



## DESIGN GUIDELINES

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## INTRODUCTION AND OVERVIEW

Cross Creek Ranch is an exclusive residential community located southwest of the City of Sedona, in Yavapai County. It is located in the vicinity of picturesque mountains affording exceptional privacy and visual buffering. One of the unique features of this site is its proximity to Oak Creek, which borders the property on three sides, yielding a one-of-a-kind relationship with one of Sedona's most significant natural features.

The overall intent for Cross Creek Ranch is to create a planned residential community that will complement the natural beauty of the high country of Arizona. Cross Creek Ranch has been planned as an upscale, gated community with 84 natural custom home-sites. Development plans for the community include a hiking/walking trail system that provides access for the residents to Oak Creek, Red Rock State Park and Coconino National Forest.

The purpose of these Design Guidelines is to provide an overall framework for residential design that maintains the unique natural beauty of CCR for each home owner, while also **inspiring architectural integrity** within the community. These guidelines are intended to prohibit certain practices but also permit owners the opportunity to explore personal expression and unique architectural vision. These Design Guidelines will provide standards for architectural and landscape design, outline the process for design review and approval for all projects and describe the construction regulations. These Design Guidelines have been adopted and will be administered by an Architectural Review Committee ("ARC") pursuant to the Declaration of Covenants, Conditions and Restrictions for Cross Creek Ranch (the "Declaration"). Except as set forth in Section VII, these Design Guidelines shall apply to all Lots located within Cross Creek Ranch.

**Owners should keep in mind that these Design Guidelines are dynamic and are modified over time to recognize changing trends, lessons learned, and the requests of Cross Creek Ranch residents. All requirements in these Design Guidelines include a "grandfather" clause, meaning that an improvement may continue to exist if the design process was legitimately initiated with the ARC prior to the adoption of Design Guidelines that may have outlawed that improvement. This means that standards and processes which the Cross Creek Ranch community permitted or prohibited at one point in time may be unacceptable or endorsed at another date. Therefore precedents based on past residential construction will not be relevant to the ARC if they violate the most current Design Guidelines.**

## SECTION I DEFINITIONS

The following capitalized words or phrases when used in these Design Guidelines shall have meanings described below. Other capitalized words or phrases not defined below shall have the meaning set forth in the Declaration.

**"ARC"** means the Architectural Review Committee of the Association.

**"Builder"** means a person or entity engaged by an Owner for the purpose of constructing any Improvement within the Project. The Builder and Owner may be the same person or entity.

**"Building Envelope"** means that portion of a Lot that encompasses the maximum allowable developable area of the Lot, as initially determined by the ARC. Modifications to the Building Envelope can only be made with the approval of the ARC.

**"Construction Envelope"** means the area specified on a Lot within which all construction activity of ARC-approved structures, driveways, parking areas, non-native landscaping, water surfaces, decks, walks and improved recreational facilities must occur. This area must be contained within the Building Envelope and will be determined by the ARC upon approval of final plans and specifications for a Residential Unit. Underground utilities may be located outside the Construction Envelope.

**"Custom Lot Criteria"** means supplemental criteria to the Design Guidelines, as adopted by the ARC, illustrating Lot specific building limitations, setbacks and driveway locations. The Custom Lot Criteria can be obtained by an Owner from the Association.

**"Excavation"** means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of earth, rock, or other substance from a depth of more than twelve (12) inches below the natural surface of the land or any grading of the surface.

**"Fill"** means any addition of earth, rock, or other materials to the surface of the land, which increases the natural elevation of such surface.

**"Four-sided Architecture"** means all elevations of a Residential Unit are given equal consideration with regard to massing, proportion and composition. Each will be reviewed as such by the ARC.

**"Indigenous Species"** means a species of plant, whether groundcover, shrub, cactus, or tree, which is found in and natural to the Sedona, Arizona area.

**"Light Reflective Value"** means the reflectivity of a surface measured by a calibrated light meter. The value represents the percentage of light reflected from a space-pure white. White has an LRV value equal to 100% while flat black has an LRV value equal to 0%.

**"Lot Survey"** means that information obtained through a licensed surveyor depicting existing features, inventory, and Lot configuration.

**"Natural Area"** means that portion of the natural environment lying within a Lot, but outside of the Building Envelope, which must remain undisturbed.

**"Natural Grade"** means the existing contour of a homesite prior to the time any alterations, grading, or site work is done to the Lot.

**"Natural Lot"** means those Lots that remain in their undisturbed condition until commencement of ARC-approved Improvements.

**"Private Area"** means that part of the Building Envelope that is surrounded by walls and is not Visible from Neighboring Property.

**"Review Fee"** means the non-refundable fee charged by the ARC upon first submittal of preliminary plans for review. Additional fees also may be charged by the ARC if, in its sole discretion, significant changes occur to the scope of the proposed Residential Unit during the course of the review process.

**"Setback"** means the building setbacks, as indicated on the Cross Creek Ranch final plat, recorded in Yavapai County on July 1, 2003.

**"Specimen Plants"** means those indigenous species of trees, cacti and other plants of four-inch caliper or greater, as measured at a point one (1) foot above grade.

**"Structure"** means anything other than a Residential Unit constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.

**"Transition Area"** means that part of the Building Envelope that is adjacent to a Natural Area and Private Area and may or may not be enclosed by walls.

**"Walkout"** means that portion of a Residential Unit that is constructed partially underground and has at least one elevation that is visible from the downhill side of a Lot.

## SECTION II ARCHITECTURE

### Architectural Theme

All Residential Units and other Structures that are constructed will be considered Four-sided Architecture (to ensure a high-quality architecture from all vantage points). Attention to massing, proportion, composition, dimension, detailing, materials and colors for all elevations shall be used during the design process and will be reviewed by the ARC. **Primary elevations (pedestrian/community vantage points) should reflect priority with enhanced design treatments.**

A pre-design introductory meeting with the ARC should be included before Preliminary Plans are submitted, to discuss your vision and concept and to collaboratively address any concerns early. Preliminary architectural designs for all Residential Units and Structures must be reviewed and approved by the ARC prior to the preparation of final plans to be submitted to Yavapai County and the ARC.

The ARC encourages residential design and use of materials and styles appropriate to the Southwest and the high desert of Arizona. Architectural design should be sensitive to and compatible with the natural environment. The goal is to have each home well integrated with its specific lot, designed with architectural integrity and interest, while blending into the natural environment and the community as a whole.

Architectural styles that are **encouraged** are as follows:

- Arizona Territorial or Rancho
- Craftsman
- Modern Rustic Hillside
- Contemporary (clean lines, color and materials that complement & blend with the environment)
- Pueblo (Santa Fe)

Owners/Architects shall be sensitive to the adjacent home sites that are higher in elevation to the proposed Residential Unit by ensuring that the roof structure (or “fifth side”) of the proposed Residential Unit complements the surrounding natural environment and does not demand undue attention.

Although many specific details can be found to overlap in a variety of architectural styles, those that are **strictly prohibited** on all Lots due to their general non-compliance with these Design Guidelines are as follows and as may be further prohibited by the ARC:

- Classic Victorian
- Italian/Romanesque
- Renaissance
- Colonial
- Tudor
- Spanish Revival
- Greek/Gothic Revival
- Victorian Gothic
- Neoclassical
- Federal
- Georgian
- French Revival

Also **highly discouraged is a generic home style.** Homes in CCR should suggest a custom, upscale character. The ARC seeks diversity and uniqueness in architectural style when reviewing concepts and plans.



The ARC encourages use of details that will soften, add interest and enhance the architectural design. These details include, but are not limited to:

- Detail and relief of recessed windows, entrances and doors
- Window walls rather than punched windows (based on architectural style)
- Color scheme that complements and blends with the environment
- Breaks in the roofline with elevation changes and offsets
- Structural dimension that breaks up long flat wall expanses
- Shade structures, overhangs, and pedestrian circulation
- Attention to service spaces and orientation
- Use of native/natural stone that represents the stones of this region
- Use of rustic metals and natural materials
- Landscaping that allows the built environment to blend with the natural environment



Examples of such details are illustrated throughout these Design Guidelines.

### Building Orientation

The location and orientation of all buildings and Structures within a Building Envelope must be approved by the ARC prior to submittal to the County for construction permits.

### Building Envelope

Subject to the provisions of the Declaration, the Building Envelope is the portion of each Lot within which all Improvements must be built and alterations to the existing landscape may be permitted. The Building Envelope is depicted on the individual Custom Lot Criteria supplement given to each Owner upon acquiring a Lot from the Declarant or available from the Association. The most appropriate size and location of the Building Envelope for each Lot has been identified in the Custom Lot Criteria based on an analysis of the natural features of the Lot, view relationship to adjacent Building Envelopes, topography and setbacks. The Civil engineered revised topo shall match the recorded plat datum. **No improvements shall be constructed or installed and no disturbance to the natural area outside of the Building Envelope shall occur on a Lot, except those as described in Section 3.6 of the Declaration.**

Slight modifications to the Building Envelope may be made by the ARC upon application of an Owner as part of the design review process. Proposed additions to the Building Envelope must be accompanied by reductions of equal area. The ARC may allow such modifications to the Building Envelope when, in the sole discretion of the ARC, such a modification does not affect the view corridors from surrounding Lots, privacy of neighboring homes, natural features and vegetation on the Lot and the overall character of the development. Modifications to Building Envelopes approved by the ARC are subject to final approval by the County. No shifting of entire envelope is permitted.

No Lot shall be further subdivided or separated into smaller lots or parcels by any Owner, and no portion less than all of any such Lot shall be conveyed or transferred by any Owner. Two or more Lots shall not be combined into fewer lots than originally shown on the Plat.

### Site Work

Owners are encouraged to alter as little of the site as possible from its original condition, protecting existing vegetation, top soil/top rock, watersheds and drainage ways wherever possible. Typically, Residential Units should be nestled into the land, remaining low, in order to be a part of the site rather than being perched on it, which may result in unnecessary height of the Residential Unit.

Residential Units and other Improvements should step following slopes, using split and multi-level solutions wherever possible to follow existing contours and achieve a balance of cut and fill. When the construction is finished, the earth around the Residential Unit and site wall shall lie against the walls as nearly as possible to the original angle of slope. **No excavation, grading or tree removal work shall be performed on any lot without the prior written approval of the ARC.**

Once a preliminary plan is well defined, it is required that the corners of the buildings be staked on the un-graded site and elevations taken at each corner with a transit. With this information, it is often possible to determine exactly how to adjust the design to minimize the height of the Residential Unit or other Structure and conform the buildings

to the existing contours. The impact of the proposed Residential Unit on other properties and/or Common Areas with respect to privacy, view preservation, and ease of access must be considered. Except for Improvements for which the Owner has obtained ARC approval:

- No excavation or fill shall be created or stored upon any Lot;
- No change in the natural or existing drainage for surface waters shall be made upon any Lot;
- No Specimen Plants shall be damaged, destroyed, or removed from any Lot outside of the Construction Envelope that has not been first approved by the ARC.

Subject to the provisions of the Declaration, in the event of any violation of the above, the Association may cause the Lot to be restored to its state existing immediately prior to such violation; or, the Association may cause to be replaced any Protected Plant which has been improperly removed or destroyed with such other plant that the ARC may deem appropriate. The Association also may exercise any other right or remedy available to it under the Declaration or applicable law.

## **Driveways**

The recommended location of entry driveways may be identified on the individual Custom Lot Criteria and are subject to review by the ARC. Driveways shall be a maximum of sixteen (16') feet wide at the curb and are permitted to widen within the Lot. Driveways (and associated parking spots) shall be designed to blend with surroundings as much as possible, minimally impacting the presence of existing native plants on the Lot.

All driveways must flare at the intersection with a street. The width of the driveway shall not exceed twenty (20') wide, including flares. Where driveways cross drainage ways to enter a Lot, the Owner must provide a culvert with natural stone headwalls. Circular driveways are permitted so long as there is only one driveway approach no wider than sixteen (16) feet.

All driveway materials shall consist of the following materials: pavers, integrally-colored concrete, exposed colored aggregate concrete. Feature "bands" of separate materials may also be approved by the ARC. Other surfaces may be reviewed and considered by the ARC on a Lot-by-Lot basis. **No industry-standard gray concrete, asphalt or gravel driveways will be allowed.**

## **Garage and Parking Spaces**

Each Lot shall contain parking space within an enclosed garage for at least two automobiles and additional parking space within the Lot to accommodate two guest vehicles. The location and surface material of such additional parking spaces is subject to review and approval by the ARC. Carports are not allowed. Garages shall contain enough storage for vehicles & equipment (including recreation vehicles, trailer, lawn & gardening equipment, etc.)

Main garage openings should be oriented away from views from the street and other Common Areas and/or screened. Garage doors must be integrated with the design of the Residential Unit in material and massing, and shall not exceed a height of twelve feet (12'). All garage doors must be recessed a minimum of one (1) foot from the front plane of the garage. Solid, non-transparent materials are required; windows in garage doors are not permitted. If the garage contains any windows, permanent interior lighting is limited to recessed LED fixtures and the lighting which is built into garage door openers.

Recreational Vehicle (RV) garages will be considered on a case by case basis. Garages may not be used or converted for living or recreational activities without the approval of the ARC. Detached garages shall be visually integrated with the Residential Unit and are only permitted when in compliance with applicable building codes.

## **Size and Massing**

The Declaration requires a minimum livable area above grade of 2,500 square feet and a maximum livable area of 12,000 square feet, as further defined in the Declaration. Any second story shall not have a square footage of more than 35% of the square feet in the first floor, including the garage, and must be integrated into the design, not perched on top. Second story patios surrounded partially by three walls or covered by a roof or shade-providing structure shall be included in the second story square footage.



Massing is the arrangement of three-dimensional building solids that form the exterior of the home. Each Residential Unit must be composed of multiple masses with each mass distinguished by a vertical and horizontal offset.

Building massing shall be responsive to the architectural style in design and scale and as well as the layout of each custom Lot. A composition of smaller elements has the ability to yield a more comfortable scale than one large element. Alternative methods of reducing the visual appearance of large massing should be thoughtfully considered. Large continuous vertical and/or horizontal wall planes should be avoided, wherein the ARC may require architectural relief.

Blank walls longer than 12' in length must be broken up with architectural relief, i.e. windows, planters or other architectural features approved by the ARC. Any foot print wall which measures greater than 35' in length, must contain a minimum of 24" horizontal wall offset, also expressed in the roofline. Vertical wall planes exceeding 18' height must contain a vertical offset, or approved architectural relief.

### **Columns and Support Posts**

Support columns of a deck must be of substantial size and material to proportionately complement the overall building mass. Any supporting columns that are 12' or less in height must be at least 16" x 16". Supporting piers that are 13' or more in height shall be a minimum of 24" x 24" or be larger in size than the upper columns. Minimum upper support post size shall be 10" x 10", with posts taller than 10' increasing in size 1" for each 1' in height.

### **Height of Residential Units and Structures**

The ARC intends to discourage, and has the right to prohibit, the construction of any Residential Unit or other Structure which would appear excessive in height when viewed from the street or other Lots in Cross Creek Ranch neighboring properties. In order to help preserve view corridors, respect the privacy of adjacent Lots and relate to the topography and landscape, low profile buildings are encouraged at Cross Creek Ranch. Portions of a Residential Unit, such as Walkouts, may be sited below grade subject to ARC review and approval.

The Cross Creek Ranch terrain varies significantly. No portion of any Residential Unit shall exceed the immediately adjacent natural grade by more than twenty five (25) feet, as measured to the midpoint of a pitched roof or the top of the parapet of a flat roof. Wherever possible, grade-adaptive architecture shall be used in order to maintain the pre-existing contour of the topography with the Residential Unit. In other words, the roof line of the Residential Unit shall follow the same line as the contour of the Lot whenever possible.

No Residential Unit shall be constructed with a second story having a number of square feet more than 35% of the square footage in the first floor, including the garage. Special allowance for multiple story Residential Units on secluded "out-of-line-of-site" Lots or Lots indicated as such on the Custom Lot Criteria will be considered by the ARC on a case-by-case basis.

