

PIMA ACRES DESIGN GUIDELINES

PIMA ACRES PROPERTY OWNERS ASSOCIATION

AS APPLIES TO:

Lots one (1) to One Hundred Forty (140) inclusive, Pima Acres, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 79 of Maps, page 46 thereof.

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1.0 INTRODUCTION:

It is the intent of the development philosophy and the architectural standards and design restrictions set forth in these Guidelines, to preserve, protect, and enhance to the extent justified, the special environment of Pima Acres.

In order to assist each Owner in the planning and designing of his/her residence, these design guidelines have been established, in conjunction with the CC&Rs of Pima Acres and the design guidelines of surrounding desert communities. It is strongly recommended that an Owner retain competent professional services for planning and design.

2.0 LANDSCAPING AND SITE DEVELOPMENT STANDARDS:

The natural desert landscape in Pima Acres is fragile, can be easily damaged, and may take years to grow back, once damaged.

In addition to the building restrictions suggested by the environmental studies conducted at Pima Acres, the City of Scottsdale has developed regulations intended to provide protection to the natural desert areas. Although every effort has been made to integrate the City's regulations into these Building Guidelines, each Owner is responsible for reviewing the applicable City regulations (ESLO - Environmentally Sensitive Land Ordinance) and making certain that he complies therewith. As outlined below, each Lot consists of the "Natural Area," the "Building Envelope," and a "Private Area."

2.1 BUILDING ENVELOPES:

The Building Envelope is the portion of each Lot within which all Improvements must be built and alterations to the existing landscape may be permitted. The building envelope shall be confined within the following setbacks: Front: 40 feet Rear: 40 feet Side: 30 feet (except if side street line, then 40 feet is required). Blading must be kept to an absolute minimum within the Building Envelope. Excessive blading outside the location of the proposed home, is expressly forbidden.

2.2 PRIVATE AREA:

The Private Area is that part of the Building Envelope which is not visible from adjacent properties, streets, or public spaces, because it is hidden behind walls or structures. The Guidelines governing the Private Area are the least restrictive in terms of what plants, shrubs, and trees can be planted therein. Permissible plants include those plant materials listed in Appendix B (Approved Plants) and, if first

approved in writing by the Architectural Committee, any other plant not included in Appendix B or C (Prohibited Plants). All plants which are visible from a street or public area or from an adjacent Lot must be of the varieties listed in Appendix B, or be approved in advance by the Architectural Committee.

2.3 PROHIBITED PLANT LIST

The plant materials set forth in Appendix C include species with characteristics which are potentially destructive to the Natural Areas and indigenous plants by reason of profuse and noxious pollen, excessive height, and weed-like characteristics of excessive growth, high water demands, and other similar traits. Under no circumstances is it permissible to plant any Prohibited Plant.

2.4 PROTECTED PLANTS

Protected Plants are those desert plants which, either because of size, age and type, must be protected pursuant to City of Scottsdale regulations. These include the following tree species of four-inch caliper or greater and cacti species six feet or greater in height: ironwood, mesquite, palo verde, saguaro, barrel cactus, ocotillo, and yucca. Improvements should be sited to avoid these protected species if at all possible. The Architectural Committee must approve any plans for transplanting these species, and it is recommended that professionals be consulted prior to transplanting any desert plants. Any protected plants damaged in transplanting must be replaced with a plant of similar size and type. (See Section 2.5d)

2.5 SITE WORK

While the natural topography varies considerably from Lot to Lot, the following general limitations will apply in the absence of special circumstances justifying exceptions as may be approved by the Architectural Committee:

- a. Maximum pad heights must conform to minimum requirements of Scottsdale City Ordinance for aesthetic reasons and neighboring views (see section 3.2.1 Finished Floor).
- b. Cut and fill may not be exposed following completion of construction
- c. No change in natural or existing drainage patterns for surface waters shall be made upon any Lot that could adversely affect another owner
- d. No Protected Plants shall be damaged, destroyed, or removed from any Lot, although such plants outside the Natural Area Easement may be relocated.

- e. Retaining walls and other walls not directly supporting a building structure, except screen walls, shall not exceed six feet in height, measured from the highest grade adjacent to the wall.

In the event of any violation of (b) or (c) above, the Architectural Committee or the Association may cause such Lot to be restored to its state existing immediately prior to such violation; or, in the event of a violation of (d), above, cause to be replaced any Protected Plant which has been improperly removed or destroyed with either a similar plant in type and size or with such other plant as the Architectural Committee may deem appropriate. The Owner of such Lot shall reimburse the Architectural Committee or the Association for all expenses incurred by it in performing its obligations under this paragraph; provided, however, that if the Architectural Committee causes to be replaced an improperly removed or destroyed Protected Plant, the Owner shall not be obligated to pay an amount that exceeds the cost which he or she would have incurred if the Architectural Committee or the Association had elected to replace the damaged, destroyed, or removed Protected Plant with a plant similar in type and size. In addition, fines may be imposed under the Native Plant Ordinance of the City of Scottsdale.

2.6 PARKING SPACES

Each Residence shall contain parking space within the Lot for at least two automobiles in an enclosed garage. On-street parking is discouraged.

2.7 NO VISIBLE STORAGE TANKS

All pool, water, propane, or similar storage facilities shall either be constructed to be shielded from view by walls or structures or shall be installed or constructed underground.

2.8 SITE DRAINAGE AND GRADING

Site drainage and grading must be done with minimum disruption to the Lot. Surface drainage shall not drain to adjoining Lots or open spaces except as established by natural drainage patterns. It is the intent of these Guidelines to discourage excessive cut and fill and no grading may be done outside the Building Envelope. Any alterations to washes carrying 50 cubic feet per second or more resulting from a 100-year storm may require special consideration according to the FEMA guidelines.

2.9 SETBACKS

Houses and all other permanent structures, including fences, shall have minimum 40 feet setbacks from all streets, 30 feet on the side, and 40 feet on the rear as stated in section See Section 2.1, Building Envelopes.

