

Portillo Ridge Homeowners' Association

P.O. Box 592, Green Valley, AZ 85622

Website: www.portilloridgehoa.org ~ Email: portilloridgehoa@yahoo.com

Architectural and Design Rules

(Note: Replaces prior Architectural and Design Guidelines approved September 20, 2017)

Purpose

The purpose of these Architectural and Design Guidelines is to insure the maintenance of high residential standards for the benefit of all homeowners in the Portillo Ridge Homeowners' Association (Association). The significant benefits for the homeowners are to protect the value of their home and to provide an enjoyable, desirable and attractive place to live. They also help to guarantee that the Association's homes reflect an architectural quality and style consistent with the natural beauty of the Sonora Desert and our Green Valley community.

These Architectural and Design Guidelines are consistent with and complementary to the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions (CC&Rs) for the Association.

Should anyone have questions or need help in completing a form, please contact a member of the ARC or the Association's Board of Directors

1. Procedural Rules

1.1. The Architectural Review Committee (ARC) is a standing committee of the Association. The ARC must approve all proposed exterior changes on a Lot, as per Section 4.1 of the CC&Rs. This includes (but is not limited to) changes in color of the house and/or trim, size of footprint of a structure, and major landscape changes that affect new or existing landscaping, including plants, walls, fences, walkways and outdoor lighting.

1.2. No work of any type requiring the ARC approval shall commence prior to the Lot Owner receiving written notification of ARC approval.

1.3. All requests for the ARC approval shall be in writing on the Association's Landscape & Architectural Request form with supporting documentation included that shows the details (plans and specifications) of the proposed work to be accomplished. Request forms are available online on the Association's website. No verbal requests will be accepted. Personal appearance at the ARC meeting is recommended if there are any complicated issues involved.

1.4. All requests must be received by the ARC a minimum of 3 days prior to the next scheduled ARC meeting to be considered or the applicant can appear at the next ARC meeting. The ARC will post a log of requests received, lot numbers, request summary and status on the Association's website prior to each meeting.

Portillo Ridge Homeowners' Association
Architectural and Design Rules

1.5. The ARC shall approve or disapprove, in writing, all requests submitted within 45 days of receipt by the ARC.

1.6. If professional review of plans or specifications or a legal opinion is necessary, all cost(s) that the Association incurs will be charged to the applicant and the approval deadline extended as required.

1.7. All written plans or requests must conform with the appropriate sections of the current CC&Rs and these Guidelines. All tree requests must include the anticipated mature height of the tree requested.

1.8. Per CC&R Section 4.10, upon completion of any approved request, the Owner shall give written or email notice of completion of the project to the ARC. Within 20 days of such notification, a representative of the ARC will verify the approved changes to assure that the approved request was completed in accordance with the ARC-approved submittal and these Guidelines. If the work was done in accordance with the approved ARC submittal and these Guidelines, no further action will be taken. If the ARC determines that the work was not done in compliance with the approved request or any portion of these Guidelines, the ARC will issue a written notice of noncompliance to the Owner, specifying the particulars of noncompliance. This notice shall be issued within 30 days of the final inspection. The Owner shall have 30 days from the date of notice of noncompliance to remedy the non-compliant portion(s) of their approved request. The Owner may request additional time from the ARC. However, if an extension is not granted, and the Owner has failed to remedy the noncompliance, the Association may take action to remedy the non-compliance in accordance with applicable law and the pertinent provisions of the CC&Rs. If within 30 days following the ARC's inspection the ARC fails to notify the Owner of non-compliance of the approved request at issue, the approved request shall be deemed to be acceptable with the Architectural and Design Guidelines.

1.9. ARC Appeal Process per CC&R Section 4.6.5: Any Owner whose request has been disapproved or has received a decision from the ARC that they consider adverse, may appeal the decision to the Board of Directors (Board) within 30 calendar days of the Owner's receipt of the original decision. The appeal must be in writing, and state the reasons for the request for reconsideration, or appeal of the decision and the relief requested. The Board shall set the appeal for a hearing in an open meeting, and give the applicant and any other interested party or parties, notice of said hearing. The applicant, and any other interested party or parties, may testify and present evidence at the hearing. The date of the hearing shall not be sooner than 10 days nor later than 20 days, following the receipt by the Board of the request for an appeal hearing. The Board shall issue a written decision within 7 days after the hearing has been completed. Failure to do so shall mean that the ARC's decision is affirmed. Decisions of the Board, in this regard, shall be binding and conclusive.

Portillo Ridge Homeowners' Association
Architectural and Design Rules

2. Procedural Penalties

Any Owner failing to comply with the Procedural Rules shall be liable for the following penalties per CC&R Sections 4.9 & 13.2

- 2.1. Not submitting request to the ARC — up to \$200/month
- 2.2. Commencing work prior to the ARC approval of request — up to \$200/month
- 2.3. Changing approved request without the ARC permission — up to \$100/month
- 2.4. Not correcting noncompliance issues — up to \$100/month

3. Architectural Rules

- 3.1. All antennas and exterior devices must have prior written authorization of the ARC. Exceptions are DirecTV, Dish, or similar brand of satellite dishes. The installation of any antenna, satellite dish, or exterior device shall be made so as to minimize to the greatest extent possible, the visual impact of the installation.
- 3.2. Flagpoles are not to exceed 18 feet in height.
- 3.3. All mail boxes, mail box posts and post light posts shall be painted black. (Note: Hi-Heat gloss black holds up the best in our climate.) Post light fixtures will be finished in a complimentary color to the house.
- 3.4. All color changes to the house and/or trim colors require ARC approval. Approved color chip sets are available from the ARC Chairperson. The request to change the color(s) must include color samples. Painting of a house will include the painting of the roof mounted air conditioner(s) the house color. Repainting the house and/or trim the same existing colors does not require ARC approval.
- 3.5. All oil and rust stains should be removed from driveways and sidewalks.
- 3.6 Be sure to refer to CC&R section 4.2.4, Walls and Fences, when considering any change or addition of a wall or fence.