Building projections such as chimney flues will be reviewed on an individual basis by the ARC and their compliance with the height restrictions determined accordingly. Chimneys will not be held to the 25 foot height requirement but they shall be as low as possible and shall adhere to building codes.

In order to ensure compliance to the height restrictions imposed by these Design Guidelines, the following procedures must be followed:

- As part of the final site plan submittal and prior to any site work being undertaken, the Owner/Builder shall, at his or her expense, have a licensed Arizona land surveyor or civil engineer establish permanent bench marks outside of the proposed area of disturbance and establish the elevation of Natural Grade adjacent to the highest elevation points of the Residential Unit.
- During construction, the elevation of finished floor, roofs or other Structures shall be established and compliance with approved plans shall be certified. This certification shall be placed on file with the ARC.
- At any time during or after framing, the ARC may require the Owner/Builder to certify that the finished height of the Residential Unit or other Structure complies with these requirements.

### **Exterior Materials**

Design elements on all sides of the structures should be compatible with the **primary** highly visible elevations. Finished building materials shall be applied to all exterior sides of Residential Units and Structures. Architectural

elements such as, but not limited to, window design, masonry, exterior veneers, cornice detailing, column design and railing details should be integrated throughout the Residential Unit. Primary elevations (key community vantage points) **should be designed for maximum visual impact**, while secondary elevations (limited or no community vantage points) must integrate appropriately.

Materials, colors and textures should complement and blend with the natural surroundings and the architectural style used. Each residence shall include a minimum of three (3) exterior wall surface materials. These materials should be integrated into the design with **structural dimension**, not simply a flat surface treatment.

Permitted exterior finished materials include plastered unit masonry, adobe block, natural stone, southwest stucco finishes, clapboard, wood or fiber-cement siding or shingle, slate and natural log. Vinyl siding, or CMU fired common brick will not be permitted. Other materials may be approved by the ARC. Accent panels of metal, wood or natural stone may be utilized if approved by the ARC. Only natural stone (synthetic stone is not permitted) shall be used. All exterior materials shall be selected with fire mitigation in mind. (Refer to Appendix C for further details.)

## **Exterior Colors**

The exterior colors of all Residential Units and Structures shall be approved by the ARC. Colors of high reflectivity and/or primary colors are not allowed. Any color used shall be appropriate to the level and style of architecture and shall complement the surrounding improvements and existing environment. Specific exterior material colors (including, as applicable, main body color, trim color, roofs, window frames, doors and accent color) shall not exceed a 25% Light Reflective Value (LRV) and shall be submitted as samples for specific ARC approval.

Consideration of LRV and visual contrast of window treatments visible from the exterior of the home is encouraged, ideally also not exceeding a 25% Light Reflective Value.

Plans and specifications submitted to the ARC shall include details of the exterior color scheme, including all exterior surfaces. ARC may require a one (1) square foot minimum sample color panel of both principal and accent colors, and any other physical samples necessary for approval.

Any repainting or redecorating of exterior surfaces shall also require submittal of a color scheme to the ARC for approval unless repainting with the same colors.

## **Building Projections**

All projections from a Residential Unit or other Structure including, but not limited to, chimney flues, vents, gutters, downspouts, utility boxes, porches and pergolas, railings and exterior stairways shall coordinate with the surface from which they project in terms of color, texture and materials. All building projections shall be contained within the Building Envelope.

## **Roofs**

As is the case with building materials, all roofs shall be of a material compatible to the architectural style used in terms of texture and color. Reflective materials are not permitted for roofs.

Pitched roofs shall be any roof area having a slope equal to or greater than two (2) vertical inches per twelve (12) horizontal inches ranging up to a slope of twelve (12) vertical inches per twelve (12) horizontal inches maximum. The ridgelines of pitched roofs shall not extend more than fifty (50) feet in any direction without either a vertical or horizontal change in direction. Pitched roofs and the related massing of elements shall create rooflines compatible with the overall character of the topography. Pitched roofs shall not descend closer to finish grade than seven (7) feet.

Permitted pitched roof materials consist of clay tile, concrete tile, slate, rusted corrugated and treated or painted standing seam metal. The color of pitched roofs shall conform to the color standards as outlined by the ARC. Pitched roofs shall be finished with a visually aesthetic material which shall exhibit muted earth tone colors. Pitched roof colors shall complement the exterior wall color of the Residential Unit or Structure. Dominant colors such as white and red detract from the natural colors of the environment and will therefore not be permitted. Overhead screens, shade covers, patio roofs and other similar Structures shall be constructed of materials and colors to match or

complement the main roof. An Owner-provided sample of proposed pitched roof materials and colors will be reviewed by the ARC during the submittal review process on a case-by-case basis.

Flat roofs and the related parapet walls shall create rooflines compatible with the overall character of the existing topography. All flat roofs shall be enclosed by a parapet wall that is a minimum of eighteen (18) inches taller than the immediately adjacent flat roof surface. Continuity of parapet walls in flat roof areas is required. Flat roofs shall be finish coated with an acceptable material to color blend with the exterior wall color of the Residential Unit or Structure that meets building and fire codes. White, off-white, or reflective finished-coated flat roofs are prohibited. An Owner-provided sample of proposed flat roof materials and colors will be reviewed by the ARC during the submittal review process. All proposed flat roof materials and colors will be reviewed on a case-by-case basis.



Pitched roofs shall be any roof area having a slope equal to or greater than two (2) vertical inches per twelve (12) horizontal inches ranging up to a slope of twelve (12) vertical inches per twelve (12) horizontal inches maximum. The ridgelines of pitched roofs shall not extend more than fifty (50) feet in any direction without either a vertical or horizontal change in direction. Pitched roofs and the related massing of elements shall create rooflines compatible with the overall character of the topography. Pitched roofs shall not descend closer to finish grade than seven (7) feet.

All vents and other projections shall be colored to match the finished roof material color and shall be grouped together away from areas visible from neighboring properties. No mechanical equipment of any kind (except for approved solar installations) will be permitted on roofs.

### **Windows, Skylights, Solar Tubes and Glass Block**

Openings for windows and doors should be proportional to the structure and form of the residence with styles consistent with the architecture. Openings of unusual shapes and sizes and that distract from the overall design of a residence shall be avoided. The use of colored, reflective, or mirrored glass is not permitted. All windows shall be recessed a minimum of 2" as not to appear pasted onto the exterior walls. Windows and clerestories of anodized aluminum, baked enamel or wood are preferred for the natural climate.



Skylights should be integrated into design of the roof, and be consistent with the materials of the Residential Unit. When used on any roof, a skylight must be darkly tinted, of a low profile and screened so that it will not be Visible from Neighboring Property. Skylights and passive solar windows will be permitted on pitched and flat roofs on a case-by case basis and must be integrated in the roof design. Glazing must be a color compatible with adjacent roof color. No white or clear skylights will be permitted.

Unless otherwise approved by the ARC, glass block will only be allowed on a limited basis in those interior Private Areas in which additional natural light would be beneficial, such as bathrooms. Glass block must be recessed when used. All window recesses must conform to the architectural style.

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

### **Patios and Courtyards**

Patios and courtyards shall be designed as an integral part of the architecture of the Residential Unit so they provide shade and protection from the sun (when designed in conjunction with the walls of the Residential Unit) and seclusion within the Private Area of the residential unit. By orienting these outdoor spaces inward, encroachment of the environment will be minimized and natural airflow will be maintained.

### **Awnings**

Awnings shall be retractable and colors shall complement the Residential Unit exterior. Permanent awnings designed as architectural features will be considered on a case by case basis by the ARC.

## Exterior Lighting

**The purpose of this section is to establish guidelines and requirements that provide owners with adequate exterior lighting. Although a proposed residence may be technically compliant with these guidelines and requirements, the ARC reserves the right to reject proposed exterior lighting if the terrain, location, and outdoor living space of the lot and the design features of the residence create a high probability that neighbors will be exposed to unwanted light and glare.**

All exterior lighting shall conform with the Yavapai County Dark Sky Ordinance, as amended from time to time, which limits the amount and type of lighting allowed on residential properties. Outdoor lighting will be considered by the ARC only if it is limited to a small area within the Building Envelope, meets the requirements Yavapai County Dark Sky Ordinance, and will not result in excessive glare.

The ARC will review proposed lighting installations in the field if requested by the Owner in writing. If lighting proposals are not substantially in conformance with the following guidelines, the ARC may require that the proposed design be demonstrated in the field for ARC review.

### 1. Uses

Exterior lighting includes light sources that are located outside the home. As dictated by Yavapai County, all exterior lighting fixtures shall be concealed from view. No spotlights, flood lights or other high intensity lighting shall be placed or utilized upon any lot that in any manner allowing light to be directed or reflected unreasonably upon any other lot. Exterior lighting will be considered by the ARC for the following purposes:

#### (a) Safety Lighting

Low voltage (20 watt / 250 lumens maximum) lighting mounted in a low profile manner may be used to illuminate vehicular and pedestrian circulation.

#### (b) Security Lighting

This lighting is intended to provide bright illumination during emergency situations only, which may include unauthorized trespass, unusual or threatening sounds and/or activities. It shall be circuited and controlled separately by manual operation from any and all other lights.

#### (c) Recreational Lighting

This lighting is intended to illuminate exterior living areas, such as patios, pool decks or landscaping behind walls or in Private Areas. Such lighting shall be used only until midnight. Recreational lighting may often serve as safety lighting, and safety lighting may sometimes contribute to the visual enjoyment of the landscape. Safety and recreational lighting functions shall be circuited and controlled separately.

### 2. Limitation of Upwardly Directed Lights

Upwardly directed lights shall be limited to illumination of only large, mature specimen trees or other focal items as approved by the ARC and must be limited to a total of 650 lumens or three (3) light fixtures, whichever is less.

### 3. Driveways

A maximum of three (3) upwardly directed lights mounted in the ground (or such other number as may be determined by the ARC for specific Lots) may be used to illuminate an approved tree(s) at the driveway intersection with the street.

### 4. Wattage

The maximum wattage of any exterior light fixture shall be 650 lumens.

### 5. Mounting

Unless otherwise approved by the ARC, exterior lighting shall be mounted as follows:

- (a) Flush with grade or post mounted not exceeding eighteen (18) inches above grade;
- (b) In or upon a wall not exceeding eight (8) feet above grade;

## 6. Shielding

Light sources (lamps and bulbs) of **all exterior lighting shall be completely shielded** from view to eliminate glare from normal standing, sitting or driving view angles from any neighboring Lot or Common Area. For example, lantern type fixtures with an exposed bulb will not be permitted. Particular care shall be taken when lighting homes that are visible from land at lower elevations.

## 7. Orientation

All exterior lights shall be considered either up-lights or down-lights in accordance with the following requirements:

### (a) Up-lights

Must be aimed so that the focus of the light source is within ten (10) degrees of vertical. An exception would be those fixtures mounted below a roofed patio area that are aimed upward. The light source of such fixtures shall be fully shielded behind the eaves and therefore such fixtures will not be counted in the maximum number of allowable up-lights. Up-lights that cause light spill into the night sky will not be approved.

### (b) Down-lights

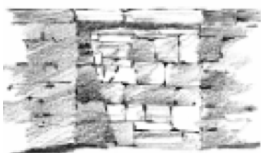
No maximum number of downward directed lights has been determined. However, they shall be mounted in an approved manner and shall be aimed downward within ten (10) degrees of vertical and shielded so that no light source may be visible. The ARC, in its sole discretion, reserves the right to reject a downwardly directed light if it appears excessive, inappropriate or not in conformance with the lighting philosophy of Cross Creek Ranch.

## Solar Application

Arizona State statutes (A.R.S. §33-1816, A.R.S. §44-1761 and A.R.S. §44-1762) allow the installation of solar devices in communities that have restrictive covenants in their bylaws. However, the law permits those communities to require modifications that reduce the visual impact of the panels. These modifications must not significantly affect the efficiency of the devices. However, if like efficiencies can be obtained by the suggested modification, and if the modifications do not exceed any values specified within the law, then the modifications can be enforced.

Solar collectors can result in excessive glare and reflection and will be carefully considered by the ARC. Cross Creek Ranch encourages any homeowner contemplating the installation of solar devices to consult with the ARC prior to entering into any contract with a solar provider. Consequently, all solar installations shall be submitted for review and approval by the ARC prior to installation. All material that supports the devices shall be colored or anodized to match the roof color or the panel color to the extent possible. No reflective bright work will be permitted.

## Walls, Fences, Gates

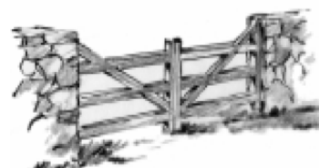


Walls of unit masonry with stucco or stone may be used for privacy, to delineate the Private Areas from the rest of the Building Envelope and as screening for cars and service areas of the Residential Unit. They should be a visible extension of the architecture of the Residential Unit and must be located within the Building Envelope. The colors of exterior walls must conform to the same color standards as described above. They may not be used to delineate Lot lines or to arbitrarily delineate the Building Envelope and/or Construction Envelope. Gates shall use materials that complement the color standards and overall architectural theme of the

Residential Unit.

Privacy or screen walls and fences should not exceed six (6) feet in height from the lowest Natural Grade adjacent to the outside wall or fence unless otherwise approved by the ARC.

Fencing outside the building envelope is permitted only on lots that abut the Coconino National Forest, provided that fencing on such lots shall be limited to areas along the exterior boundary of the project where fencing exists as of the date of the declaration. All such fencing abutting the Coconino National Forest shall be maintained in its current condition by the applicable lot owner and any repair or replacement of such fencing shall be subject to the review and approval of the ARC.





Fences may be used to enclose specific use areas within a Lot. See "Landscape Walls and Fences" under Section III of these Design Guidelines and also Section 3.5 of the Declaration for additional fencing restrictions.

### **Service Yard**

Walls are required as screening for a service yard, if any, to enclose above-ground garbage and trash containers and other outdoor maintenance, pool and service facilities. These walls must be of sufficient height to conceal equipment so that it is not Visible from Neighboring Property.

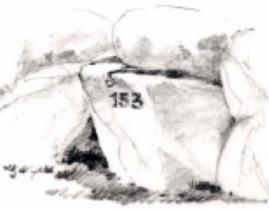
### **Machinery and Equipment**

Approval by the ARC of placement of machinery, fixtures or equipment of any type, including but not limited to, generators, heating, cooling, air conditioning and refrigeration equipment, shall be conditioned upon proper screening or concealment so as not to be Visible from Neighboring Property. Any such screening or concealment shall be (i) solid and integrated architecturally with the design of the Residential Unit or other Structure, (ii) constructed and positioned in such a manner so it is level and plumb with horizontal and vertical building components, and (iii) structurally stable in accordance with sound engineering principles. No air conditioning units or appurtenant equipment may be mounted, installed or maintained on the roof of any residential unit or other building on a lot so as to be visible from neighboring property. Ground mounted air conditioning units shall be concealed by a solid enclosure so that such units are not Visible From Neighboring Property. Wind turbines are not allowed. All pool equipment shall be screened so as not to be Visible From Neighboring Property.

### **Storage Tanks**

All tanks, pumps or similar storage or pumping facilities shall be installed or constructed underground, and be located within the Building Envelope unless an alternate location is approved by the ARC.

### **Home Identification**



Detached address identification signs for a Residential Unit shall be installed by the individual Lot Owner and must relate to the architectural style of the Residential Unit. No additional signage detached from the Residential Unit will be permitted, except temporary construction signs or other signs that may be approved by the ARC and signs permitted by the Declaration. Back-lighting of identification will be considered by the ARC, but ground-lighted Structures will be limited to a maximum of two (2) lights per Structure with a maximum of 20 watts (250 lumens) per light.