2.10 ENTRANCE DRIVES

Entrance drives shall be located so as to minimize their visual impact on important natural features of a Lot, such as large or significant plant materials, washes or drainage ways, and to minimize disruption to the existing landscape. Driveways shall be constructed in such a way as to not interfere with drainage in the street.

2.11 WASHES & DRAINAGE EASEMENTS

Natural drainage ways occur frequently throughout Pima Acres, and should not be obstructed. Structures and other improvements should be sighted to avoid these washes, although they can be sited at the edge of a wash. Bridging by buildings and other improvements designed so as not to obstruct 100-year storm flows are encouraged in accordance with FEMA and the City of Scottsdale.

2.12 SWIMMING POOLS

Swimming pools, if any, should be designed as being visually connected to the Residence by walls or courtyards, and screened or separated from the Natural Area or direct view of the street or of neighboring properties. Both the swimming pool and surrounding fence must be constructed according to the City of Scottsdale regulations.

2.13 SPORTS/PLAYGROUND EQUIPMENT:

Basketball hoops, tennis courts, volleyball courts, playground equipment, and miscellaneous items used for exercise and play may be installed on any lot, subject to pre approval by the Architectural Committee. All recreational equipment must be unlit. Such equipment will only be allowed within private Areas, subject to final approval by the Architectural Committee. See Section 2.15 for restrictions on lighting of recreational areas.

2.14 SIGNAGE

No signs shall be displayed on any Lot that have not been approved in advance and in writing by

the Architectural Committee and do not conform with the Design Guidelines in effect at the time approval was requested, except the following:

- (A) One temporary for sale or for rent sign with a total face area of six-square feet or less;
- (B) such signs as may be required by law, or which by law may not be prohibited; and
- (C) typically sized and professionally painted security signs.

All signs must conform to applicable municipal ordinances and other governmental requirements. Lighted address identification signs for each Residence and temporary construction signs must be approved in advance by the Architectural Committee.

2.15 LIGHTING

Lighting shall be designed with the goal of creating a unified, natural effect which will not interfere or compete with the dramatic night time panorama of views of the desert, surrounding mountains, and the Valley below. Floodlights, if any, must have reflector "shells" to prevent sidescatter from the floodlights. Any additional lighting on individual Lots must be approved by the Architectural Committee and will be approved only if it is limited to a small area within the Building Envelope, and if it is of low intensity and does not result in excessive glare.

2.16 LOT RESTRICTIONS

No more than one Residence may be constructed on any Lot.

3.0 ARCHITECTURAL STANDARDS

The following architectural standards (sections 3.1-3.16, below) have evolved in response to climatic and aesthetic considerations in Pima Acres. During most of the year, the climate is mild and comfortable, but during the summer months, the intense sun creates a climate which should be moderated by various design solutions, such as shading window openings and courtyards, and not using exterior materials which will increase glare. Using muted colors to allow the natural colors of the desert to predominate any other similar design requirements will be required to preserve the integrity of Pima Acres.

3.1 NO REFLECTIVE FINISHES

No highly reflective finishes (other than glass, which may not be mirrored), shall be used on exterior surfaces (other than surfaces of hardware fixtures), including without limitation the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes,

equipment, mailboxes and newspaper tubes. See Section 3.5 for further guidance regarding permissible exterior colors and Section 4.1 regarding submission of initial plans. Samples of all exterior materials, including window and glass specifications, must be submitted to the Architectural Committee with initial plans.

3.2 HEIGHT OF STRUCTURES

Only single-story buildings will be permitted in Pima Acres. The maximum height of a house will be 16 feet 8 inches from the finished floor level. These dimensions and the relationship of the house to the natural grade must be shown on the site plan and elevation drawings. Chimneys may exceed this limit as required by City of Scottsdale Ordinances. The construction of any Residence or other structure which would appear excessive in height when viewed from the street or other Lots anywhere in the neighborhood is discouraged.

3.2.1 FINISHED FLOOR

The finished floor may not exceed the minimum 12 inches above the highest point of the grade at the pad area, as specified by the City of Scottsdale Revised Code (Floodways and Floodplains p.3024-3025) Appendix D. The design of the house should minimize the height of building pads required by the City of Scottsdale to comply with FEMA requirements.

3.3 ROOFS

All roofs shall be of a material, color, and texture approved by the Architectural Committee. Pitched roofs must be of clay or concrete tile. No other roofing material will be permitted. In keeping with the low landscape, roofs shall be predominantly flat or of low pitch to reinforce the traditional horizontal desert architecture which emphasizes walls instead of roofs. The overall appearance of the Residence will be an important consideration.

The Architectural Committee may approve pitched roofs up to a maximum pitch of 4 in 12, as long as the 16 feet 8 inch height limit is maintained. (A 5 in 12 pitch may be approved in special circumstances.) All flat roofs must have a parapet wall on all four sides. The color of roofs must conform to the color standards set forth in Section 3.5, which include only muted, light to middle range values of the desert, because dominant colors such as black, white and red detract from the natural colors of the desert. Color samples must be submitted for approval from the Architectural Committee. Reflective roof

surfaces which cause excessive glare are not allowed.

Any roof mounted appliances must be approved prior to installation by the Architectural Committee, and must be fully enclosed and entirely screened from view in a parapet that matches the exterior color and finish of the primary residential structure. No roof mounted appliances are permitted without prior Architectural approval. Solar collectors must be pre-approved by the Architectural Committee and, where approved, must be installed so as to not be Visible from Neighboring Property.

3.4 COLOR

The color of external materials must generally be subdued to enhance the colors of the natural landscape. Earth tones, generally muted, are required, although occasionally accent colors which are used judiciously and with restraint may be permitted. Light reflecting values (LRV) of paint samples are required. An LRV 52% or less is required. (Revised November, 1997). All homes painted prior to the adoption of this guideline must resubmit to the Architectural Committee a color sample for approval prior to repainting the exterior of their home.

