

Pasión

en la Colina del Cascabel

DESIGN GUIDELINES

Third Edition, v1.0

10/15/2023

RESERVATION OF RIGHT TO MAKE CHANGES. The Design Guidelines Committee reserves the right to make changes to the Guidelines from time to time. Please access the most current guidelines by visiting the Pasion website or reach out to the Homeowners Association for a copy.

TABLE OF CONTENTS

1. Introduction	3
2. Review and Approval Process	5
3. Site Development Guidelines	21
4. Design Character and Principles	44
5. Architectural Design Guidelines	54
6. Construction Regulations	72
Appendix A: DEFINITIONS	80
Appendix B: DESIGN REVIEW COMMITTEE	83
Appendix C: APPROVED PLANT LIST	84
Appendix D: PROHIBITED PLANT LIST	93
Appendix E: APPROVED SLOPE ROOF MATERIAL LIST	95
Appendix F: APPROVED COLOR LIST	97
Design Review Application Form	99

1. Introduction

Located at the base of the Rattlesnake Hill near the Superstition Mountains, Pasi3n en la Colina del Cascabel (hereinafter "Pasi3n") is a community inspired by the natural beauty of the Sonoran Desert and the traditions of the southwest. Great care has been taken in the design and planning of Pasi3n to make it a special place to call home.

The terrain, views, and topography vary within Pasi3n and each Lot is unique in terms of its natural opportunities and constraints. In order to take advantage of these attributes, each Lot will require a different approach in design and construction of a home. It is the intent of the architectural standards and design restrictions set forth in the Pasi3n en la Colina del Cascabel Design Guidelines, to preserve, protect and enhance the special environment of Pasi3n.

The "Pasi3n en la Colina del Cascabel Design Guidelines" (hereinafter "Guidelines") have been created pursuant to the "Declaration of Covenants, Conditions, Restrictions and Grant of Easements for Pasi3n en la Colina del Cascabel" (hereinafter the "Declaration"). The Design Guidelines apply only to the real and personal property subject to the Declaration. The Guidelines are binding upon all persons in accordance with the Declaration who at any time construct, reconstruct, refinish, alter or maintain any Improvement within Pasi3n or make any change in the natural or existing surface, drainage or plant life thereof. Capitalized terms used in these Guidelines which are not otherwise defined herein, or on Appendix "A" hereto, shall have the meanings set forth in the Declaration.

The Guidelines are administered and enforced by the Pasi3n Design Review Committee (hereinafter "Committee") in accordance with the Declaration and the procedures herein set forth. The Committee has the authority to issue all formal approvals and disapprovals of projects. Each Residence within Pasi3n must meet the criteria of these Guidelines.

The purpose of the Committee is to evaluate each proposed design, alteration, addition or other Improvement for appropriateness to its own Lot in the context of the community as a whole. The goal is for the appearance and character of all Residences and other Improvements to harmonize with and enhance their natural and manmade surroundings rather than to dominate or sharply contrast with them.

Architectural styles are not dictated by these Guidelines, but instead an architectural character appropriate to the desert environment and surrounding community context is required for the design of each Residence. This flexibility allows each design to be a unique

reflection of the Owner, while still remaining consistent with the image of Pasi3n. The Committee encourages creative architecture, yet warns against architectural styles that are not appropriate to the desert or community context. The desert environment is unlike most others and requires special attention to massing, proportion, texture, color, height, solar orientation, materials and landscape in order to create a Residence compatible with the natural desert environment.

In addition, portions of Pasi3n include rugged terrain and steep slopes which require creative solutions that integrate the Residences and other Improvements into the natural environment. Due to the visibility of these homesites from the surrounding area, each Residence and other Improvements should be designed in such a manner that they blend with their backdrop and seem to disappear when viewed from a distance. The primary objective of these Guidelines is to create Residences and other improvements with minimal negative visual or environmental impact on the surrounding community.

The Committee strives to follow the Design Guidelines to maintain the integrity of Pasi3n. Previous Committee approvals not in complete accordance with the Design Guidelines are not considered when reviewing new construction.

2. Review and Approval Process

2.1. ARCHITECTS AND DESIGN PROFESSIONALS

Due to the undulating topography and the high visibility of the Lots within Pasión, the Committee requires that Owners use the services of qualified Architects and designers. Your Architect or designer should be carefully selected to ensure their understanding of the unique environment of these Lots. A qualified civil engineer may also be required to design driveways, service utilities and retaining walls, and to evaluate and solve any site drainage issues. Owners should very carefully interview and evaluate potential Architects and design professionals to ensure that they have sufficient experience and knowledge to properly perform the design services in a manner that will result in a Residence and other Improvements that are properly sited within the Lot and with an architectural character that meets both the technical aspects, as well as the intent, of these Guidelines.