### **Guest House**

A guest house (or casita) will only be permitted as outlined in the County ordinances. Where permitted, such Structures shall be designed as a single visual element with the Residential Unit and should be visually connected by walls, courtyards or other major landscape elements.

### **Ancillary Structures**

All ancillary Structures, including but not limited to ramadas, gazebos, and pool pavilions, should be designed in the same architectural style as the main Residential Unit, including use of colors, exterior materials, and landscaping. They must be visually connected by approved walls, courtyards, fences or other major design elements and must not exceed the height of the Residential Unit.



### **Fire Protection System**

In accordance with the requirements of Yavapai County, All Residential Units must include interior fire sprinkler systems per the National Fire Protection Association (NFPA) 13, 1999 Edition.

### **Ornamental Objects**

Exterior ornamental objects such as, but not limited to, metal, ceramic or wood sculptures, fountains, ponds, statues and plastic characters will be considered by the ARC. These objects are not permitted in front or street side yards. Approved fountains may be installed in rear yards and front walled courtyards only, shall be limited in height to five



(5) feet above finished grade of the Lot and shall be compatible with the architectural character of the Residential Unit.

### **Flags and Flag Poles**

Flagpoles and flags are governed by A.R.S. §33-1808 and the National Flag Code. No flag may be displayed on any Lot without the prior written approval of the ARC. The following rules shall apply to the display of flags:

- No more than two (2) flags may be displayed on one Lot at any time and shall not exceed 3' x 5' in size.
- Flagpoles shall be metallic with non-reflective satin or bronze finish, illumination, if requested, shall be downward directed from the top of the pole.
- Flagpoles installed on Lots shall not exceed the height of the rooftop of the residence, as measured from finished grade.
- Display of flags also shall be permitted by a bracket mounted on the Residential Unit or by other methods approved by the ARC. Brackets shall be painted to match the color of the Residential Unit where the bracket is attached. All flags shall be of reasonable size as determined by the ARC.
- Decorative flags shall only be displayed in rear yards.

All displays of the American flag (and, if applicable, any other flag) on Lots must be in a manner consistent with the Federal Flag Code (4 USC Sections 4 through 10).

### **Antennae/Satellite Dishes**

Antennae one (1) meter or less in diameter or diagonal measurement that are designed to retransmit signals from nearby telephone cell towers, receive signals from direct broadcast satellites (DBS), receive video programming services from multi-channel multi-point distribution (wireless cable) providers (MMDS) or receive television broadcast signals (TVBS) may be placed, installed, or kept on a Lot if the antenna complies with the following restrictions:

- The antenna shall be placed on the Lot in such a manner as to not be Visible from Neighboring Property unless it is impossible to do so without impairing the user's ability to receive signals from a provider of telephone cell service, DBS, MMDS or TVBS.
- The first choice of the placement shall be upon the ground within the Building Envelope. The dish shall be painted an appropriate color and screened with approved plant material from the adjacent properties and street view. Location and screening method must be approved by the ARC.
- If the antenna cannot be placed on the Lot in such a manner as to not be Visible from Neighboring Property without impairing the user's ability to receive signals then the antenna shall be screened by landscaping or by some other means to reduce to the greatest extent possible its visibility from Neighboring Property.
- If the antenna is mounted on a Residential Unit or other Structure and is Visible from Neighboring Property, the antenna shall be painted a color that will blend into the background against which the antenna is mounted, unless the painting of the antenna would impair the user's ability to receive signals.
- An antenna that is less than one (1) meter in diameter and is designed to receive video program services from MMDS or an antenna designed to receive TVBS may be mounted on a mast which does not exceed 12' in height above the roof line. However, the mast shall be no higher than the height necessary to establish line of sight contact with the transmitter. If the mast or antenna is Visible from Neighboring Property, the mast or antenna must be painted a color that will blend into the background against which the antenna is mounted, so long as the painting of the antenna does not impair the user's ability to receive signals from the telephone, MMDS or TVBS provider.

A restriction contained in this section shall be deemed to impair the user's ability to receive signals from a provider of cell telephone service, DBS, MMDS or TVBS if compliance with the restriction would unreasonably delay or prevent installation, maintenance or use of the antenna, unreasonably increase the cost of installation, maintenance or use of the antenna or preclude reception of an acceptable quality signal.

### **Community Fiber Optic Cable**

During the summer and fall of 2021 CCR owners voted to have CenturyLink install a fiber optic cable in the community for the purpose of providing high-speed, internet service. New homes built in CCR are required to interface with this fiber optic network and purchase internet service from CenturyLink at the rates arranged by the CCR HOA Board of

Directors. Appendix D to this document identifies the fiber optic physical interface requirements that must be met by each new home.

### **Water Conservation**

Domestic water service to Cross Creek Ranch is provided by the Cross Creek Ranch Water Company, an Arizona corporation that is owned by the Association (available at 928-203-9320). Therefore, water conserving accessories, appliances and facilities are encouraged within each Residential Unit and for landscaping and other Improvements that require water. Such facilities shall include, but not be limited to, low flow shower heads, flow reducers on faucets, water conserving lavatories, washing machines and dishwashers.

## SECTION III LANDSCAPE DESIGN GUIDELINES

### Site Drainage and Grading

Site grading shall be accomplished with minimum disruption to the Lot, and when finished shall not result in drainage onto adjoining Lots and Common Areas (except as established by natural drainage patterns) nor cause a condition that could lead to soil erosion. Natural water drainage patterns existing prior to grading must be preserved. Developing a proper drainage plan shall be the responsibility of the Owner. Existing road shoulder drainage patterns shall be maintained where driveways intersect streets. Rectifying any drainage damage that may occur from one Lot to adjacent Lots or Common Areas because of a change in natural conditions shall be the responsibility of the Owner of the Lot that caused the unnatural drainage flow. No alteration of the grading of a lot or natural flow of water over and across a lot will be permitted without the prior written approval of the ARC.

No structure, building, landscaping, fence, wall or other improvement shall be constructed, installed, placed or maintained in any manner that would obstruct, interfere with or change the direction or flow of water in accordance with the drainage plans. All culverts, bridges or other drainage Improvements constructed shall be finished with headwalls, wing walls or other devices so as to prevent the erosion of slopes and soils, which may result in the exposure of drainage conduits or other Improvements. Culverts shall be sized to accommodate existing roadway and site drainage. Drainage Improvements visible from Neighboring Property shall be finished in natural stone or other ARC approved material. The use of boulders and landscaping is also encouraged to screen drainage Improvements.

### Washes/Watersheds

Natural drainage systems occur throughout Cross Creek Ranch and should not be obstructed. Improvements shall be sited to avoid these washes, although they can be sited at the edge of such a wash. Walls or other Improvements designed to bridge washes without obstructing 100-year storm flows will be considered by the ARC, subject to any applicable approval by governmental agencies.

### Landscaping Design

All landscaping installed for a new Residential Unit shall be **installed within ninety (90)** days of either the issuance of Certificate of Occupancy or conveyance of a Lot from the Declarant to the Owner. It is required that any landscaping plans take the Fire Mitigation requirements identified in Appendix C into account.



When reviewing landscaping submittals, the objective of the Cross Creek Ranch ARC will be to generally enhance the natural environment and to screen, accent, soften, improve and/or restore the visual character of the Project. All plant material proposed by owners for landscaping shall be drought resistant, water conserving and generally compatible with the indigenous plant materials of the existing area. Existing natural features such as unique vegetative groupings, rock outcroppings and washes shall be preserved wherever possible. The majority of plant materials approved by the ARC will be Indigenous Species, which will ensure minimal water usage and compatibility with the natural environments. An aggressive re-vegetation program shall be required in all areas impacted by construction to ensure an uninterrupted sense of "fit" between the community and its physical environment.

All Lots are comprised of three (3) landscape zones: Natural Area, Transition Area and Private Area.

(1) Natural Area - is the area lying within a Lot outside the Building Envelope that must remain undisturbed. Because Indigenous Species do not require additional water, irrigation of the Natural Area is not permitted. Irrigation of the Natural Area can lead to disease and death of Indigenous Species, attract undesirable insects and aid in the spread of undesirable plant species or weeds. In the event re-vegetation of a Natural Area must occur, only Indigenous Species are to be used. The density and distribution of any added plant material in the Natural Area must approximate the densities and distributions found in the immediate area. Temporary irrigation shall be required in the destroyed areas until replaced plants are established. Care shall be taken not to allow runoff to impact adjacent undisturbed Natural Areas. Indigenous Species that will be considered for re-vegetation are listed under "Native Zone" on the attached Cross Creek Ranch Recommended Plant Palette, "Appendix A."



(2) Transition Area - is the area located within the Building Envelope that is disturbed during construction but does not contain any above-ground Improvements. This area is the most sensitive in terms of its proximity to and visibility from adjacent rights of way, Natural Area and the areas between adjacent Lots. These areas should create a transition between the Natural Area and the more intensive plantings of the Private Area. Plant materials to be used in the Transition Area are included in "Appendix A" under "Native Zone" and "Transition Areas." The "Transition Areas" shall have a 20' wide manicured natural landscape buffer from any built structure improvement and to be depicted on the landscape plans and will be considered during review by the ARC.

(3) Private Area - is the area that is surrounded by walls and is not Visible From Neighboring Property. This area typically includes more lush and colorful vegetation. Plantings in this area may require more water and thus should be limited in area. The Private Area may be designed as a more landscape-intensive area as desired by the Owner and may contain plants not listed in "Appendix A". The ARC may require the Owner to provide additional screening or routine pruning and maintenance of plants that are not Indigenous Species, such as trees that grow to a height Visible from neighboring Property.

Plant materials not included in "Appendix A" are not encouraged and use of such materials will only be permitted on a case-by-case basis and at the sole discretion of the ARC. Drip irrigation systems are encouraged. Landscaping plans for all three landscaping zones shall be submitted at the same time as the Residential Unit and all other improvements for the Lot. Type, size and location of all tree(s) and shrub material shall be specified in the landscaping submittal. Landscape materials will be required in all Construction Envelopes and will be utilized to soften and screen. All areas to be landscaped on a Lot shall utilize sufficient plant material to conceal disturbed areas and return those areas to their pre-construction densities. All bare earth shall be covered by an approved organic and/or natural, native stone material to provide a clean, dust-free appearance. Prior to commencement of landscaping, all Construction Envelopes must be maintained in a neat, dust-free condition.

All landscaping must reflect the character of the development. Rock and hard-surface landscape features shall conform to the following:

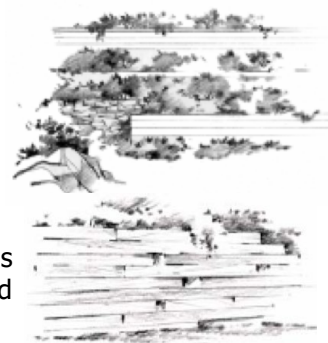
- All introduced boulder and rock features within landscape shall be of similar color and form of existing onsite rock settings.
- Rocks and boulders, patios, sidewalks, courtyards and walls may be used to supplement and create imaginative landscaping design.
- Special paving features are encouraged.
- Artificially colored rocks are prohibited in all zones. Any area with exposed rock surfaces from construction efforts shall be stained by a product approved by the ARC to give the exposed rock surfaces an aged appearance.
- All manicured rock ground covered areas shall be of a similar color and size to the natural rock colors found within Cross Creek Ranch and be installed on weed fabric.
- Trees, shrubs or plantings of any kind shall be prevented from overhanging or otherwise encroaching upon any sidewalk, street, pedestrian way or other area from ground level to a height of eight (8) feet.

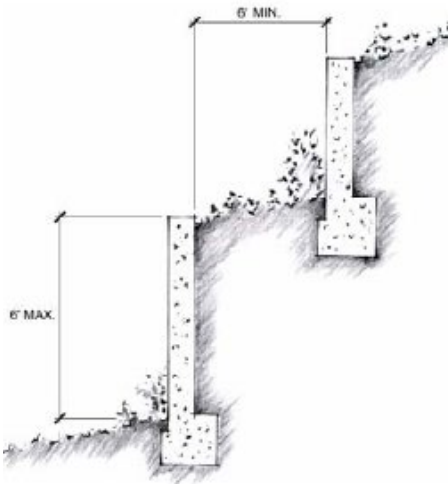
Note: Careful attention to preserving view corridors in all site design and site layout is an important factor for approval and will be strongly considered during review by the ARC.

### **Landscape Walls and Fences**

Residential site walls or fences shall appear as a visual extension of the Residential Unit, using similar materials and finishes. Such walls or fences may define courtyards or terraces in close proximity to the Residential Unit for the purpose of privacy. Residential walls and fences shall be limited to six (6) feet in height or less unless permitted by the ARC.

Walls between areas with significant elevation differences will be considered on a case-by-case basis. Closely spaced parallel walls will not be permitted. All spaces between walls shall be landscaped with the appropriate material as outlined in these Design Guidelines and maintain a minimum distance of 6 feet.





Retaining walls, where required by grade, shall be a maximum of six (6) feet in height measured from the lowest Natural Grade (measured on the outside of the wall). If multiple walls are required to retain a grade there shall be a six (6) foot minimum separation as measured from the back of the lower wall to the front of the upper wall suitable for planting landscape material; provided, however, the ARC may permit alternative wall designs for Lots with extreme elevation changes.

The appearance of any walls over six (6) feet in height shall incorporate a 6-foot separation between walls to be softened by landscaping. Retaining walls that directly support a Residential Unit or Structure shall be considered part of the elevation and shall therefore be included in the overall height restrictions as listed above and reviewed by the ARC accordingly.

Screen and freestanding walls shall be a maximum of six (6) feet in height measured from the lowest Natural Grade adjacent to the wall

to match the Residential Unit.

Suggested exterior materials for walls include stucco, integral colored concrete, native stone, treated lumber or textured decorative block.

Permitted materials for fences include wood, steel, cable, stone or synthetic wood substitutes. No chain-link fencing shall be permitted.

Prior to the submittal of any plans for the construction of fences or walls, Lot lines and Building Envelopes shall be verified by the Owner/Builder and noted as such on the plans.



### **Swimming Pools and Spas**

Swimming pools and spas shall be designed to visually connect to the Residential Unit through walls or courtyards and should be screened or separated from the Natural Area and constructed so as not to be Visible From Neighboring Property. They shall be constructed according to Yavapai County regulations. All pools shall be sited within the designated Building Envelope and be compatible in size and scale to the proposed Residential Unit. All pool equipment shall be screened so as not to be visible from Neighboring Property. Diving boards and slides will be considered by the ARC on a case-by-case basis.

### **Basketball Hoops and Other Recreational Facilities**

Basketball hoops and backboards may be installed on Residential Units. The installation of such items shall be subject to any stipulations imposed by the ARC. Particular attention will be given to the visual and acoustic privacy of adjacent Lots, as well as color and visibility of the proposed location. Lighting of the hoop and backboard or other recreational facilities will be considered by the ARC on a case-by-case basis. Non-lighted tennis courts also will be considered on a case-by-case basis. Playground equipment shall be constructed from timbers (not plastic).

### **Barbecues, Fire Pits and Fireplaces**

Built-in barbecue units, fire pits and/or fireplaces shall be contained within the yard patio or courtyard, may not encroach on the minimum setback and shall be located inside the Building Envelope. Chimney elements shall be sited and constructed to avoid obstructing views from adjacent properties. Also, caution shall be exercised to avoid the proximity of smoke to neighboring Residential Units. Gas and wood burning units shall be allowed when permitted by local and environmental regulations, equipped with appropriate spark arrestors and maintained in full compliance with Cross Creek Ranch Fire Mitigation Plan (attached hereto as "Appendix C.")

### **Armijo Ditch**

The Armijo Ditch is an irrigation channel that is used to irrigate the Meadows and will be operated and maintained by the Association. No Improvements will be considered by the ARC within the Armijo Ditch Easement Area except for driveway crossings and footbridges (if currently in place).

**Wildfire Protection**

To the extent reasonably possible, each Owner within Cross Creek Ranch is required to observe practices that reduce the risk of wildfires. Please refer to the Fire Mitigation Plan, "Appendix C" for these practices.

