

Tubac Valley Country Club Estates (TVCCE) - Subdivision

Construction Guidelines for Homeowners and Builders

1. Role of Supervising Architect

The duty of the Supervising Architect is to review and accept or reject all drawings, specifications and color schemes of any building, structure, or site improvement for compliance with the recorded Covenants and Restrictions binding on all lot owners (C&Rs), and for compliance or non-compliance with other requirements of the C&Rs specifically assigned to the Supervising Architect. The decisions of the Supervising Architect on matters specifically assigned to the Supervising Architect are final and not subject to review by Architectural Committee or the Board of TVPOA.

2. Role of Architectural Committee

The Architectural Committee (ArchComm) has the duty of enforcing the decisions of the Supervising Architect and to enforce all other provisions of the C&Rs which are not the specific responsibility of the Supervising Architect. The ArchComm hears complaints from members, gathers evidence, hold hearings, and enforces such compliance. Enforcement may include fines, suits for money judgements, liens, and foreclosure on liens on the property of a member for unpaid fines, injunctions, or other appropriate remedies at law or in equity, all as authorized by the C&Rs and statutes of the State of Arizona.

3. Approval Process and Schedule

Pre-Design Meeting. The predesign meeting between a lot owner (and any representatives of the lot owner's choice such as an architect, contractor, project manager, or consultant) and the Supervising Architect and one or more members of the ArchComm, is held onsite prior to any work on the lot, including clearing, perc testing, grading, or alteration of natural growth. The purpose of the predesign meeting is to discuss the project general design and scope, to review any preliminary design or design concept, and to inform and discuss the policies and procedures for granting acceptance by the Supervising Architect and the ArchComm of the plans for construction in accordance with the C&Rs. A further purpose of the predesign meeting is to give guidance from the Supervising Architect and the ArchComm to the lot owner on any predicable issue relevant to the project.

Preliminary Submittal. Following the predesign meeting and upon submission of the review fee and plans, drawings or other documentation from the lot owner to the ArchComm, the Supervising Architect will review drawings, site plan, (including landscaping plans if any changes to natural vegetation is planned outside the buildable

area of the lot), floor plan, roof plan, elevations, setbacks, walls or other structures, exterior materials, and colors for compliance with the C&Rs. Such a review will not include any review of the interior. The Supervising Architect will respond through the ArchComm to the lot owner by letter or email with concerns, suggestions and/or acceptance or rejection. Prior to written response the Supervising Architect will consult with ArchComm on any predicable issues.

Final Submittal. On receipt of completed construction documents ready for building permit prepared by a licensed architect, and an estimated construction schedule, along with a survey prepared by a licensed surveyor of the corners of property, setbacks, onsite measured first floor elevation (FFE), and driveway access staked out and ready for review, the Supervising Architect will review again for compliance with the C&Rs and will respond to the lot owner through the ArchComm with acceptance or rejection and if not accepted, a request for changes. Prior to written response the Supervising Architect will consult with the ArchComm on any predicable issues.

Schedule and Permit. Following issuance of a county building permit on plans accepted by the Supervising Architect, the lot owner will submit a final construction schedule to the Supervising Architect through the ArchComm for acceptance. The Supervising Architect will respond with written acceptance or rejection. Upon acceptance of the construction schedule the ArchComm will issue a TVCCE Permit which must be posted on the construction site along with the county building permit for the duration of construction. No construction activity beyond surveying and perc tests is permitted without an active TVCCE Permit displayed on site.

Site Visits During Construction. After foundation forms are complete and location and FFE can be verified but before concrete is poured, the Supervising Architect will review a licensed surveyor's certification that building location and first floor elevation (FFE) plans have been met. Further site visits will be scheduled by the Supervising Architect as construction progresses when in the opinion of the Supervising Architect such visits are necessary and appropriate to ensure that the construction matches the reviewed and accepted plans.

Final Observation. The Supervising Architect will do a final exterior observation and send a compliance or non-compliance letter to the lot owner through the ArchComm. Any non-compliance work will be done on a basis approved in advance by the ArchComm.

4. Lot Clearing and Native Vegetation, Perc Tests

The approval process described above is designed among other things to prevent costly mistakes from being made. One of the most common mistakes is clearing the lot of natural vegetation beyond the actual building site with no approved landscaping plan in place. The covenants and restrictions specifically prohibit native growth on any property

from being destroyed removed or disturbed in any way prior to the start of construction which has been approved by the Supervising Architect. An exception to this is a simple perc test. While no prior approval is required to do a perc test, homeowners are expected to notify the ArchComm when a perc test is going to be performed and when the holes will be filled in following the completion of the test. This requirement is simply to prevent an unsafe situation being created on a vacant lot. Homeowners are encouraged to keep their lots free of dead vegetation that might present a fire hazard.

5. First Floor Elevation (FFE) and Flood Plain

The elevation of the habitable portion of a residence is limited to a maximum of two feet above natural grade within the buildable area of a lot. (See, Setbacks below for limitations on the buildable area). The Supervising Architect will require a licensed surveyor to note on a site plan submitted for approval both the elevation of the highest natural grade within the buildable area, and the proposed first floor elevation (FFE) of the residence. Natural grade means undisturbed soil prior to any construction or lot clearing or leveling. These elevations must be measured on site, not simply taken from any available contour maps.

