

# FOOTHILLS PROPERTY OWNERS ASSOCIATION

**Architectural Control Committee**

Guidelines and Procedures

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## 1. INTRODUCTION

The following information is intended to acquaint future homeowners and their representatives with the Architectural Control Committee (ACC), its guidelines and procedures. The purpose of the committee is to provide guidance during the design process and to assure compatibility of all development of land and structures within The Foothills. The value of properties within The Foothills is greatly enhanced by the views, rural character, natural vegetation, and scenic beauty of the land. Maintaining these values in the design and quality of all improvements shall be the primary consideration and purpose of the Architectural Control Committee. The basic criteria used by the committee in reviewing plans will be: "Are the design and the materials proposed to be used compatible with a high quality contemporary residential image and do the proposed improvements fit and complement the specific site on which they are to be placed?"

The Architectural Control Committee strongly recommends that lot owners enlist the services of an architect or qualified designer to design their custom residence. This professional assistance is especially important in The Foothills where most of the lots are irregularly shaped and have sloping building sites. The cost of plans for a custom residence may vary considerably. However, money well spent on the planning and design of a home will be reflected in the end result through more efficient use of resources and a more pleasant end result for the homeowner.

The following sections detail the architectural standards and administrative procedures, which have been promulgated pursuant to Section 4.4 of the Covenants, Conditions and Restrictions for The Foothills (hereinafter referred to as CC&R's). As is stated in Section 4.1, the Architectural Control Committee has full authority over the following matters: (i) improvement location as it relates to topography; (ii) removal of trees; (iii) design of, materials used in, and construction of the improvement; and (iv) all restrictions set forth in the CC&R's. NOTE: **ACC approval is required prior to applying to the City of Prescott for a building permit.**

Association Mailing Address: The Foothills POA P.O. Box 2657 Prescott, AZ 86302

## 2. ARCHITECTURAL STANDARDS

The following guidelines specify some of the various aspects of desirable improvement design, which the lot owner would take into consideration in designing a residence and other improvements. It is not designed to consider every possibility in the design process and home owners should rely on generally accepted Design considerations.

a) **Site Planning Considerations:** The building plan should be designed to respond to sloping sites and to reduce building mass. Situate residence and other improvements to preserve as many existing trees shrubs and boulders as possible. Consider orientation to sun, view and direction of prevailing wind. Every effort must be made to locate

improvements so as to avoid blocking desirable views from other lots. If side yard setbacks are less than 16 feet, a non-combustible material approved by the City of Prescott must be used. All City of Prescott setback requirements shall apply to the property. No construction shall take place outside of the setback limitations.

**b) Topography and Building Form:** Buildings should be designed to conform to the natural topography of the site. Minimize the visual impact of the building against the landscape. Breaking floor levels to conform to lot slope will reduce building profile. Non-treed lots are highly visible and will require more control of vertical building forms to reduce building mass. Avoid high exposed foundation walls and deck structures.

**c) Site Drainage:** Surface drainage upon and across any Lot shall be the responsibility of the Lot owner through the implementation of sound construction and grading practices. Drainage flow of any Lot should follow the natural, historical drainage pattern of the Lot and should not be altered. Where applicable, Lot drainage should be directed to the front of the Lot, however verification by the City of Prescott for the applicable drainage requirements of each individual Lot is required. A signed "Drainage Acknowledgement" (see Appendix) is required prior to commencing construction.

**d) Building Size & Heights:** The floor area of the primary residential dwelling on each lot, exclusive of porches, garages, patios, showrooms, or any other similar extensions or projections, shall not be less than 2,000 square feet of livable area. When there is a second story or basement, the main living level must be at least 1,400 square feet (Section 3.4 of CC&R's). Building heights are calculated as the difference between the elevation of any major roof ridgeline and the existing grade directly below that point. In keeping with The Foothills' design philosophy, buildings must be grade adaptive by design and follow the natural contours and grade changes of the Lot.

1) It is important to understand that the height criteria upon initiating architectural design (particularly on knoll and steep sloping lots) not exceed a height of 28'-0" for 1/3 of the entire structure, with a maximum limit of 35'-0" above the existing natural grade. This height is measured vertically at any point of the Residence or Improvement to existing natural grade immediately below.

**e) Garages:** No garage or other building shall be erected on any of the lots until a dwelling house is erected. Each dwelling must provide at least a double garage. Each residence shall contain an enclosed garage for at least two automobiles. The garage can either be attached to or detached from the main structure. All detached garages must be visually

**f)** integrated with the main residence. A minimum of two additional paved or dust proofed parking spaces should be provided to accommodate guest parking.

**g)** **Detached Buildings:** Detached buildings, included garages, must be of the same type of materials used in the main structure and must be visually integrated with the main structure.

**h)** **Driveways:** Driveways should be integrated into natural slopes to minimize cuts and fills. Low and sloping cuts and fills when properly landscaped control erosion and blend into existing surroundings. Where steep drives are necessary, slope breaks should be provided at garage and street to avoid scraping vehicles. Driveway grades in excess of 14% will be looked upon with disfavor and may not be approved unless the committee believes that the steeper drive is required for access to the particular lot. Driveways must be constructed of concrete masonry, or similar materials. No asphalt pavement or gravel is permitted.

**i)** **Roof Forms:** Major roof elements should reflect the natural topography of the site, with ridges running parallel to the contours of the land. Wide fascia boards (10-12”) or double-stacked (2x6” over 2x10”) will be encouraged when appropriate.

