each other.
- *Balance:* Balance in architectural design is measured by the overall composition of visual forms, the exterior material placement and integration, the proportion of window area to wall mass, and the composition of the building masses and roofscapes.
- *Color Value:* The use of color as a complement to the design and the overall context is quite important.
- *Texture:* The high-country sun reflects a greater amount of light off smooth surfaces. As such, a rich and varied palette of textures is designed to minimize the reflectivity of walls and roofs.
- *Shade/Shadow:* Use depth in detailing to provide shadow lines from the use of offsets, angles, and projections.
- *Visual Strength:* Consider how the residence components look and feel together. A well composed home that has excelled in all design elements listed here will have great visual strength.
- *Appropriateness:* Individual design expression must be compatible with surrounding homes and the natural character of the site. Some designs may be deemed inappropriate or incompatible with the mountain environment of Boulder Creek.

5.1 APPROVAL OF PLANS

No land leveling, excavation, grading, planting, landscaping (except for Firewise activity), or construction of the residence, outbuilding, fence or wall, or other improvement of any kind, shall be commenced on any homesite until the plans and specifications showing the nature, kind, shape, materials, floor plans, and locations shall have been submitted in duplicate to and approved by the Architectural Control Committee. The Committee shall have the right to refuse to approve any such plans or specifications which are not suitable or desirable, in its opinion for aesthetic reasons, are not in accordance with the overall theme of Boulder Creek, and/or for any other reason. All plans must also comply with the requirements of the Town of Payson. See www.paysonaz.gov/departements/community-development/building-division.

5.2 CONSTRUCTION TIMEFRAME

Upon issuance of the building permit from the Town of Payson for any construction, erection, installation, addition, alteration, repair, change or other work, the Owner shall proceed with such approved construction within one hundred eighty (180) days and shall diligently pursue such work, uninterrupted to completion.

The construction of a new dwelling unit from the commencement of excavation for the foundation until final site inspection shall be completed in no longer than eighteen (18) months. Exceeding this timeframe will result in a \$100 per day fine (to be withheld from the \$5,000 construction deposit) unless written approval for an extension is granted by the ACC. Other addition or construction projects shall be completed within twelve (12) months from the date of issuance of the building permit from the Town of Payson. If additional completion time is required, approval of such must be obtained from the ACC, otherwise a \$100 per day fine will be imposed.

5.3 SETBACKS & BUILDING ENVELOPE

The building envelopes for homesites in Boulder Creek shall be defined as detailed in Section 4.2 above. All structures and improvements, including but not limited to roof overhangs, patios, decks, walls, fences, equipment, and facilities shall be contained within the building envelope.

5.4 HORSES

Homesites #2, #3, #6, #7, #8, #9, #10, #15 and #16 will be the only homesites in Boulder Creek on which horses will be allowed. Not more than two (2) horses may be stabled or corralled on a homesite and only then within a structure within a building envelope on the homesite, all in compliance with state and local ordinance. Barns, stalls and/or corrals must be designed in accordance with section 5.19 of these Guidelines and will be kept clean and pest free so as not to disturb other Owners.

5.5 BUILDING SIZE

Any residential unit constructed on a homesite will contain a minimum of two thousand (2,000) square feet of living area under roof, exclusive of garage, basements, patios, breezeways, and porches. Large outdoor “living” areas are encouraged to provide a welcoming environment as well as give the appearance of a larger residence. Detached garages and guest houses are allowed provided they are linked by rooflines to the main residence by a covered open walkway or patio.

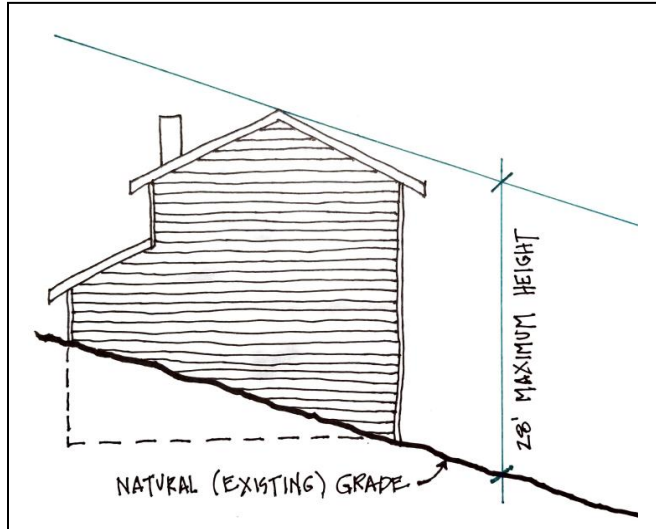
5.6 BUILDING HEIGHTS

Height guidelines are necessary to avoid construction of residences that are out of scale with the specific natural features of a lot. Homes on sloping sites should step down to the grade to integrate with the natural setting. Heights are calculated as the difference between the elevation of any major roof ridgeline and the existing grade directly below that point. In keeping with the Boulder Creek design philosophy, residences must be grade adaptive by design and follow the natural contours and grade changes of the lot.

The maximum building height for a dwelling unit is twenty-eight (28) feet, with an encouraged height of twenty (20) feet for smaller homes.

For a two-story dwelling unit, the second story living area shall not exceed 40% of the main level living total square footage (excluding garage). All structures also shall conform to height requirements of the County Zoning Ordinance (if applicable) and the Town of Payson; however, the lowest height requirement shall prevail.

Other structures or improvements upon any lot shall not exceed twenty (20) feet in height and shall not be higher than the main residence.



5.7 RECOMMENDED BUILDING MASSING

The maximum unbroken length of a wall is suggested not to exceed thirty-two (32) feet without any offsets or jogs. Offsets should be a minimum of two (2) feet and should also be expressed in the roof line. Blank walls longer than twelve (12) feet should be broken up with architectural relief. Unbroken two-story masses are discouraged, while offsets or recesses should be added to create visual interest and to add depth.

Column posts shall have a minimum size of 10"x10" square or 10" round. Columns greater than 8 (eight) feet in height shall increase 1" in diameter per foot of height for proper architectural scale. Column bases (for fully framed or stone columns) shall be a minimum of 24"x 24" square.