Santa Cruz County enforces Federal and local limitations on the minimum FFE of homes built in a flood plain area. Compliance is a condition of issuing a county building permit.

There is potential for the county's minimum FFE requirement to exceed subdivision maximum limitation. This potential conflict may be resolved by careful measurement. The county's elevation certificate requires that measurement to be taken at the highest point of undisturbed natural grade adjacent to the foundation. That point may well be below the TVCCE measurement at the highest point of the natural grade within the buildable area regardless of where the foundation is actually located. For proposed home construction on lots within a flood plain area the Supervising Architect will require the site plan submitted for approval to note the county's required minimum FFE measured adjacent to the proposed foundation by a licensed surveyor. In any case where the county requirement cannot be met without violation of the subdivision requirement, ArchComm will decide whether and to what extent the subdivision requirement will be waived or in the alternative, that the lot is unbuildable.

6. Building Setbacks

No building or other structure may be constructed outside the building setback lines shown on the plat of subdivision for the Tubac Valley Country Club Estates on file with Santa Cruz County. Where no building setback line is shown on the plat for a specific lot, the minimum set back line is 25 feet from the closest property line. In addition, the plat of subdivision shows both drainage easements and utility easements. It is the responsibility of the homeowner and their registered architect to assure compliance

with all setback lines and easements on any site plan submitted for approval. A detached casita is a building and is subject to the setback and easement requirements. Outside walls are not subject to setbacks but may not be constructed in drainage or utility easements.

7. Height of home and compatibility with neighborhood

The intent of the Covenants and Restrictions that control development in the Tubac Valley Country Club Estates is to establish a community of homes in close harmony with Mexican and Spanish Colonial architectural style, located in a natural unspoiled setting. Two story homes are not permitted, nor are rooftop decks. It is the Supervising Architect's responsibility and authority to determine the compatibility of a given new structure in an existing neighborhood. In making this determination the Supervising Architect will consider the style and height of homes on nearby lots, mountain views, location of the homesite on the site, and in general the compatibility of the proposed home with the nearby neighborhood. The overall height of the proposed building, the suitability of peaked vs flat roofs, and impact on the views by the neighboring homes will be considered by the Supervising Architect.

8. Construction Schedule and Time to Complete

The Covenants and restriction require the construction process be pursued diligently from time of commencement until completion of the project. No materials or machinery may be stored or left onsite that are not required for ongoing construction work. All construction work must be done during the period authorized by an active building permit issued by Santa Cruz County and within the schedule approved by the Supervising Architect (see paragraph 3 above). A normal maximum duration for a schedule to be approved is one year. Extensions may be granted by the ArchComm for good cause shown.

9. Detached buildings and other structures

In addition to one single family residence the only detached building that is allowed is a single guest house (casita). All other buildings must be attached, for example a garage, cabana, ramada, shop, and storage building. Approved landscaping plans will be required for areas outside the buildable area and not enclosed by a perimeter wall if natural growth is to be removed or substantially cut back. Approved plans are required for all non-building structures visible from the street or adjoining lots (not homes or casitas) anywhere on the lot, e.g., shades, arbors, playground equipment, masonry firepits. Perimeter walls closer than two feet to any lot line shared with a neighboring lot will only be approved if there is a signed and recorded agreement with the neighboring lot owner granting an easement or perpetual license for access to maintain the outside surface of the wall.

10. Colors

No paint colors other than adobe, natural lime, white or pastels may be used on the exterior of any building. Exposed timber may be painted or stained in any approved color. The Supervising Architect is the sole judge of the suitability of the exact hue of the proposed color. Color approval is required not only for the main residence but also for any exposed wall or detached guest house.

11. Solar panels

Arizona law permits HOA's to regulate reasonably the installation of solar panels including location and screening. Solar panel plans including the proposed location and method of screening must be submitted to the Supervising Architect for approval prior to installation, along with a refundable deposit of \$1000. The deposit will be returned to the homeowner upon installation completed in accordance with approved plans. Any solar installation done prior to approval will result in the immediate forfeiture of the deposit and may result in a requirement of further remedial action.

12. Signs and Flags

Homeowner name and street number address signs are limited to one sign not to exceed two square feet in size. In addition, one sign advertising that a house or lot is for sale limited in size not to exceed five square feet may be placed on the lot. Temporary builder's and other commercial contractor signs advertising the contractor's services are permitted only for the duration of active work on site and are limited to one sign not to exceed to five square feet. None of the signs permitted above may be mounted taller than four feet to the sign's top edge. Political signs and flags are prohibited except as required by Arizona law during elections periods.

13. Website and Contact information

Tubac Valley Country Club Estates is a recorded subdivision in Santa Cruz County Arizona. The recording includes Covenants and Restrictions (C&Rs) binding on all lot owners. The homeowner's association (HOA) for the subdivision is Tubac Valley Property Owners Association, an Arizona Non-Profit Corporation. The HOA appoints the Supervising Architect and members of the Architectural Committee (ArchComm) who interpret and enforce the subdivision C&Rs. These interpretations and enforcement guidelines and the subdivision C&Rs are available to all lot owners and to the public on the HOA website:

TubacValleyPOA.com

The Architectural Committee may be reached at the following email address:

ArchComm@TubacValleyPOA.com