The Committee will not allow the use of what is known in the industry as "standard plans" as they are not designed for the unique characteristics of the Lots within Pasión. Experience has proven that good design, specific to the Lot, is well worth the money.

2.2. PRE-DESIGN MEETING

To initiate the review and approval process prior to preparing any drawings for a proposed Residence or other Improvement, it is required that the Owner and/or his Architect meet with the Design Review Coordinator and/or Committee to discuss the proposed Residence or Improvements and to explore and resolve any questions regarding building requirements within Pasión. The Applicant/Lot Owner will request a meeting of the Committee to review and discuss the proposed residence or improvement. A copy of the Inspection requirements and Design Application will be provided to the Applicant/Lot Owner at this meeting. In addition, the Owner and/or his Architect may discuss any questions regarding the interpretation of the Guidelines. Any amendments to these Guidelines, as well as the current policies and procedures, may be obtained at this time.

This informal review is to offer guidance prior to the initiation of preliminary design. Items discussed in this preliminary meeting are not binding on the Committee, nor do they constitute formal acceptance by the Committee. An appointment for the Pre-Design Meeting should be made at least one (1) week in advance.

Pre-Design Meetings are mandatory and any Preliminary Design Concepts or Preliminary

Design Submittals will not be accepted without a Pre-Design Meeting.

2.2.1. PRE-DESIGN CONCEPT MEETING FOR LOTS 25-37 ONLY

Due to the rugged terrain and high visibility of some of the Lots within Pasión, Preliminary Design Concepts for Lots 25 through 37 (inclusive) shall be submitted to the Committee for discussion purposes at the beginning of the design process. This review may occur during the Pre-Design Meeting required under Section 2.2.

During this informal review, the Committee will comment on the general design character and make recommendations or suggestions. The purpose of this informal review is to offer guidance in the development of a site plan and architectural character that is appropriate for the site and visual considerations of each Lot at an early stage of the design process. No formal action or approval is granted or implied by this review and all aspects of the design must still conform to these Guidelines.

Preliminary Design Concepts should include a site analysis, concept site plan, concept floor plan or bubble diagram, architectural character sketches and any other information that explains the general design and site planning intent. The Committee will review the Preliminary Design Concepts and make comments and suggestions which will be communicated to the Applicant/Lot Owner in a manner as determined by the Committee.

The Preliminary Design Concepts review process does not constitute approval or implication of approval of a design or any parts of a design by the Committee, nor does it grant any variances or exceptions to these Guidelines. This review is only an attempt to identify and redirect designs that would likely be considered inappropriate by the Committee.

2.3 THE BUILDING ENVELOPE

All construction and improvements on a building lot including the home, privacy walls, pools, casitas, etc. must take place within the boundaries of the Building Envelope. During the construction Process all building materials must also be stored within the Building Envelope.

2.3.1 RESPONSIBILITIES OF THE LOT OWNER

It is incumbent upon the lot owner to be sure that his home design and all other planned improvements conform to the confines of the Building Envelope before spending valuable time and money on plans that will not be approved by the Board.

2.3.2 PINAL COUNTY OFFSETS AND THE PASION BUILDING ENVELOPE

Building setbacks for each lot are determined by Pinal County. The Building Envelope as defined by the Pasion Homeowner's Association is defined as the perimeter of the lot minus mandatory county set-backs, *minus a minimum additional setback of five feet*. Lots 26-37 have a designated rear building envelope line much greater than Pinal County rear setback as shown on the Envelope Topo Map.

A Building Envelope has been identified for each Lot on the approved Building Envelope Exhibit. (TOPO Map)

The Building Envelope acts as the limit outside of which no construction activity, including grading or access, may take place, or materials may be stored. Additional setbacks as appropriate for the natural features of the lot, views, relationship to Building Envelopes on Adjacent Lots, drainage and topography may also be necessary.

