

# PONDEROSA TRAILS HOA, Inc.

## Architectural Committee Rules

Adopted September 29, 2016

Revised 06.21.18

These Architectural Committee Rules have been established by the Ponderosa Trails Architectural Committee and the Board of Directors of the Ponderosa Trails Homeowners Association, Inc. (the "Association") in accordance with the Declaration of Homeowner Benefits and Covenants, Conditions and Restrictions for Ponderosa Trails Unit I (the "CC&R's"). As these Architectural Committee Rules are subject to amendment from time to time, it is the responsibility of each interested party to obtain a copy of the most recently revised version. These Architectural Committee Rules are subject to the terms and conditions of the CC&R's and applicable statutes. Therefore, in the event of a conflict between any provision of the Architectural Committee Rules and the CC&R's or any applicable statute, the provisions of the CC&R's or the statute, as the case may be, shall prevail.

### **I. PONDEROSA TRAILS PHILOSOPHY**

Ponderosa Trails was conceived as a community of mixed residential uses catering to all homeowners. The intent of these Architectural Committee Rules is to assure all homeowners in the community that design and construction standards will result in compatible neighborhoods and improvements that will be in harmony with and enhance the rural nature of the surrounding native environment, including the native forests, washes and topography.

In order to assist owners with the environmentally sound and aesthetically compatible design of residences, a design review process has been established pursuant these Architectural Committee Rules and the Architectural Committee has been established and is charged with the responsibility of ensuring that the Standards are adhered to throughout all phases of development

For this reason, the design review process has been established, encompassing the following steps:

- A. The final submittal, at which time the Architectural Committee can review the final construction documents to confirm consistency with the previously approved conceptual plans.
- B. The final inspection of the improvements by the Architectural Committee to make certain that the approved plans and Architectural Committee Rules have been complied with.

The Architectural Committee will perform at least two inspections of all new construction of the main residential structure on a lot and all rebuilds of the main residential structure on a lot. Written reports of the inspections will be generated by independent, certified, Home Inspectors or appropriate registrants, with current registrations with the Arizona State Board of Technical Registration. The owner of the related lot will be responsible for the cost of these required inspections and reports. A \$400 deposit will be required with all applications for approval of such

projects.

This design review process is intended to take place concurrently with the plan review process required by the City of Flagstaff for obtaining a building permit. It is required in addition to the City of Flagstaff process and not in lieu of that process. Approval of city plans shall not truncate Architectural Committee review and will not be considered in the approval process.

## **2. SITE PLANNING AND LANDSCAPE GUIDELINES**

The climate, terrain and existing forestation at Ponderosa Trails are all-important factors, which must be considered in the design of all improvements within its borders. It is the intent of these guidelines to ensure environmentally sound and aesthetically pleasing development that will benefit all residents and homeowners.

### **2.1 Building Envelopes and Setbacks**

The building envelope is that portion of each lot within which all improvements, excepting fireplaces, eaves and roof overhangs, must be located. This is the only area where alterations to the natural landscape may occur.

While there are exceptions for special circumstances the bulk standards call out minimum setback requirements as follows:

Front	25 feet
Rear	25 feet
Each Side Yard	8 feet
Side Yard on Street Side of House	15 feet

Anyone considering any improvements to lots in Ponderosa Trails should contact the Architectural Committee.

### **2.2 Grading and Drainage**

Site grading and drainage must occur with minimum disruption to the lot, and without causing conditions that could lead to unnecessary erosion, or cause any damage to neighboring properties.

### **2.3 Walls and Fencing**

Subject to the prior review and approval by the Architectural Committee, fencing will be allowed provided the Architectural Committee has determined it is consistent with other fencing in Ponderosa Trails and provided the proposed fencing is in harmony with the goals of these Design Standards. No concrete block walls will be allowed.

The only acceptable fencing is natural or composite wood slats on galvanized steel posts, or wrought iron fences in view situations. No fence shall exceed six feet in height as measured from the existing

natural grade.

Clear and semi-transparent fence coatings are required. Solid stains will be considered for fences on a case by case basis. Painting of wood fences will not be allowed.

Galvanized steel posts and crossbars shall not be painted. Wrought iron view fences must be painted, or powder coated black, or earth tone colors as approved by the Architectural Committee, and maintained in a rust free condition.

Structural retaining walls must not exceed six feet in height, measured from existing natural grade. Any walls with more than four feet of unbalanced fill (a four foot differential of fill between one side of the wall and the other) requires an engineer's stamp on the plans, and a building permit from the City of Flagstaff.