**j)** **Plan Forms:** Building plan forms should respond to the individual site, with consideration for topography, climatic orientation, scenic views and relationship to other buildings (present and/or future). The response of the building to the site also will create interest and spatial variety. Box- like plans with porches and stairs thoughtlessly placed fail to respond to the natural environment and should be avoided.

**k)** **Entry Plans:** Entry stairs and porches must be designed as an integral part of the structure accommodating the constraints of both the site and the floor plan in an aesthetic manner. The front entry is most important and its prominence should be reflected in design. Protection of these areas from the elements should also be considered.

**l)** **Deck Plans:** Deck plans should be designed to provide relief in both vertical and horizontal directions. They should respond to their intended use and should correspond to changes in exterior grades and interior levels. Large unbroken decks can be visually monotonous and generally make a poor transition between indoor spaces and the natural elements of the building site.

**m)** **Deck Railings and Support Structures:** Deck railings and supporting structures are

important considerations relating to the overall design vocabulary of a building. Caps and railings must have detail and depth, and be a natural visible and functional extension of the main structure. Supporting members need substantial visual scale to maintain proper proportions. The use of 'minimum' size railing members and structural supports is to be avoided regardless of their structural capabilities.

n) **Retaining Structures:** Exposed faces of retaining walls should not exceed 6 feet. When retaining structures are required for heights above 6 feet, multiple structures (stepped to create terraces) should be used. Planting materials will be required to reduce the visual mass of tall, unbroken walls.

o) **Foundation Walls:** Unless integrated into the building's design, large expanses of foundation walls must be avoided or covered with an acceptable finish material. Raised planters, properly proportioned, can often integrate high floor lines with the site. Through careful planning, the cost of massive foundation walls (which often contain wasted space) can usually be avoided. If not, windows or other treatments may be required to break the visual mass and provide for future utilization of the space.

p) **Fencing, Screening and Privacy Consideration:** Fencing shall not be used to define limits of property ownership, but rather to create spaces of privacy and protection where required. Fencing should be an integral part of the building design and compatible with the exterior of the building. Care should be exercised in the placement of fences and screens to preserve your scenic views and those of your neighbors. Fencing materials of metal, plastic, chain link, barbwire, plastic or fiberglass will not be accepted. Wrought iron type fences may be approved. Fencing height of up to six feet can be submitted for review.

q) **Exterior Building Materials:** Continuity is an important consideration in the use of exterior materials. Consider all sides of the building and avoid a 'front only' approach, incorporating four-sided architecture. Masonry materials may include brick, stone, or slump block split face block. The use of plain blocks is acceptable only when mortar is washed or stuccoed. Scale is important when using heavy masonry materials such as block or stone.

    1) Siding materials of natural wood are acceptable and can be horizontal, vertical or diagonal as may be appropriate with the design of the structure. Siding materials which give a prefabricated appearance to the building will not be approved.

2) Stucco is a durable and attractive siding material, available in various colors and textures. All exterior stucco corners shall contain a minimum 1/2" radius corner.

**r) Exterior Colors:** Exterior colors shall be complementary earth tone colors selected to blend with the surrounding mountain terrain of Prescott, as well as homes within The Foothills neighborhood. Highly reflective or light colors are not permitted. Neutral earth tones, including greens, and medium to darker browns and tans are encouraged. Contrasting colors may be used as accent colors to add emphasis. In addition, the colors selected for the residence shall fall within an LRV (light reflective value) range between 10-65. All colors are subject to written approval by the ACC. A 3' x 3' sample of paint applied to the exterior of the home may be required for approval by the ACC, prior to fully painting the exterior.

**s) Roofing Materials:** Roofing materials are an important consideration in the hill environment of The Foothills where roofs are visible from many different perspectives. Roofing of combustible wood shakes or shingles is prohibited. Also prohibited are reflective materials and/or light colors, including shiny metal and white or cream colors. In order to blend in with the natural vegetation, roofing materials in earth tones are recommended and light gray colors are discouraged. Tile roofs are preferred as a compliment to stucco, although high-definition architectural shingles may be used. Non-reflective metal roof materials may be used only as an accent and will not exceed 20% of the roof area. Roof penetrations made of metal or plastic must be painted to match the roofing material color. Roof overhangs shall be enclosed, with a minimum dimension of 24". The minimum dimension for fascia material is considered to be 2x8". The preferred installation would be double-stacked, with 2x6" installed over 2x10".

**t) Exterior Lighting:** The ordinances for The City of Prescott, including "dark sky" regulations, are required in The Foothills. Lighting must be non-obtrusive in appearance, and not cast any glare visible from any other properties. Exterior fixtures shall be "dark sky" compliant with low wattage bulbs (no more than a total of 40 watts – or the LED or CFL equivalent, emitting no more than 450 lumens - per fixture), be downward pointing and contain a non-visible, shielded light source.

**u) Holiday and Decorative Lighting Use:** To preserve the aesthetic character of the community and comply with local dark sky regulations, the use of exterior decorative colored lighting is subject to the following restrictions:

1) **Permitted Use – Holidays Only**

Colored lighting (including but not limited to string lights, LED lights, floodlights, or projection devices) is permitted solely for the following recognized holidays:

- **New Year's Eve/Day** (December 31 – January 1)
- **Easter** (Dates vary)
- **Independence Day** (July 4)
- **Halloween** (October 31)
- **Thanksgiving** (Fourth Thursday in November)
- **Hanukkah** (Dates vary)
- **Christmas** (December 25)
- **Other Cultural or Religious Holidays** may be permitted upon prior written request and approval from the Architectural Control Committee (ACC). The ACC shall respond within 14 days of receipt.

