

# **PROCESSES FOR IMPLEMENTATION OF DESIGN GUIDELINES**

Approved 11.7.2025

## **SECTION 1. REVIEW OF PLANS**

Plans for new Residences or exterior Major Modifications to an existing Residence or Property must be approved by the Design Review Committee (DRC) prior to beginning any demolition or construction. For definitions referable to Design Guidelines, including Major and Minor Modifications, please see Definitions, pages 4-5 of Design Guidelines document.

Owners are also required to notify either the DRC Chair or a member of the DRC of plans for Minor Modifications. Such notification allows the DRC to be informed about upcoming construction in the community, to review Minor Modifications which modify the external appearance of a house or property, and to inform the Owner of ramifications of the Minor Modification to other Owners or to the Ranch (See Design Guidelines, Preface, Page 1. Paragraph 2).

For Major Modifications and for all New Residence Construction, and for Minor Modifications if requested by the DRC, the application approval process must include review of architectural, landscape, and lighting plans and an on site review by a Board appointed architect working on behalf of the CHOA. The purpose of the review is to confirm adherence to all CHOA approved CC&R and DRC Guidelines and to determine the impact on neighboring properties and the Community as a whole. The DRC may waive the requirement for architect review for straightforward Major Modifications such as roof replacement.

The Owner will be billed directly by the architect for the time spent performing these services. The billable amount per hour will be approved and published by the Board. Every effort will be made by the DRC and the architect to keep billable hours to a minimum.

The DRC Chair is responsible for distributing plans to the architect and arranging for an initial discussion with the Owner. To avoid communication issues, Owners should not contact the architect directly unless directed to do so by the DRC Chair or designee.

No site work may be started until the Owner has received final written approval from the DRC. Because of the lengthy process to obtain Maricopa County approval for plans, the Owner may submit plans to the County simultaneous to submission for DRC review. However, in so doing, the Owner must accept the risk that the DRC may require plan changes that will necessitate resubmission of edited plans for County approval. The safest way to avoid this is to sequentially submit plans for approval, first to the DRC and then to Maricopa County. Under all circumstances the Owner must obtain the required Final Design Review Approval Letter from the DRC prior to beginning construction. Building permits do not fulfill the requirement for DRC approval.

## **REQUIRED REVIEW PROCESSES FOR NEW RESIDENCE CONSTRUCTION**

### **a. DRC Onsite Visit and Pre-Application Meeting**

Prior to submitting an application, an Owner must meet with the DRC Chair and/or DRC Committee members and/or the CHOA approved architect to ensure that the Owner, the Owner's Design Professional, and Contractor are thoroughly familiar with the current Declarations and the Design Guidelines. In this meeting, the DRC Chair and/ or Committee members and/or CHOA approved architect will also review specific items to be submitted with the application. The required documentation will be determined based on the complexity of the project.

### **b. Design Review Application Submittal**

The Owner shall submit a Design Review Application (Section 2. Form A. page 7), which must include plans for demolition, if applicable (see below).

Each application must be submitted with three (3) full size (24" x 36") paper copies of all plans and one (1) PDF copy of all documents (i.e., jump drive, Dropbox, or email attachments).

The DRC Chair, DRC Committee members, or the CHOA approved architect will be pleased to answer questions and provide input on any aspect of an application. The DRC will not review or approve incomplete applications, which must include all required components, including landscape plans.

Required information is listed below:

- **Application (Section 2 Form A page 7)**

- **Refundable Security Deposit** (Section 3). A security deposit will be required by the CHOA Board of Directors commensurate with the complexity and significance of the project.

- **Certified Land Survey**

For new Residence construction, a Certified Land Survey at no less than 1" = 20', must be submitted. The Survey must be prepared by a land surveyor or civil engineer registered in the state of Arizona, showing Lot boundaries and dimensions, easements, setbacks, centerline of adjacent streets, utility tap locations, existing surface contours at one-foot intervals based on Community data and any major terrain features such as washes.

- **Grading and Drainage Plan** A civil site plan must be prepared by a Civil Engineer registered in the State of Arizona, at the same scale as the survey, showing the size of the Lot in square feet, graphic locations and the numerical area calculations of the construction area, and an outline of structures on any contiguous Lot. The grading and drainage plan must indicate all proposed Improvements on the Lot including the Residence and all other new items to be constructed on site. The plan should also

include all proposed site grading including existing and proposed contours and topographic features such as washes, rock outcroppings and existing trees and elevations of all building floors, patios and terraces shown in relation to site contour elevations.

