

DESIGN CONTROLS

FOR THE PUEBLO VISTA SUBDIVISION

ARTICLE I

STATEMENT OF INTENT

The Pueblo Vista Subdivision is designed to achieve a relationship in which man-made buildings exist within the landscape instead of dominating the landscape. The introduction of roads, utilities, buildings, and other man-made elements are to be made in such a way that they do not destroy the natural beauty of the land, its terrain, its vegetation, or its mood.

ARTICLE II

DESIGN REVIEW

Under the provisions of Article IV of the Declaration of Protective Covenants, Conditions, and Restrictions of the Pueblo Vista Subdivision, a process of design review has been established to help guide property owners and to provide property owners with information when dealing with the requirements of each home site. The Covenants require only one submittal and approval, but it is strongly recommended that a preliminary design conference be requested when preliminary plans are ready. This is early enough in the project process to protect the owner from having to make expensive changes when the final plans are completed and reviewed. At this preliminary stage, drawings should be complete enough to give an accurate picture of all aspects of the design, but without the detail that will be necessary in the final construction drawings that will be reviewed for final approval. At the preliminary review stage, submitted plans need be one copy only and should show the

conceptual design of (1) the site with landscaping; (2) floor plans; and (3) elevations showing the exterior materials, character, and color of the proposed structure.

Drawings submitted for the final review should be in three copies and include the following:

- (1) Site Plan. Indicate proposed building footprint, roof drip lines, property boundaries and easements, utility locations, existing vegetation, existing and proposed contours, areas of cut and fill, drainage, ponding, driveways, sidewalks, decks, and other proposed improvements. Drawn at 1" = 20' or larger;
- (2) Footing and Foundation Plan. Drawn at 1/8" or 1/4" scale;
- (3) Floor Plans. Drawn at 1/8" or 1/4" scale. Include all room dimensions, door and window locations, and sizes and locations of mechanical and electrical systems;
- (4) Elevations. Indicate the exterior appearance of all views of the main dwelling structure, the garage, and the housekeeper's or guest's quarters (if any), labeled in accordance with the site plan; height of chimneys as compared with the ridge of the roof; and natural and finished grades for all elevations of all views. Describe all exterior materials, colors, and finishes (walls, roofs, trim, chimneys, windows, doors, etc.);
- (5) Building Sections. Presented at 1/8" or 1/4" scale. Indicate building walls, floors, interior relationships, finished exterior grades, and other information to clearly describe the interior/exterior relationship of the building;
- (6) Details. Provide design details to sufficiently represent the visual expression of the building. Expose connections of material interfaces;
- (7) Landscape Plan. Present at 1/16" or 1/8" scale; can be included with the site plan drawing. Include site contours, plant materials (with indication of size), rock outcroppings, decks or patios, driveways, etc. Indicate all existing trees, all

large shrubs and plants, proposed walls with detailed description of the construction, size, and location of any swimming pool or spa, and exterior lighting locations and coverage areas;

- (8) Specifications. Provide specifications and color boards for at least the following items: exterior wall materials and colors, windows and doors with colors, exterior trim materials and colors, exterior fireplace chimney, and exterior lighting fixtures.

The time for the approval process will vary with the adequacy of the design information submitted and the acceptability of the submitted design. It should be understood that inadequate information and/or inappropriateness can delay review of a proposed design. Every attempt will be made to limit review time for each submittal to two weeks or less.

A house is an important and expensive investment, and the use of a professional design consultant is recommended to help ensure a more satisfactory end result. An owner may, however, attempt his or her own design. If the design reflects an acceptable house and the plans are completely executed, they will be accepted. Most owners are not sophisticated designers or familiar enough with the work involved to prepare plans and specifications in a form adequate for review procedures and for permit issuance. If you elect to do your own design or retain non-professional services, you should anticipate providing a high level of practical, technical, and aesthetic competence, and it is very likely that review and approval will require considerably longer time than if a professional were involved.

Approved plans are kept on file, and if changes or revisions are desired, there must be an additional submittal to the Design Control Committee for further review and approval.

The Design Control Committee does not seek to restrict taste or individual preferences, but to avoid harsh contrasts within the landscape and to encourage careful design so that there is harmony between buildings and their site, and among buildings themselves.