5.8 FOUNDATIONS

Exposed standard or painted blocks are not acceptable materials for foundation walls. Cement or regular precision block foundation walls must be covered with stone or mortar-washed and painted an approved dark earth tone color matching the colors of the home. **Acceptable foundation materials are:** *split-face block, stone veneer, stucco, wood face (provide detail).*

5.9 EXTERIOR MATERIALS

Exterior appearance, including all exterior surfaces, shall blend with the natural surroundings and the landscaping. Natural siding materials are preferred in Boulder Creek for use on exteriors of residences, i.e., rock and wood, to blend harmoniously with the surrounding forest. The preferred materials should be stone and wood, beveled or tongue and groove board siding, board on board, board and batten, or square cut logs. Sand finish stucco may be used on a portion of each elevation approval by the Committee

but may not be used as the predominant siding material and shall be limited to no more than 30% of the total surface area.

Exterior materials shall be continuous and consistent on all elevations, incorporating four-sided architecture. A minimum of two (2) exterior siding materials shall be included in the design, with three (3) different materials encouraged.

Synthetic siding materials may be permitted provided there is a look of wood grain texture and appearance. Masonry materials may include stone and stone veneer. Siding materials which give a prefabricated appearance to the building will not be approved.

Acceptable exterior siding materials for Boulder Creed are: *½" min. shiplap wood, ½" min. tongue & groove, board and bat, log siding, stone, stone veneer, and hardi-plank/shingle.* Any natural wood siding material, except for log siding, shall be of pine or cedar only. Application of stone and stone veneer is encouraged while stucco is acceptable as an accent only.

Prohibited building materials include but are not limited to: *Aluminum siding, vinyl siding, plywood or T1-11 siding, metal siding, exposed CMU, or exposed frame construction.* Wood trim material should be complementary in color and materials (either stained or painted) to the siding materials on the residence.

5.10 EXTERIOR COLORS

Exterior colors are also important in blending the residence into the environment and shall be of subdued forest tones found naturally in the surrounding environment. Colors such as browns, beiges, taupes, and greens, in darker hues, are suggested as they tend to blend with the natural landscape. The Architectural Control Committee maintains a set of pre-approved color palettes for Owners to choose from should they elect to do so. Please contact Ogden & Company to view the color palettes.

A minimum of two (2) colors shall be used on the exterior surface of each residence, with three (3) colors encouraged (stone is considered a color). Colors shall have an **LRV (light reflective value) between 10 and 35**. Approval of each color scheme is based upon the uniqueness of each home design, site character and surroundings and must not appear out of place.

No exterior reflective materials (including glass, roof surfaces, window mullions or garage doors) or colors will be allowed. All paint must be flat or low sheen. If using different colors on different portions of any structure, indicate the colors on the plans. Any exterior electrical boxes and conduits mounted on the residence exterior must be painted to match or harmonize with the part of the home to which they are attached.

Actual color samples (such as paint chips) and information regarding compliance with the acceptable LRV range shall be submitted for approval at the time of plan review, as well as for approval of the re-covering (painting, staining, or other covering) of any existing structure. Materials and colors of garage doors, entry door, windows, light fixtures, etc. must also be submitted for approval.

5.11 ROOFS

Roofing materials are an important consideration in the forest environment of Boulder Creek. All roof materials shall be non-reflective and in natural forest tones. Any material adjacent to the roofing material, i.e., metal flashing, vents, gutters, etc., must be painted to match or blend with the color of the adjacent roofing material.

Acceptable roofing materials for use in Boulder Creek are: *high profile or high-definition asphalt shingles, flat concrete simulated shakes, fiber cement shakes, non-reflective standing seam or rusted corrugated metal, copper (must be allowed to patina naturally, accelerators are encouraged).*

Prohibited roofing materials include but are not limited to: *wood shakes or shingles, concrete "S" tiles, smooth flat concrete tiles, rolled roofing.*

The roofline of each home should create its own pleasing relationship to adjacent homesites, the street, and other common areas when viewed from any direction. Multiple roof planes and plate heights are required to add architectural character. Roofs are to be gable, clipped gable, or hipped forms with slopes ranging from 5:12 to 12:12, with ridge lines not exceeding fifty (50) in length before a significant change in direction and/or elevation occurs.

Overhangs: Roof overhangs are to extend a minimum 24" from the face of exterior sheathing to the backside of the sub-fascia, in a horizontal plane. Overhangs of three (3) feet or greater are encouraged to create architectural integrity and depth of design.

Fascia and Soffits: An integral part of the design theme for Boulder Creek is fascia treatment. Fascia is to be double stacked, with a minimum 2"x 6" installed over 2"x 10", with a three deep fascia board encouraged with a maximum exposure of 21". Soffits are to be fully enclosed, with rough sawn wood, tongue and groove, or stucco. Exposed rafter tails may be allowed on a case-by-case basis if their use is integral to the proposed design concept and must have a detail at the end to add visual interest.

Chimneys: If a fireplace element is included in the design of the home, a chimney is required. Chimneys are to be faced with stone or stone veneer compatible with the materials and textures used on the residence, to ensure a consistency in character and style. Wood or siding facing may be permitted if stone is not used on the main residence, with Committee approval. Spark arrestors are required and must be screened from view,

using a decorative shroud enclosure (powder coated to match colors on the residence). Exposed metal chimneys are not allowed.

Solar Applications: Any roof installed solar energy equipment shall have an appearance like a skylight installed flat on the roof surface. Frames shall be constructed of a non-reflective material, with colors matching the roof color as closely as possible. Placement of solar units shall be in the least visible area, as seen from common areas or adjacent lots, and may be ground or roof mounted. While it is not the intention of the ACC to restrict the installation, functioning, efficiency, or use of roof mounted solar devices, the ACC reserves the right to reasonably restrict placement of such devices as they affect the appearance of each home, in accordance with A.R.S. §33-1816.

Solar Tubes: Solar tubes will be permitted provided they are submitted and approved by the ACC. They shall be in the least visible location on the roof, as seen from common areas or adjacent lots, with flashings painted to match the roof color.

5.12 DOORS & WINDOWS

Exterior door colors must be coordinated with the exterior finish of the home. Solid core wood doors with a stain finish are recommended. White or similar color is not acceptable.