## SECTION IV APPLICATION PROCEDURES

### Introduction

Prior to making any appointment with an ARC representative or preparing any plans or specifications for Improvements, each Owner is advised to read the Declaration, the Bylaws and these Design Guidelines and, if necessary, to seek professional advice and counsel to understand the documents. Article 3 of the Declaration sets forth the architectural review requirements and use restrictions for Cross Creek Ranch. Article 4 of the Declaration sets forth various easements that should be considered prior to designing Improvements. Section 5.10 of the Declaration sets forth the duties and powers of the ARC. Article 7 of the Declaration sets forth certain requirements for the maintenance of Lots that may affect the design of Improvements.

Whenever any action by or approval of the ARC is required by the terms of the Declaration or these Design Guidelines, request for such action or approvals shall be submitted to the ARC in accordance with the procedures set forth in the Declaration and these Design Guidelines. Requests for approvals shall be reviewed by the ARC in accordance with these Design Guidelines and the Declaration.

Unless otherwise provided for herein, all periods of time referred to in these Design Guidelines shall refer to calendar days and shall include all Saturdays, Sundays and holidays, provided that, if such a date or the last date to perform any act or give any notice with respect to these Design Guidelines shall fall on a Saturday, Sunday or nationally recognized holiday, such act or notice may be timely performed or given on the next succeeding day which is not a Saturday, Sunday or nationally recognized holiday.

### Review Fees & Deposits

The ARC has adopted the following fee schedule in connection with its review and appeal procedures. A review fee made payable to the Association is required with each design review application. Review fees are subject to change at the sole discretion of the ARC.

- For submittal of a new Residential Unit and all other initial Improvements on a Lot, a non-refundable review fee of **\$5,500** (due before the Preliminary Design is reviewed); which includes three (3) reviews. (\$3,500 of the fee will be used to cover the cost of the Architectural Consultant reviews; the remaining \$2,000 will be placed in the Reserves account to offset the extra cost of infrastructure maintenance and repair occasioned by construction operations.) At the discretion of the ARC, the owner may be required to pay \$1,000 to cover added Architectural Consultant costs for each additional reviews until final approval.
- For major alteration of an existing Residential Unit or Improvement on a Lot that requires the issuance of a building permit by a governmental authority, a nonrefundable review fee ranging from **\$250 - \$2,500** (with the exact fee to be determined by the ARC based on the complexity of the alteration).
- For minor alterations of existing Improvements that do not require the issuance of a building permit by a governmental authority (such as most landscaping alterations), no review fee will be charged, unless significant review is required.

### Construction Deposit

Owner must remit a deposit with the Association, prior to beginning any residential construction or disturbance of earth unless specifically required to geo technical research, or cutting of trees with a caliper of four (4) inches or greater, in the amount of **\$10,000**, or as may be modified from time to time by the ARC, which is refundable upon receipt by ARC of proof of 100% completion of the work (including landscaping) for which the Construction Deposit was given.

If the Owner or Builder or any of their agents should violate the Declaration or these Design Guidelines and it becomes necessary for the Association to remedy the violation, the cost of the remedy may be charged directly to the Owner or against the Builder's Deposit. In the event that such a deduction is made from the Builder's Deposit, proper notification will be provided via certified mail and email to the builder and owner. Deposit will be returned in accordance with current Arizona Statute requirements.

## SECTION V DESIGN REVIEW PROCEDURES

### Design Review Architectural Representation

The Association has designated an Architectural Review Committee ("ARC") to perform the functions designated in the Declaration for Cross Creek Ranch. The Committee members will be appointed by the Board. The ARC shall consist of at least one (1) board member, who must serve as the chairperson, and any other members as appointed by the Board, pursuant to the Bylaws and CC&Rs of the Association.

The ARC may employ the services of an architect or outside firm (the "Consultant") as an ARC Representative, to review submitted plans for conformance to the Declaration and Design Guidelines. From time to time during the design review process, an Owner and/or his representative is expected to meet with or communicate informally with the Consultant or designated members of the ARC. While it is the intent of these informal meetings to provide direction to the Owner, any verbal comments or suggestions made are done solely to provide direction; any approval or disapproval by the ARC will be given in writing.

### Pre-Qualified Design Services

Any Architect/Designer retained for design services by a Lot Owner may be required to demonstrate their capabilities to the ARC before the commencement of any work. If such a review is deemed necessary by the ARC, the Architect/Designer shall present these capabilities to the ARC in the form of examples of previous and current projects. They will be reviewed by the ARC to determine context and appropriateness. The ARC will pay particular attention to and require longer review periods for submittal packages authored by Architect/Designer(s) who, in the opinion of the ARC, have not demonstrated that they possess the experience and skill necessary to design a home to the level expected at Cross Creek Ranch.

### Review of Plans

The ARC shall conduct reviews of plans during its regular meetings which are usually held on the 3<sup>rd</sup> Thursday of each month or at such other times as it deems appropriate. Owner or Owner's Agent will be allowed to attend the meeting where the final decision is made on the approval of plans. Any submittal made by an Owner or Owner's Agent to be considered by the ARC should be made at least seven days prior to the meeting.

The review of the preliminary design submittal and the final design submittal (as described below) are separate submittals and each will be reviewed separately in accordance with Section 3.1 of the Declaration. Any response or rebuttal an Owner may wish to make in reference to issues contained in the ARC's written notice following review of submitted plans must be addressed to the ARC in writing. Additional face-to-face meetings may also be requested by the owner at future ARC monthly meetings. These "Design Guidelines," shall govern the resolution of all issues.

### Pre-Design Meeting

Prior to preparing preliminary plans for any proposed New Construction or major Improvement, **the Owner and/or their design professional, Builder or representative shall meet with an ARC Representative at a monthly ARC meeting for a Pre-Design Meeting** to discuss proposed plans and to explore and resolve any questions regarding building requirements at Cross Creek Ranch. Such informal reviews are encouraged and are meant to offer guidance prior to initiating preliminary design. An appointment for a Pre-Design conference during a monthly ARC meeting must be made at least seven days in advance with the ARC. At or prior to the first Pre-Design Meeting the Owner shall provide the ARC with written acknowledgement of receipt of Design Guidelines; the date of the Design Guidelines must also be indicated. To explore potential issues, Pre-Design meetings can also be conducted on the proposed construction site.

### Preliminary Design Submittal

When the preliminary design is complete, plans that are submitted to the ARC for review at least seven days prior to a monthly ARC meeting shall include all of the following exhibits; no review will commence until the submittal is complete. Two (2) sets of submittal plans and one softcopy in PDF format shall be submitted to the ARC.

- A non-refundable Review fee of **\$5,500.00**.
- Site Plan (scale at 1 inch=20 feet or larger), showing the entire Lot, location of the proposed Setbacks, Building Envelope and Construction Envelope with the Residential Unit and all other Structures, driveway,



parking area, existing and proposed topography datum shall match "the recorded plat", proposed finished floor elevations, all trees of 4 inch caliper or greater, all cacti locations and special terrain features to be reserved and trees to be removed.

- Survey (scale 1 inch=20 feet or larger, same as site plan), approved building envelope showing Lot boundaries and dimensions, easements, all recorded constraints on the master plat. A topography (1 foot contours or less), major terrain features, rock out crops, washes, and all trees of 4 inch caliper contours or less and all trees of 4 inch caliper (diameter) or greater, all cacti locations and edge of pavement or curb, and utility locations. The survey shall be prepared by a registered land surveyor.
- Roof plans (including solar, if applicable) and floor plans (scale 1/8 inch=1 foot) showing proposed finished floor elevations.
- All exterior elevations (scale 1/8 inch=1 foot) showing both existing and proposed grade lines, plate heights, roof pitch and an indication of all exterior materials and colors.
- An 11 inch x 17 inch exterior color rendering is required depicting all elevations indicating the exterior materials and general color selections.
- A study model may be required by the ARC (in the same scale as site plan), which accurately depicts all the proposed Improvements and their relationship to the site. Additional supporting drawings, materials, or samples may also be requested by the ARC.
- To assist the ARC in its evaluation of the preliminary plans, the Owner shall provide field staking of the Building Envelope and proposed driveway location and alignment. Staking shall also be provided at the locations of the major corners of the Residential Unit and/or major Improvements, and at such other locations and at such heights as the ARC requires.
- A notional landscape plan shall be required to demonstrate how the proposed residence integrates with the existing natural features of the Lot.

### **Preliminary Review**

After receipt of a complete package of documents, completion of a formal review by the ARC, and the staking of the Lot as and when requested, the preliminary submittal by the Owner will be deemed complete. **Following acceptance by the ARC, the preliminary submittal will be considered valid for one (1) year** from the date of review as documented in written correspondence from the ARC. The submittal will be considered abandoned if final plans are not submitted in that period and the Owner shall be required to once again start the design review process with a new preliminary design submittal.

### **Final Design Submittal**

After review and acceptance of the preliminary submittal is granted by the ARC, the following documents are to be submitted for final review and approval by the ARC. To initiate review by the ARC, the Owner shall submit two (2) hardcopy sets and one softcopy (in PDF format) of the complete plans to the ARC at least seven days before the next monthly ARC meeting.

- Site Plans (scale at 1 inch=20 feet or larger), showing the entire Lot, location of the Building Envelope and Construction Envelope with the Residential Unit and all buildings, driveways, parking areas, existing and proposed topography, finished floor elevations, all Specimen Plants or special terrain features to be preserved, trees to be removed, all utility sources and connections, and site walls.
- A grading and drainage plan showing existing and proposed topography at one-foot contour intervals and a driveway section, prepared by a qualified design professional.
- Floor Plans (scale 1/8 inch=1 foot) showing finished floor elevations.
- Roof Plans (scale 1/8 inch=1 foot) showing all roof pitches, and any solar applications (if applicable).
- Building section (scale 1/8 inch=1 foot), indicating existing and proposed grade lines.
- All Exterior Elevations (scale 1/8 inch=1 foot) showing both existing and proposed grade lines, plate heights, roof type and pitch, and an indication of exterior materials and colors.
- Samples or cut sheets of all exterior materials and colors, as requested by the ARC depicting or describing all exterior materials. Samples must be presented on an 8 ½ inch X 11 inch mat board clearly marked with the Owner's name, filing date, Lot number and light reflectivity value.

- Complete landscape plan (scale 1 inch=20 feet) showing size and type of all proposed plants, irrigation system, all decorative materials or borders, all retained plants and transplanted plants, indication of plant storage area, materials and debris confinement area. Exterior lighting plan showing location and manner of installation for each light, as well as cut sheet for each light to be used.
- On-site staking of all building corners as well as other Improvements, as required by the ARC.

### **Resubmittal of Plans**

In the event of disapproval by the ARC of either a preliminary or a final submittal, a resubmittal of plans shall follow the same procedure as an original submittal. In the event that the ARC has questions regarding the plans or wishes to discuss specific issues identified by the ARC, the Owner will be given instructions by the ARC regarding steps necessary to lead to full acceptance.

### **Pre-Construction Site Inspection**

Prior to commencement of any construction, a representative of the ARC will inspect the Lot to determine that the conditions as depicted in the final submittal are accurate and complete. Prior to the site inspection, the house perimeter shall be staked by the Owner's representatives. Engineering certification of foundations, the securing of a building permit, and arranging for all necessary inspections by Yavapai County is the responsibility of the Owner and/or Builder. Construction documents (working drawings and specifications) are to be in accordance with the final design and plans approved by the ARC. Construction shall not commence until all of the above requirements are satisfied.

### **Commencement of Construction**

Commencement of construction of any work pursuant to the approved Final Plans shall occur **within one (1) year from the date of ARC approval**. If the Owner fails to begin construction within this time period, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the ARC prior to the expiration of said one year period, and upon a finding by the ARC that there has been no change in circumstances, the time for such commencement may be extended in writing by the ARC.

Construction shall be deemed to have commenced once the Lot has been disturbed. Construction shall proceed in a continuous manner through the completion of the Residential Unit and all other Improvements shown on the Final Design submittal approved by the ARC. If construction ceases for a period greater than three months, the ARC may require that construction immediately be resumed on the Lot or that the Lot be returned to its natural condition, or the Association shall be entitled to exercise any other remedy available to it under the Declaration or law.

The Owner shall, in any event, **complete construction of any approved new construction project on his Lot within eighteen (18) months after commencing construction thereof**. If the Owner fails to comply with this schedule, the ARC will be entitled to exercise any remedy available to it under the Declaration or law, including, at the direction of the ARC, imposition of **a fine of up to \$100/day** until Certificate of Occupancy is received and final inspection has occurred. Owner or Builder shall provide quarterly progress reports throughout the project with status updates of a timeline for completion.

For any change, deletion or addition to the plans and specifications to be considered accepted, it **must be approved by the ARC in writing**.

### **Inspection of Work in Progress**

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

Copies of the approved construction and landscape plans shall be available on site at all times.

The ARC, or representative thereof, will provide at least two (2) on-site formal reviews during the construction process, for the purpose of determining compliance with the approved plans. Owner or Owner's agent will be provided the opportunity to attend these formal reviews. A written report will be provided for each review, in accordance with current Arizona Statutes, specifying any deficiencies, violations or unapproved variations from the approved plans, as amended, that have come to the attention of the Association.

### **Final Inspection of the Improvements**

Upon completion of any Residential Unit or other Improvement, and prior to occupancy, the Owner shall give written notice of completion to the ARC. Within 10 days of such notification, a representative of the ARC will inspect the Residential Unit or other Improvements for compliance. If all Improvements comply with these Design Guidelines, the ARC will issue a written approval to the Owner, constituting a final release of the Improvements by the ARC, said release to be issued within 30 days of the final inspection. If it is found that the work was not done in strict compliance with the approved plans or any portion of these Design Guidelines, the ARC may issue a written notice of noncompliance to the Owner, specifying the particulars of noncompliance, said notice to be issued within 30 days of the final inspection. The Owner shall have 30 days from the date of notice of noncompliance within which to remedy the noncompliance portions of his Improvement. The Owner may request the ARC for additional time. However, if an extension is not granted, and the Owner has failed to remedy the noncompliance, the Association may take any action available to it under the Declaration or law to remedy the noncompliance portion of the improvement.

Following acceptance of the Improvement by the ARC, any unused portion of the Builder's Deposit will be refunded and any applicable assurance bond will be returned within 30 days after the ARC has issued its written approval that all Improvements have been completed in accordance with the final design submittal approved by the ARC.

Following a successful Final Inspection the ARC will authorize the release of the Construction Deposit provided by the Owner (minus any deductions authorized by the ARC to cover the correction of non-compliances).

### **Subsequent Changes**

Additional construction or other Improvements to a Residential Unit or Lot, or changes during construction or after completion of an approved Residential Unit or Structure, must be submitted to the ARC for approval prior to making changes or additions.

### **Right of Waiver**

The ARC reserves the right at its sole discretion to waive or vary any of the procedures or standards set forth herein.

### **Variances**

The ARC may, at its opinion and in extenuating circumstances, grant variances from the restrictions set forth in Article 3 of the Declaration, as described in Section 3.38 of the Declaration.

### **Compliance with the Local Codes**

All Residential Units and other Improvements constructed within Cross Creek Ranch and the use and appearance of all land within Cross Creek Ranch shall comply with all applicable federal, state and local rules, regulations, zoning and code requirements.

All Residential Units and other Improvements constructed within Cross Creek Ranch must be approved by the ARC prior to commencement of construction, and the Declaration and these Design Guidelines likely will contain more restrictive design and building provisions than Yavapai County will require. An Owner may submit final plans and specifications to Yavapai County at the same time such plans and specifications are submitted to the ARC for concurrent review and approval; however, Owners are cautioned that any revisions required by the ARC will need to be incorporated in the submittal to Yavapai County prior to obtaining a building permit. Similarly, changes required by Yavapai County must be incorporated to plans submitted to the ARC.