3.5 MATERIALS—EXTERIOR SURFACE

Exterior surfaces will be generally of materials that blend and are compatible with the natural landscape. Masonry, stucco, or traditional adobes are to be the predominant exterior surfaces. These materials provide an outer surface to withstand the climate extremes. Large expanses of painted surfaces, particularly wood, will not weather well in desert conditions and will not be approved.

3.6 BUILDING PROJECTIONS

All projections from a Residence or other structure including, but not limited to, chimney flues, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project, or shall be of any approved color. Any building projection must be contained within the Building Envelope.

3.7 ANTENNAS AND SATELLITE DISHES

This section applies to antennas, satellite television dishes, and other devices ("Receivers"), including any poles or masts ("Masts") for such Receivers, for the transmission or reception of television or radio signals or any other form of electromagnetic radiation.

Receivers one meter or less in diameter are subject to the provisions of Title 47, Section 1.4000 of the Code of Federal Regulations ("Federal Regulations"). "Regulated Receivers" shall mean Receivers subject to Federal Regulations as such regulations may be amended or modified in the future or subject to any other applicable federal, state or local law, ordinance or regulation ("Other Laws") that would render the restrictions in this section on Unregulated Receivers (hereinafter defined) invalid or unenforceable as to a particular Receiver. "Unregulated Receivers" shall mean all Receivers that are not Regulated Receivers. Notwithstanding the foregoing, a Regulated Receiver having a Mast in excess of the size permitted under Federal Regulations or Other Laws for Regulated Receivers shall be treated as an Unregulated Receiver under this section.

No Unregulated Receivers shall be permitted outdoors on any Lot, whether attached to a building or structure or on any Lot, unless approved in writing by the Architectural Committee, with such screening and fencing as such Committee may require. Unregulated Receivers must be ground mounted and not Visible from Neighboring Property.

Regulated Receivers shall be subject to the following requirements:

(i) A Regulated Receiver and any required Mast shall be placed so as not to be Visible from Neighboring Property if such placement will not (a) unreasonably delay or prevent installation, maintenance or use of the Regulated Receiver, (b) unreasonably increase the cost of installation, maintenance or use of the Regulated Receiver, or (c) preclude the reception of an acceptable quality signal.

(ii) Regulated Receivers and any required Masts shall be placed on Lots only in accordance with the following descending order of locations, with Owners required to use the first available location that does not violate the requirements of parts (a) through (c) in subsection (i) above:

1. A location in the back yard of the Lot where the Receiver will be screened from view by landscaping or other improvements;
2. An unscreened location in the backyard of the Lot;
3. On the roof, but below the roof line;
4. A location in the side yard of the Lot where the Receiver and any pole or Mast will be screened from view by landscaping or other improvements;
5. On the roof above the roofline;
6. An unscreened location in the side yard;
7. A location in the front yard of the Lot where the Receiver will be screened from view by landscaping or other improvements.

Notwithstanding the foregoing order of locations, if a location stated in the above list allows a Receiver to be placed so as not to be Visible from Neighboring Property, such location shall be used for the Receiver rather than any higher-listed location at which a Receiver will be Visible from Neighboring Property, provided that placement in such non-visible location will not violate the requirements of parts (a) through (c) in subsection (i) above.

(iii) Owners shall install and maintain landscaping and/or other improvements ("Screening") around Receivers and Masts to screen items that would otherwise be Visible from Neighboring Property, unless such requirement would violate the requirements of parts (a) through (c) in subsection (i) above. If an Owner is not required to install and maintain Screening due to an unreasonable delay in installation of the Receiver that such Screening would cause, the Owner shall install such Screening within 30 (thirty) days following installation of the Receiver and shall thereafter maintain such Screening, unless such Screening installation or maintenance will violate the provisions of parts (a) through (c) in subsection (i) above. If an Owner is not required to install Screening due to an unreasonable increase in the cost of installing the Receiver caused by the cost of such Screening, the Association shall have the right, at the option of the Association, to enter onto the Lot and install such Screening and, in such event, the Owner shall maintain the Screening following installation, unless such Screening installation or maintenance will violate the provisions of parts (a) through (c) in subsection (i) above.

The provisions of this section are severable from each other; the invalidity or unenforceability of any provision or portions of this section shall not invalidate or render unenforceable any other provisions or portion of this section, and all such other provision or portions shall remain valid and enforceable. The invalidity or unenforceability of any provisions or portions of this section to a particular type of Receiver or Mast or to a particular Receiver or Mast on a particular Lot shall not invalidate or render unenforceable such provisions or portions regarding other Receivers or Masts on other Lots.

3.8 WINDOWS & SKYLIGHTS

Skylights, if used, must be located so as to minimize the visibility from other lots and public areas, and should not cause objectionable glare

3.9 PATIO & COURTYARDS

Patios and courtyards should be designed as an integral part of the architecture of the Residence so they can be shaded and protected from the sun by the walls of the Residence.

3.10 WALLS

Walls of stucco, if used as an accent detail, may be used for privacy to delineate the Private Areas from the rest of the Building Envelope, and should be a visual extension of the architecture of the Residence. Fences along the streets cannot be constructed within the right of way(s), and must be at minimum of ten feet (10') from side or rear property lines. Any deviation from this rear setback must be approved in writing by the Architectural Committee. In no instance may a wall run parallel to the entire length of the lot. The colors and exterior surfaces of walls must conform to the standards and exterior surfaces described in section 3.5 & 3.6. They may not be used to delineate property lines. Height restrictions of walls are limited to 6 feet on the rear and side portions of the home and 3 feet in height along the front of any home, measured from the highest grade adjacent to the wall. Front-of-house courtyard fencing and wrought iron security fencing that exceeds 3 feet in height must be submitted to the Board for consideration and approval.