Acceptable window materials are: *wood, aluminum clad, vinyl clad aluminum, anodized or powder-coated aluminum.* If aluminum or vinyl is used, the color must be bronze anodized or similar. All windows must be recessed a minimum of 2", or trim must be installed to give the appearance of 2"x materials. No stainless steel, white, polished aluminum, or other shiny metals may be used.

5.13 GARAGE DOORS

Boulder Creek requires metal raised panel doors, or wood veneer doors with raised panels, with or without window lights. Doors should be appropriately treated with decorative relief cuts or panels, and no flat panel garage doors may be used. Galvanized or other metallic or high gloss surfaces will not be approved.

Colors must be coordinated with exterior house colors and must be approved; white is not an acceptable color. All garage doors are to be installed with a minimum recess of eight (8) inches, with a twelve (12) inch recess recommended. Garage doors that are visible from the street must be of an industry standard size, with a minimum height of eight (8) feet.

5.14 GARAGES, DRIVEWAYS AND PARKING

No garage or other building shall be erected on any of the lots until a residence is constructed. All residences must include an attached two (2) car garage that is a minimum of twenty-four (24) feet wide and twenty-four (24) feet deep. Larger garages are allowed

when properly integrated into the site. Detached garages will be considered; however, they must be architecturally connected to the main residence.

A minimum of two (2) additional parking spaces shall be provided to accommodate guest parking. All vehicles must be stored in a garage or within an area that is concealed from public view.

One (1) single driveway per dwelling shall be used for access to the homesite and to accommodate guest parking. No street parking is allowed. Circular driveways of any kind are not permitted. The width of an access drive shall not exceed eighteen (18) feet where it crosses the front setback of the lot and may not exceed twenty (20) feet at the street transition, including flares.

Acceptable driveway materials are: *pavers, integrally colored or exposed aggregate concrete, or compacted decomposed granite with edge stabilization.*

Prohibited driveway materials include but are not limited to: *standard grey concrete, asphalt, gravel of any kind, or aggregate base coarse.*

5.15 FENCES, WALLS & SCREENING

To help maintain the natural look of the forest areas, fences may not be used to define property lines, but rather to create private spaces and to provide screening where necessary. Fences should be constructed of materials colored to complement the building design. Fences may only be used within the building envelope and shall be contoured to grades to 'meander' with the terrain, rather than in straight lines. Long stretches of fencing or walls may be required to be softened with plantings or other landscaping. Heights shall be a maximum of five (5) feet above the grade. Design, materials, height, and location of walls, fencing, or screening shall be approved by the Committee.

Acceptable fencing materials are: *wrought iron (dark forest colors), fencing matching house siding, stone or stone veneer fencing and naturally stained wood.* Chain-link and barbed wire fencing is prohibited.

Animal enclosure fencing may be permitted with acceptable fencing material, written approval from the Committee, must occur within the building envelope, and may not exceed 250 square feet in total area.

Trash storage areas, air conditioning units, generators, pools or spas, and other mechanical equipment must be screened from view of adjacent properties or common areas, subject to Committee approval.

5.16 PORCHES, PATIOS & DECKS

Outdoor living areas, such as porches, patios and decks are encouraged design elements for homes in Boulder Creek. These elements should be incorporated as a dominant feature of the architectural design of the residence and appear as an extension of the residence in form, material, and colors. Porches, patios, and decks should be designed to enhance visual appeal by conforming to structure levels and lot grades.

Railings and support structures are important as visual design elements as well as for function. Caps and railings should have detail and depth and should be used to enhance the visual appeal. Supporting members should appear substantial to maintain proper proportion. Deck support posts must be a minimum of ten (10) inches in diameter or ten (10) inches square. The use of “minimum” size railing and support should be avoided regardless of their structural capability. Synthetic materials (such as Trex or similar materials), decorative wrought iron or other metal will be considered with ACC review.

Enclosing porches or patios with screening is discouraged; however, enclosures will be reviewed on an individual basis. Minimum requirements are framing made of natural materials, matching the house, and the screen fabric must be as translucent as possible.

5.17 EXTERIOR LIGHTING

Light pollution in the dark forests should be avoided. The design of all exterior lighting shall be approved by the Committee. All exterior lighting visible from the common areas or from other lots or streets shall conform to all governmental lighting codes and shall not interfere with the enjoyment of other homesites.

Exterior lighting fixtures shall be of a downward deflecting design, with fully shielded light sources and shall be “Dark Sky” compliant. Minimal residence lighting is encouraged, with a maximum wattage for any single fixture of forty (40) watts incandescent, or the LED/CFL equivalent emanating no greater than four hundred fifty (450) lumens. Fixtures shall be of non-reflective materials and compliment the design of the residence. Security lighting (other than wall mounted photocell type lights) and lighting for night-time recreation areas will not be approved.

Landscape Lighting: Lighting intended to illuminate exterior living areas, such as patios, pool decks, or landscaping behind walls or in Private Areas may also provide for safety lighting around outdoor living areas. Landscape lighting may be either solar or circuited. Lighting shall be low wattage, downward directed, non-reflective in materials, and shall not be excessive in number.

5.18 RECREATION FACILITIES

Swimming pools, spas, basketball equipment, sports courts, tennis courts, and all other recreational facilities shall be located within the building envelope and may only be constructed or installed with the prior written approval of the Committee.

Fire Pits: The outside edge of any constructed fire pits must be located a minimum of ten (10) feet from any structures (including but not limited to a house, deck, garage, or woodshed), as well as from trees and/or overhanging tree branches. Construction must be of fireproof material, e.g., masonry, concrete, or brick, but not loosely stacked rocks. Fire pits must be surrounded by at least a three (3) foot radius apron of non-combustible ground cover, e.g., crushed granite or concrete. Fire pits must meet all other guidelines of the local fire district. It is recommended fire pits be covered with non-combustible screen material. Purchased fire pits must meet similar standards. The ACC recommends contacting local fire department authorities to inspect any constructed fire pits, to ensure compliance with any associated specifications.

5.19 ANCILLARY STRUCTURES

Guest Houses: With the prior written approval of the Committee a single guest house may be constructed within the building envelope of any homesite, provided, that they shall be visually consistent with the residence and shall be subject to all other architectural rules set forth herein. Any such guest structure shall be architecturally connected to the main residence.