## **SECTION VI CONSTRUCTION REGULATIONS**

In order to assure that the natural landscape of each Lot is not damaged during any construction activities, the following regulations ("Construction Regulations") shall be enforced during the construction period. These regulations shall be made a part of the construction contract document specifications for each Residential Unit or other Improvements on a Lot, and all Builders, Owners, and other Persons shall be bound by these regulations. Any violation by a contractor, employee or agent of Owner (including a Builder) shall be deemed to be a violation by the Owner of the Lot.

Monitoring of building sites during construction will be done by representatives of the ARC. Violations of the Construction Regulations will be reported to the Association and a notice will be sent to the Person involved. Copies of the notice will be sent to the Lot Owner if such violation is committed by a Person other than the Lot Owner. Continued violation of these policies and procedures may result in the Association exercising all remedies available under the Declaration and law.

### **Pre-Construction Conference**

**Prior to commencing construction, the Builder must meet with a representative of the ARC** to review construction procedures and coordinate construction activities in Cross Creek Ranch. At the pre-construction conference, the Builder shall provide the following:

- Builder's Deposit (if not already received).
- Construction Area Plan (defined below).
- Construction Envelope fencing plan.
- Construction Schedule. An approximate construction schedule indicating start and completion dates of construction, utility hook-up, completion of landscaping work and anticipated occupancy date. If the Builder becomes aware of any significant delays or interruptions to the construction schedule, the Builder shall notify the ARC at the earliest possible time.
- Drawing of the proposed construction sign, if any. Any construction sign used shall be sixteen (16) square feet (4 feet X 4 feet) or smaller and shall be painted to match the colors used in the Residential Unit or acceptable earth tones. (See "Signage" in this section for more information).
- Copy of the approved building construction and landscape plans to be available on site at all times.

Any other items as may be requested by the ARC at the time the meeting is scheduled.

### **Construction Envelope & Construction Area Plan**

The Construction Envelope limits the area of actual above-grade Improvements on each Lot within the Building Envelope and is the area within which all activities related to the Improvements to be constructed must occur. At the pre-construction conference and prior to the commencement of any construction activity on a Lot, the Owner and Builder shall provide a detailed plan as to the manner in which the natural environment will be protected, and the areas in which all construction activity will be confined, including, but not limited to: size and location for construction material storage, limits of excavation, drive areas, parking, chemical toilet location, temporary Structures, if any, dumpsters, storage of debris, fire extinguisher, utility trenching and construction sign (the "Construction Area Plan").

A chain link construction fence, or ARC determined equivalent (minimum 5 feet height) shall be erected within ten feet (10 feet) of the Construction Envelope for the duration of construction. The fence shall have a single entrance located at the driveway entrance and shall be maintained intact until the completion of construction. All construction activities, materials and equipment shall be kept within the construction fence at all times.

### **Occupational Safety and Health act Compliance (OSHA)**

All applicable OSHA regulations and these Construction Regulations shall be strictly observed by any Owner, Builder or other owner representative while within Cross Creek Ranch.

### **Construction Trailers, Portable Field Offices, Etc.**

Any Owner or Builder who desires to bring a construction trailer, field office or similar temporary building to Cross Creek Ranch shall first apply for and obtain written approval from the ARC at the time of the pre-construction

conference. The ARC will work closely with the Owner or Builder to determine the best possible location for such building in the Building Envelope. Such temporary buildings shall be located only at the location approved by the ARC and shall be removed within fifteen (15) days after the Certificate of Occupancy is issued by Yavapai County.

### **Debris and Trash Removal**

Owners and Builders shall clean up all trash and debris on the construction site at the end of each day and deposit it in an approved on-site trash receptacle. Trash and debris shall be removed from each construction site at least once a week to a dumping site located outside of Cross Creek Ranch. Lightweight material, packaging and other items shall be placed in a closed container, covered or weighted down to prevent wind from blowing such materials off the construction site. Owners and Builders are prohibited from dumping, burying or burning trash anywhere on the Lot or in Cross Creek Ranch, except in the areas, if any, expressly designated by the ARC. Disposal of any type of chemical, cleaner, fuels, oils or any toxic or environmentally harmful materials is absolutely prohibited at Cross Creek Ranch.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or affecting other Property in Cross Creek Ranch. Any clean-up cost incurred by the Association in enforcing these requirements will be billed to the Owner. Dirt, mud or debris resulting from activity on a construction site shall be promptly removed from roadways, driveways and all other property within Cross Creek Ranch. On each construction site, the Builder shall designate a wash out area within the Construction Envelope for contractors and suppliers to clean their equipment. The cleaning of equipment shall occur, and cleaning effluent shall remain, within that specified area. Equipment cleaned in any area other than the designated area may result in the Association retaining all or a portion of the Builder's Deposit to repair any damages resulting from such equipment cleaning in improper areas or the Association exercising any other right or remedy available under the Declaration or law.

### **Sanitary Facilities**

Each Owner and Builder shall be responsible for providing adequate sanitary facilities for their construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the site itself or in areas approved by the ARC. Facilities shall be emptied as necessary and contents removed from site. In no case shall an Owner, Builder or any contractor or any of their employees be permitted to use sanitary facilities provided by the Declarant or the Association.

### **Vehicles and Parking Areas**

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

### **Conservation of Landscaping Materials**

Owners and Builders are advised of the fact that the Lots and Common Areas contain valuable native plants and other natural landscaping materials that should be protected during construction, including topsoil, rock outcroppings, boulders and plant materials.

Materials that cannot be removed and are to be saved will be identified by the ARC during the design process or at the Pre-Construction Site Inspection. Through the ARC, the Association shall have the right to flag major terrain features or plants, which are to be preserved and fenced off for protection. The Builder shall mark these materials and areas and provide protection by flagging, fencing or barriers. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the construction site.

### **Excavation Materials**

Excess materials shall be immediately removed by the Builder from Cross Creek Ranch.

### **Blasting**

Blasting or impact digging may not occur without the prior written consent of the ARC. Such consent shall be given only if the Builder/Owner has delivered to the Association the written opinion of an expert consultant declaring that the proposed activity may be accomplished safely. The timing of all such activities shall be coordinated with the

Association to enable the Association to give timely notice to all persons in the area. Applicable governmental regulations should also be reviewed and observed prior to any such activities.

### **Restoration or Repair of Other Lot Damages**

Damage and scarring to a Lot outside the Construction Envelope or to other Lots or Common Areas, including but not limited to, vegetation, roads, driveways and/or other Improvements will not be permitted. If any such damage occurs, the Owner of the Lot shall repair and/or restore the damaged items/area promptly. Upon completion of construction, each Owner and Builder shall clean his construction site and repair any area of the Lot (and any other property, if applicable) that was damaged, including but not limited to restoring grades, planting shrubs and trees as approved or required by the ARC, and repair of streets, concrete curbs and gutters, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

### **Miscellaneous and General Practices**

All Owners shall be absolutely responsible for the conduct and behavior of their agents, representatives, Builders, contractors and subcontractors on Cross Creek Ranch. The following practices are prohibited at Cross Creek Ranch, and will be considered a violation of these Design Guidelines:

- Changing oil in any vehicle or equipment anywhere within Cross Creek Ranch other than a location designated for that purpose by the ARC.
- Allowing concrete suppliers and contractors to clean their equipment on the site itself other than at the locations designated for that purpose by the ARC.
- Removing any rock, plant material, topsoil or similar items from any Lot of others within Cross Creek Ranch, including construction sites, unless it is from the site under construction and only then with prior approval from the ARC.
- Using disposal methods or units other than those approved by the ARC.
- Trade contractor personnel are restricted from smoking in houses under construction. Material storage areas, trash collection areas and hazardous working spaces are hereby designated "No Smoking" areas.
- Careless disposal of cigarettes, contaminated and other flammable material. At least one (10) pound ABC-rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
- Careless treatment or removal of any natural plant materials not previously approved by the ARC.
- Consumption of alcoholic beverages in residential units under construction within Cross Creek Ranch unless specifically approved by the Association.
- Use or transit over Natural Areas.
- Association rules for pets apply to homes under construction.

### **Construction Access**

The only approved construction access during the time a Residential Unit or other Improvements are being built will be over the approved driveway for the Lot and within the Construction Envelope fence unless the ARC approves an alternative access point. Driveway access to the Lot must be protected with gravel or other approved "track-out" protection throughout the duration of the project, until permanent the driveway is installed.

### **Mud, Dust and Noise**

It is the responsibility on the contractor to remove any dirt or mud that is moved (or flows) from the construction site to Cross Creek Ranch roads. The owner will be billed for the removal from roads of any dirt or mud not removed by the contractor.

The contractor shall be responsible for controlling dust and noise from the construction site in compliance with applicable governmental regulations. At no time shall the dust and noise level disturb or become a nuisance to the adjacent properties.

## Signage

Temporary construction signs shall be limited to one sign per general contractor (no subcontractors) per site not to exceed sixteen (16) square feet of total surface area. The sign shall be free standing and the design and location of such a sign shall first be approved by the ARC. The ARC will require all construction signs to meet the following criteria:

- Signs shall be single-faced panel type and no additional sign may be attached to any construction sign either by fastening directly to the main sign or by suspension below it.
- Information such as "For Sale," "Available" or similar language, or description phrases such as "3-bedroom" may not appear on any construction sign.
- Colors of sign background should be muted earth tones, which harmonize with the natural colors rather than sharply contrast with them. Such signs may not be lighted, therefore, letter colors should relate harmoniously with the background colors while providing contrast to enable the sign to be read from approximately twenty (20) feet away.
- Construction signs must be removed at the time the house is substantially complete, or when the ARC directs the sign to be removed.

## Daily Operations and Access

Daily contractor access shall be during the following construction hours:

<b>Monday – Friday</b>	6:00 am – 6:00 pm
<b>Saturday</b>	8:00 am – 6:00 pm

Any proposed construction hours on Sunday or nationally recognized holidays must have the prior written consent of the ARC.

**\*\* Construction Regulations are to be posted in a visible location on the jobsite throughout the duration of the project. \*\***

## **SECTION VII OTHER PROVISIONS**

### **Exemptions from Certain Design Guidelines; Existing Construction**

#### Lot 53

As of the date these Design Guidelines were established by the ARC, a Residential Unit had previously been constructed on Lot 53 of Cross Creek Ranch ("Lot 53"). It is likely that many of the Improvements constructed on Lot 53 do not now (nor may they ever) conform to the conditions and standards set forth in these Design Guidelines. So long as the Owner of Lot 53 maintains such Improvements in their present state and in good condition and repair, the Improvements on Lot 53 shall be deemed to be non-conforming Improvements and the Owner of Lot 53 shall be exempt from complying with the applicable provisions of these Design Guidelines. If the Owner of Lot 53 desires to (i) substantially remodel or renovate the existing Improvements, (ii) demolish all or substantially all of the existing Improvements, (iii) construct new Improvements or (iv) alter, modify or change existing Improvements on Lot 53, all such actions shall be subject to approval by the ARC, and to the extent reasonably possible, as determined by the ARC in its sole discretion, shall comply with these Design Guidelines.

#### Lot 84

As of the date these Design Guidelines were established by the ARC, a Residential Unit had previously been constructed on Lot 84 of Cross Creek Ranch ("Lot 84"). Pursuant to Section 3.36 of the Declaration, Lot 84 is subject to an Historic Property Preservation Plan ("HPPP"). It is likely that many of the Improvements constructed on Lot 84 do not now (nor may they ever) conform to the conditions and restrictions set forth in the Declaration and these Design Guidelines. Nonetheless, the Owner of Lot 84 shall comply with all provisions of the Declaration, the Design Guidelines, Association Rules or any other covenant, condition or restriction affecting Lot 84 to the extent that such provisions are not contrary or inconsistent with the HPPP.

### **Fire Mitigation Plan**

A Fire Mitigation Plan was developed and has been approved by the applicable governmental authorities and is incorporated into these Design Guidelines (see Appendix C). Each Owner is responsible for, and shall comply with the Fire Mitigation Plan. The provisions of the Fire Mitigation Plan shall be enforceable in the same manner as all provisions of the Project Documents. In the event of any conflict between the Fire Mitigation Plan and these Design Guidelines, the Fire Mitigation Plan shall control.

### **Meadow Lot Easements**

Lots 2, 3, 4, 5, 6, 9, 10, 11, 16, 17, 42, 43, 44, 45, 46, 47, 48, 49, 50, 74, 75 and 76 (the "Meadow Lots") are encumbered by an easement in favor of the Association for the purpose of irrigating and preserving the meadows ("Meadows") within the Project.

As a condition to approval by the ARC of a Residential Unit on a Meadow Lot, the Owner of a Meadow Lot shall be required to (i) have prepared by a land surveyor registered in Arizona, a legal description for the Meadows Easement Improvements to be constructed on the Lot, and (ii) execute an easement agreement with the Association to be Recorded prior to commencement of construction on the Meadows Lot wherein (a) the Association and the Lot Owner agree that the final determination of the Meadows Easement Area is as described in the legal description approved by the ARC, and (b) the Association and Lot Owner agree upon such other matters as may be reasonably required by the Association to maintain the Meadows Easement Area in accordance with Section 4.9 and 4.10 of the Cross Creek Ranch CC&R's.

The Association shall be responsible for preparing such easement agreement after approval by the ARC of the Building Envelope, plans and specifications for the Residential Unit and the Meadows Easement Area, except that the applicable Owner shall be responsible for the cost of obtaining the legal description for the Meadows Easement Area. The Owner of a Meadows Lot (whether prior to construction of Improvements thereon or after) shall be responsible for all other Lot maintenance in accordance with the Maintenance Standard, including the removal of trash from the Meadows Easement Area. The Association shall be responsible only for irrigating and mowing the Meadows Easement Areas within the Project.