3.11 AIR CONDITIONING UNITS

All air conditioning units and compressors must be completely screened from view by screen walls matching the exterior finish of the house. Roof mounted air conditioning units are strongly discouraged, and any proposed roof mounted appliances and screening must be approved by the Architectural Committee prior to installation.

3.12 TRASH RECEPTACLES

All garbage and trash containers, clotheslines, electrical boxes, and other outdoor maintenance and service facilities or service yards must be totally and completely screened from view by walls matching the exterior finish of the house. Location of water and electrical service on the elevation and site plan is required.

3.13 GUESTHOUSE

A guest house is permitted with approval from the Architectural Committee and the City of Scottsdale. Such structures should be designed as a single visual element with the Residence, and should be visually connected by walls, courtyards, or other major landscape elements. The guest house should serve as an obvious secondary element to the Residence. The guest house must comply with the zoning regulations of the City. A guest suite maybe constructed on any Lot either detached from or attached to the

Residence with pre-approval from the Architectural Committee.

3.14 ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES

Any changes to the approved plans before, during, or after the construction of an Improvement must first be submitted to the Architectural Committee for approval

4.0 BUILDING REVIEW PROCEDURES

Plans and specifications shall be submitted to the Architectural Committee in accordance with the following submittal and review procedures. (Sections 4.1-4.12), and with the Building Plan Submission Requirements and Signed Acknowledgement Agreement

4.1 SUBMISSION OF INITIAL PLANS

Initial plans shall include:

- a. A signed copy of the Acknowledgement Agreement. (Appendix - F)
- b. Site plan (at no less than 1 inch=20 feet', prepared by a registered surveyor) showing the location of the Building Envelope, the Residence and all buildings or other major structures, driveway and parking areas, a grading plan, including existing and proposed topography, utility connections, and finished floor elevations, including garage.
- c. Roof plan and floor plans (at no less than 1/8 inch=1 foot).
- d. Samples of all exterior materials and colors, and window and glass specifications. All samples must be identified with manufacturer's name, color, and/or number. Please see Sections 3.1 and 3.5 for further guidance regarding acceptable exterior materials, including colors and glass and window specifications.
- e. Exterior elevations (all) with both existing and proposed grades shown.
- f. Wall section and details of exterior decks or patios.
- g. Complete landscaping plan, on same scale as site plan, showing: areas to be irrigated, if any; proposed plants and sizes thereof; driveway, retainage, decorative features, sports and playground equipment, etc., and an indication of the area wherein storage of materials and debris will be confined.
- h. Cross section of structure indicating existing and proposed grade lines on the site.
- i. Identification and/or location of any exterior fences, pools, tennis court, etc. on the site plan designating height and/or additional design features

4.2 REVIEW OF PLANS

The Architectural Committee shall conduct reviews of plans during its regular meetings or at such other times it deems appropriate. Owners, Architects, or Builders will not be permitted to attend any meeting of the Architectural Committee unless specifically requested by the Architectural Committee. Any responses an Owner may wish to make in reference to issues contained in the Architectural Committee's notice following review of submitted plans must be addressed to the Architectural Committee in writing.

4.3 RESUBMITTAL OF PLANS

In the event of any disapproval by the Architectural Committee of either an initial or a final submission, a resubmission of plans should follow the same procedure as an original submittal.

4.4 SUBMITTAL OF FINAL PLANS

Final plans as submitted to the City of Scottsdale (with all amendments) are to be submitted to the Architectural Committee, including an approximate time schedule indicating starting and completion dates of construction, utility hookup, completion of landscaping work, and anticipated occupancy date.

4.5 BUILDING PERMIT

Engineering certification of foundations and/or the securing of a building permit is the responsibility of the Owner and/or Builder. Construction documents are to be in accordance with the final design and plans approved by the Architectural Committee. Construction shall not commence until all of the above requirements are satisfied.

4.6 COMMENCEMENT OF CONSTRUCTION

Upon receipt of approval from the Architectural Committee, the Owner shall, as soon as practicable, satisfy all conditions thereof, if any, and diligently proceed with the commencement and completion of all construction, reconstruction, refinishing, alterations, and excavations pursuant to the approved plans and schedules, within two years from the date of such approval. If the Owner shall fail to comply with this paragraph, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the Architectural Committee prior to the expiration of said two-year

period and upon a finding by the Architectural Committee that there has been no change in circumstances, the time for such commencement is extended in writing by the Architectural Committee. The Owner shall, in any event, complete the construction, reconstruction, refinishing, or alteration of the foundation and all exterior surfaces (including the roof, exterior walls, windows, and doors) of any Improvement on his Lot within two years after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, or natural calamities.

4.7 WORK IN PROGRESS INSPECTION

The Architectural Committee may inspect all work in progress and give notice of noncompliance. Absence of such inspection and notification during the construction period does not constitute either approval of the Architectural Committee with work in progress or compliance with these Building Guidelines or the CC&Rs.

4.8 COMPLETED WORK

4.8.1 Upon completion of any Residence or other Improvement for which final approval was given by the Architectural Committee, the Owner shall give written notice of completion to the Architectural Committee.

4.8.2 Within such reasonable time as the Architectural Committee may determine, they may inspect the Residence and/or Improvements. If it is found that such work was not done in strict compliance with the final plan approved by the Architectural Committee, it shall notify the Owner in writing of such non-compliance, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same.

4.8.3 If, upon the expiration of 30 days from the date of such notification by the Architectural Committee, the Owner shall have failed to remedy such non-compliance, the Architectural Committee shall notify the Owner, and it may take such action to remove the non-complying Improvements as is provided for in the Building Guidelines or the CC&Rs, including without limitation injunctive relief or the imposition of a fine.

4.9 SUBSEQUENT CHANGES

Additional construction, landscaping, or other Improvements to a Residence or Lot, and/or any

changes after completion of an approved structure must be submitted to the Architectural Committee for approval prior to making such changes and/or additions. Please refer to Appendix F, "Building Plan Submission Requirements" for a list of the specific items which must be included in a packed submitted to the Architectural Committee.