Barns: A detached barn and accompanying corral may be permitted on the select homesites designated to permit horses, as noted in Sec. 5.4. Barns and corrals must comply with state and local ordinances, be architecturally compatible and visually connected with the residence and be designed with the same colors and materials as the residence.

5.20 UTILITY YARDS

Wood or equipment storage shall only be permitted within the building envelope and must be behind walls, in enclosed yards, or screened by landscaping, and is subject to ACC approval.

5.21 ANTENNAE, SATELLITE DISHES

Except as approved in writing by the Architectural Control Committee, or as otherwise permitted by federal law, exterior antennae, aerials, satellite dishes, wires, air conditioning units, solar panels, storage sheds, or other apparatus of any kind need to be completely contained within the residence or otherwise hidden from public view.

5.22 YARD DISPLAY

Yard decorations and displays, including statuary's, whirligigs, carvings, etc., should be placed out of sight in the back yard unless appropriate to a natural forest setting. The ACC must approve any ornamental yard decorations visible from public view or adjacent lots. Exterior ornamental objects such as, but not limited to, metal or ceramic sculptures, statues, plastic animals, pink flamingos, etc. will not be permitted. Placing, erecting, constructing, or allowing any permanent unnatural or man-made ornaments, signs,

statuary, relics, machinery, equipment, or other such items that are unattached to approved structures may be allowed if submitted to and approved by the ACC.

5.23 BRUSH AND FIRE HAZARD REDUCTION

Each Owner shall maintain trees, shrubs, and other vegetation in compliance with any brush or fire hazard reduction guidelines, including Firewise requirements (see Section 6.0), as promulgated by the local fire department, Town, State, County, National Forest or by the Committee or Board. All lots, whether vacant or improved, must comply with Firewise regulations.

5.24 CLEARING OF LOTS

To protect the forest vegetation and prevent unnecessary scarring of lots (either intentionally by other Owners or by animals), clearing of existing vegetation shall be kept to a minimum. This does not preclude the Owner from Firewise activity. During the construction of a residence, clearing shall be limited to no more than the building footprint plus thirty (30) feet in any direction. An Owner desiring to do clearing beyond the set parameters must obtain ACC approval prior to any such clearing activity.

5.25 MISCELLANEOUS

Awnings, Overhangs & Shade Structures: The installation of awnings, overhangs, or shade structures requires ACC approval and must be constructed of colors and materials matching the existing exterior of the residence.

Enclosed Patios & Sunrooms: Patio enclosures require ACC approval, shall be constructed of materials consistent with those on the existing homes, and be designed to be integrated into the existing home's architecture. Enclosed patios or decks should not appear as an added feature to the residence.

Sheds, Gazebos & Pergolas: Committee approval is required. Any shed, gardening structure (such as a greenhouse), gazebo, or pergola (detached or attached), must be an integral part of the site plan or home design, be constructed of similar materials and color as the residence and be contained within the building envelope. Attached pergola covers shall be installed below the height of adjacent roof fascia, while detached pergolas or gazebos shall not exceed a height of ten (10) feet, measured from the existing grade. Metal sheds are not permitted.

Security Screen Doors: Committee approval is required for the addition of screen doors or other types of doors to a residence or garage. The material and color must match or complement existing doors on the residence. Standard aluminum frame doors with mesh screens are not permitted.

Security Treatment: The installation of security devices on residences requires approval. Steel or wrought iron bars or similar fixtures shall not be installed on the exterior or interior of any windows or doors of any residence.

Pools & Spas: Above ground pools are not permitted. Above ground spas are acceptable provided they are screened and incorporated into the site plan and must be approved by the Committee.

6.0 FIREWISE

Owners are accountable for maintaining their property in compliance with the National Fire Prevention Association (NFPA) “Firewise” standard. Requirements for maintaining Firewise compliance include (but are not limited to):

- Remove all dead and down trees and brush on the property. (A limited amount of dead and down trees may be kept for decorative, erosion or habitat purposes if they are cleared of possible fuel sources and achieve the desired result of fire prevention).
- Cut and remove branches on live trees to a minimum height of six (6) feet from ground level. Small trees should have branches removed to half the height of the tree.
- Thin excessive trees from property. The suggested number of trees per acre is one hundred (100) to two hundred (200).
- Rake and remove dangerous fire fuel. This includes pine needles, leaves, grass, lumber, firewood, tall grass, and other combustibles. If there are structures on the property, ensure at least a thirty (30) foot “clean” radius around those structures.
- Yearly maintenance should include removal of any dead and or down trees. The removal of pine needles under large tree canopies should not be a yearly required removal. However, anything on the ground is subject to becoming fuel that could ladder up in a tree with the winds caused by fire. For other ideas follow the details on the Firewise website listed below, which has a good interactive program providing the Owner more ideas.
- Check the Firewise webpage often at <http://www.firewise.org/> for updates.

7.0 PROJECT REVIEW

7.1 DOCUMENT PREP AND APPROVAL

Documents submitted for review are subjected to approval first by the Architectural Control Committee and next by the Town of Payson. The Town of Payson may not approve new construction plans without the written approval of the Payson Boulder Creek Property Owners’ Association. Each Owner shall be responsible for being fully acquainted with and shall acquaint his or her architect and builder with the Declaration,

the most recent Architectural Design Guidelines, and all applicable guidelines, rules, covenants, and plat restrictions. The Committee may employ the services of an architect, design professional or architectural consultant to review submitted plans for conformance to the Design Guidelines, on-site representation for the ACC, and management of the review process. Any fees associated with this service are payable by the Owner upon submission of any new construction or modification project.

7.2 QUALIFIED DESIGN SERVICES

It is strongly recommended that an Owner retain competent professional services for planning and design of a new residence in Boulder Creek. A thorough analysis and understanding of a particular homesite, the Owner's special needs, and the skill to translate this into building form is necessary to successfully complete the Design Review Process, and to clearly convey the concept and design of the proposed residence to the Committee.