2) **Installation and Removal Timeframe**

Colored holiday lighting may be installed no earlier than 14 days prior to the holiday, with the exception of the Christmas Holiday where lights are permitted through the Month of December ending on January 8th (7 days after New Year's Day).

- All such lighting must be removed within **7** days following the holiday's conclusion.

3) **Lighting Standards**

- All lighting must be positioned to avoid glare onto neighboring properties, common areas, or roadways.
- Fixtures must direct light downward where feasible and comply with the **Yavapai County and City of Prescott Dark Sky Ordinances**, including shielding and brightness limitations.
- Blinking, strobe, or excessively bright lighting is prohibited.

4) **Prohibited Use**

- The use of colored lighting outside of the specified holiday periods is strictly prohibited.
- Year-round display of holiday or decorative colored lighting is not allowed under any circumstances.

5) **Enforcement and Compliance**

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- The Architectural Control Committee will monitor compliance with these lighting standards.
- Failure to comply may result in fines or other remedies as permitted by the CC&Rs and Arizona law.
- Each day of continued violation constitutes a separate violation.

**v) Solar Installations:** The Foothills encourages any homeowner contemplating the installation of solar devices to consult with the Architectural Control Committee (ACC) prior to entering into any contract. Consequently, all solar installations must be reviewed and approved by the ACC prior to installation. Panels shall be installed in the least visible location on the Lot, as viewed from adjacent properties and common areas. All material that supports the devices should be colored or anodized to match the roof color or the panel color. No reflective bright work will be permitted. Arizona State statutes (ARS §33-1816, ARS §44-1761 and ARS §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 certain dollar values specified within the law, then the modifications can be enforced.

**w) Awnings and Sunshades:** Awnings and sunshades must compliment the color(s) of the main structure and be of quality materials. Provided Awnings and/or Sunshades meet this requirement ACC approval is not required.

**x) Solar Tubes:** Solar Tubes will be permitted provided they are submitted and approved by the ACC. 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.

**y) Landscaping:** Landscaping is an integral part of home construction in The Foothills and the landscaping plan must be submitted immediately after “dry-in” of the structure is completed. The purpose of landscaping is to soften the transitions between the building and the site; control erosion from construction scars; break up the visual height of plain walls; and to provide screening from neighbors and shade from the sun. Native trees and shrubs are one of The Foothills’ major attractions, thus everything possible must be done to preserve the natural environment of the property.

1) Landscaping must be completed within six (6) months after home construction is completed or prior to the time the home is offered for sale, whichever occurs sooner.

2) Natural, low maintenance landscaping, which blends in with the Foothill’s

3) native environment is encouraged. Drip irrigation systems, which cut down on both maintenance and water usage, are recommended. The landscaping plan should include the sizes, types and placement of all landscaping materials to be used on the lot. The extent of landscaping required is dependent on the particular site. Drip irrigation lines in the common areas must be sleeved with plastic under driveways and walks to protect them and to allow for repair or replacement. Plans that follow Firewise procedures are required. Cutting down or removing any trees outside the perimeter of the foundation of the residence shall not be permitted. For each tree removed from the lot that is three (3") inches in diameter, measured at one foot above the ground, a new tree (of suitable size and type as determined by the ACC) will be planted and will be part of the landscape plan.

## 3. ADMINISTRATIVE PROCEDURES

### a) Architectural Control Committee (ACC)

1) The Committee shall consist of at least three (3) members, and not more than four (4) members, including at least one (1) member of the Board, who must serve as the Chairperson. Committee members are appointed by the Board.

2) The Committee shall review both preliminary and final plans for all construction in the subdivision.

3) The Committee shall also review all projects proposed by existing home owners which will substantially alter the appearance of a property, examples include adding walkways, hardscapes, fences, or using materials or colors that differ from original construction.

4) If the Committee agrees that the project is of a scope that requires review by our contractor, they will so advise the homeowner. Minor projects that do not substantially alter the appearance of the property and maintenance and repair projects in which the materials being used are the same as the existing material do not require submittal to the ACC. However, when considering whether or not to submit a project for ACC review, note that "ALL" modifications are subject to ACC review, whether or not that modification was submitted for ACC review prior to commencement of the work. If a project is completed without prior ACC approval and the ACC subsequently determines the project does not comply with the Architectural Guidelines then the property owner will be responsible at its sole expense to correct the deficiency. It is highly recommended that homeowners submit improvements to

the ACC before starting an improvement.

**b) EXAMPLES OF IMPROVEMENTS REQUIRING REVIEW**

1) New Home Construction

2) Major renovations that significantly alter the appearance of the property Major grading projects requiring heavy equipment

3) Major landscaping projects that significantly alter the appearance of the property.

   - Major landscape improvements include, but are not limited to: fences, walkways, driveways, landscape lighting, hardscape, patios, spas or pools.

Grading or any land alterations, to include removal of any tree that is three (3") inches or larger in diameter, measured at one foot above the ground unless: 1) required for Firewise compliance, 2) to prevent damage to the foundation of the structure, or 3) if the tree is dead or diseased. For each tree removed from the lot, a new tree of suitable size and type (as determined by the ACC) will be planted.

The exterior materials and colors used on structures, including any change in color or materials during painting or siding/stucco repair to an existing home.

**c) EXAMPLES OF IMPROVEMENTS THAT DO NOT REQUIRE REVIEW**

**1)** Exterior repainting where the color matches the existing color does not require ACC review. **Note: any color change will have to meet the specifications in paragraphs 2q and 3b above.**

**2)** Landscaping updates to existing homes that do not require major excavation and alterations of existing/established drainage do not require ACC approval as long as they adhere to the suggested landscaping materials covered below.