ARTICLE III

FITTING THE LANDSCAPE

Native shrubs and plants and indigenous trees contribute much to the natural beauty and ecology of the Pueblo Vista Subdivision. These natural amenities are to be retained wherever possible. Clearing of a site will not be allowed beyond that which is necessary for a "building envelope" and related close-in patio, garden, and/or yard areas. It is expected that the design of the house will be tailored to the site, not the site to the house.

To help owners and their designers design houses that fit into the natural landscape, the following recommendations are offered:

1. Preserve the native shrubs and plants as much as possible.
2. Protect existing trees wherever possible.
3. Keep all landscape plans informal and simple and in harmony with the environment, using plants and material indigenous to the area.
4. Grassy yard areas or cultivated garden areas should be restricted in size and closely associated with the house.

On some Lots, the area (the building pad) on which a house and yard can be built has been cleared during the course of the construction of the Subdivision. These areas have been designated after careful consideration by the Subdivision's planners and engineers regarding such issues as privacy, preservation of views, drainage, and the like. The Design Control Committee will require that a house planned for a Lot on which a building pad has already been built shall be located on that building pad, with additional area to be cleared by the owner or the owner's contractor to be kept to a minimum (if at all) to accommodate patio, garden, and/or yard areas, but only if such areas appear on the plans submitted to the Design Control Committee and are approved by the Committee.

On the Lots on which a building pad has not been built during the course of the construction of the Subdivision, a stake in the ground provides the center point of the building envelope. The location of the building envelope has been designated after

consideration of the same issues mentioned above in connection with the building pad. Unless noted otherwise, the size of the building envelope shall be considered to be a circle with the stake as the center point and the circle having a radius of forty feet. The Design Control Committee will require that a house planned for a Lot on which a building envelope has been staked should be located within the confines of the building envelope so specified, with additional area to be cleared by the owner or the owner's contractor to be kept to a minimum (if at all) to accommodate patio, garden, and/or yard areas, but only if such areas appear on the plans submitted to the Design Control Committee and are approved by the Committee.

Exhibit "B" annexed hereto presents the location of the building pads and building envelopes; areas outside the building pads, building envelopes, and driveways are the designated natural areas that are to remain undisturbed.

ARTICLE IV

BUILDING DESIGN

It is the ability of structures to fit within the natural landscape rather than their ability to demand attention that makes them work. Structures designed with this spirit will give unity to the Subdivision and will intensify the experience of being in a place that is unique and is sensitive to the natural beauty and ecology of the site.

Size. The minimum size of a house (exclusive of basements, carports, garages, and open porches) is two thousand square feet.

Setbacks. The setbacks for each Lot are as required by ETZ or other appropriate governmental ordinances.

Height. The maximum height for one-story structures is fourteen feet for two-thirds of the house and seventeen feet for one-third of the house. The maximum height for two-story structures is twenty-seven feet. Two-story structures shall be permitted on Lots 1, 4, 5, 6, and 7 only. Ground shall be considered to be the elevation of the building pad as

indicated on the Final Plat. For the purpose of measuring maximum height, a pitched roof will be measured to the highest point of the roof and a flat roof will be measured to the top of parapets. Flues and chimneys shall not be permitted to extend more than three feet above the maximum height. Roof-mounted cooling or heating units shall not be permitted to extend above the maximum height; moreover, such units must be screened from view.

Roof Forms and Materials. The Design Control Committee strongly recommends flat roofs. Pitched roofs shall not be permitted with a pitch of more than 5:12. Pitched roofs must use terra cotta tile in the red-orange-brown family of colors. Imitation terra cotta tiles made with concrete or cement is discouraged and shall be permitted only if a sample acceptable to the Committee is presented in advance.

Exterior Walls. Only stucco walls in white, off-white, and earth-tone colors shall be permitted.

Commencement of Construction. Construction of a dwelling house on a Lot must commence within eighteen months of the closing of the purchase of the Lot. Extensions of the eighteen-month period may be given at the sole discretion of the Declarant or of the Committee, although it is recommended that any request for such an extension be made prior to the closing of the purchase of the Lot. If construction of a dwelling house has not commenced within eighteen months of the purchase of the Lot, and if neither the Declarant nor the Design Control Committee has granted an extension of the eighteen-month period, the Declarant, at its sole discretion, may repurchase the Lot at the original price less closing costs for up to ninety days after expiration of the eighteen-month period.