7.3 PRELIMINARY OWNER-INITIATED MEETINGS

Pre-Design Meet-and-Greet – the Committee strongly encourages the Owner to contact the ACC by calling Ogden & Company ("Ogden") at 928) 363-1696 or email melissag@ogdenre.com to schedule an initial meeting to discuss their future construction project. This informal meeting is not mandatory but is highly recommended as it is designed for the parties to meet one another and to discuss broad concepts and resolve questions regarding standards/procedures, thus assisting the Owner in avoiding unnecessary time and expense in submitting a fully designed project that may not meet the Architectural Design Guidelines.

Preliminary Design Meeting – the Owner should next contact Ogden & Company to schedule a second meeting to discuss more fully formed plans for the project. At this meeting, the Committee and Owner may review site plans, drainage plans, floor plans, and elevations. The Committee would not expect to see a full set of architectural drawings at this point in case changes need to be made, again saving the Owner time and expense.

Construction Meeting with Builder – Ogden & Company will schedule a meeting with the ACC, the Owner, and the contractor selected to build the home. The provisions of the Construction Agreement for Contractors form will be reviewed in detail and any questions the contractor has for the ACC will be discussed in detail.

7.4 ACC DESIGN REVIEW

The Architectural Control Committee must review and approve all construction which takes place within Boulder Creek. This includes residences, other buildings, all grading, driveways, fences, walls, gates, antennas, and other improvements placed on the lot.

All required information shall be submitted both electronically and in paper format. One (1) copy of all paper documentation is required. The paper copy will be retained by the

Committee and will not be returned to the Owner. The design review fee for each individual lot shall be, from time to time, set by the Committee. The fee is to be paid at the same time as the submittal of the complete set of documents to be reviewed. The fee is to be made payable to Payson Boulder Creek Property Owners' Association. A review of the plans or consideration of the construction materials will not begin until the submittal, together with all samples, plans, and payment of the required review fee are received by the Committee.

Once the submittal is deemed to be complete, the design review will be accomplished as quickly as possible. However, sufficient time should be allocated for the Committee's review. Every attempt will be made to complete the review within approximately thirty (30) days of receipt of the required completed materials and fee. Should the Owner submit to the Town of Payson for plan review prior to completing the approval process, the Owner assumes all risk and responsibility for whatever changes must be made or for any re-submittal required.

Plans submitted to the Committee must be complete plans and specifications of the proposed improvements sufficient in detail as needed for ACC and Town of Payson approval. Submittals deemed to be substantially incomplete or blatantly non-compliant will be returned without action. Resubmittals may be subject to additional fees. All submittals, changes, and responses must be in writing. Requests and approvals will not be granted verbally.

Although it is the intention of the Committee to enforce all provisions of these Design Guidelines, the following will be reviewed with particular concern, though not all are required with the initial plan submission:

- Building Envelope Usage
- Site Development, Grading and Drainage
- Preservation of the Natural Landscape
- Landscape Plan and Exterior Lighting Plan
- Building Heights, Massing and Roof Character
- Exterior Colors and Materials
- Design Integrity, Detailing, Character, Appropriateness and Visual Strength

No land leveling, excavation, grading, or construction of an improvement of any kind, except for Firewise activity, shall commence on any homesite without the written approval by the Committee of the "Design Review Application and Construction Agreement", plans, specifications, and materials. After obtaining written approval from the Committee, the Owner may proceed in obtaining a construction permit.

ACC Review of Submittals

- The Owner shall access Ogden's online portal (which is located at <https://az.portal.ogdenre.com>) to submit electronic plans, thus notifying the Committee a completed application is ready for review. Physical delivery of the paper plans, color boards, etc. should be at Ogden's office, located at 405 S. Beeline Highway, Suite D, Payson, Arizona.
- All forms (Design Review Application and Construction Agreement, Construction Requirements for Contractors, Color/Materials Selection Form, etc.), included herein, must be submitted for the application to be considered complete.
- One (1) paper copy of all new construction architectural and engineering drawings is also required at the initial submission date. **Also, the ACC requires one (1) copy of the Town of Payson final approved plans to be submitted AFTER the plans are approved by the Town and BEFORE construction begins.** The drawings are required to be scalable and shall include the following:
 - Site Plan – Completed site plan by a surveyor or engineer should be to scale and include the following:
 - Grading and contours
 - Limits of cut-and-fill
 - Residence location on lot
 - Setbacks and building envelope
 - Driveways
 - Site drainage
 - Detached structures
 - Satellite and communications equipment
 - A/C equipment
 - Fencing
 - Pool and/or spa locations
 - Retaining walls
 - Electrical boxes
 - Utility trench
 - Mailbox location
 - Tree Survey – Showing locations of all trees larger than 6" in caliper and those proposed for removal
 - Floor Plans – For each structure, to scale, completed floor plans should include the following:
 - Exterior and interior dimensions
 - Mechanical/Heating/Cooling
 - Window and door details
 - Patios and decks
 - Elevations – Showing all structures with elevations off all four (4) sides. Elevations must be to scale and should include the following:
 - All sides of the building
 - Windows and doors
 - Rooflines and chimneys

- Patios
- Stem walls and patio supports
- Mechanical equipment
- Exterior materials
- Garage doors
- Screening fences
- Storage buildings
- Existing and proposed grades
- Roof Plan – Same scale as floor plans and elevations. The plan is to depict the layout of all sloped or flat roof surfaces, and should include truss layout, overhang/fascia details, venting, and skylight/solar applications.
- Electrical Plan – Same scale as floor plan, elevations, and roof plan. Plan should include the location of all interior/exterior light locations, A/C unit, and other electrical features.
- Landscape Plan – Same scale as the site plan. Footnote – Owner may opt to delay this portion of the submittal until later in the construction process, but should be aware that this action may result in a delay in the final inspection by the ACC. Completed plan should include the following:
 - House location on lot and setbacks
 - Location, size, and species of all trees and plantings to be added
 - All exterior walks, drives, patios, and additional concrete areas
 - Other decorative features including exterior lighting
 - Screening of any ancillary equipment
 - Legend using clear symbols and nomenclature, including proposed quantities, and size/color of materials
- Color Board – A copy of the Color/Materials Selection form, included herein, as well as an 8½" x 11" color board is required to be submitted. The color board should include small samples or cut sheets of the following:
 - Roofing material
 - Siding material (with paint or stain on it)
 - Exterior color and stain sample cards
 - Cut sheets for garage doors, entry door, window frame, and exterior light fixtures
- Any other materials outlined on the attached forms or requested by the ACC, such a stone veneer and driveway paver samples.
- Non-refundable Review/Inspection Fee – make check payable to “Payson Boulder Creek Property Owners’ Association, and send payment to the following address:

Boulder Creek POA
P.O. Box 273
Payson, AZ 85547

Footnote - Contact Ogden at (928) 363-1696 to obtain the current amount of the review/inspection fee. If additional reviews, inspections, meetings,

and/or supplies are necessary throughout the process, reasonable additional fees may be charged to the Owner.