**3)** Roof replacement and/or repair where the new roof or the roof repair materials match the existing roof do not require ACC review.

**Note: Although a review is not required for the above, the ACC would appreciate a quick informative email about your intention to start a repaint/repair project**.

**d) PLANS REVIEW**

The Foothills contracts the services of an outside firm to conduct the reviews of new construction and major renovations. All new home construction will be reviewed by our contractor. The ACC will determine if an additional outside review of the project is required. Currently that firm is Homeowner's Association

Management Company (HOAMCO). HOAMCO conducts the initial and final reviews of the plans to ensure

those plans are in accordance the Association's architectural guidelines. HOAMCO presents their findings to the members of the Architectural Control Committee (ACC). The ACC can either accept or reject specific findings and, through HOAMCO, provide feedback to the property owners.

### e) GENERAL PROCESS AND PROCEDURE FOR ALL PROJECTS

As mentioned previously, the ACC will review most projects. The process begins when the lot owner (in the case of new construction) or the existing homeowner contacts the ACC preferably by email (foothills.ACC@gmail.com) and explains the proposed project.

The ACC will provide the lot owner a checklist (within 4 business days) that specifies the plans, documents, and fees for submittal to HOAMCO to facilitate the preliminary review and the final review.

The ACC will provide the homeowner with the results of the ACC review of their project within 4 business days.

Those results could be any of the following: a) approval, b) a request for more specific information, or 3) a determination that the project is out of the scope of a local review (in this case, a point of contact at HOAMCO will be provided to proceed).

### f) NEW CONSTRUCTION

Submittal Process. Two (2) copies of the drawings specified below and any other relevant materials must be delivered to the HOAMCO office at 3205 Lakeside Village, Prescott, AZ 86301.

Submittal requires information specifying the lot number, lot owner, mailing address, telephone number, name and address of designer or architect and builder if selected, and a $2,000.00 fee for the Architectural Review (check should be made payable to HOAMCO).

Our contractor has 30 days to review the plans. The clock starts when HOAMCO has a complete and correct package containing all the materials specified in these procedures. If the submission is incomplete, the lot owner will be notified as soon as possible of the deficiencies in the submission.

While there are some circumstances that would drive our contractor to take the whole 30 days to review the plans, a more realistic timeframe is 1-2 weeks.

**Required Plans:** For building construction, the preliminary submittal by the lot owner shall consist of two (2) copies of the following drawings:

**Site Plan:** (Minimum Scale: 1 inch = 10 feet). Show property lines, setbacks (see section 3.3 of CC& R's), easements, buildings, driveways, patios and fences, including dimensions. Show also trees having a trunk diameter of 3 inches or larger measured at 1 foot from the ground, and trees to be removed. If side yard setbacks are less than 16 feet, a non-combustible material approved by City of Prescott Building Department must be used.

**Grading Plan:** (Minimum Scale: 1 inch = 10 feet). Show structures, improvements and trees, including existing and proposed grades and contours, flow lines and lot drainage, driveway slopes, finished floor elevations referenced to the top of curb at center of driveway, etc. Grading plan information may be incorporated into site plan drawing provided the information is clearly readable.

**Floor Plan:** (Minimum Scale: 1/4 inch = 1 foot). Show all floor spaces and interior floor level transitions. Include all balconies, decks, garages and storage structures. Indicate square footage of livable floor space on each level.

**Exterior Elevations:** (Minimum Scale: 1/4 inch = 1 foot). Indicate any condition that will affect the exterior of the building; all proposed roof slopes, roofing materials and all finish materials. Existing and finished grade lines must be shown on all exterior elevations.

**Foundation Plan:** Include all dimensions and appropriate details.

**Roof Plan:** (minimum scale 1⁄4 inch 1 foot). Must show hips, valleys, ridges, roof pitches and roofing material.

**Exterior:** Colors, trims, finishes, roofing type, exterior lighting fixtures, garage and entry doors, etc. Must include material samples, pictures or brochures of all materials.

**Mailbox Enclosure Design:** Plans must include a drawing of the mailbox enclosure, with location, that compliments the design of the home. Dimension and height of the mailbox must conform to U.S. Post Office rules.

**Landscaping Plan:** The plan should be submitted to HOAMCO immediately after the structure has been “dried in.”

### g) MAJOR RENOVATION/ADDED CONSTRUCTION TO EXISTING HOME

Submittal Process: Two (2) copies of any of the drawings specified in the new home construction paragraph above that are relevant to your project and any other relevant materials must be delivered to the HOAMCO office at 3205 Lakeside Village, Prescott, AZ 86301.

**h) MINOR LOT/HOME ENHANCEMENT PROJECTS**

Submittal Process: Email to the Chair of the ACC with a description of the project and any supporting information (Photos, drawings color palates etc.) that may help the ACC understand the scope of the project.

## 4. CONSTRUCTION RULES AND REGULATION

All owners and contractors are required to be familiar with, and comply with all of construction rules and regulations. A copy of these construction rules should be prominently posted at the construction site so all sub-contractors are aware. A signed "Construction Rules & Regulations" form, as included with these Guidelines (See Appendix), is required prior to commencing construction. Any violation of these Guidelines and/or the "Construction Rules and Regulations" is subject to a fine, in accordance with the "Schedule of Fines" listed below and in the Appendix. The ACC will identify violations and recommend to the FPOA board that a fine be assessed. The FPOA board will review the violation and vote on the disposition of the fine. The board will inform HOAMCO of the fine and HOAMC will communicate the violation and associated fine to the Owner and Builder/General Contractor. Any fines or penalties assessed will be immediately deducted from the Deposit. The Deposit must then be made whole by the new owners within ten (10) business days. The check will be made payable to the Foothills Property Owners Association.