- **Floor Plans** indicating finished floor elevations for each floor (main floor and basement, if proposed).
- **Exterior Elevations** (at a scale no less than 1/4" = 1'-0") of all sides of the Residence including retaining and site walls as viewed from outside of the site walls and at the same scale as the floor plans. Identify all structure and wall heights, delineating both existing and proposed grade lines and designate all exterior materials.
- **Aerial Photograph of the entire Lot** may be required in certain cases indicating property lines, easements, and other existing improvements. Under all circumstances use of drones requires prior written Board approval and coordination with the Ranch to ensure that drones do not interfere with Ranch activities such as horseback riding. Owners must contact the DRC Chair or designee to initiate the process of acquiring written Board and Ranch approval. (See CC&Rs section 6.18 page 23 Aerial Devices).
- **Colors and Materials Information** including product photos and/or cut sheets of all exterior materials and colors, garage doors, light fixtures, roof color and window and glass specifications (11" x 17" maximum size) including manufacturer's name, color and/or number, and Light Reflectance Value (LRV). The sample "boards" shall include the owner's design professional and builder's name, as well as the Lot Number. At the DRC's discretion a physical sample rather than photos may be requested. For exterior paint colors, including Residence, Trim, and Accent Colors, the external Paint Color Form in Section 2, Form B, on Page 8 should be completed, to include paint chips from the proposed manufacturer.
- **Complete construction drawings** including all architectural, civil grading and drainage plans and any subsequent final submittals as will be submitted to the permitting agency for review.
- **Landscape Plan** showing:
  - Locations and sizes of all existing plants and lists, locations, sizes and common and botanical names of proposed plants.
  - Locations of all Transitional Desert Area and Private Area planting.
  - Decorative features such as fountains or pools.
  - Color and size of decomposed granite including approximate size and material specifications of any other materials.
  - Location of all exterior landscape lighting, including cut sheets for all fixtures and a list of proposed bulb types and wattages.
- **Demolition of Existing Structures**

If a proposed project includes demolition, copies of the following documents must also be submitted including:

- A complete set of photos showing all elevations of the building to be demolished.
- The Demolition Application to be submitted to the local governing agency.
- The location of construction materials, porta-johns and dumpsters.
- Please note that the DRC will not approve demolition without the approved demolition permit from the local governing agency.

## **REQUIRED REVIEW PROCESSES FOR MAJOR MODIFICATION TO EXISTING RESIDENCES OR LANDSCAPE**

### **■ Pre-Application Meeting**

Prior to submitting an application, the Owner must meet with the DRC Chair and/or DRC Committee members and/or the CHOA approved architect either in person or virtually so that the DRC can ensure that the Owner, the Owner's Design Professional, and Contractor are thoroughly familiar with the current Declaration and the Design Guidelines. The DRC Chair and/or DRC Committee members and/or the CHOA approved architect will review specific items to be submitted with the application. These items will be drawn from the more extensive list of items required for applications for new construction listed above and will be tailored to the scope of each specific modification project. If the DRC requires site information (for example to demonstrate Setbacks and Lot boundaries), this may be obtained from Maricopa County (<https://maps.mcassessor.maricopa.gov/>) unless the DRC specifically requests a formal survey.

## **DESIGN REVIEW COMMITTEE REVIEW AND APPROVAL**

- Although the DRC may accept required parts of the application at different times, the DRC is unable to review an incomplete application. The Owner must submit all required components before the review can proceed. This must include a landscape plan for the project.
- In reviewing plans and specifications for new Residential construction or Major Modification, the DRC may consider any and all factors which the DRC, determines to be relevant, including but not limited to: a) the harmony of the proposed Improvements with existing Improvements or with Improvements previously approved by the DRC but not yet constructed; b) the location of the proposed Improvement in relation to existing topography, finished grade elevations, roads, or other structures; c) the exterior design, finish materials and color of the proposed Improvements; d) adherence to the Dark Sky lighting policy; e) compliance of the proposed Improvement with the Design Guidelines f) input from other Owners.