## **APPENDIX A**

### **Cross Creek Ranch Recommended Plant Palette**

## RECOMMENDED PLANT PALETTE

Note: The plant material on this list represents a "preliminary" state of development and may evolve from time to time. *If an owner would like to propose the use of plant material that he feels was inadvertently omitted from this list, such additions will be considered by the ARC.*



### NATIVE ZONE (4000 - 6000 foot elevation above sea level)

#### BOTANICAL NAME

#### COMMON NAME

##### **Trees**

Juniperus deppeana  
Juniperus monosperma  
Juniperus osteosperma  
Pinus edulis Piñon  
Pinus ponderosa  
Quercus emoryi  
Quercus gambelii  
Quercus grisea

Alligator Juniper  
One-seed Juniper  
Utah Juniper  
Pine  
Ponderosa Pine  
Emory Oak  
Gambel Oak  
Gray Oak

##### **Shrubs**

Arctostaphylos pungens  
Ceanothus integerrimus  
Cercocarpus montanus/Alderleaf  
Dasylirion wheeleri  
Grayia brandegei  
Rosa fendleri  
Rosa arizonica  
Yucca angustissima  
Yucca navajoa

Pointleaf Manzanita  
Deerbrush  
Mountain Mahogany  
Desert Spoon  
Spineless Hop-sage  
Fendler Rose  
Arizona Rose  
Narrowleaf Yucca  
Navajo Yucca

##### **Groundcover**

Berberis (Mahonia) repens  
Virginia Creeper

Creeping Barberry  
Vinelike, climbing groundcover

##### **Grasses/Wildflowers**

##### Native Grasses (non-irrigated)

Alkali Sacaton  
Blue Grama  
Galleta  
Bear Grass  
Orchard Grass

Indian Rice  
Little Bluestem  
Sheep Fescue  
Love Grass

Grass Side Oats Grama  
Spike Muhly  
Western Wheat Grass  
Squirrel Tail

##### Wildflowers (irrigated)

Blue Flax  
Gaillardia  
Purple Prairie Clover  
Indian Paintbrush  
Verbena  
Yellow Columbine

Evening Primrose  
Rocky Mountain Aster  
Groundsel  
Sand Verbena  
Mohave Bluebells  
New Mexico Lupine

Purple Aster  
Yellow Sweet Clover  
Cone Flower  
Coreopsis  
Desert Marigold  
Monkey Flower

### TRANSITION AREAS

#### BOTANICAL NAME

#### COMMON NAME

##### **Trees**

Abies lasiocarpa  
Acer griseum  
Betula nigra  
Betula pendula European  
Cercis occidentalis  
Cotinus cogyria  
Crataegus phaenopyrum

White Fir  
Paperbark Maple  
River Birch  
White Birch  
Western Redbud  
Smoke Tree  
Washington Hawthorn

Ginkgo biloba  
Gleditsia triacanthos 'Shademaster'  
Koeleria paniculata  
Liquidambar styraciflua  
Picea engelmannii  
Picea pungens 'glauca'  
Pinus m. mugo  
Pinus nigra  
Platanus wrightii  
Prunus cerasifera 'atropurpurea'  
Pyrus calleryana 'Red Spire'  
Quercus palustris  
Quercus turbinella  
Rhus glabra  
Robinia neomexicana  
Salix babylonica  
Tilia cordata 'June Bride'

### **Shrubs**

Arctostaphylos 'Emerald Carpet'  
Arctostaphylos patula  
Artemisia tridentata  
Berberis repens  
Berberis thunbergii 'Crimson Pygmy'  
Centranthus Ruber  
Chrysothamnus nauseosus  
Cottoneaster spp.  
Cowania stansburiana  
Ephedra viridis  
Euonymus alata  
Fallugia paradoxa  
Gutierrezia sarothrae  
Juniperus  
Juniperus horizontalis 'Wiltonii'  
Nolina microcarpa  
Perovskia atriplicifolia  
Potentilla tabernaemontana  
Pyracantha coccinea 'low boy'  
Rhus trilobata

### **Flowering Perennials & Accents**

Abelia grandiflora  
Achillea spp.  
Aquilegia spp.  
Buddleia davidii  
Echinacea purpurea  
Kniphofia spp.  
Melampodium leucanthum  
Oenothera caespitosa  
Penstemon spp.  
Psilostrophe bakeri, tagetina  
Ratibida columnifera  
Salvia spp.  
Stachys byzantina  
Viguiera multiflora  
Yucca baccata  
Yucca elata  
Zinnia grandiflora

### **Groundcovers**

Festuca ovina 'glauca'  
Poa/Lolium blend

Maidenhair Tree  
Honey Locust  
Goldenrain Tree  
Sweet Gum  
Engelmann Spruce  
Colorado Blue Spruce  
Mugho Pine  
Australian Black Pine  
Arizona Sycamore  
Purple-leaf Plum  
Bradford Pear  
Pin Oak  
Scrub Oak  
Smooth Sumac  
New-mexican Locust  
Weeping Willow  
Little-Leaf Linden

Bearberry  
Manzanita  
Big Western Sage  
Oregon Grape  
Dwarf Barberry  
Red Valerian  
Rabbitbush  
Cottoneaster  
Cliff Rose  
Green Ephedra  
Burning Bush  
Apache Plume  
Snakeweed  
Prince of Wales' Juniper  
Blue Carpet Juniper  
Bear Grass  
Russian Sage  
Spring Cinquefoil  
Firethorn  
Squawbush

Abelia  
Yarrow species  
Native Columbines  
Butterfly Bush  
Purple Coneflower  
Poker Plants  
Blackfoot Daisy  
White-tufted Evening Primrose  
Penstemon species  
Paperflower species  
Mexican Hat  
Salvia species  
Lamb's Ears  
Showy goldeneye  
Banana Yucca  
Soaptree Yucca  
Prairie Zinnia

Blue Fescue  
Bluegrass/Ryegrass blend sod

## **APPENDIX B**

**Design Review Approvals Checklist,**

**Review Applications**

**and**

**Cross Creek Ranch Construction Regulations**



## NEW CONSTRUCTION APPLICATION & REVIEW SUBMITTAL

☐ Preliminary Submittal      ☐ Final Submittal

DATE: \_\_\_\_\_

ADDRESS / LOT: \_\_\_\_\_

OWNER: \_\_\_\_\_

DESIGNER/BUILDER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

EMAIL: \_\_\_\_\_

*This application will be considered complete only if all the documents and submittals, as set forth in the Design Guidelines, are included. Two (2) sets of all documents are required, along with electronic copy.*

### For Reviewing Body Use Only:

SUBMITTAL DATE \_\_\_\_\_

MEETING DATE \_\_\_\_\_

REVIEW FEE (\$5,500) \_\_\_\_\_

### SUBMITTAL CHECKLIST

#### PRELIMINARY SUBMITTAL

- \_\_\_ SITE & GRADING PLAN (W/TOPOGRAPHY)
- \_\_\_ SITE /LOT SURVEY
- \_\_\_ FLOOR PLAN & ROOF PLAN (INCLUDING SOLAR)
- \_\_\_ EXTERIOR ELEVATIONS
- \_\_\_ COLOR RENDERING (11" x 17")
- \_\_\_ SECTIONS & PLAN DETAILS
- \_\_\_ PRELIMINARY LANDSCAPE PLAN
- \_\_\_ STAKING OF BUILDING ENVELOPE AND HOUSE CORNERS
- \_\_\_ PRELIMINARY COLOR/MATERIAL SELECTION

#### FINAL SUBMITTAL

- \_\_\_ FINAL SITE & GRADING PLAN
- \_\_\_ FOUNDATION PLAN
- \_\_\_ FINAL FLOOR & ROOF PLANS
- \_\_\_ FINAL EXTERIOR ELEVATIONS (ext. appointments called out)
- \_\_\_ COLOR & MATERIALS BOARD / SAMPLES
- \_\_\_ SECTIONS & PLAN DETAILS
- \_\_\_ FINAL LANDSCAPE, LIGHTING, IRRIGATION & DRAINAGE PLAN
- \_\_\_ CONSTRUCTION SCHEDULE
- \_\_\_ DRAWING OF CONSTRUCTION SIGN (IF ANY)

*The undersigned acknowledges that they have received, read and agreed to the Cross Creek Ranch Design Guidelines. Construction shall commence within one (1) year of approval and be completed within 18 months of commencement.*

OWNER SIGNATURE(S) \_\_\_\_\_

DATE \_\_\_\_\_

### For Reviewing Body Use Only:

\_\_\_ APPROVED (CONDITIONS): \_\_\_\_\_

\_\_\_ NOT APPROVED (REASON): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ARC REPRESENTATIVE SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

*Building Permits must be obtained from the local Governing Authority and copies filed with the ARC prior to commencement of construction. A Project Completion Review must be requested at least ten days prior to the Final Inspection.*

**Incomplete Submissions Will Not be Accepted or Reviewed!**

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## APPLICATION FOR PROJECT COMPLETION REVIEW

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Requested by

Builder / Contractor

Phone

Phone

Email

Date final inspection requested

Owner

Phone

Signature

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### NOTICE TO OWNER:

Following your request for Project Completion Review, the Reviewing Body finds that your final building and site construction:

- ☐ Conform
- ☐ Does not conform to the plans and specifications approved in your final submittal. The following corrections/additions are required:

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Signed

Date

Approval and compliance from the local Governing Authority is required before occupancy and the Final Inspection Certificate is issued.

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**Incomplete Submissions Will Not be Accepted or Reviewed!**

**APPLICATION FOR REVIEW OF MODIFICATIONS TO AN EXISTING  
APPROVED RESIDENCE**



Before beginning, **Review your community documents** to ensure submittal is complete and in compliance with Design Guidelines.

ADDRESS/LOT \_\_\_\_\_ OWNER \_\_\_\_\_ DATE \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

DESIGNER/CONTRACTOR : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_

PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

EMAIL: \_\_\_\_\_

☐ REVIEW FEE: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

MODIFICATION/IMPROVEMENT REQUEST: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**REQUIRED FOR SUBMITTAL:** ☐ PLOT PLAN/DRAWING - DIMENSIONS (PROPERTY LINE & BLDG ENVELOPE) ☐ ELEVATIONS / DETAILS

☐ COLOR/MATERIALS CUT SHEET/SAMPLES \*INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED OR REVIEWED!

ATTACHMENTS/SUBMITTAL SAMPLES: \_\_\_\_\_

\_\_\_\_\_

OWNER SIGNATURE (S): \_\_\_\_\_

**Review Committee Comments:** ☐ APPROVED ☐ NOT APPROVED Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments/Conditions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*All modifications shall begin construction within ninety (90) days of approval and be completed within six (6) months of approval*

**Final Inspection Request:** Please contact HOAMCO by phone, email or by returning this form, to request a final inspection.

☐ I ACKNOWLEDGE THAT THE ABOVE IMPROVEMENT IS COMPLETE AND READY FOR INSPECTION DATE \_\_\_\_\_ INITIALS: \_\_\_\_\_

☐ PLEASE CALL \_\_\_\_\_ TO SCHEDULE AN APPOINTMENT ☐ IT IS NOT NECESSARY TO SCHEDULE AN APPOINTMENT

RESULTS: ☐ APPROVED ☐ NOT APPROVED Representative Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

☐ BY CHECKING THIS BOX, OWNER REQUESTS A COPY OF THE COMPLETED INSPECTION

Submittals to: (928) 282-4479 x 1208, [Imalone@hoamco.com](mailto:Imalone@hoamco.com) HOAMCO, 35 Bell Rock Blvd., Ste. A, Sedona, AZ 86351

**Incomplete Submissions Will Not be Accepted or Reviewed!**

## CONSTRUCTION REGULATIONS



### **\*\*MUST BE POSTED ON JOBSITE\*\***

Lot # \_\_\_\_\_ Address \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone/Cell \_\_\_\_\_ / \_\_\_\_\_

1. No construction of any sort may commence until: the plans are approved by ARC, the compliance bonds have been paid, the pre-construction site survey is completed, the construction fence is installed, and the portable toilet is on site. Provide a copy of the city permit when it is available.
2. Driveway access to the Lot must be protected with gravel or other approved "track-out" protection throughout the duration of the project, until the permanent driveway is installed.
3. **Obtain approval from ARC of any and all changes to exterior elevations. Unapproved changes discovered in the field will be subject to a re-submittal and \$250.00 fine.**
4. Daily Operations & Access:  
Daily contractor access shall be during the following construction hours:  
Monday-Friday 6:00am-6:00pm  
Saturday 8:00am-6:00pm  
  
Any proposed construction hours on Sunday or nationally recognized holidays must have the prior written consent of the ARC.

#### **ANY WORK HOUR VIOLATION WILL RESULT IN AN AUTOMATIC FINE.**

5. Builder shall fence off the construction envelope PRIOR to the beginning of any work.
6. Builders are NOT allowed to use/disturb adjacent property for parking, access or storage. If access will be required, prior written permission from that lot owner must be on file with ARC.
7. Radios/Stereos shall not be played so loudly that they can be heard by adjacent neighbors.
8. Association rules for Pets apply to homes under construction.
9. **Trade contractor personnel are restricted from smoking in houses under construction. Material storage areas, trash collection areas and hazardous working spaces are hereby designated 'NO SMOKING' areas.**
10. Builder is required to have fire protection methods available (including fire extinguisher or water service) on site at all times. Careless disposal of cigarettes, contaminated and other flammable material is not allowed.
11. No parking on sidewalks or landscaped areas of the neighborhoods. All construction crews shall park on same side of street in order to maintain adequate access to all other properties and will NOT block the street at ANY TIME. Overnight parking on street or common areas of any vehicles, equipment or trailers is not allowed.
12. Job site needs to be kept reasonably clean of scraps and debris. A DAILY clean-up is required. All construction crews are responsible for IMMEDIATELY cleaning up any debris or materials that get on the adjacent property or street.
13. Builder will make a reasonable attempt to keep materials from being carried away by wind, including covering all dumpsters and securing all materials while stored on site.



14. No concrete supplies, plasterers, painters or other sub-contractors will clean their equipment outside designated, ARC area in the construction envelope area.
15. Contractors must observe posted speed limit in the neighborhoods.
16. Contractors must use the approved construction access entryways to the individual neighborhoods.
17. Any changes to ARC approved plans WITHOUT ARC approval will be subject to an automatic fine of \$250.00 per week until the changes are submitted and approved by the reviewing body.
18. At painting stage, contact ARC to arrange for a field sample approval of exterior paint. Exterior colors will not be approved until the field review is completed. Inspections will be done within 96 hours, excluding weekends & holiday, weather permitting. Failure to comply with this requirement shall result in an automatic \$250.00 fine.
19. After completion of house and landscape, a final inspection by ARC inspectors will be completed. The house may NOT be occupied prior to this inspection without ARC approval.
20. If construction is not completed within the required (18) months, **a fine of up to \$100/day may be imposed** until Certificate of Occupancy is received and final inspection by the ARC has occurred.
21. Any violation of these Construction Regulations is subject to a \$250 fine, with additional violations of the same regulations subject to increased fines for each subsequent occurrence.

**Pre-existing Damage:**

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The undersigned acknowledges that they have received, read and agreed to the Cross Creek Ranch Construction Regulations.

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Inspectors Name (printed)

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Contractors Name (printed)

---

Inspectors Signature

---

Date

---

Contractors Signature

---

Date

---

Owners Signature

---

Date

## **APPENDIX C**

### **Fire Mitigation Plan**



# THE CROSS CREEK RANCH FIRE MITIGATION PLAN

*PREPARED FOR:  
CACHET HOMES  
15475 NORTH GREENWAY-HAYDEN LOOP  
SUITE B20  
SCOTTSDALE, ARIZONA 85260*

*SUBMITTED TO:  
SEDONA FIRE DISTRICT  
FIRE MARSHALL WILL LOESCHE  
2860 SOUTHWEST DRIVE  
SEDONA, ARIZONA 86336*

***MARCH, 2003***

*PREPARED BY:  
SOUTHWEST FORESTRY, INCORPORATED  
21615 NORTH HACKAMORE LANE  
PAULDEN, ARIZONA 86334*

*("NOTE" ADDED TO INTRODUCTION  
BY ARCHITECTURAL DESIGN COMMITTEE IN SEPTEMBER 2020)*

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# *Fire Mitigation Plan*

## **INTRODUCTION**

*NOTE: Since this document was approved by the Sedona Fire District in 2003 many of the residential lots in Cross Creek Ranch have been developed and there have been significant improvements made to the common areas. For example, a main gate has been installed, all roads have been developed, pedestrian pathways have been put in place, and irrigated green-spaces have been added. A common source for water has also been established by the community which supplies both residences and fire hydrants. Although these improvements are complete, in use today, and in complete compliance with this Fire Mitigation Plan, they are not recognized in the paragraphs that follow that instead identifies them as planned upgrades as proposed in 2003.*

### **Purpose**

The purpose of the Fire Mitigation Plan is to minimize the potential adverse effects of a wildfire event on the values at risk within and adjacent to the Cross Creek Ranch. The values at risk include human lives, property, natural resources, beauty, and community consequences.

### **Opportunity**

Specific mitigating factors can be used to lessen the potential impacts on the values at risk. Managing these mitigating factors in a comprehensive fashion will promote continuity and effectiveness.

### **Scope of Work**

The Cross Creek Ranch Fire Mitigation Plan will address the following factors:

- Access / Egress To and from the property; within the property.
- Water Availability Mobile and compatible; sequence of canal and developed.
- Buildings Architectural design and building materials.
- Vegetation Thinning; defensible space; adjacent lands; maintenance.
- Construction Activities relating to Fire prevention, detection, and suppression.

The intent of the plan is to integrate these mitigating factors into the design, construction, and maintenance of the project. This effort will improve fire safety by reducing the risk and hazard of fire on the Cross Creek Ranch.

## **EXECUTIVE SUMMARY**

Controlled access to the property needs to be improved by way of installing and maintaining a sturdy gate. Development of the interior loop road will enable safe and efficient movement around much of the property. A significant reduction in wildfire hazard may be accomplished over the forested property by selectively thinning trees and removing brush. Additional reduction in wildfire hazard may be accomplished by eliminating ladder fuels and removing accumulated surface fuels.