4.10 NON-WAIVER

The approval by the Architectural Committee of any plans, drawings, or specifications for any work done or proposed, or in conjunction with any other matter requiring the approval of the Architectural Committee under the Building Guidelines or the CC&Rs, including a waiver by the Architectural Committee shall not be deemed to constitute a waiver of any right to withhold approval to any similar plan, drawing, specification, or matter whenever subsequently or additionally submitted for approval.

4.11 RIGHT OF WAIVER

The Architectural Committee reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

5.0 CONSTRUCTION REGULATIONS

In order to assure that the natural desert landscape of each Lot is not damaged during any construction activities, the following construction regulations shall be enforced during the construction period. All Builders, Owners, and other Persons shall be bound by these regulations. (Sections 5.1-5.14) Any violation by a Builder shall be deemed to be a violation by the Owner of the Lot.

5.0.1 CONSTRUCTION AREA PLAN

Prior to the commencement of any construction on a Lot, the Owner and Builder shall provide a detailed plan as to the manner in which the natural desert shall be protected, and the areas to which all construction activity will be confined to, including: size and location for construction material storage, limits of excavation, drive areas, parking, chemical toilet location, temporary structures if any, dumpster, storage of debris, fire extinguisher, utility trenching, and construction sign. This plan should identify the methods for protection, such as fencing, flagging, rope, barricades, or other means, to be set up prior to commencement of construction.

5.1 OCCUPATIONAL SAFETY & HEALTH ACT COMPLIANCE

All applicable OSHA regulations and guidelines must be strictly observed at all times

5.2 CONSTRUCTION TRAILERS/PORTABLE FIELD OFFICES

Construction trailers or field offices require the approval of the Architectural Committee prior to delivery.

5.3 DEBRIS & TRASH REMOVAL

Owners and Builders shall clean up all trash and debris on the construction site daily. Trash and debris shall be removed from each construction site whenever the trash container is full, to a dumping site located off the project. Lightweight material, packaging, fast food wrappers, and other items shall be covered or weighted down in dumpsters, as well as in trucks entering and leaving Pima Acres, to prevent wind from blowing such materials throughout Pima Acres. Owners and Builders are prohibited from dumping, burying, or burning trash anywhere within Pima Acres. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore, or affecting other Lots and any open space. Any cleanup costs incurred by PAPOA in enforcing these requirements will be billed to the Owner. Dirt, mud, or debris resulting from activity on each construction site shall be promptly removed from public or private roads, open spaces, and driveways or other portions of Pima Acres.

5.4 SANITARY FACILITIES

Each Owner and Builder shall be responsible for providing adequate sanitary facilities for all construction workers. Portable toilets shall be located only on the site itself; or in areas approved by the Architectural Committee.

5.5 VEHICLES & PARKING AREAS

Construction crews will not park on, or otherwise use, other Lots or any open space. Private and construction vehicles and machinery shall be parked only in areas designated by the Architectural Committee. All vehicles will be parked so as not to inhibit traffic or City of Scottsdale trash collection, and within designated areas so as not to damage the natural landscape.

5.6 CONSERVATION OF LANDSCAPING MATERIALS

Owners and Builders are advised of the fact that the Lots and open spaces contain valuable native

plants and other natural landscaping materials that should be absolutely protected during construction, including topsoil, rock outcroppings, and plant materials. Materials that cannot be removed should be marked and protected by flagging, fencing, or barriers. The Architectural Committee shall have the right to flag major terrain features or plants which are to be fenced off for protection. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the site.

5.7 EXCAVATION MATERIALS

Excess excavation materials must be hauled away from Pima Acres.

5.8 BLASTING

Blasting is not allowed in Pima Acres.

5.9 RESTORATION/REPAIR OF OTHER PROPERTY DAMAGED

Damage and scarring to other property, including but not limited to, open space, other Lots, roads, driveways, and/or other Improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Person causing the damage or the Owner of the Lot. Upon completion of construction, each Owner and Builder shall clean his construction site and repair all property which was damaged, including but not limited to restoring grades, planting shrubs, and trees as approved or required by the Architectural Committee, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing.

5.10 MISCELLANEOUS & GENERAL PRACTICE

All Owners shall be absolutely responsible for the conduct and behavior of their agents, representatives, Builders, Contractors, and Subcontractors in Pima Acres. The following practices are prohibited in Pima Acres during construction by Contractors and Subcontractors:

- 5.10.1 Changing oil on any vehicle or equipment on the site itself or throughout Pima Acres.
- 5.10.2 Allowing concrete suppliers and Contractors to clean their equipment other than at locations designated by the Owner and/or Builder, which will be completely removed prior to occupancy.
- 5.10.3 Removing any rocks, plant material, topsoil, or similar items from any property of others or any public area within Pima Acres.
- 5.10.4 Discharging any type of firearms on the property.

- 5.10.5 Using disposal methods or units other than those approved by the Architectural Committee.
- 5.10.6 Careless disposition of cigarettes and other flammable material. At least one 10# ABC-rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times. Any damage or scarring that occurs shall be repaired or replaced by the Owner or Builder to the original condition, prior to resuming construction.
- 5.10.7 Careless treatment or removal of any desert plant materials not previously approved by the Architectural Committee.
- 5.10.8 No pets may be brought onto the property. No pets will be allowed to roam at will throughout Pima Acres.
- 5.10.9 Radios or other electronic equipment may not be played at excessive sound levels. "Excessive sound level" is any level that shall cause a neighbor to request a lower level, or to lodge a complaint with the Architectural Committee.

5.11 CONSTRUCTION ACCESS

The only approved construction access during the time a Residence or other Improvements are being built will be over the approved driveway for the Lot, unless the Architectural Committee approves an alternative access point.