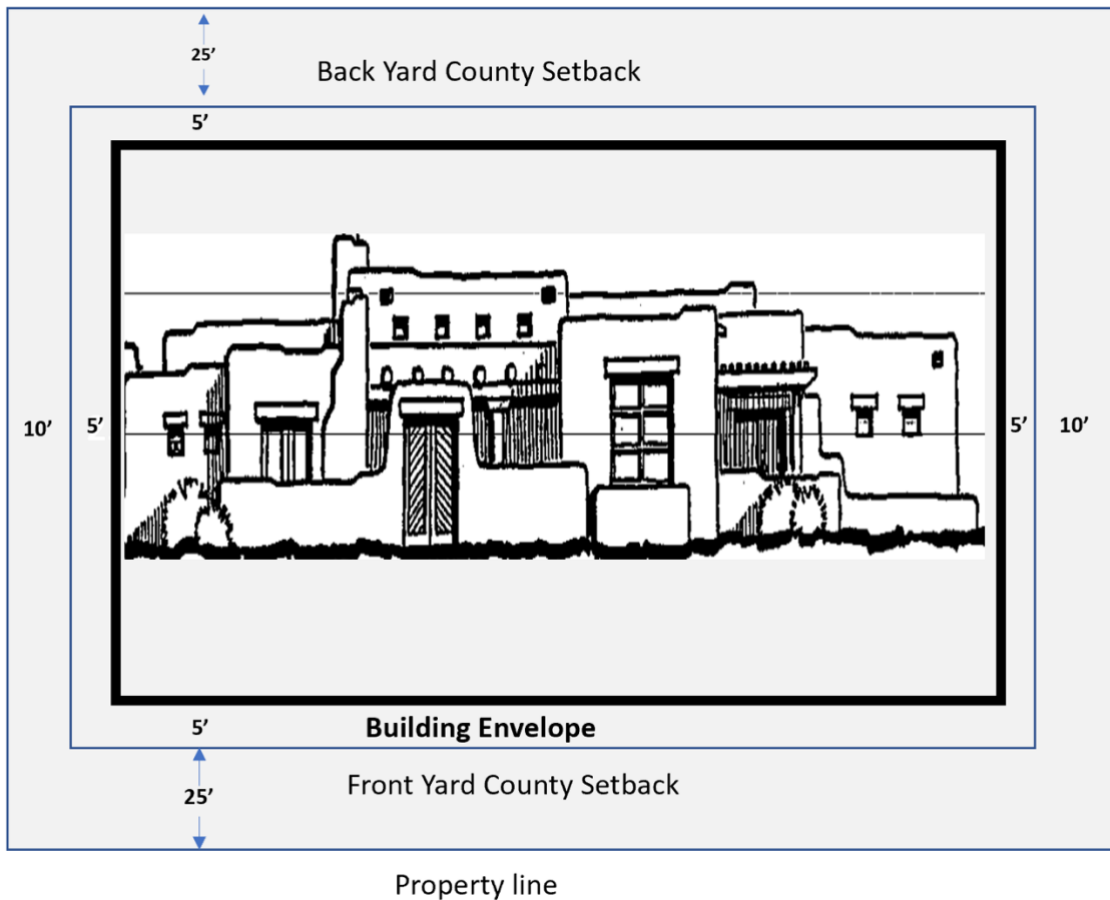
Because the Building Envelope is the maximum allowable building area, screen walls, berms or other landscape elements shall not be permitted to delineate Building Envelope borders arbitrarily nor be permitted without relation to other elements of the Residence.

Before any conceptual planning is done and before a Preliminary Design Submittal can be made, an Owner and/or their Architect may discuss the Building Envelope with the Design Review Coordinator during the Pre-Design meeting.