Portillo Ridge Homeowners' Association
Architectural and Design Rules

4. Tree Rules

Trees are of concern to all Portillo Ridge homeowners for property value, environmental and aesthetic considerations.

4.1. Trees planted by the original or successor homeowners, or trees which sprout naturally in landscaped areas, must be maintained and trimmed by the current property owner. All trees, planted or natural, in another lot's view path of the Santa Rita Mountains must be maintained or trimmed at a height no higher than 18 feet at any given time, or must be removed. All other trees that do not interfere with any other homeowner's view of the Santa Rita Mountains do not have a height limit. Tree height violations must be complaint driven by the affected lot owner.

4.2. All trees shall have a minimum 8' vertical clearance above sidewalks. Trees and their root systems shall not be allowed to become obstacles when near sidewalks or along property lines. Trees should be properly maintained so as to not create a concern due to high wind conditions or fire hazard.

4.3. The ARC shall be notified by means of the Landscape and Architectural Request form of ALL trees to be planted stating their mature heights on the request form. Any tree, shrub or other vegetation with a mature height greater than 6 feet requires ARC approval before planting. Removal of trees does not require ARC approval.

4.4. All new trees to be planted in another lot's view path to the Santa Rita Mountains must have an advertised maximum mature height of 18 - 20 feet or less: otherwise, the ARC must prohibit the tree. The ARC will use the SUNSET WESTERN GARDEN BOOK as the reference book to determine mature tree heights. Trees should be planted so that when mature the canopy will not intrude onto neighboring yard(s).

4.5. There are a few "Grandfathered" palm trees within the Association which cannot be replaced if they die. These existing palm trees must be maintained in such a way that all dead palm fronds are removed so as not to cause litter on neighboring lots and present a fire hazard.

4.6. Any tree maintenance or removal expense(s) required in resolution of a dispute or to rectify compliance, as determined by the Board of Directors, shall be incurred by the tree owner.

Portillo Ridge Homeowners' Association
Architectural and Design Rules

5. Landscaping Rules

5.1. No landscaping shall obstruct drivers' views. No shrubs, trees or obstructions of any kind shall be placed or be allowed to remain in corner areas that cause a traffic hazard or obstruct the view of oncoming traffic (Pima County Ordinance).

5.2. All weeds in excess of three inches high or wide, plant debris, and invasive weeds (i.e. buffelgrass and desert broom) shall be removed from the owner's lot. See paragraph 5.5 for washes and arroyos restrictions.

5.3. The ARC permits the planting of low growing wildflowers as a part of the landscaping if:

5.3.1. The wildflowers or wildflower seeds are planted within the interior confines of a masonry wall attached to the home. OR

5.3.2. Planted or seeded wildflowers placed outside the above confines of walls shall be removed or trimmed after they have ceased blooming so as to avoid the appearance of dead plants or weeds and prevent the spreading of seeds to neighboring yards.

5.4. No landscaping or erosion shall obstruct or encroach upon sidewalks or streets.

5.5. Flood plain or drainage areas (washes and arroyos) are zoned by Pima County as open space and, as such, are to be left in a natural state, subject to Portillo Ridge Plant Preservation Plan. (Portillo Ridge Plant Preservation Plan, Rezoning Restrictions & CC&R Section 4.2.3).

5.6. In addition, open space areas are subject to Pima County ordinances include the following:

5.6.1. Debris, noxious weeds (e.g., buffelgrass and desert broom), and dead vegetation may be removed. No debris/clippings, etc. may be placed in washes.

5.6.2. Land may not be cleared or graded.

5.6.3. Minimal tree trimming may be done. Trees may not be cut down, nor large branches removed.

For further information, call 740-6800 and ask for the Pima County Planner on duty. It is recommended to request the Planner put his/her answers in writing to cover your actions.

Portillo Ridge Homeowners' Association
Architectural and Design Rules

6. Lighting Rules

(per Tucson/Pima County Outdoor Lighting Code)

6.1. All outdoor light fixtures shall conform to the 2012 Tucson/Pima County Outdoor Lighting Code. For more detailed information, see the Pima County website at www.tucsonaz.gov/files/pdsd/codes-ordinances/2012_outdoor_lighting_code.pdf.

6.2. All outdoor light fixtures, except post lights shall turn off by 11:00 PM.

6.3. All post lights shall not exceed 40 watts incandescent or 450 lumens. Note: warm light is suggested. Wattage of a light fixture is defined as the total effective watts of all the bulbs in the light fixture. Existing post lights may be unshielded clear glass or full cutoff (shielded) light fixtures, provided they are over 25 ft. from a neighbor's property. If less than 25 ft. from a neighbor's property, the light fixture must be full cutoff. All replacement post light fixtures must be full cutoff or frosted glass.

6.4. Seasonal decorations using low-wattage lamps (not exceeding 7 watts each) are allowed from Thanksgiving to the 15th of January each year.

6.5. Any complaints of violations should be directed to Pima County code enforcement at the following address: <http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=60733>

These Architectural and Design Rules were approved and adopted at a meeting of the Board of Directors, duly called and held on September 11, 2019, a quorum being present and voting.

By: Fred Wray
Fred Wray, President
Portillo Ridge Homeowners' Association

Attest: Mike Millikin
By: Mike Millikin
Mike Millikin, Secretary
Portillo Ridge Homeowners' Association