- Decisions of the DRC may be based purely on aesthetic considerations. Each Owner acknowledges that determinations as to such matters are purely subjective, and opinions may vary as to the desirability or attractiveness of certain Improvements. Each Owner agrees that the decision of the DRC shall be final on all matters submitted to it subject to these Design Processes and the Design Guidelines, subject to an appeal of the decision to the Board (see below). The decision of the Board is final.
- The approval required of the DRC shall not be unreasonably withheld and shall be in addition to and not in lieu of any approvals or permits required by regulating governmental bodies.
- In the event that the DRC fails to approve or disapprove an application within forty five (45) calendar days after the complete Final Design Review application, (including all supporting materials,) has been submitted, approval will not be required, and the Design Guidelines will be deemed to have been approved. The approval by the DRC of any New Construction or Modification shall not be deemed a waiver of the DRC's right to withhold approval of any New Construction or Modification subsequently submitted for approval. The Design Review Committee shall have ten (10) business days after approving or disapproving the plans at the end of the 45-day review period to notify the Owner of the Design Review Committee's decision.
- In addition to the CHOA Board approved architect, the Board, in its sole discretion, may hire consultants, such as landscape architects or solar consultants, for review of submitted plans at the Owner's expense.

### **Design Review Approval Letter**

Once the final application has been approved, the DRC will issue a Final Design Review Approval Letter to the Owner. Under no circumstances shall site or building construction begin until the Owner receives this written letter by hand delivery, mail, or email.

### **Variances**

- The DRC, in its discretion, may allow reasonable variances and adjustments to overcome impractical difficulties and prevent unnecessary hardships provided that no variance or adjustment will be materially detrimental or injurious to other property or Improvements in the Community.
- The DRC shall notify neighboring Owners of any request for a material Variance and provide an opportunity for these Owners to express their views concerning the impact the variance will have on them. The DRC is not bound by any Owner's views or opinions and remains the sole decider of whether to grant a Variance. No Variance approved by the DRC shall be effective until the Variance is set forth in a written document signed by or on behalf of the DRC.

- No Variance approval shall prevent the DRC from denying a Variance in other circumstances.

### **Appeals Process Regarding DRC Decisions**

The following procedures shall be followed:

- a. The Owner shall file a written request to the Board to appeal a DRC's decision(s) outlining the DRC's decision(s) and the Owner's reasons for requesting an appeal. This appeal shall be filed with the Board within thirty (30) calendar days of the date of the DRC's letter to the Owner outlining its decision. The Board is not required to hear the appeal if the Owner does not comply with this time limit.
- b. It is recommended that the Owner, and his/her designated representative, attend the Board meeting in which the appeal will be heard. The Owner should bring any additional supporting documents that may allow the Board to adequately assess the appeal.
- c. After hearing the appeal during the Board meeting, the Board, upon closed discussion of its members, will subsequently issue a majority decision to the Owner. The Board's decision is final and binding upon the Owner and the DRC. The DRC will then incorporate the Board's final decision in any correspondence to the Owner.

### **Commencement of Construction Time Limit and Time Limit for Completion of Construction**

If construction is not commenced within 1 year of the Final Design Review Approval Letter, or if work is suspended or abandoned for a period of 60 days after work is commenced, the DRC Chair and/or DRC Committee members will meet with the Owner to determine the cause of the delay. The approved construction project must be completed within 24 months after a building permit for the final DRC approved plan has been issued unless the DRC approves a written request for an extension. The CHOA Board of Directors may assess fines or pursue all other remedies available at law, including an injunction to compel completion, if the Owner does not comply with this requirement.

### **Expiration of Design Review Approval:**

A building project will be determined by the DRC to be suspended or abandoned when the following conditions have been identified:

- visual inspection of the building site clearly indicates construction activity has ceased for a period of 60 days or more.
- reasonable efforts to contact the Owner and/or builder to determine the status of the project prove ineffective.

DRC approval will be withdrawn for suspended or abandoned projects, and a new application will be required.