## *Fire Mitigation Plan*

### **Access / Egress**

Development and use of the designed interior road system will improve the safe and efficient movement within the property. Designed pedestrian paths facilitate movement and create and maintain discontinuous forest fuel conditions.

### **Water Availability**

Mobile water resources will support initial suppression and should be compatible with the United States Forest Service, Arizona State Land Department, and the Sedona Fire District. These resources need to be available during the fire season or generally from May through August.

### **Buildings**

Architectural design and construction materials may be used that do not promote a fire event.

### **Vegetation**

The wildfire hazard of the Cross Creek Ranch woodland forest may be characterized as ranging from moderate to extreme. Increasing tree mortality by bark beetles is evident in shaggy bark juniper and pinyon pine species. Forest stewardship activities may be designed and implemented which: eliminate ladder fuels; remove the excess surface fuels (needles, branches, and leaves); and modify ground fuels by promoting the establishment of grasses and other understory species. Defensible space may be designed and established at the time of construction and maintained through appropriate landscaping and maintenance activities. Wildfire hazard reduction activities on adjacent Federal and State land should be promoted with particular emphasis on removal of the dead and dying fuel component.

### **Construction Activities**

A concise set of requirements should be integrated into the construction activities especially during the fire season. These requirements are meant to deal with the prevention, detection, and suppression of a fire event. Detail includes equipment, operational precautionary measures, the fire guard, and effort on fire suppression.

## **ACCESS / EGRESS**

The primary objective of this mitigating factor is to provide safe and efficient movement by vehicles to and from the property. To this end, the secondary access / egress location designed will be helpful. Roadway widths, lengths, and slopes will meet the requirements as set forth by the Sedona Fire District. Other subdivision design elements which contribute to fire mitigation include the relatively large lot sizes and appropriately designed secondary roads and driveways. Street and address signs will be present and visible and will be detailed in the Cross Creek Ranch Design Guidelines.

## *Fire Mitigation Plan*

Prior to the full design construction of the interior road system, initial operations roads may be established within the right of way for the implementation of forest stewardship activities such as dead tree removal and surface fuels removal. The use of these operations roads will greatly improve the prevention and suppression of a fire event on and adjacent to the Cross Creek Ranch. Also, the roadway itself will provide discontinuity to the primary fuel layer across the property.

### **WATER AVAILABILITY**

The primary objective of this mitigating factor is to provide adequate water flow for fire protection. This includes a fixed fire protection system (sprinklers, alarm system, and stand pipes) as well as fire hydrants as set forth by the Sedona Fire District.

A secondary objective of this mitigating factor is to provide a mobile water source for initial suppression efforts while construction activities are underway. This will be particularly important during the upcoming fire season. This mobile water source should be compatible with equipment used by the local fire suppression agencies including the Sedona Fire district, the Coconino National Forest and the Arizona Red Rock State Park.

### **BUILDINGS**

The primary objective of this mitigating factor is to use architectural design and construction materials that do not promote a fire event. The Cross Creek Ranch Design Guidelines will provide the necessary detail for the following elements:

#### Architectural Design:

- Decks are enclosed or maintained clear of ladder fuels.
- Vents into building open space are screened (<1/8”).
- Eaves into building open space are closed.
- Stem walls or structural support is non-combustible and enclosed.

#### Construction Material:

- Decks – fire resistant material.
- Roof – metal, tile, or architectural grade asphalt shingles.
- Siding – non-combustible such as rock or stucco.
- Windows – Low E or double pane.

### **VEGETATION**

The primary objective of this mitigating factor is to prescribe modification to the existing vegetation so as to reduce the impact of fire moving into a structure or a structure fire moving into the surrounding neighborhood or adjacent lands. Silviculture is the science used to accomplish these modifications. There are three general vegetation types on the Cross Creek Ranch: riparian; grassland; and woodland.

The grassland component is unique within the surrounding area and can be maintained and made more fire wise with appropriate disturbance. The current condition is underutilized with an

## *Fire Mitigation Plan*

excessive dead fuel component. Also, invasion by mesquite and juniper trees is occurring at some locations along the perimeter of pastures. Appropriate disturbance mechanisms may include prescribed burning and / or grazing by domestic livestock or mowing. All burning will be under permit as required by the Sedona Fire District.

The riparian and woodland vegetation types are similar in that some portions of them can be characterized as having excessive and continuous forest fuels. The plants making up the fuel differ but certain elements of fuel composition are evident: ladder fuels are present; horizontal continuity in the predominate fuel layer is high; accumulated surface fuels are high; and ground fuels made up of non-woody species are sparse to nonexistent. The following silvicultural prescriptions are generally applicable throughout the Cross Creek Ranch:

- Removing and modifying forest fuel. Trees and shrubs of poor form and vigor are targeted for removal. Most dead material and accumulated surface fuels greater than one inch in depth are removed. Accumulated surface fuels may be removed from under the crowns of residual trees and shrubs and repositioned on areas of exposed mineral soil. Overall fuels modification is accomplished by reducing woody species and in turn promoting grass species and ground fuels. Discontinuity of fuels, maintained throughout the predominant fuel layer, is accomplished through creating an irregular arrangement and sharply defined groups of plants (trees and shrubs). Ladder fuels are minimized and isolated. The disposal of activity-related fuels should be done in such a way so as not to increase the spread and intensification of damaging forest insects.
- Removing insect killed and infested trees. A highly aggressive approach to the identification and timely removal of insect killed and infested trees is warranted in order to mitigate the effects that the current insect epidemic has on forest fuel composition and arrangement. The current trend on the Cross Creek Ranch and surrounding woodlands is a rapid increase in the amount of dead standing trees or highly aerated heavy fuels.
- Thinning from below and intermediate thinning to more natural stocking levels. In many areas forest health can be improved by establishing and maintaining stands of trees at low to moderate stocking levels (generally less than fifty trees per acre). Trees not selected for retention should be removed. Associated shrub species should be maintained at relatively low stocking levels such as less than twenty plants or groups of plants per acre. Trees and shrubs should have a high degree of variability in their arrangement and species composition so that open areas between them can be established and maintained free of woody vegetation. The result of this arrangement is distinctly formed groups of vegetation across the landscape.

General prescriptive elements such as these can be refined and customized for individual land owners. Often, land owners will underestimate the amount of vegetation removal needed to mitigate fire hazard and will strive to retain far too many trees. Education is the key to garnering support for meaningful vegetation treatments.



## **DEFENSIBLE SPACE**

Defensible space guidelines are based upon a zone concept and are responsible to the “Urban-Wildland Interface Code, 2000 Edition”, as adopted by the international Fire Code Institute. The Cross Creek Ranch Design Guidelines will provide the necessary detail on landscaping elements including: plant species selection; plant arrangement and density; and maintenance.

### Zone 1 (0-10 feet from the edge of the structure)

The goal in this zone is to reduce a creeping ground fire.

- Minimize the amount of flammable vegetation.
- Do not allow ladder fuel arrangement.
- Maintain non-combustible ground material adjacent to the structure. This may include pathways, planter beds, rock gardens, etc.
- Maintain the area free of accumulated surface fuels such as needles and leaves.
- Native plants should be occasional and only partially with this zone. Limbs of trees should not touch or hang over the structure.
- Dead wood should be pruned out from native plants.
- Fuel arrangement from living plants should be highly discontinuous.

### Zone 2 (10-50 feet from the structure)

The goal in this zone is to reduce radiant heat and short-range spotting.

- Maintain low combustible ground cover.
- Minimize and isolate ladder fuel arrangements.
- Maintain accumulated surface fuels at less than one inch in depth.
- Native plants should be lightly stocked and irregularly arranged. Space between plants or grouped or plants should be clear of woody vegetation and typically greater than fifteen or twenty feet.
- Prune out dead wood from native plants.

### Zone 3 (50 feet to property boundary)

The goal in this zone is to create conditions unfavorable to crown fire.

- Retain native trees and shrubs at densities from 20 to 70 per acre.
- Minimize and isolate ladder fuel arrangement.
- Maintain accumulated surface fuels at less than one inch in depth.
- Prune lower dead limbs from native trees.

## **CONSTRUCTION ACTIVITIES**

The primary objective of this mitigating factor is to prevent fire ignition from construction activities. This level of prevention is based on awareness and education. The personnel working on the Cross Creek Ranch represent a significant potential source of fire ignition. These same people are also a great asset in the prevention, detection, and initial suppression of a fire event. The National Fire Danger Rating System may be used to provide guidelines for the type and timing of certain construction activities.

### **National fire Danger Rating System (NFDRS)**

Many references are made to fire weather days and related fire danger ratings (low, medium, high, and extreme). These ratings are based on a system called the National Fire Danger Rating system used by federal, state, and local fire suppression agencies. The NFDRS ratings are based on weather related factors including air temperature, relative humidity, fuel stick moisture content, and wind velocity. All of these factors contribute to the relative danger of fire states and fire intensity.

“Critical fire weather days” are defined as those days rated as “high” or “extreme” by the NFDRS. The Sedona area has an annual average of greater than 50. This means that at least six weeks every fire season the weather is most favorable for large and high intensity fires. Construction operations occurring during critical fire weather days should be executed with great caution.

A daily NFDRS rating for the Sedona area can be determined by calling either the United States forest Service or the Sedona Fire District.

## **STANDARDS**

### **Equipment**

#### Equipment Usage for Fire Suppression:

All contractors are required to allow the use of all equipment applicable to a fire suppression operation including but not limited to dozers, graders, water trucks, chain saws, fire tools, fire extinguishers, and communications equipment.

#### Spark Arresters

All internal combustion engines shall be equipped with a spark arrestor except for the following:

- Engines equipped with a turbine driven exhaust supercharger.
- Passenger carrying vehicles such as light trucks and medium trucks up to 40,000 GVW used on roads and equipped with a factory designed muffler and an exhaust system in good working condition.
- Heavy duty truck with vertical stack exhaust systems extending above the cab that are used only on roads.

## *Fire Mitigation Plan*

Spark arresters must be listed as qualified in the “Spark Arrester Guide, General Purpose and Locomotive, VOL 1” or in “VOL 2, Spark Arrester Guide, Multi-position Small Engine (MSE) 1994 or later. Both of these references are published by the National Wildfire Coordinating Group.

### Fire Extinguishers (In accordance with NSPA 10)

- Each vehicle must be equipped with at least one chemical pressurized fire extinguisher. (For example: 2A 10-B:C)
- Each power saw operator must have one chemical pressurized fire extinguisher readily available for use. (For example: 2A: 10-B:C)
- One chemical pressurized fire extinguisher must be present on all welding operations. (For example: 2A: 10-B:C)
- One chemical pressurized fire extinguisher is mandatory in every temporary office structure and storage unit. (For example: 2A: 10-B:C)
- Each flammable fuel storage area must have at least one fire extinguisher. (For example: 2A: 40-B:C)

### Fire Tools

Each vehicle must be equipped with a least one tool that could be utilized for fire fighting purposes. These tools include shovels, rakes, axes, combination tools, and pulaskis.

### Emergency Communications

Each contractor must have immediate access to or be in possession of a radio phone or cellular phone or have radio contact with a dispatcher who has these capabilities.

### Water Tender

A water tender (tanker) with a minimum capacity of 1000 gallons must be located on site from mid-May through the end of August. Water tender couplings and attachments must be compatible with local fire suppression equipment. Water must be accessible for immediate use by construction personnel.

## **Operational Precaution Measures**

### Smoking

Smoking is only permitted in vehicles or in designated smoking areas where vegetation has been cleared to mineral soil for at least 30 feet. All smoking materials must be extinguished in a proper container and not disposed of on the ground. Smoking is only permitted in vehicles on extreme fire weather days.

### Catalytic Converters

All vehicles equipped with catalytic converters shall park only in areas which are cleared of vegetation.

## *Fire Mitigation Plan*

### Burning

All burning will be under permit as required by the Sedona Fire District. No lunch fires or warming fires are allowed on days rated as moderate, high, or extreme by the NFDRS. Fires lit on days rated as low must be extinguished with water and mixed with dirt by the work shift. Burning of excessive forest fuels is only permitted when fire danger is rated as low by the NFDRS and the Sedona Fire District has been notified of the time and place the burn will occur.

### Disposal of Vegetative Residue

Vegetative residue (limbs, needles, stumps) shall be disposed of either by removing from site, burning, chipping, or grinding. All burning will be under permit as required by the Sedona Fire District. Chips or grindings may be used or removed.

### On Site Storage of Flammable Materials

Flammable materials such as gas, oil, paint, or explosives must be stored in an area with at least 50 feet radius or ground surrounding that has been cleared of vegetation to mineral soil. At least one fire extinguisher must be present in this area at all times.

### Welding and Grinding Operations

At least 10 feet of cleared area is required around a welding or metal grinding site.

## **Efforts on Fire Suppression**

### Contractor Responsibility

Should a fire occur on any part of the Cross Creek Ranch area, contractors shall immediately proceed to extinguish the fire. Contractors and employees should use their best judgment when suppressing fire leaving suppression of larger and potential life-threatening fires to the fire suppression agencies (Sedona Fire District, U.S. Forest Service). Contractor shall immediately contact fire suppression agencies upon notification of the fire if this has not already been executed by the Fire Guard.

## **Fire Guard**

### Definition

A fire guard must be present during moderate to extreme fire weather days. In the absence of a fire guard, contractors must fulfill the guard's responsibilities. A fire guard is defined as a person who is specifically assigned to detect fire ignitions, contact fire suppression authorities, and to attempt to suppress fire starts within his or her capability. Fire guards must be physically able to perform all duties involved and possess the ability to quickly assess potentially hazardous situations. Fire guards must have the mechanical knowledge to inspect all equipment for spark arrester compliance. Fire guards must be knowledgeable concerning fire hazards. Completion of an introductory wildland firefighting course along with a beginning fire behavior course is mandatory (S-130, S-190).

## *Fire Mitigation Plan*

### Responsibility

Fire guards are responsible for the following duties:

- Monitor all construction and development activities for fire risk and hazard.
- Enforce all aspects of this construction phase fire prevention plan.
- Determine fire danger rating each day and implement applicable fire prevention measures. Inform all work crews of fire danger on a daily basis.
- Facilitate fire safety meetings with working crews on a monthly basis.
- Remain on site at least one hour after activities have ceased to monitor for fire ignitions that may have occurred during these activities.
- Notify fire departments immediately in the event of a fire.
- Inspect all equipment for fire safety requirements.
- Keep a detailed daily journal of fire prevention related tasks and information.
- Daily fire danger rating.
- Any equipment inspections, corrections, and results.
- Any potential fire hazards noted and addressed.
- Type and location of all activities for that day.
- Attempt to extinguish small fire starts using common sense and safety to determine suppression capability.

### Authority

Appointed fire guards have full authority to delay, reschedule, or halt any construction practice that may be a fire hazard for the following reasons:

- Noncompliance with the Fire Prevention Plan.
- Lack of caution when executing a construction related activity.
- Presence of very extreme weather conditions (even if NFDRS rating conflicts).
- Conflicting construction activities which when executed simultaneously or in the same vicinity cause a fire hazard.

### Equipment Requirements

The Fire Guard must have the following items in possession at all times:

- One pair of binoculars.
- One set of Spark Arrester Guides (USFS or AEA).
- Three pointed nose, long handled shovels.
- Three Pulaski or axes, one fire rake.
- One cellular phone, radio phone, or radio in good working order.
- One large capacity fire extinguisher.
- One back pack pump full of water.
- One copy of the Fire Prevention Plan.
- Appropriate wildland fire fighting equipment including Nomex shirt, Nomex pants, hard hat, leather gloves, and heavy soled leather boots.

### *Fire Mitigation Plan*

- One first aid kit.