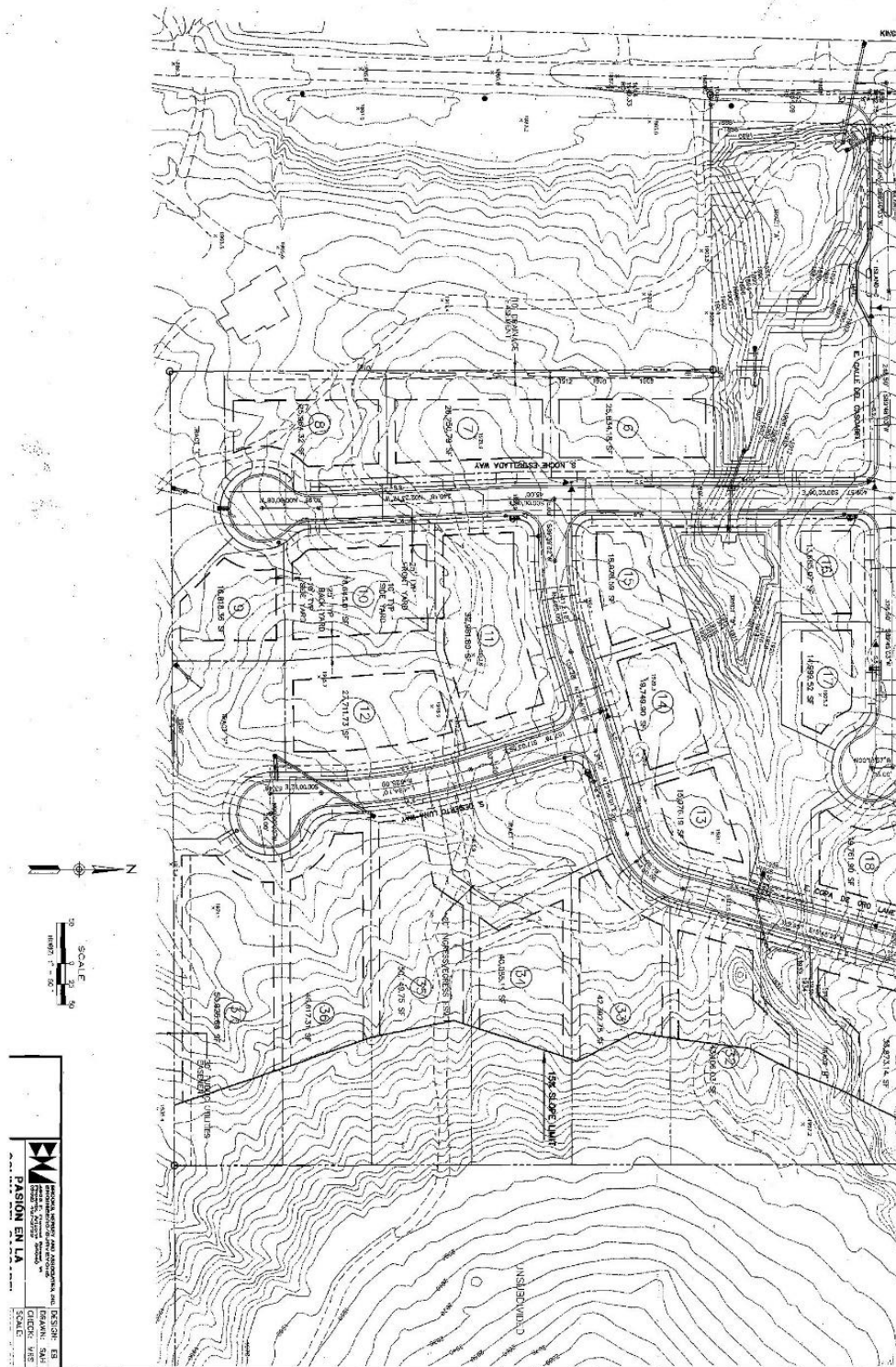
The following table and illustration show the minimum setbacks for Lots 1-12 and 17-24. Lots 13-16 use the stated building envelope setbacks. Due to the central wash and minimal building envelope size, the following may be constructed on Lot 13-16 within 6 feet from the rear property line to include pools, fences, BBQ, fire rings, putting greens. Lots 26-37 will use stated front and side setbacks as well as the 15% slope rear setback line shown on attached Topo Map for the building envelope. To maintain a consistent development, no