ACC Review Timeline - The ACC will review final plan submittals and respond in writing within approximately thirty (30) days after receiving each complete plan submittal.

Timeframe for which ACC Approval is Valid - Any approval granted will be considered valid for one (1) year from date of approval. If a final submittal is not received within one (1) year of the preliminary submittal review, the submittal will be considered abandoned. In addition, a submittal will be considered abandoned if construction has not commenced within that time frame, and the Owner may be required to re-submit plans, beginning at the preliminary stage, if the project is to continue.

Exterior Modifications Review Submittals - Prior to making any modifications, landscaping, or other Improvements to an existing home, an "Application for Modifications to an Existing Residence", included herein, shall be submitted to the Architectural Control Committee along with the required current Review Fee. Depending on the scope of the modification, the Committee may require the Owner to follow the additional procedures as outlined above. For a simple modification, a less detailed description, such as simple plans, a written narrative, and material or color samples may only be necessary to demonstrate the proposed modification. In all cases these Design Guidelines shall apply as the review standard used for consideration of the proposed modification. A refundable construction deposit may be required for large modification projects, at the discretion of the ACC.

7.5 CONSTRUCTION DEPOSIT

No construction of a dwelling unit may commence until the Owner has provided a required \$5,000 refundable construction deposit, or an amount which may be, from time to time, set by the Committee. This deposit is due upon receipt of the written ACC approval. The payment for the construction deposit should be made to Payson Boulder Creek Property Owners' Association. These funds will be held in a deposit account, separate from the Association's operating checking account. Deposit will be refundable to the Owner, in accordance with ARS §33-1817, less any fees/fines incurred, as determined by the Committee, on completion of construction provided that the construction is per the approved plan and in accordance with the architectural rules; damage to adjacent properties, non-building envelope areas, and roads have been repaired; construction debris has been removed; and landscaping/re-vegetation is complete and a final inspection has been performed by the Committee. If any damage is not repaired or required modifications are not made by the Owner within thirty (30) days after requested, the Association may act and use the deposit to pay for the work. If the deposit is inadequate to cover the cost of the work or fees/fines, the Owner shall immediately pay the shortage to the Association. In the event the Owner does not pay the shortage, the property is subject to assessment of such shortfall.

7.6 FIELD COPY OF PLANS

A copy of the Town-approved plans and blueprints shall be present and readily available and accessible to the field inspector and the ACC on the building site.

7.7 WORK IN PROGRESS INSPECTIONS

ARS §33-1817 requires the ACC or its designated agent to provide at least two (2) on-site formal reviews during the construction process, for the purpose of determining compliance with the approved plans. The ACC will perform four (4) inspections.

The first inspection **will take place at the foundation layout stage, prior to installation.** This inspection should be requested once the foundation is fully laid out but before the concrete is poured or the block placed. The Owner will be required to provide a survey to verify the planned elevations are still accurate. The Owner or Owner's agent will be provided the opportunity to attend this review. Within five (5) business days after the inspection, a written report will be provided to the Owner or Owner's agent, specifying any deficiencies, violations, or unapproved variations from the approved plans, as amended, that have come to the attention of the Association.

The second formal review will take place after the framing for the residence is complete. Within five (5) business days after the second formal review, a copy of the written report shall be provided to the Owner specifying any deficiencies, violations, or unapproved variations from the approved plans, as amended, that have come to the attention of the Association.

The third formal review will take place when the materials selected for the exterior of the home are on site. Within five (5) business days after the third formal review, a copy of the written report shall be provided to the Owner specifying any deficiencies, violations, or unapproved variations from the approved plans, as amended, that have come to the attention of the Association.

The fourth formal review is the final site inspection, detailed below.

Please note the ACC reserves the right to charge the Owner for additional site inspections beyond the four listed above, that are necessary to ensure the project is being completed in accordance with the approved ACC and Town plans.

7.8 FINAL SITE INSPECTION

A final inspection must be completed and approved prior to occupancy. Prior to a final inspection by the ACC, a Certificate of Occupancy must be obtained from the Town of Payson with a copy of that certificate being submitted with the request for final inspection. No final inspection will be completed until such certificate is received by the ACC.

Within thirty (30) business days of the final inspection a written copy of the report shall be provided to the Owner specifying any deficiencies, violations, or unapproved variations on the approved plans, as amended, that have come to the attention of the Association. If the written report does not specify any of the above issues, then the Association will promptly release the deposit monies to the Owner. If the report identifies any of the above issues exist, the Association may hold the deposit for one hundred eighty (180) days or until receipt of a subsequent report of construction compliance, whichever is less. The Association shall promptly release the deposit monies to the Owner if a report of construction compliance is received before the one hundred eightieth (180th) day. If a compliance report is not received within the one hundred eighty (180) days, the Association shall release the deposit monies promptly from the separate deposit account to the Association's operating account.

8.0 CONSTRUCTION REGULATIONS

All construction must be performed in compliance with all federal, state and/or local laws, regulations and/or guidelines. All improvements must be constructed in a good and workmanlike manner, and they must conform to the approved plans and specifications.

No construction or improvement (including site preparation, removal of trees, etc.) shall begin prior to receiving final written approval from the Architectural Control Committee.

No construction equipment or materials may be left on the road. This includes dumpsters and portable toilets. Please contain all construction materials and equipment on the site/lot within the building envelope.

Electrical connections and hook-ups are required prior to construction to prevent generator noise. Water connections and hook-ups are required prior to construction for use in construction and for fire prevention assistance.