#### 2.4 Service Yards

Fencing will be required for service yards, if any, to enclose any trash containers, firewood, outdoor maintenance or service equipment, or any other goods to be stored outside. See paragraph 2.5 for fencing standards.

#### 2.5 Mechanical Equipment

Roof mounted or wall mounted mechanical equipment must be approved. Any exterior mechanical equipment required must be ground mounted adjacent to the residence and shielded from view by approved fencing of sufficient height to buffer sound.

#### 2.6 Antennae and Satellite Dishes

Subject to applicable laws, no antenna, satellite television dish antenna, abandoned equipment or other device for the transmission or reception of television or radio signals or any other form of electromagnetic radiation, including, but without limitation, Citizen's Band or Ham Radio signals shall be erected, used or maintained outdoors on any Lot without the prior written approval of the Architectural Committee

#### 2.7 Lighting

The Developer has designed a uniform street lighting scheme. No additional lighting by a lot owner may occur adjacent to the right-of-way.

Additional site lighting is permitted provided such lighting does not result in excessive glare toward the street or neighboring properties as determined by the Architectural Committee. All exterior lighting must be of a low level subdued intensity, meeting the "fully shielded" requirements of the City of Flagstaff's Dark Skies Ordinance, number 440 and is subject to the approval of the Architectural Committee.

## 2.8 Swimming Pools and Spas

Swimming pools and spas must be located in rear yards and must be shielded from view from the street and neighboring residences.

## 2.9 Landscaping Requirements

- Per section 5.5 of the CC&R's all lots must be landscaped within ninety days of occupancy of the residence thereon. All landscaping plans must be submitted to the Architectural Committee for approval prior to the start of installation of the landscaping. All new landscaping construction is required to comply with the City of Flagstaff Rainwater Harvesting Ordinance (available as Chapter 6 in the City of Flagstaff Low Impact Development Guidance Manual). All new landscaping construction is required to have the following:
  - Plant Materials: A minimum of one (1) 15 gallon or greater tree, and three (3) 5 gallon shrubs. (One gallon shrubs may be substituted for the 5 gallon shrubs at a ratio of 3:1). Plant materials shall be from the current City of Flagstaff Approved Plant Materials list.
  - Topdressing: All open space that is within view from a public right-of-way is required to receive topdressing. Granite is the preferred topdressing material. Cinders are not an approved material. Wood mulch will be approved for mass planting areas only. Provided no more than 15% of the lot area may consist of wood chips or bark material. Any such material must be contained so as not to migrate to public ways or adjacent lots.
  - Optional Materials: Drought tolerant or artificial turf (e. g. 'Foreverlawn')
  - Perennial or annual flowers from the City of Flagstaff approved plant list

Lots that do not have approved landscape plans on file at the HOA's management company may be required to complete additional work to meet the minimum requirements for aesthetics that bring value to the entire community.

Per Article 5.6 of the CC&R's, all installed landscaping improvements shall be properly maintained by the property owner (or residents if the property is rented). If such maintenance is not performed by the owner (or resident) the Association may, but shall not be obligated to, perform such maintenance at the sole cost of the property owner. In addition, the Association may impose fines as a result of such violation by the owner.

## 2.10 Storage Sheds

At the discretion of the Architectural Committee, storage sheds may be allowed on lots that can accommodate them within the setback criteria outlined in section 8.28 of the CC&R's. The following applies:

- Sheds may not be larger than 120 square feet of floor area or a permit from the City of Flagstaff building department will be required.
- Placement of sheds may not encroach in the required 8' side yard setback.
- Unless there are special circumstances i.e. slopes in excess of 17%, sheds may not be located closer than 25' to the rear property line
- Allowed sheds should be either constructed or screened so that they are not visible over a six foot fence.

### **3. ARCHITECTURAL DESIGN STANDARDS**

The following architectural standards have evolved in response to climatic and aesthetic considerations at Ponderosa Trails. It is the intent of these standards to evoke a sympathetic response to the character of this high forest region, promoting architectural design compatible with the natural landscape that is environmentally sound.

#### **3.1 Size**

All residences will exceed 800 square feet of living area, except and unless there are special circumstances or unique design solutions, as determined and approved by the Architectural Committee in its sole discretion.

#### **3.2 Height**

All residences at Ponderosa Trails shall have pitched roofs with a minimum pitch of four in twelve; however, up to 1/3 of the horizontal roof area of any residence may be flat. Ridgelines shall not exceed a height of 35 feet above the adjacent natural grade. Flat roof parapets shall not exceed 35 feet above adjacent natural grade.

#### **3.3 Exterior Materials**

Exterior materials should be natural materials that blend and are compatible with the native landscape.