5.12 NOISE & DUST

The Contractor shall be responsible for controlling dust and noise from the construction site in accordance with Maricopa County Health Regulations.

5.13 SIGNAGE

Temporary construction signs shall be limited to one sign per site not to exceed six (6) square feet of total surface area. The sign shall be free standing and the design and location of such sign shall first be approved by the Architectural Committee.

5.14 DAILY OPERATION

Daily working hours for each construction site shall be 30 minutes before sunrise and 30 minutes after sunset.

6.0 AMENDMENT OF DESIGN GUIDELINES

The Architectural Committee may, from time to time and in its sole discretion, adopt, amend, and repeal by unanimous vote, rules and regulations to be incorporated into or amendments of the Design Guidelines, which, among other things, interpret, supplement, or implement the provisions of the Building Guidelines. All such rules and regulations or amendments shall have the same force of the Building Guidelines and effect as if they were set forth in and were a part of the CC&Rs. Each Owner is responsible for obtaining from the Architectural Committee (or from the Pima Acres website at www.pimaacres.org) a copy of the most recently revised Building Guidelines.

6.1 NON-LIABILITY OF THE ARCHITECTURAL COMMITTEE

Neither the Architectural Committee nor any member thereof shall be liable to the Association or to any Owner or other Person for any damage, loss, or prejudice suffered or claimed on account of (a) the approval or disapproval of any plans, drawings, and specifications, whether or not defective; (b) the construction or performance of any work, whether or not pursuant to approved plans, drawing, and specifications; (c) the development or manner of development of any property within Pima Acres; and (d) the execution and filing of an estoppel certificate whether or not the facts therein are correct: provided, however, that such member has, with the actual knowledge possessed by him, acted in good faith.

Every Owner or other Person who submits plans to the Architectural Committee for approval agrees, by submission of such plans and specifications, that he will not bring any action or suit against the Architectural Committee, or any member thereof. Approval by the Architectural Committee, or any member thereof; shall not be deemed to be a representation or warranty that the Owner's plans or specifications or the actual construction of a Residence or other Improvement comply with applicable governmental ordinances or regulations, including but not limited to zoning ordinances and local building codes. It shall be the sole responsibility of the Owner or other Person submitting plans to the Architectural Committee, or performing any construction to comply therewith.

6.2 ENFORCEMENT

The Association has the right to enforce these Design Guidelines in the same manner and to the same extent as if these Design Guidelines were set forth in the CC&Rs. After giving an owner notice and an opportunity for a hearing, the Board of Directors of the Association can impose reasonable fines against an owner for any violation of these Design Guidelines. In addition to imposing fines, the Association has

the right to file a legal action to obtain an injunction restraining an owner or other person from violating these Design Guidelines or compelling an owner or other person to remove any structure or landscaping installed without approval of the Architectural Committee.

PIMA ACRES PROPERTY OWNERS ASSOCIATION

DESIGN GUIDELINES

Appendix A

CHECK LIST FOR SUBMITTAL OF INITIAL PLANS

1. ____ Site Plans two sets of paper 24" x 36" and one digital set of plans (including driveway, fences, pools, guest houses, etc.)
2. ____ Survey of Lot by Certified Engineer
3. ____ Roof Plans and Floor Plans
4. ____ Mechanical and Utility Plans
5. ____ Exterior Elevations
6. ____ Sample of all Exterior Materials and Colors, including tile, trim, gates, fences, etc.
7. ____ Plan for movement-protection of affected plants
8. ____ Landscaping Plans
9. ____ Signed Acknowledge Agreement Form
10. ____ An Optional Rendering of the building is not required, but would be appreciated.

FINAL PLANS SUBMISSION - Two Paper Copies and One Digital of the City of Scottsdale Approved Plans Provided to Pima Acres Board of Directors.

APPENDIX B
APPROVED PLANT LIST

INDIGENOUS APPROVED PLANTS:

Acacia greggii	Cat Claw
Ambrosia deltoidea	Bur Sage
Beloperone californica	Chuparosa
Cercidium floridium	Blue Palo Verde
Cercidium microphyllum	Fotthill Palo Verde
Cereus giganteus	Saguaro
Echinocereus englemannii	Hedgehog Cholla
Encilia farinosa	Brittle Brush
Ephedra trifurca	Mormon Tea
Ferocactus wislizenii	Barrel Cactus
Fouquieria splendens	Ocotillo
Haplopappus laricifolia	Turpentine bush
Holocantha emoryi	Crucifixion thorn
Hyptis emoryi	Levender
Joboa simmondsia	Joboa
Krameria grayi	White ratany
Larrea tridentata	Creosote bush
Lycium andersonii	Anderson lyceum
Lycium fremonti	Wolfberry
Olneya tesota	Ironwood
Opuntia acanthocarpa	Staghorn Cholla
Opuntia bigelovii	Teddy bear cholla
Prosopis juliflora	Mesquite
Viguieria deltoidea	Golden Eye
Yucca baccata	Banana Yucca
Zizyphua obtusifolia	Greythorn

NON-INDIGENOUS APPROVED PLANTS:

Trees:

Acacia abyssinica	Abyssinian acacia
Acacia aneuria	Mulga
Acacia cavenia	
Acacia constricta	White Thorn acacia
Acacia eburnia	Needle acacia
Acacia farnesiana	Sweet acacia
Acacia greggii	Catclaw acacia
Acacia millefolia	Santa Rita acacia
Acacia pennatula	
Accacia occidentalis	