Dwelling House to be Constructed First. No garage or other outbuilding shall be constructed on any Lot until after commencement of construction of the dwelling house on the same Lot. All construction and alteration work shall be prosecuted diligently, and each building, structure, or improvement that is commenced on any Lot shall be entirely completed within one year after commencement of construction.

Towers and Antennae. No towers, radio or television antennae, or satellite receivers (dishes) shall be erected on any Lot or attached to the roof or exterior of any structure on any Lot. In the event that advances in technology make available antennae or receivers that are, in the opinion of the Design Control Committee, unobtrusive, the restriction in this paragraph may be modified at the sole discretion of the Committee.

Temporary Structures. No used or previously erected or temporary house, structure, house trailer, or non-permanent outbuilding shall ever be placed, erected, or allowed to remain on any Lot, except during construction periods and only then with written approval of the Design Control Committee. No dwelling house shall be occupied in any manner prior to its completion.

Exterior Lighting. The Design Control Committee recommends installation and maintenance of a front-yard exterior light for every residence. However, no exterior light whose direct source is visible from a neighboring property or which produces excessive glare to pedestrians or vehicular traffic shall be permitted. Indirect sources and horizontal cut-off fixtures are recommended to reduce glare and provide general ambient light. Use of other than white or pale white exterior lights shall be permitted only with specific approval of the Committee.

Utilities. All secondary utility extensions (from trunk lines to individual structures) must be underground.

Solar. The use of passive solar and/or energy-efficient designs are encouraged for all structures in the Pueblo Vista Subdivision. All Lots have adequate solar access to consider use of solar gain, and the climate allows a high return in costs invested when compared to many areas of the country. Proper window location and size will allow for deep winter sun penetration into the house, and proper overhangs will decrease summer sun penetration into the house. However, roof-mounted solar panels and ground-mounted solar panels will be permitted only if they are completely screened from view of the street and from all neighboring properties.

ARTICLE V
LANDSCAPE

In order to maintain the natural beauty of the Pueblo Vista Subdivision landscape, use of native plants and materials is strongly encouraged. The use of exotic plants foreign to the area except those proven over time as viable and appropriate is not permitted. Scale and overall design should be such that one senses the vegetation was integrated with the natural landscape rather than contrasting or imposing.

Irrigated patio and yard areas should be closely related to the house and clearly divided from the natural vegetation. Planting outside the defined irrigated areas shall be limited to native species compatible to the immediate surrounding area. Irrigated landscape area should be defined from native vegetation areas by timber, stone, or other edging elements.

Individuals or contractors should use the driveway of a Lot--and not the street--to store landscaping and construction materials. If there is not sufficient space in the driveway, the street may be used only on the condition that the materials be completely removed from the street--and the street thoroughly cleaned--within five days of the deposit of the materials. Under no circumstances shall such materials be stored in areas of native vegetation or on adjoining property.

The maximum grade for a cut or fill slope in severe circumstances shall be one and one-half feet horizontal to one foot vertical. The preferred maximum slope for areas of cut and fill where revegetation is necessary is two feet horizontal to one foot vertical.

Slope rounding creates a more natural-appearing slope configuration and promotes rapid revegetation at the fringe of disturbed areas. Sharp, "engineered" cut slopes shall not be permitted. The process known locally as "stacked rock" shall not be permitted on slopes.

All topsoil shall be salvaged from disturbed areas and respread on the Lot prior to revegetation. Where possible, existing brush and grasses should be incorporated with stripped and respread topsoil.

The primary landscaping of a Lot shall begin no later than ninety days after completion of the dwelling house on the Lot and shall be substantially completed within ninety days of commencement.

Visible retaining walls shall be limited to six feet. When retaining walls are required in a height exceeding the maximum of six feet, multiple structures should be stepped back to create planting terraces.

Rock walls shall be permitted along or near the boundary of a Lot only where the boundary is coincidental with the building pad or building envelope. Rock walls shall not be built into, through, or around designated natural areas. For the sake of privacy, rock walls (or stucco walls that match the exterior stucco of the house on a Lot) shall be permitted around the building envelope, including defined irrigated areas, gardens, yards, patios, and swimming pools.