Plywood siding is prohibited unless it can be demonstrated to the Architectural Committee that the specific proposed application will result in a finished appearance indistinguishable from an individual board siding application.

Subject to Architectural Committee approval, stucco may be used chiefly as an accent material; the use of stucco as the predominant exterior finish material of any structure is prohibited.

The use of metal or fiberglass siding or composition asbestos siding is prohibited.

Concrete block stem walls shall be finished with a mortar wash and painted

to match the structure.

The aesthetic merits of any combination of exterior materials are subject to review and approval by the Architectural Committee in order to maintain the architectural integrity and consistent visual experience of Ponderosa Trails.

### 3.4 Roofs

All residences at Ponderosa Trails will have pitched roofs with the exception that up to 1/3 of the horizontal roof area may be flat.

The predominant roof material at Ponderosa Trails will be thick butt 25 year architectural shingles. Additionally, for the sake of contrast and variety, slate, flat concrete tiles, and non-reflective raised-seam metal roofs or non-reflective metal roofs will be permitted. Final colors and materials are subject to the approval of the Architectural Committee. Wood shingles or shakes will NOT be permitted.

The use of asphalt roll roofing, any types of barrel or "S" tile, or reflective metal surfaces is strictly prohibited.

Flat roofs, if any, must be finished with a colored aggregate ballast or cap sheet which matches the colors of the walls or other roof materials on the residence.

### 3.5 Exterior Colors

The color of exterior materials must generally be subdued to blend with the natural colors of the forest. Earth tones are recommended, although harmonious accent colors may be permitted by the Architectural Committee. In no case will colors approaching the primary range (red, blue, and yellow) be permitted, nor will drastic contrasts in value (light to dark) be allowed.

It is the intent at Ponderosa Trails to preserve the appearance of the natural landscape and preclude the use of colors that would appear out of place and, therefore, offensive.

Any full repaint of the body, trim, or accent colors requires approval prior to work commencing. Maintenance touch up does not require approval. The Architectural Committee has adopted 16 convenient pre-approved paint schemes that can be viewed at [www.ponderosatrailshoa.com](http://www.ponderosatrailshoa.com). You may paint your home a pre-approved color scheme simply by submitting a current photo of your home and designating the scheme number on the Ponderosa Trails HOA Exterior Coatings Application. Any change or modification to the schemes or other requested colors must follow the guidelines below and be approved by majority vote of the Architectural Committee.:

- Preferred colors should be subdued earth tones. The primary colors of red, blue and yellow are not allowed for body or trim selections.

- Colors should coordinate.
- It is preferred that the LRV for the main body color be between 20 LRV and 70 LRV with 40 points or less between the proposed body and trim colors.
  - It is preferred that the LRV for the main body color have a 20 point or less difference between it and any gable end accent color.
- Preferred trim colors have an LRV of 83 or less.
- Please note that saturated colors with lower LRVs will lose sheen and blanch faster which could require repainting more frequently.
- Submittals must include a photo of the homes existing colors and should include a street view of the home to include the roof and landscape. They should also include proposed paint sheen, LRVs, Color, and a manufacturers sample. The preferred paint sheen for the body of the home is 'Satin/Egg Shell'. Requests to utilize other sheens will be reviewed on a case by case basis.

### 3.6 Windows and Skylights

The glass of windows and skylights must not be highly reflective, nor may their frames consist of reflective materials that are left unfinished. This especially applies to aluminum window frames, which must be anodized or finished with baked enamel.

### 3.7 Building Projections

All projections from a residence or other structure, except fireplaces, eaves and roof overhangs, but including porches, railings and exterior stairways must be contained within the building envelope.

### 3.8 Extensions to Widths of Existing Driveways

Any extensions of existing driveways shall require an application and written approval from at least two members of the Architectural Committee. Applications must be accompanied by a site plan drawn to scale and detailing the existing and new sitework and plantings (if applicable).

The preferred material for driveway extensions is concrete pavers that blend, or coordinate with, adjacent rock or earth materials. Non-permeable surfaces such as concrete will be discouraged.

### 3.9 Solar Applications

Passive solar design is encouraged. Roof or grade mounted solar energy devices will be permitted in accordance with the requirements of A.R.S. 33-1816 and any other applicable statutes:

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/33/01816.htm&Title=33&DocType=ARS>. An application and approval by the Architectural Committee is required prior to commencement of installation. It is the responsibility of the homeowner to verify permit requirements.

### 3.10 Changes to Existing Structures or Additional Construction

The Architectural Committee must first review and approve all changes or additions to the approved plans before the construction or installation of the work to be done pursuant to any such changes or additions is commenced.