## **APPENDIX D**

### **CenturyLink Fiber Optic Requirements**

**EXHIBIT B**  
**CENTURYLINK FACILITIES AND OWNER FACILITIES**

**1. Equipment; Distribution Frames.**

(a) Owner will provide and install conduit or sleeves, as necessary and as mutually agreed to by the parties, from the edge of the Property up to each IDF (defined below). Any such conduit and sleeves are part of the Owner Facilities. If CenturyLink determines that the conduit or sleeves are not suitable for CenturyLink's use, then CenturyLink may, at CenturyLink's sole cost and expense and in accordance with plans approved by Owner, install new conduit or sleeves.

CenturyLink will place the CenturyLink Facilities that is considered equipment or electronic devices, including optical network terminals ("ONTs"), Distribution Point Units ("DPUs"), uninterrupted power supplies ("UPSs"), battery backups ("BBUs") or remote gateways provided and installed by CenturyLink ("Residential Gateways"), in areas and locations such as the mechanical rooms or closets, or smart panels located near Units in the Community located at the Property. CenturyLink may provide panels or other rack equipment for the location of centralized equipment. The "Demarcation Point" for the Services is the output ports of the DPU or ONT, as further described in the wiring design applicable to the Property in the following attached Fiber to the Premises ("FTTP") Exhibit: Fiber to the Building ("FTTB") described in **Exhibit C**. CenturyLink will install the Residential Gateway in the Units as part of the CenturyLink Facilities even if the Demarcation Point(s) are located in the IDFs or MDF (both defined below) at the Property (defined in **Exhibit B-1**).

(b) CenturyLink will provision each Unit at the Community located in the Property with a wireless-enabled Residential Gateway for the purpose of allowing each Resident who elects to receive CenturyLink's Services to, upon move-in, instantly and wirelessly activate high-speed, wireless Internet access via a web portal (e.g., centurylink.com/instant) without the need for a service call or truck roll ("CenturyLink On" or "CTL On"). The Residential Gateways will be a part of CenturyLink Facilities. The location of the Residential Gateway within each Unit shall be at the mutual agreement of the parties with reasonable consideration of the aesthetics of the Property and the functionality of the Residential Gateway. Owner will provide a single electrical outlet supplying normal utility-based power in each Unit near the planned location for the Residential Gateway.

(c) A main distribution frame or main frame ("MDF") is a signal distribution frame for connecting equipment to cables and subscriber carrier equipment. The MDF is a termination point within the local telephone exchange where exchange equipment and terminations of local loops are connected by jumper wires at the MDF. All cable copper pairs supplying services through user telephone lines are terminated at the MDF and distributed through the MDF to equipment within the local exchange (e.g., repeaters and DSLAM). Cables to intermediate distribution frames terminate at the MDF. It is commonly referred to as the "Telco Room."

(d) An intermediate distribution frame ("IDF") is a distribution frame in a customer premises, which cross connects the user cable media to individual user line circuits and may serve as a distribution point for multipair cables from MDF to individual cables connected to equipment in areas remote from these frames. It is commonly referred to as a "Riser Room" or "Phone/Video Closet."

**2. Wiring.**

(a) **Conduit.** Any existing conduit or sleeves from the edge of the Property that are identified by Owner for CenturyLink's use are part of the Owner Facilities. The installation of any new conduit or sleeves by CenturyLink will be subject to Owner's prior written approval, which approval may be withheld in Owner's sole discretion.

(b) **CenturyLink Wiring.** CenturyLink will provide and own wiring from the edge or facilities entry location of each building on the Property to the MDF or IDF ("CenturyLink Wiring"), as described on **Exhibit B-1** and the wiring design applicable to the Property in the following attached **Exhibit C**. Unless otherwise provided by Applicable Laws, the CenturyLink Wiring is part of the CenturyLink Facilities.

(c) **Home Run Wiring.** CenturyLink will provide and own "Home Run Wiring", as defined in 47 C.F.R. § 76.800, from the MDF or IDF to the distribution panel in each Unit, as described on **Exhibit B-1**. The Home Run Wiring must consist of twisted pair cables. Unless otherwise provided by Applicable Laws, the Home Run Wiring is part of the CenturyLink Facilities. With respect to any Home Run Wiring considered a part of CenturyLink Facilities, CenturyLink shall have the exclusive right to use and access, except as otherwise mandated by law, during the Term of the Agreement.

(d) **Cable Home Wiring.** Owner will provide and own the internal wiring of any type (e.g., CAT 5e, coax, etc.), defined as "Cable Home Wiring" in 47 C.F.R. § 76.5, from the distribution panel in each Unit to other outlets in the Unit that may receive Services. The Cable Home Wiring must be installed in accordance with CenturyLink's FTTP Wiring Requirements attached as **Exhibit C**. Unless otherwise provided by Applicable Laws, the Cable Home Wiring is part of the Owner Facilities. Owner grants CenturyLink the non-exclusive right to use and access the Cable Home Wiring in each Unit during the Term of the Agreement.



## **EXHIBIT B-1** **WIRING EXHIBIT**

### Telecommunication Cable Types:

X Home Run IW:   1   Quantity per living unit

☐ Other, specify: \_\_\_\_\_: \_\_\_\_\_ Quantity per living unit

### Type of endpoints (building architecture):

☐ MDF to Living Unit

☐ IDF to Living Unit

Diagram (for GPON overbuilds): Check the box above the diagram best representing the scenario in question.

☐

☒ **XX**

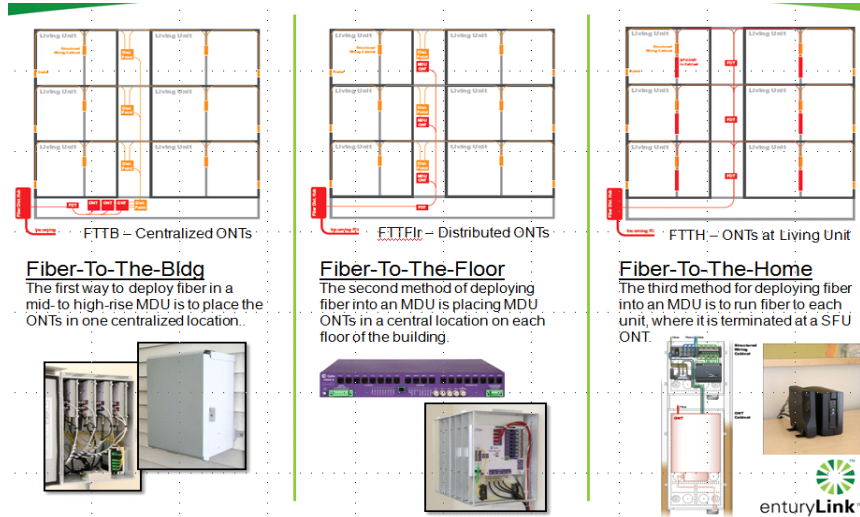
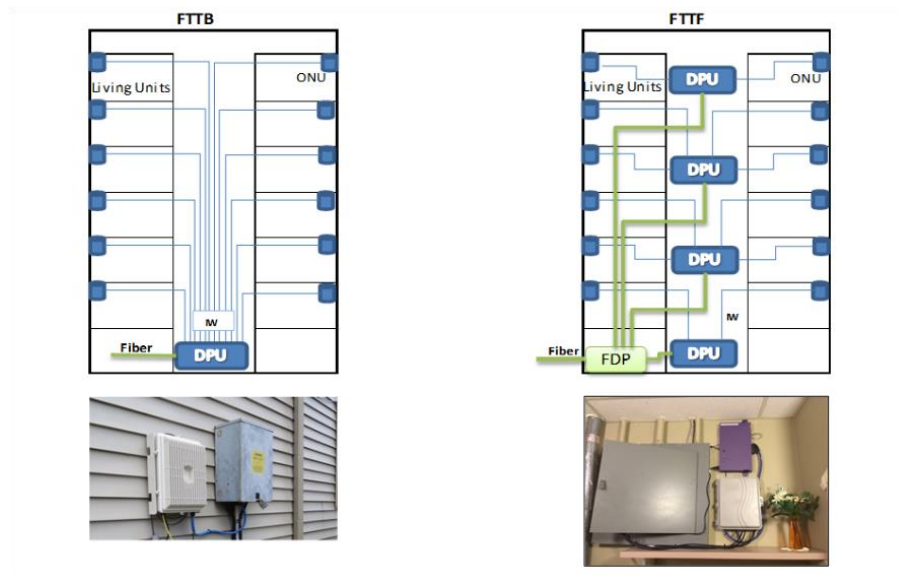


Diagram (for G.Fast overbuilds): Check the box above the diagram best representing the scenario in question.

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**EXHIBIT C**  
**Build Specifications Exhibit**

• **DPU/ONT/RG/IW Configuration**

- The placement of ONTs or DPUs at one internal/external telephone termination location for the building is an option when the Owner has twisted pair cables from the IDF to each living unit. The one location is typically the MDF or an external location for Garden Style buildings.
- CenturyLink will be responsible for placing ONTs or DPUs to support voice and data service to each living unit.
- CenturyLink will place and maintain UPS/BBU for ONTs or DPUs serving more than one living unit. ONTs will be placed on a service order basis.
- The Demarcation Point is the DPU or ONT which will then connect to the inside wiring ("IW") cables provided by the Owner.
- CenturyLink will place a Residential Gateway that belongs to CenturyLink in each living unit in the media panel or a location where all the Cable Home Wiring can be accessed.

• **Fiber Recommendations**

- CenturyLink will place fiber through entrance conduit from the R/W into the building's MDF internal/external telephone termination location.
- If internal telephone termination location is present, then CenturyLink will place appropriately rated fiber in existing conduit/pathway from the MDF to each IDF.
- CenturyLink will provide all fiber termination equipment.

• **Outlets**

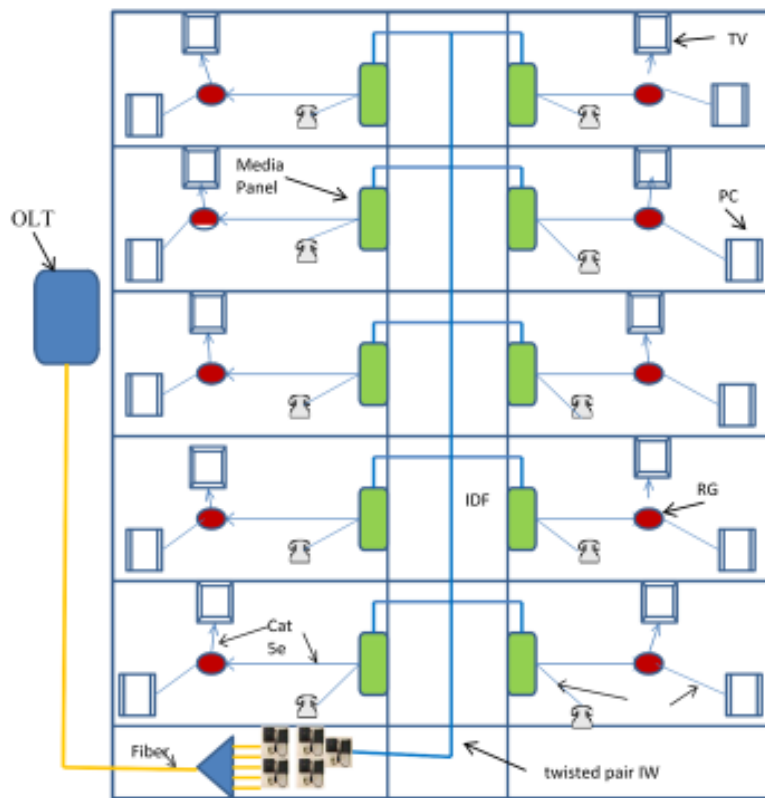
- Install One Voice Outlet with CAT 5e/CAT 6 wiring with RJ-11 connectors. Recommend the kitchen area.
- Install One (1) Cat 5e/Cat 6 fed Outlet with a RJ-45 connector in the main living area of the Unit.

**Responsibility Table**

Component	Riser Fiber and Terminations	ONT and Residential Gateway	Riser Conduit or Pathway	Power in MDF and IDF	Wall Space/ Backboard	Fiber Home Run Material	Fiber Home Run Placement
Owner			X	X	X		X
CenturyLink	X	X				X	

Component	Media Panel & 110 AC Outlet	Cable Home Wiring	In Living Unit Data and Voice Outlets
Owner	X	X	X
CenturyLink			

**Typical Build**



**EXHIBIT C-1**  
**STATEMENT OF WORK**

**Legal Description:** All real property shown on the Final Plat for Cross Creek Ranch recorded on July 1, 2003 at book 48, page 8, Yavapai County, Arizona and any amendments or supplements thereto.

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### Scope of Work

Date: January 8th, 2021  
Client: Cross Creek Ranch HOA  
Development Name: Cross Creek Ranch  
Property Address: 4300 Red Rock Loop Road, Sedona, AZ 86336  
Total Units: 84 living units

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### Project Scope

This SOW covers the following activities and deliverables.

CenturyLink will place new fiber facilities throughout the Cross Creek Ranch development. New fiber cables will be pulled through existing conduit which is currently in place and occupied by CenturyLink copper cables. A fiber cable will be terminated at each living unit where the new GPON equipment will be placed. The new fiber network will provide speeds up to 1G symmetrical speeds. Existing & new customers will be added to the new fiber network via service order as upgrades or new service. The existing copper network will remain active and in place.

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### CenturyLink ("Licensee") Tasks

- Licensee to provide and place all fiber, utilizing existing customer conduit where possible. Fiber will be terminated at the interior of each living unit.
- Licensee to provide and place the ruggedized/interior fiber for each living unit.
- Licensee will install (1) new piece of GPON equipment at each living unit. Preferred option is to place GPON Equipment near the existing medial panel utilizing existing 110 V AC power outlet. If media panel is not accessible, GPON equipment will be need to be placed within 5' of existing 110 V AC power outlet.
- Licensee will replace all existing above ground metal pedestals with new composite pedestals, these will house both the new fiber and existing copper infrastructures. Dimensions for new above ground pedestals are 48.5"H x 24" W x 12" D.
- Licensee and its contractors will be responsible to ensure all non-related utilities are left uninterrupted & will be responsible for any damages incurred during construction. CenturyLink will also be required to restore any property disturbed during construction back to its original condition, this includes landscaping, pavement, etc.

### Building Owner Tasks For Existing HOA Members

- Building Owner to provide access to the site and to all living units for CenturyLink technicians and contractors to perform their work.
- Building Owner to provide and/or consolidate existing 110 V Dual AC outlet to provide power for the GPON Equipment.

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Services not available everywhere. CenturyLink may change or cancel products and services or substitute similar products and services at its sole discretion without notice.  
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New HOA Members building a new home will be required to contact CenturyLink prior to start of construction to receive building recommendations. As an example, please see the following:

- Building Owner to extend 2" service conduit from Right of Way access point, to the side of the house near the external electrical meter. Turns and bends cannot be less than a 90-degree sweep with a 3' radius. Conduit will be equipped with a calibrated mule tape.
- Building Owner to provide and place a 1" conduit from the external point of entry to the media panel. Turns and bends cannot be less than a 90-degree sweep. Conduit will be equipped with a calibrated mule tape.
- Building Owner to provide and place a 30"x14" all COMPOSITE media panel in a central location of each unit and place a 110V dual AC power outlet in the media panel.

Building Owner to provide access to the site and to all living units for CenturyLink technicians and contractors to perform their work.

**EXHIBIT F-1  
UNIT INFORMATION EXHIBIT**

STREET NO (11 char)	PREFIX DIRECTIONAL (2 char)	STREET NAME (40 char)	STREET TYPE	SUFFIX DIREC- TIONAL (2 char)	CITY (40 char)	STATE (2 char)	UNIT	UNIT ID (closed homes)	Lot No. (corner lots)	CLOSE DATE	ZIP (5 char)	Building	Floor
XX		XXXXXXXX	XX		XXXXXX	XX	X	internal use		XX/XX/2011	XXXXX		
XX		XXXXXXXX	XX		XXXXXX	XX	X	internal use		if needed	XXXXX		