Acacia shaffneri	Sweet acacia
Accacia smallii	Shoestring acacia
Acacia stenophylla	White Bark acacia
Acacia willardiana	
Caesalpinia cacalaco	Mexican Poinciana
Caesalpinia Mexicana	Bird of Paradise
Caesalpinia playloba	Desert Hackberry
Celtis pallid	Netleaf Hackberry, Palo Blanco
C eltis reticulate	Blue Palo Verde
Cercidium floridum	Foothill Palo Verde
Cerdicium microphyllum	Palo Brae, Sonoran Palo Verde
Cercidium praecox	Desert Willow, Desert Catalpa
Chilopsis linearis	Palo Blanco
Lysiloma candida	Fern of the Desert
Lysiloma thornberi	Ironwood
Olneya tesota	Apes Earring
Pithocollobium brevefolium	Texas Ebony
Pithecollobium flexicaule	Mexican Ebony
Pithecollobium Mexicana	Willow Pittosporum
Pittosporum phylliraeoides	White Mesquite, Argentine Mesquite
Prosopis alba	Chilean Mesquite
Prosopis chilensis	Honey Mesquite
Prosopis juliflora	
Prosopis pubescens Fremont screwbean	
Rhus ovate	Mountain Laurel

Shrubs:

Acacia angustissima	Fern acacia
Acacia craspedocarpa	Leather Leaf acacia
Aloysia lycioides	White Bruch
Agave Species	Century Plants, Spanish Daggers
Asclepias subulata	Desert Milkweed
Atriplex canescens	Four Wing Salt Bush
Atriplex hymenelytra	Desert Holly
Atriplex Lentiformis	Quail Bush
Antriplex mulleri	
Atriplex nummularia	Old Man Salt Bush
Atriplex polycarpa	Desert Salt Bush, Cattle Spinach
Atriplex rhagodioides	
Atriplex torryi	Nevada Salt Bush
Baccharis sarothroides	Desert Broom
Berberis haematocarpa	Red Barberry
Buddleja marrubifolia	Wooly Butterfly Bush, Summer Lilac
Bursera microphylla	Elephant Tree
Bursera fagaroides	
Caesalpinia gillesii	Yellow Bird of Paradise
Caesalpinia pulcherrima	Mexican Bird of Paradise
Calliandra californica	Fairy Duster
Calliandra eriophylla	False Mesquite
Calliandra penninsularis	

Canotia holacantha	Crucifixion Thorn
Cassia artemestoides	Feathery Cassia
Cassia biflora	Texas Cassia
Cassia candoleana	New Zealand Cassia
Cassia circinnata	
Cassia goldmannii	
Cassia leptophylla	
Cassia nemophylla	Green Feathery Cassia
Cassia philodinea	Silver Cassia
Cassia purpossiae	
Cassia sturtii	Sturts Cassia
Cassia wislizenii	Shrubby Cassia
Cercocarpus montanus	Mountain Mahogany
Chianthus formosus	Sturts Desert Pea
Cordia parviflora	
Dalea bicolor	Indigo Bush
Dalea Formosa	Feather Dalea
Dalea pulchra	Gregg Dalea
Dalea spinosa	Smoke Tree
Dalea wislizenii	Indigo Bush
Dasylyron wheeleri	Desert Spoon
Dodonea viscosa	Hop Bush
Encelia farinosa	Brittel Bush
Ephedra trifurca	Mormon Tea
Eriogonum fasciculatum	Buchwheat
Eysenhardia polystachia	Kidney Wood
Fallugia paradoxa	Apache Plume
Forestiera neomexicana	Desert Olive
Fouquieria splendens	Ocotillo
Haplopappus laricifolia	Turpentine Bush
Hesperaloe funifera	
Hesperaloe parviflora	Coral Yucca
Holacantha emoryi	Crucifixion Thorn
Hyptis emoryi	Desert Lavender
Jatropha cardiophylla	Limber Bush
Johoba simmondsia	Johoba
Justicia candidans	Firecracker bush
Justicia californica	Chuparosa
Justicia ghiesbreghtiana	Desert Honeysuckle
Larrea tridentata	Creosote Bush
Leucaena retusa	Golden Lead Ball Tree
Leucophyllum frutescens	Texas Sage, Texas Ranger
Leucohyllum laevigatum	Chihuahuan Sage
Lycium andersonii	Anderson thornbush
Lycium brevipes	Thornbush
Lycium fremonti	Wolfberry, Tomatillo
Maytenus phyllanthoides	Gutta Percha Mayten
Mimosa biuncifera	Catclaw, Wait a Minute Bush
Mimosa dysocarpa	Velvet Pod Mimosa
Nolina bigelovii	Bigelow Nolina
Nolina microcarpa	Bear Grass

Penstemon Species
Quercus turbinella
Rhamnus californica
Rhamnus crocia
Ruellia californica
Ruellia penninsularis
Salvia farinacea
Salvia greggii
Salvia chamyorioides
Senecio salignus
Sophora arizonica
Sophora secundifolia
Tecoma stans
Tetracoccus hallii
Vauquelina californica
Viguiera tomentosa
Yucca Species
Zauschneria latifolia
Zizphus obtusifolia

Beard Tongue
Scrub Oak
Coffee Berry
Redberry

Mealy Cup Sage
Texas Red Salvia
Blue Sage
Willow Leaf Groundsel
Arizona sophor
Mescal Bean, Texas Mountain Laurel
Arizona Yellow Bells

Arizona Rosewood
Golden Eye
Spanish Dagger
Hummingbird Flower, California Fuschsia
Greythorn, White Crucillo

PIMA ACRES PROPERTY OWNERS ASSOCIATION

APPENDIX C

PROHIBITED (NON-APPROVED) PLANT LIST

1. Any species of tree or shrub whose mature height may reasonably be expected to exceed 18', with the exception of those species specifically listed as approved by the Architectural Committee.
2. All **Palms (palmae)** whose mature height may reasonably be expected to exceed 6' will be prohibited for aesthetic reasons, as well as their high maintenance requirements. Dwarf varieties whose mature height may reasonable be expected to be less than 6' will be allowed only within the confines of a private garden, shielded by appropriate fencing.
3. All **Pines (Pinus), Cypress (Cupressus), False Cypress (Chamaechyparias), Juniper of Cedar (Juniperus)**, whose mature height may be reasonably expected to be less than 6', may be used within the confines of a private garden, shielded by appropriate fencing.
4. **Olive Trees (Olea Europea)** will be prohibited for reasons of their production of allergy producing pollen, as well as for aesthetic reasons.
5. **Oleandares (Nerium oleander) and Thevetia (Thevetia Species)** will be prohibited for aesthetic reasons as well as for their profuse production of allergy producing pollen. These poisonous plants will also be prohibited for their high maintenance requirements and their excessive height.
6. **Fountain Grass (Pennisetum setaceum)** will be prohibited as a defined weed, with the potential to spread throughout the development, and also as a fire hazard.
7. **Common Bermuda Grass (Cynodon dactylon)** will be prohibited as a defined weed and for its profuse production of allergy producing pollen. Turf (artificial grass), lawns and irrigated ground covers will be limited to areas confined by walls or other structures. See Scottsdale City Code (ZO Sec. 6. 1070.G.1.i-j).