## 4. DESIGN REVIEW PROCEDURE OF NEW CONSTRUCTION AND ADDITIONS

Plans and specifications shall be submitted to the Architectural Committee in accordance with the following schedule:

### 4.1 Design Submittal

The following documents are to be submitted for final review; no review will be commenced until the submittal is complete:

- A. A complete Site plan (scale 1" = 10') showing all improvements and with all front, rear and side setbacks noted.
- B. Floor plans (scale 1/4" or 1/8" = 1'), showing finished floor elevations.
- C. Roof plan (scale 1/4" or 1/8" = 1'), showing all roof pitches.
- D. Four elevations (scale 1/4" or 1/8" = 1'), showing the proposed structure from all four sides.
- E. Paint colors samples and literature as requested by the Architectural Committee depicting or describing all exterior materials.
- F. On site staking of lot comers and building comers as well as any other improvements, if so requested by the Architectural Committee.

### 4.2 Design Review

The Architectural Committee will meet to review the plans and render a decision of record within ten calendar days of receipt of the complete submittal. It is the Owner's responsibility to contact the Association to verify status of submittal prior to commencing work. The written approval of the final plan submittal will include notification to the owner that the approved plans, including approved amendments, are in compliance with all rules and guidelines in effect at the time of the approval and that the refund of the deposit, if any, requires that construction be completed in accordance with those approved plans.

Any response an owner may wish to make regarding the results of a design review must be addressed to the Architectural Committee in writing.

### 4.3 Re-Submittal of Plans

In the event of any disapproval by the Architectural Committee of final submittal, the re- submittal should follow the same procedures as the original submittal.



#### 4.4 Commencement and Completion of Construction

Upon completing the Ponderosa Trails design review process and receiving approval of the Architectural Committee, and having satisfied all of the requirements of the City of Flagstaff, the owner will have one year in which to commence construction on the lot.

If owner fails to begin construction during the year immediately following the granting of approval by the Architectural Committee, all approval previously received shall be deemed revoked.

The owner shall, in any event, complete the construction of any improvement on his lot within one year after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the owner due to labor strikes, fires, national emergency or natural calamities.

#### 4.5 Right To Complete

If the owner fails to comply with this schedule, the Architectural Committee shall have the right, but not the obligation to either have the exterior of the improvement completed in accordance with the approved plans or remove the improvement, with all expenses incurred in pursuing either such action to be reimbursed to the Architectural Committee by the owner.

#### 4.6 Inspection of Work in Progress

The Architectural Committee will provide for at least two on-site formal reviews during construction for the purpose of determining compliance with the approved final plans. Within ten business days after each of these formal reviews, the Architectural Committee will provide to the owner or to the owner's agent a written report specifying any deficiencies, violations or unapproved variations from the approved Final Plans as amended and that have come to the attention of the Architectural Committee. Absence of such inspection or notification during the construction period does not constitute and approval by the Architectural Committee of work in progress or compliance with these Architectural Committee Rules.

#### 4.7 Subsequent Changes

Additional substantive construction or other improvements to a residence or lot, or changes during construction or after the completion of an approved structure, must be submitted to the Architectural Committee for review and approval prior to commencing work on such changes or additions.

#### 4.8 Final Release

Upon completion of any new residence or addition, the owner shall give written notice of completion to the Architectural Committee. Within ten calendar days of receiving such notification, a representative of the

Architectural Committee shall inspect the residence and/or other improvements for compliance. Within ten business days after such review, the Architectural Committee will provide to the owner, a copy of the written report specifying any deficiencies, violations or unapproved variations from the approved plans as amended that have come to the attention of the Architectural Committee. If all improvements comply with these Architectural Committee Rules, the Architectural Committee will issue written approval to the owner, constituting a final release of the improvements by the Architectural Committee.

If it is found that the work was not done in strict compliance with the approved plans and specifications or any portion of these Architectural Committee Rules, the Architectural Committee may issue written notice of noncompliance to the owner, specifying the particulars of noncompliance, said notice to be issued within ten calendar days of the final inspection.

The owner shall have 30 calendar days from the date of the notice of noncompliance within which to remedy the noncomplying portions of his improvement.

#### 4.9 Non-waiver

The approval of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any of these Architectural Committee Rules shall not constitute a waiver of it

#### 4.10 Right of Waiver

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

#### 4.11 Severability

If any provision of these Architectural Committee Rules, or any section, clause, sentence, phrase or word, or the application thereof in any circumstances, is held invalid, the validity of the remainder of these Architectural Committee Rules, and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances, shall not be affected thereby, and the remainder of these Architectural Committee Rules shall be construed as if such invalid part were never included therein.