- Any building on the Property, the construction of which has been started, shall be completed, without delay, within one (1) year after obtaining a building permit.
- No owner shall be permitted to apply for a building permit for any improvement to be erected on any lot until the ACC has approved the plans for such improvement. This requirement may be waived in writing by the ACC if unusual circumstances warrant an exception to this rule.
- No construction (including any site preparation, removal of trees, etc.) shall occur prior to the owner receiving final written approval of the Architectural Control Committee to both the plans and specifications and landscaping plans, AND receipt of the Construction Deposit.
- No changes or alterations in previously approved plans and specifications or landscaping plans shall be permitted without the prior written approval of the committee.
- Contractors are responsible for and will be required to pay for the repair of any damage to streets, curbs or surrounding property, and the clean-up of debris or mud-tracking caused by their own, their sub-contractor's or their supplier's actions. Any existing damage must be reported to the committee before starting construction.
- Crossing, parking on or disturbance of adjacent property is prohibited. Use of any adjacent property owner's utilities is prohibited unless you have the prior written permission of the owners of the property.

- No Construction Allowed: Sundays, New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.
- Construction working hours are limited as follows: Monday – Saturday 7:00 a.m. to 6:00 p.m.

- with no exception.
- A trash container is to be provided on the jobsite for workers so that cans, bottles, paper wrapping, and other trash may be properly discarded. The jobsite shall be kept neat and 'picked-up' on a regular basis.
- Materials should not be stored on the street or sidewalk for longer than 24 hours and should be properly flagged or marked for safety.
- Contractor and sub-contractors and the respective employees of each shall obey the established speed limit as posted in The Foothills and must park their vehicles so as to allow clear passage for traffic.
- Any workers bringing a dog or dogs to the jobsite will keep such dog(s) on a leash or keep such dog(s) inside a vehicle
- In accordance with Paragraph 3.25 of the Declaration of CC&Rs, no playing of radios, tape decks, etc. is allowed on the jobsite.

Any violation of these Rules and Regulations, or requirements of the Architectural Guidelines, is subject to a fine, in accordance with the "Schedule of Fines" below.

**a) Schedule of Fines**

| **Violation** | **1ST Occurrence** | **Subsequent or Continuing Violations** |
|---|---|---|
| Starting Construction without ACC written permission | $500.00 | N/A |
| Starting Construction without pre-construction site survey | $100.00 | N/A |
| Starting Construction before the construction deposit has been posted | $750.00+deposit | Shutdown until fine and deposit are current |
| Starting construction without stringing the property | Warning | $150.00 per week |

| | | |
|---|---|---|
| Use of adjacent property for any reason without the adjacent property owners written permission on file with both HOAMCO and the ACC | $500.00 | $1000.00 2nd occurrence<br>$1500.00 3rd Occurrence<br>$2500.00 Subsequent Occurrences |
| Changes made to the exterior of the structure without submitting documentation to HOAMCO for approval prior to the changes | $100.00 | $250.00 |

| | | |
|---|---|---|
| Lack of control of and/or trash on site or adjacent lot. This includes the periodic emptying of the onsite dumpster/trash receptacle. | Warning<br>(5 days to correct) | $100.00 2nd Occurrence<br>$200.00 3rd Occurrence<br>$750.00 Subsequent Occurrences |
| Storing building materials on the sidewalk or in a right of way for an extended period of time. (>96hours) | Warning | $100.00 2nd Occurrence<br>$200.00 3rd Occurrence<br>$750.00 Subsequent Occurrences |
| Clearing property without first securing written permission from HOAMCO. Not to be confused with the lot owner or their designee trimming or clearing the lot of downed or dead trees/brush. | $500.00 | |
| Failure to honor the “Stop Work” order. The only activity that will be permitted on the construction site in question after a “Stop Work” order has been issued is site clean-up. | | $1000.00 per week |
| Failure to observe working hours and proper work day | Warning | $250.00 2nd Occurrence<br>$500.00 3rd Occurrence<br>$2000.00 Subsequent Occurrences |

| | | |
|---|---|---|
| Pets on the construction site not properly controlled, loud radio. | Warning | $50.00 2nd Occurrence<br><br>$100.00 3rd Occurrence<br><br>$500.00 Subsequent Occurrences |

## 5. CONSTRUCTION INSPECTIONS

**Pre-Construction Conference:** The ACC, or representatives thereof and the Builder/General Contractor will meet with a HOAMCO construction inspector, prior to beginning construction, to review

the construction rules and regulations of The Foothills.

**Construction Monitoring:** The ACC, or representatives thereof, will conduct periodic inspections of the jobsite, to ensure compliance with these Design Standards, construction rules, and approved plans. The ACC 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, specifying any deficiencies, violations or unapproved variations from the approved plans, as amended, that have come to the attention of the Association.

**Final Inspection:** Upon completing construction of any Residence or modification for which final design approval was given, the Owner shall give written notice of completion to the ACC by submitting an Application for Project Completion Review, in the form attached to these Guidelines and Procedures. Within 30 days of receipt of a Completion Notice, the ACC, or representatives thereof, shall inspect the Residence and/or improvements and modification. If the completed Residence or improvement conforms to these Guidelines and Procedures and the approved plans, HOAMCO shall issue a Final Inspection letter.