All Owners and their builder/contractor are required to understand and acknowledge the construction requirements for building within Boulder Creek. Please reference the "Construction Requirements for Contractors" located within these Guidelines for detailed requirements.

DESIGN REVIEW APPLICATION & CONSTRUCTION AGREEMENT

LOT # _____ LOT ADDRESS _____ DATE _____

PROPERTY OWNER _____ PHONE _____

ADDRESS _____ E-MAIL _____

CONTRACTOR/BUILDER _____ LICENSE# _____

CONTRACTOR ADDRESS _____

CONTRACTOR CONTACT PERSON _____

PHONE _____ EMAIL _____ FAX _____

ARCHITECT/DESIGNER _____ E-MAIL _____

ADDRESS _____

PHONE _____ FAX _____

This application will be considered complete only if all documents and submittals, as set forth in the Design Guidelines, are included. An electronic submittal plus one (1) set of the paper documents listed below is required. Include the "Color/ Materials Selection Form" with this application.

- ☐ APPLICATION & CONSTRUCTION AGREEMENT
- ☐ REVIEW/INSPECTION FEE
- ☐ SITE PLAN
- ☐ LANDSCAPE PLAN (if available)
- ☐ TREE SURVEY
- ☐ ELEVATIONS
- ☐ COLOR / MATERIALS SELECTION FORM
- ☐ FLOOR PLANS
- ☐ COLOR / MATERIALS SAMPLES/CUT SHEETS
- ☐ ROOF PLAN
- ☐ ELECTRICAL PLAN

Please upload your plan submittal to the Architectural Control Committee via the online portal at (<http://az.portal.ogdenre.com>) to notify the Committee your completed application is ready for review. Please deliver your paper plans, color board, etc. to Ogden & Co. Inc. at 405 S. Beeline Highway, Ste. D, Payson, Arizona. Please send payment for the review/inspection fee in the specified amount payable to Boulder Creek Property Owners' Association at:

Boulder Creek POA
P. O. Box 273
Payson, AZ 85547

The following fees and forms are required prior to commencing construction and once ACC approval has been received.

- ☐ \$5,000 CONSTRUCTION COMPLIANCE DEPOSIT
- ☐ CONSTRUCTION REQUIREMENTS FOR CONTRACTORS FORM
- ☐ DRAINAGE ACKNOWLEDGEMENT FORM

I hereby represent that I have read, understand, and agree to all terms and conditions of the Covenants, Conditions, & Restrictions, the Architectural Design Guidelines, and the Construction Agreement. As the Owner of lot #____, I represent that this is an accurate and complete description of all construction details, and that construction will be completed as described herein. **I UNDERSTAND THAT FAILURE TO ADHERE TO THESE STANDARDS OR RECEIVE A WRITTEN VARIANCE TO THEM, MAY RESULT IN THE FORFEITURE OF ALL OR PART OF THE CONSTRUCTION DEPOSIT, AND THE DEPOSIT MUST BE REPLENISHED TO THE ORIGINAL AMOUNT, AND FAILURE TO DO SO MAY RESULT IN FURTHER PENALTIES, INCLUDING BUT NOT LIMITED TO FINES OR LIENS AGAINST THE PROPERTY. I ACCEPT FULL RESPONSIBILITY FOR SUCH PENALTIES.**

_____	_____
Owner Signature	Date
_____	_____
Owner Signature	Date

After receipt of the written approval, you may submit your plans and a copy of the written approval from the Committee to the Town of Payson to obtain a building permit. A copy of the building permit and a copy of the final Town-approved plans shall be provided to the Committee.

COLOR/MATERIALS SELECTION FORM

LOT # _____ LOT ADDRESS _____ DATE _____

Please provide a description of the material/size/color to be utilized. Please provide one (1) physical sample or copy of cut-sheet(s) as required below. Also, please provide physical samples, when at all possible, on a single board, 8½" x 11".

Driveway Material/Size/Color _____ Physical sample required

Stem Walls Material/Size/Color _____ Physical sample required

Fencing/Walls Material/Color _____ Cut sheet/Picture required

Lighting Manufacturer Specs & Color _____ Cut sheet/Picture required

Roofing Manufacturer Specs & Color _____ Physical sample required

Windows Manufacturer Specs & Color _____ Cut sheet/Picture required

Entry Door Manufacturer Specs & Color _____ Cut sheet/Picture required
Paint/Stain sample required

Exterior Doors Manufacturer Specs & Color _____ Cut sheet/Picture required
Paint/Stain sample required

Garage Door Manufacturer Specs & Color _____ Cut sheet/Picture required
Paint/Stain sample required

Exterior Siding Material / Location 1 _____ Physical sample required
Material / Location 2 _____ Physical sample required
Material / Location 3 _____ Physical sample required
Trim Material _____ Physical sample required

Colors Body Color (Location 1) _____ LRV _____ Physical sample required
Body Color (Location 2) _____ LRV _____ Physical sample required
Body Color (Location 3) _____ LRV _____ Physical sample required
Trim Color _____ LRV _____ Physical sample required
Gutter/Downspouts Color _____ LRV _____ Cut sheet/Picture required