Mineral landscape features such as ground cover and boulders will be limited to materials indigenous to the Pima Acres area, or material similar in color and appearance to those materials.
8. **Mexican Palo Verde (Parkinsona Aculeate)** will be prohibited as a harborer of pests and its ability to spread throughout the development, thereby altering the present natural desert.
9. All varieties of **Citrus Trees** and their locations must be approved by the Architectural Committee prior to the installation and must not be visible from Any Neighboring Property of Street.

ARCHITECTURAL COMMITTEE REVIEW SHEET

DATE OF MEETING _____ ATTENDANCE _____

OWNER _____ LOT # _____ ADDRESS _____

LIVABLE SQUARE FEET _____

SETBACKS _____

ROOFING MATERIAL _____

PAINT BRAND _____ NAME _____ # _____ LRV # _____

FENCES (LOCATION, COMPOSITION) _____

POOL EQUIPMENT WALL ENCLOSURE _____

FINISHED FLOOR HEIGHT _____

BUILD-UP OF PAD _____

CHIMNEY HEIGHT _____

RIDGE HEIGHT _____ VERIFIED _____

GARAGE DOORS _____

LANDSCAPE PLAN _____

GARBAGE CANS WALL ENCLOSURE _____ A/C WALL ENCLOSURE _____

ROOF MOUNTED APPLIANCES (ONLY UPON PIMA ACRES BOARD OF DIRECTORS APPROVAL) _____

DRIVEWAY COMPOSITION _____

OUTDOOR LIGHTING SHIELDING _____

ACKNOWLEDGEMENT AGREEMENT SIGNED _____

PIMA ACRES PROPERTY OWNERS ASSOCIATION

Appendix D

BUILDING PLANS SUBMISSION REQUIREMENTS

Property Owners who are submitting plans to the Association for review and approval are reminded that the following items must be included in your packet:

- Site Plans - Two sets of 24" x 36" paper and one digital set.
- Lot survey prepared by a certified engineer.
- Roof, floor, mechanical and utility plans.
- Exterior elevations.
- Architect Site Plan
- Sample Board of all exterior materials, tile, roofing and trim.
- Paint and stucco color samples, including manufacturer's name, paint name and number, factory sample chip(s) and Light Reflective Value (LRV)
- Landscaping plans including front, rear, and side yards.
- \$2,100 check made payable to Pima Acres Property Owners Association for administrative fees, plan review expenses, and periodic construction inspections.
- An Acknowledgement Agreement completely filled out and signed by the owner and the builder.
- An optional rendering of the building is not required, but would be appreciated.

Upon receipt of all the above items, the Architectural Committee and Pima Acres Architect will begin reviewing the items. Since all costs related to the plan review are deducted from the \$2,100 fee, it is important that the plans are complete and in accordance with the Association's documents. Once officially approved in writing by Pima Acres, your plans may be submitted to the City of Scottsdale for "redlining" by the City staff. When approved by the City, promptly provide Pima Acres Board of Directors with two stamped 24" x 36" paper copies and one digital copy of the plans.

Changes to the drawings following initial review of Pima Acres Architect must be provided to the Pima Acres Board and may require resubmission to Pima Acres Architect. Fees may apply.

Please note that construction activity shall not commence on any lot until Pima Acres has copies of the plans, as noted above, stamped and approved by the City.

When the home is finalized and the Association or inspector appointed by the Pima Acres Board of Directors has completed an exterior site inspection, the inspection must show that there are no outstanding items to be addressed by the property owner.

PIMA ACRES PROPERTY OWNERS ASSOCIATION

ACKNOWLEDGEMENT AGREEMENT

The undersigned, as property owner and builder, respectively, submitting plans to the Association or its designated representative, acknowledges that they have read and understand Pima Acres Design Guidelines (“Guidelines”) and Covenants, Conditions, and Restrictions (CC&R’s) and agree to abide by them in their entirety.

The owner will provide access upon reasonable notice for Pima Acres Property Owners Association, or their agents, to inspect the construction as it relates to the approved exterior building plans.

The owner and/or builder will provide reasonable material samples to be used on the exterior of the home, including but not limited to factory paint chip samples with Light Reflective Value (LRV), the name and number of all paint, roof and trim tile, etc.

The sum of \$2,100 or any portion thereof, may be expended by the Association, in its sole discretion, to pay the costs of any legal, architectural, or other consultants in connection with the review of plans and for any remedial efforts which are necessitated by any noncompliance with the Guidelines or CC&R’s. If any additional expenses are incurred in the review process, the property owner will be billed accordingly.

When requesting Architectural Committee approval, please provide two complete sets of plans on the standard 24” X 36” paper and one digital set of plans. Upon approval by the City please provide one complete 24” X 36” paper copy and one digital copy of the stamped and approved plans to the Pima Acres Board of Directors. Once construction is completed, the paper plans will be returned to the property owner.

Owner’s Signature and Date

Construction Company Name

Owner’s Telephone Number

AZ ROC License Number

Owner’s Email Address

Bond Company Name & Number

Builder’s Signature & Date