## 6. FEES AND DEPOSITS

**Architectural Review:** An appropriate fee shall be paid at the time the request for approval is submitted. Professional consultants retained by the Architectural Control Committee shall be paid such compensation as the Architectural Control Committee determines. The Architectural Control Committee may delegate its plan review responsibilities, except final plan approval, to an architectural consultant which it retains.

**Construction Compliance Deposit:** A refundable deposit provided by the Owner or the builder is required prior to commencing construction, and will be placed in a deposit fund pending satisfactory completion of all aspects of the project, including all off-site work (such as street cuts, sidewalk repairs, acceptable landscaping and drainage). Required Construction Deposit categories are New House, Major

Additions and Major Landscaping based on the conditions addressed previously. The Foothills Architectural Control Committee will return the deposits, with interest (if earned), to the rightful party upon approval according to the parameters set forth in §ARS 33-1817. Failure to receive end of project approval will result in the Foothills and the Foothills Architectural Committee completing the job as required and paying all costs from the deposit fund. Any fines or penalties assessed will be immediately deducted from the Deposit. The home owner will make the deposit whole again by paying said fine with a check made payable to the Association within ten (10) business days in order to return the Deposit to the full required amount.

## 7. RIGHT OF ENTRY

During reasonable hours, the Association, any member of the Architectural Control Committee, any member of the Board or any authorized representative of them, shall have the right to enter upon and inspect any land surrounding any residential structure on the Real Property, excluding the interior of any residence located thereon, for the purpose of making inspections to determine whether the provisions of this Document and the Association Rules are being complied with by the owner of each lot.

## 8. NON-LIABILITY

The Association, the Board members, any member of the Architectural Control Committee, or any agent, employee or other party providing architectural consulting services to the Architectural Control Committee shall not be liable in damages to anyone submitting plans to it for approval or to any owner or other person by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any plans submitted to the Architectural Control Committee. Each owner or other person submitting plans agrees, by submission of such plans and specifications, that they will not bring any action or suit against the Association, the Board members, or the members of the Architectural Control Committee, or their agents or employees, or parties providing architectural consulting services to the Architectural Control Committee, to recover damages as above described, including, without limitation, to recover damages arising out of or in connection with flooding, natural disaster or soil conditions. Approval by the Architectural Control Committee shall not be deemed to be a representation or warranty that the owner's plans and specifications or the actual construction of improvements are free from defects (design, construction, or otherwise) or are free from hazards, such as flooding, natural disaster or adverse soil conditions or comply with applicable governmental ordinances or regulations, including, but not limited to, rezoning ordinances and local building codes. It shall be the sole responsibility of the owner or other person submitting plans to the Architectural Control Committee or performing any construction, to comply with all such ordinances, regulations and codes. Each owner understands that due to the location and condition of the owner's lot there may be certain inherent risks including, but not limited to those related

to flooding, soil conditions or natural disaster, and agrees for himself, his family, guests and invitees the 'Releasing Parties' to release the Association, the Board members, the members of the Architectural Control Committee, their agents, employees and parties providing architectural consulting services to the Architectural Control Committee from any and all liability arising from any damage or injury to the person or property of the Releasing Parties rising out of or in connection with such hazard.

## 9. APPENDIX

### i. SUGGESTED LANDSCAPE MATERIAL

LEGEND (1) Low Water Requirement (A) Full Sun (2) Moderate Water Requirement (B) Part Shade (3) High Water Requirement (C) Full Shade

TREES, EVERGREEN SHRUBS, EVERGREEN: Colorado Spruce 2 Arborvitae 2 AB White Fur 2 Alberta Spruce 2 AB Scotch Pine 2 Pyracantha 2 AB Austrian Pine 2 Mugho Pines 1 AB Bristlecone Pine 2 Nandina 1 ABC Ponderosa Pine 2 Mahonia Aquifolium 2 ABC Pinion Pine 1 Juniper-Spreading Arizona Cypress 1 Varieties 2 ABC Leylandi Cypress 1 Juniper-Upright 2 AB Deodora Cedar 2 Yucca Pendula 1 AB Blue Atlas Cedar 2 Holly-Most varieties 3 BC

TREES, DECIDUOUS: Euonymus 2 AB Aspen 3 Cotoneaster, low Arizona Ash 2 Spreading & upright 2 AB Redbud 2 Pampas Grass 1 A European Sycamore 2 Japanese Boxwood 2 BC Flowering Plum 2 Manzanita 1 AB Flowering Crab 2 Flowering Pear 2 Silver Maple 2

SHRUBS, DECIDUOUS: Amur Maple 2 Althea-Rose of Sharon 2 AB Honey Locust 2 Flowering Almond 2 AB Golden Locust 2 Flowering Quince 2 AB Rubylace Locust 2 Santolina 1 AB Hawthorn 2 Snowball Viburnium 2 AB Fruit Trees 2 Spirea – Bridal Wreath 2 AB Russian Olive 1 Spirea –Anthony Waterer 2 AB Pin Oak 2 Mock Orange 2 AB Lilac 2 AB California Privet 2 AB VINES Butterfly Bush 2 AB Wisteria 2 A Forsythia 2 AB Grapevine 2 A Red Barberry 2 AB Virginia Creeper 1 AB Green Barberry 2 AB Clematis 2 AB Potentilla 2 AB Honeysuckle 2 AB Silver Lace Vine 2A