Stone Manufacturer Specs & Color _____ Physical sample required

Owner Signature

Date

Owner Signature

Date

CONSTRUCTION REQUIREMENTS FOR CONTRACTORS

LOT # _____ LOT ADDRESS _____ DATE _____

- A. No construction of any sort may commence until the plans are approved by the ACC and the Owner has posted a \$5,000 refundable construction deposit (or other amount for additions to existing homes, if required). Provide a copy of the building permit once available.
- B. Construction Hours. Construction is allowed Monday through Saturday only. No work is allowed on Sunday or the following recognized holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Construction hours shall be 5:00 AM to 7:00 PM from June 1st through September 1st and 6:00 AM to 7:00 PM September 2nd through May 31st.
- C. The building envelope shall be designated prior to commencing any work and shall be maintained throughout the construction process to ensure no disturbance outside of the envelope.
- D. A trash container and portable sanitation facility must be available on each construction site and must be situated within the building envelope prior to the start of construction and remain throughout the process.
- E. No construction equipment or materials may be placed on, or left in, the street or on neighboring property. This includes dumpsters, overnight vehicles, and portable toilets. Any construction materials and equipment left on the site must be neatly contained within the building envelope or driveway.
- F. All construction crews shall maintain adequate access to other properties and will NOT block the street or neighboring driveways at ANY TIME.
- G. Access to the lot during construction shall be only via the approved driveway location on the lot.
- H. Construction access shall be treated with an approved gravel material to eliminate mud track-out from the lot.
- I. Job sites must be kept reasonably clean from trash and debris. A daily cleanup is required. Crews are responsible for immediately cleaning up debris or materials from adjacent lots, streets, or common areas.
- J. Builders will make a reasonable attempt to keep materials from being carried away by wind and to adjacent lots.
- K. Any dirt, mud, oil, concrete, or other damage to any street caused by a contractor or any of his subcontractors must be cleaned up or repaired immediately by the contractor.
- L. Concrete "washout" debris may not be dumped in ditches, streets, setback areas, natural landscape, or in any location other than the already-disturbed ground at the immediate building site. Any washout debris dumped on the lot during construction must be completely removed prior to final inspection.

- M. No open fire on construction sites and no smoking except inside a car, truck, or closed-in (dried- in) house.
- N. Fire extinguishers must be conveniently located at the construction site. A minimum 5/8" diameter hose connected to a water supply shall be ready for immediate use in any area of the construction site.
- O. Radios/stereos shall not be played so loudly that it can be heard by adjacent neighbors.
- P. One (1) construction sign may be placed on the property during construction, with approval by the ACC, and must be removed after receipt of Certificate of Occupancy.
- Q. No pet may be brought into Boulder Creek by contractors/workers (unless they are also residents).
- R. Any changes in materials, colors, or design from the approved plans must be pre-approved by the Architectural Control Committee and submitted using "Request for Change to Design Review Application."
- S. Fines
 - 1. One warning will be issued for the first violation of these requirements.
 - 2. If the warning for the first violation is ignored or not dealt with in the specified timeframe in the warning, \$200 will be deducted from the Owner's construction deposit.
 - 3. The second violation will result in a \$250 deduction.
 - 4. The third violation will result in a \$300 deduction. After a third violation, work must stop until the deposit is increased to the original \$5,000 amount. Any subsequent violations will continue to increase by \$100 per violation by the same builder/contractor at any job site in Boulder Creek.
 - 5. Exceeding completion date time frames contained in the Guidelines will result in a \$100 daily fine which will be deducted from Owner's construction deposit unless ACC written approval is granted for an extension.

I hereby certify that I have read this entire document and these specific rules for contractors. I understand the rules and requirements listed herein. I understand that should I fail to abide by these rules my deposit may be at risk.

Contractor Company Name _____ Phone# _____

Contractor Signature Date

=====

Owner Signature Date

Owner Signature Date

REQUEST FOR CHANGE TO DESIGN REVIEW APPLICATION

LOT _____ OWNER _____ DATE _____
ADDRESS _____
PHONE _____ EMAIL _____

CHANGES REQUESTED:

(Include list of items to be changed and physical samples of new items.)

- 1) _____

2) _____

3) _____

4) _____

Owner Signature

Owner Signature

Date

Date

APPROVED:

By: _____ Date: _____

Architectural Control Committee Representative

DRAINAGE ACKNOWLEDGEMENT

LOT # _____ LOT ADDRESS _____

OWNER _____

Surface drainage upon and across my property is my responsibility as the property Owner through the implementation of sound construction and grading practices. Any improvement which creates an obstruction to surface flow, snow melt or groundwater discharge resulting in a back-up of storm waters, an increase of movement of pre-development flow, or concentrating discharge onto neighboring properties or common area is strictly prohibited unless an agreement is reached with the affected adjacent property.

I acknowledge the above requirement and sign below with full knowledge of its content and significance.

Owner Signature

Date

Owner Signature

Date

**** Please attach one (1) copy of licensed Civil Engineer drawing****

APPLICATION FOR MODIFICATION TO AN EXISTING RESIDENCE

LOT # _____ LOT OWNER _____ DATE _____

ADDRESS: _____

DESIGNER/CONTRACTOR: _____

PHONE: _____ E-MAIL: _____

REVIEW/INSPECTION FEE (Varies based on scope of project): _____

MODIFICATION/IMPROVEMENT REQUEST:

***A plot plan or drawing of the lot/home showing locations, specific details & dimensions of any modifications to the exterior of the home or yard/lot is required. Any sample materials should be attached with this application.**

ATTACHMENTS/SUBMITTAL SAMPLES:

Owner Signature

Date

Owner Signature

Date

UPLOAD SUBMITTAL TO ONLINE PORTAL at <https://az.portal.ogdenre.com>

=====

Architectural Control Committee

APPROVED

NOT APPROVED

By: _____ Date: _____

Architectural Control Committee Representative

Comments/Conditions _____

Final Inspection Request: Please contact Ogden & Co. at melissag@ogdenre.com to request a final inspection.

I ACKNOWLEDGE THAT THE ABOVE IMPROVEMENT(S) ARE COMPLETE IN ACCORDANCE WITH ACC APPROVED DOCUMENTS AND READY FOR INSPECTION.

Owner Signature

Date

Owner Signature

Date

PLEASE CALL _____ (OWNER'S NAME AND PHONE NUMBER) TO
SCHEDULE AN APPOINTMENT FOR A FINAL INSPECTION OF COMPLETED CONSTRUCTION

=====

Architectural Control Committee

_____**APPROVED** _____**NOT APPROVED**

By: _____ Date: _____

Architectural Control Committee Representative

Comments/Conditions _____

REQUEST FOR VARIANCE TO DESIGN

LOT # _____ LOT ADDRESS _____

OWNER _____

PHONE: _____ E- MAIL: _____

Below are variances from the Architectural Design Guidelines, including the justifications for the variances, we would like the Architectural Control Committee to consider:

1. _____

2. _____

3. _____

Owner Signature

Date

Owner Signature

Date

UPLOAD SUBMITTAL VIA ONLINE PORTAL at <https://az.portal.ogdenre.com>

=====

Architectural Control Committee

_____**APPROVED** _____**NOT APPROVED**

By: _____ Date: _____

Architectural Control Committee Representative

Comments/Conditions _____