## **SECTION 2. FORMS**

### **A. APPLICATION FOR NEW CONSTRUCTION OR EXTERIOR MODIFICATION**

(Please submit this form for solar, landscape, exterior lighting or any any exterior modification to your home and property, including contractor information. Please be sure they understand the HOA work hours policies)

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Date

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Description of Project

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Owner (print name)

Los Caballeros Lot Number

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Owner Contact Address

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Owner Email

Phone   Circle:   Cell   Homework

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Additional Applicant (print name)

Applicant Relation to Project (check one):   ☐ Designer   ☐ Contractor   ☐ Architect

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Applicant Address

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Applicant Email

Phone



## **B. EXTERIOR HOUSE PAINT APPLICATION**

All exterior painting and repainting in CHOA must be approved by the DRC prior to painting or repainting. Please refer to the CHOA Design Guidelines Exhibit A Community Paint Policy for specific requirements.

### **OWNER(S):**

Company Name

Phone  
Number

Contact Name (print name)

E-mail  
Address

Print Name(s)

Los Caballeros Lot Number

Signature(s)

Date

Property Street Address

Property Town / State / Zip Code

E-mail Address

Phone Number

### **CONTRACTOR:**

**PROPOSED PAINT COLOR(S):**

<u>Body Paint Color Name</u> (i.e.: Dunn-Edwards “Baked Potato”)	<u>Trim Paint Color Name</u> (i.e.: Dunn-Edwards “Baked Potato”)	<u>Accent Paint Color Name</u> (i.e.: Dunn-Edwards “Baked Potato”)
<u>Body Paint Color ID Number</u> (i.e.: DEC717)	<u>Trim Paint Color Number</u> (i.e.: DEC717)	<u>Accent Paint Color Number</u> (i.e.: DEC717)

**ATTACH PAINT CHIP(S) BELOW**

<u>Body Paint Color Chip</u>	<u>Trim Paint Color Chip</u>	<u>Accent Paint Color Chip</u>
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**Section 3. FEES AND FINES**— Consistent with Article 8 of the Third Amended Declaration of Covenants, Conditions, and Restrictions for Caballeros Homeowners Association, fees and fines may be levied to ensure compliance with the Declaration, Guidelines, and these Design Processes. The fees and fines may include but are not limited to those outlined below.

### **FEES**

1. **Refundable Construction Security Deposit-** The Owner, through the Contractor, will be required to repair damage to the streets and to adjacent properties resulting from construction (where such damage can be documented by photos or other means as being caused by the Owner, the Owner's Contractor and/or any sub-contractors, suppliers or fabricators). If the Owner does not do so, the CHOA will direct the repair of damage and deduct the costs from a Refundable Construction Security Deposit determined by the CHOA Board of Directors.
2. **Administration Fee** for new construction or significant Modifications. (To cover the costs of administrative assistance.)

### **FINES**

The DRC will work collaboratively with Owners who undertake new construction or Modification of Residences or landscape. If an Owner fails to meet the Design Guidelines or Construction Requirements, he or she will be given multiple notices with specific information about which requirement(s) is/are not being met. If, after multiple notices, the Owner fails to correct the concern, the DRC may recommend that the CHOA Board of Directors issue a Notification of non-compliance. The CHOA Board of Directors has the authority to levy fines or to order a halt to any unapproved construction activities. The CHOA Board of Directors also has the right to pursue all other rights and remedies available under the Declaration and law against an Owner and Lot for violations of the Design Guidelines and Declaration.

Following are examples of some of the violations that may be cited during or after construction:

#### **NEW HOMES:**

- Failure to obtain DRC approval for any new construction or landscape work.

#### **EXISTING HOME / LOT VIOLATIONS:**

- Failure to obtain DRC approval for a Major Modification to a Residence.
- Failure to notify the DRC of a proposed Minor Modification to a Residence.
- Failure to obtain DRC approval of major landscape work.
- Failure to obtain DRC approval for exterior repainting.

- Failure to respond to a notice that painting or landscape maintenance is required.
- Failure to fulfil other obligations delineated in the Design Guidelines or Declaration.

### **Final Letter of Compliance and Completion of Project**

A Final Letter of Compliance and Completion of Project shall be issued to the Owner by the DRC after all requirements of the Design Guidelines and these Design Processes and any other conditions required by the DRC have been met and any fines or fees required by the CHOA Board of Directors have been paid. At that point the remaining security deposit will be returned to the Owner.