GROUND COVER: Sedum 1 NATIVE SHRUBS Potentilla Verna 2 Manzinita 1 English Ivy 2 Scrub Oak 1 Honeysuckle Gambel Oak 1 Japanese 2 Apache Plume 1 Cliff Rose 1 GRASS New Mexico Locust 1 Kentucky Bluegrass 2 Oakleaf Sumac 1 Perennial Rygrass 2 Fescue 1 Buffalo Grass 1

### ii. FORMS

## A. APPLICATION AND CONTRACT FOR RESIDENTIAL CONSTRUCTION, LANDSCAPING, OR REMODELING

Lot #:_____Address:_____Date: _____

I,_____, Owner of Lot #_____, Lot Address_____ request approval of my plans to construct a residence, add to it, remodel it or landscape. I and my contractor have read and understand The Foothills Property Owners Association Architectural Guidelines and Procedures. I and my contractor agree to comply with the CC&Rs for The Foothills and The Architectural Guidelines and Policies. I and my contractor agree to comply with the following conditions of the Architectural Control Committee upon approval of my application.

1. **Complete construction within one (1) year of obtaining building permit and the landscaping within six (6) months of the final inspection by the City of Prescott.**
2. **All phases of construction will comply with applicable State, Federal and Local rules, codes, and statutes.**
3. **Construction debris will be controlled and placed in a dumpster or otherwise removed weekly.**
4. **The Foothills Property Owners Association may notify all interested parties of the incidents of delinquency or non-compliance regarding the provisions of this Application and Contract.**
5. **Licensed contractors and subcontractors will perform all work.**

Property address:_____Lot #: _____

**Review/Inspection Fee:** ☐ **$3000.00** Check #:_____Paid by: _____

Date: _____

Property Owner Name (s):_____

Mailing Address:_____

Property Owners Signature(s):_____Phone #:_____

Contractor Name:_____Phone #:_____

Address:_____

Contractor License#:_____Effective Date:_____

**Final Approval:_____**

*Architectural Control Committee Member or Representative Date*



Revised 11/7/2026

## B. CONSTRUCTION COMPLIANCE DEPOSIT CONTRACT

Lot #:_____Address:_____Date: _____

Owner Name:_____Phone #:_____

The Construction Compliance Deposit provided by the Owner will be placed in a deposit fund pending satisfactory completion all aspects of the project and approval of the Architectural Control Committee. The Foothills Property Owners Association will return the deposit, with interest (*if earned*) to the rightful party upon approval, according to the parameters set forth in §ARS 33-1817.

If the project is not completed in accordance with the CC&R's, the Architectural Guidelines and/or the approved plans The Foothills Property Owners Association may complete the project as required deducting all costs from the deposit. Penalties and any fines assessed will be deducted from the deposit. Deposit will be made whole again within ten days.

Deposit Amounts *(select 1)*:

☐ New House *(incl. driveway)*..... **$10,000** *($8,000 House / $2,000 Landscape)*

☐ Major Renovation/added Construction to Existing Home ..... **$1,000**

☐ Large Landscape Modifications..... **$1,000**

***Check #:_____Amount:_____Paid by:_____Date Rec'd:_____**

**Check should be payable to The Foothills Property Owners Association*

**I have read and agree to the Construction Compliance Deposit requirements.**

_____

Owner Signature(s) Date

## C. APPLICATION FOR PROJECT COMPLETION INSPECTION~

Lot #:_____Address:_____Date: _____

_____ _____

Owner Inspection Requested by

_____ _____

Phone Contact #

_____ _____

Email Requested Date of final inspection

_____ _____

Contractor/Builder Signature

_____

Phone

**NOTICE TO OWNER**:

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

- ____ Conforms to the Guidelines and approved plans. **Final inspection is approved**
- ____ Does not conform to the plans and specifications approved in your final submittal. The following corrections/additions are required: _____

_____

_____ _____

ACC Representative Signature Date

***REINSPECTION (if needed)***

- ____ Conforms to the Guidelines and approved plans. **Final inspection is approved**
- ____ Does not conform to the plans and specifications approved in your final submittal. The following corrections/additions are required: _____

_____

_____ _____

ACC Representative Signature Date

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

## D. 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

Lot #:_____Address:_____Date: _____

Mailing Address: Email: _____

_____

_____ Designer/Contractor:_____

_____ _____

Phone: _____

Phone: Email:_____

_____ Review Fee: _____

***Check #:_____Amount:_____Paid by:_____Date Rec'd:_____***

**Check should be payable to The Foothills Property Owners Association*

Modification Request:

_____

_____

_____

_____

****A plot plan or drawing of the lot/home showing locations, specific details & dimensions of any modifications to the exterior of the home or yard/lot is required.***

*Homeowner agrees to comply with all applicable city and state laws, and to obtain all necessary permits. Approval by the Architectural Committee shall not be deemed a warranty or representation as to the quality of such construction, installation, addition, alteration, repair, change or other work, or that work conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation.*

_____ Owner Signature(s)

Date

***Review Committee Comments:*** ☐ **APPROVED** ☐ **NOT APPROVED**

Signature _____

Date _____

Comments/Conditions _____

_____

_____

_____



Revised 11/7/2026

## APPLICATION FOR REVIEW OF MODIFICATIONS TO AN EXISTING APPROVED RESIDENCE CONTINUED

***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 ANAPPOINTMENT*

**RESULTS:** ☐ **APPROVED** ☐ **NOT APPROVED**

_____

Representative Signature_____

Date_____

Comments:

_____

_____

_____

_____

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

## E. CONSTRUCTION RULES AND REGULATIONS

Lot #:_____Address:_____Date: _____

***The following Construction Rules and Regulations are applicable for all construction at The Foothills:***

1. No construction (including any site preparation, removal of trees, etc.) shall occur prior to the owner receiving final written approval of the Architectural Control Committee to both the plans and specifications and landscaping plans, AND receipt of the Construction Deposit. ☐ ***Deposit Received - Amount:***_____
2. No changes or alternations in previously approved plans and specifications or landscaping plans shall be permitted without the prior written approval of the committee.
3. **Construction must be completed within one (1) year of obtaining a building permit.**
4. Contractors are responsible for and will be required to pay for the repair of any damage to streets, curbs or surrounding property, and the clean-up of debris or mud-tracking caused by their own, their sub-contractor's or their supplier's actions. Any existing damage must be reported to the committee before starting construction.
5. Crossing, parking on or disturbance of adjacent property is prohibited. Use of any adjacent property owner's utilities is prohibited unless you have the prior written permission of the owners of the property.
6. Construction working hours are limited as follows: **Monday – Saturday 7:00 a.m. to 6:00 p.m.**
   **No Construction Allowed:** Sundays, New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas
7. A trash container is to be provided on the jobsite for workers so that cans, bottles paper wrapping and other trash may be properly discarded. The jobsite shall be kept neat and 'picked up' on a regular basis.
8. Materials should not be stored on the street or sidewalk for longer than 24 hours, and should be properly and safety flagged or marked.
9. Contractor and sub-contractors and the respective employees of each shall obey the established speed limit The Foothills and must park their vehicles so as to allow clear passage for traffic.
10. Any workers bringing a dog or dogs to the jobsite will keep such dog(s) on a leash or keep such dog(s) inside a vehicle.
11. In accordance with Paragraph 3.25 of the Declaration of Restrictions, no playing of radios, tape decks, etc. is allowed on the jobsite.
12. ***Any violation of these Rules and Regulations, or requirements of the Architectural Guidelines, is subject to a fine,*** *in accordance with the "Schedule of Fines" listed on the back of this form.*

Pre-Existing Damage / Other Notes: _____

_____

_____

_____

***I have received a copy of The Foothills' Construction Rules and Regulations and agree to abide by them***.

| | | | |
|---|---|---|---|
| Contractor Name | Contact # | Property Owner Name | Phone |
| #Contractor's Signature | Date | Owner's Signature | Date |

**Fine Schedule**

| **Violation** | **1ST Occurrence** | **Subsequent or Continuing Violations** |
|---|---|---|
| Starting Construction without ACC written permission | $500.00 | N/A |
| Starting Construction without pre-construction site survey | $100.00 | N/A |
| Starting Construction before the construction deposit has been posted | $750.00+deposit | Shutdown until fine and deposit are current |
| Starting construction without stringing the property | Warning | $150.00 per week |
| Use of adjacent property for any reason without the adjacent property owners written permission on file with both HOAMCO and the ACC | $500.00 | $1000.00 2nd occurrence<br>$1500.00 3rd Occurrence<br>$2500.00 Subsequent Occurrences |
| Changes made to the exterior of the structure without submitting documentation to HOAMCO for approval prior to the changes | $100.00 | $250.00 |
| Lack of control of and/or trash on site or adjacent lot. This includes the periodic emptying of the onsite dumpster/trash receptacle. | Warning (5 days to correct) | $100.00 2nd Occurrence<br>$200.00 3rd Occurrence<br>$750.00 Subsequent Occurrences |
| Storing building materials on the sidewalk or in a right of way for an extended period of time. (>96hours) | Warning | $100.00 2nd Occurrence<br>$200.00 3rd Occurrence<br>$750.00 Subsequent Occurrences |

| | | |
|---|---|---|
| Clearing property without first securing written permission from HOAMCO. Not to be confused with the lot owner or their designee trimming or clearing the lot of downed or dead trees/brush. | $500.00 | |
| Failure to honor the "Stop Work" order. The only activity that will be permitted on the construction site in question after a "Stop Work" order has been issued is site clean-up. | | $1000.00 per week |
| Failure to observe working hours and proper work day | Warning | $250.00 2nd Occurrence<br><br>$500.00 3rd Occurrence<br><br>$2000.00 Subsequent Occurrences |
| Pets on the construction site not properly controlled, loud radio. | Warning | $50.00 2nd Occurrence<br><br>$100.00 3rd Occurrence<br><br>$500.00 Subsequent Occurrences |

## F. DRAINAGE ACKNOWLEDGEMENT

Lot #:_____Address:_____
Date:_____

Surface drainage upon and across any lot shall be the responsibility of the lot owner through the implementation of sound construction and grading practices. Any improvement which creates an obstruction to surface flow, snow melt or groundwater discharge resulting in a back-up of storm waters, an increase of movement of predevelopment flow, or concentrating discharge onto neighboring lots or common area is strictly prohibited unless an agreement is reached with the affected adjacent lot(s). The Reviewing Body reserves the authority to disapprove any exposed excavation or fill transition, upon review.

*I acknowledge the above language and sign with full knowledge of its contents and significance.*

_____ *Signature of Owner*
*Date*

## 10. LATEST CHANGES

| | |
|---|---|
| CHG1 4/13/22 | |
| CHG2 3/21/26 | Board approved changes to add new Section 2(u) titled: Holiday and Decorative lighting |
| CHG 3 9/1/2026 | Increased HOAMCO review fee to $3,000 |
| CHG 4 11/7/2026 | Increased Construction Deposit to $10,000 |