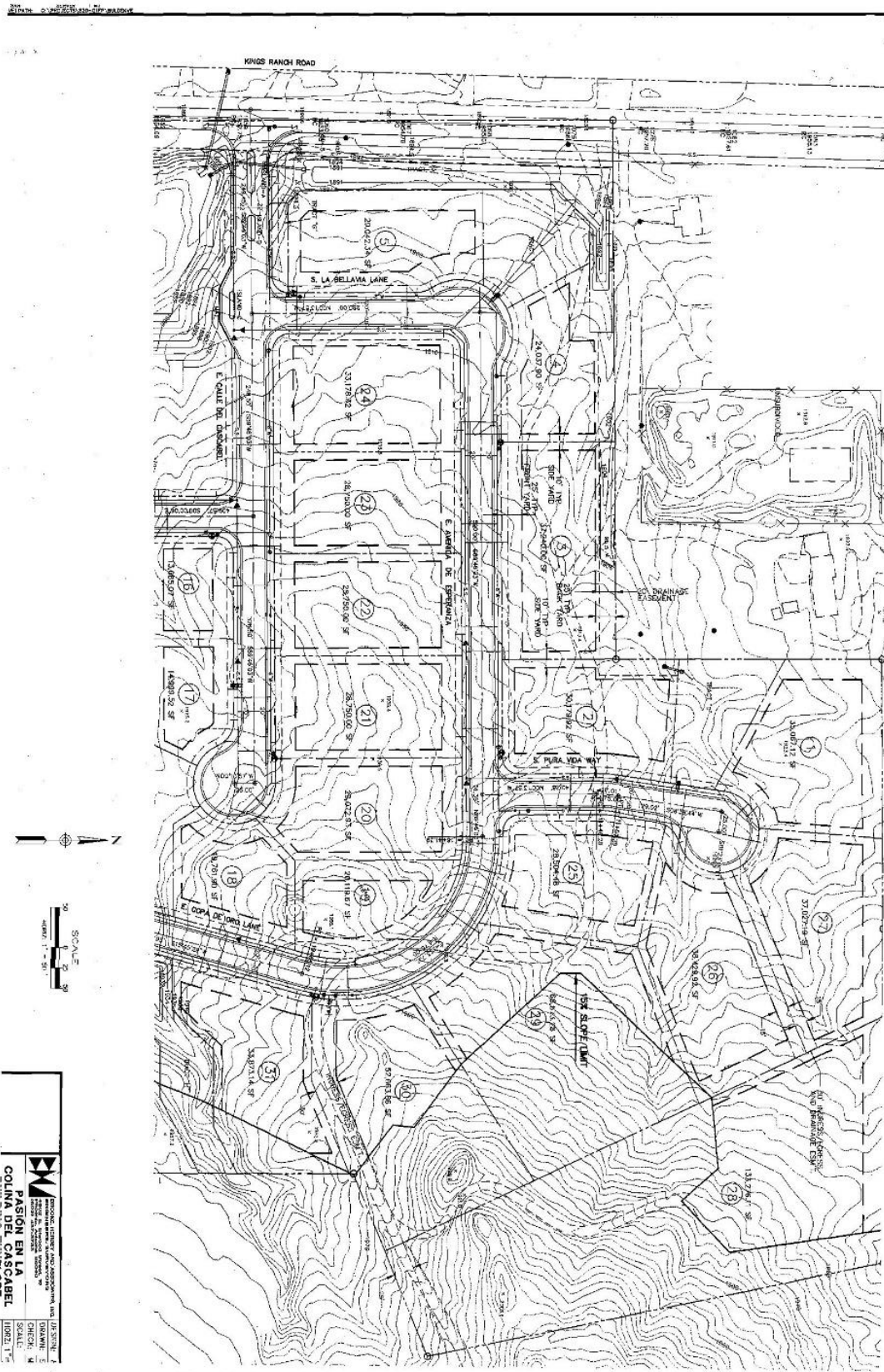
building activity will be permitted above the designated envelope line. All plans must be per Pasion Design Guidelines, submitted and approved by HOA prior to any construction.

	MINIMUM SETBACKS (feet)			
	Front Yard	Side Yard	Side Yard Adjacent to Street	Rear Yard
County Setback	25	10	15	25
Envelope Setback	5	5	5	5
Total Setback	30	15	20	30



TOPO Pasion Building Envelope Map





2.3.3 LOT TIES

A Lot Tie is simply the joining together of two connected lots into one larger lot. Once the joining is approved the Building Envelopes on each of the formally individual lots cease to exist and a new Building Envelope will have to be designed for the new bigger lot. The new Building Envelope shall not exceed 80% of the total square footage of the two previous, now conjoined Building Envelopes.

2.4. THE PRELIMINARY DESIGN SUBMITTAL

Preliminary drawings, including all of the exhibits outlined below, must be submitted to the Committee after the Pre-Design Meeting. Preliminary Design Submittals must be submitted at least seventeen (17) calendar days in advance of a regularly scheduled meeting at which time they will be discussed. Dates of regularly scheduled Committee meetings are available from the Committee.

Preliminary Design Submittals shall include:

- A. The **Application Form**, supplied by the Committee, with all information completed.
- B. A **Survey**, at no less than 1"=20', prepared by a land surveyor registered in the state of Arizona, showing Lot boundaries and dimensions, easements, buffers, setbacks, centerline of adjacent streets, utility tap locations, existing surface contours at one-foot intervals based on the datum used at Pasi3n, major terrain features such as washes, and all Protected Plants, highlighting those plant materials that will be removed during construction or that are within twenty (20) feet of the proposed Improvements The survey shall also show all major boulders or boulder clusters (in excess of four (4) feet in diameter) and bedrock outcrops. Major boulder or rock outcroppings shall be protected and maintained as determined jointly by the Owner or his Architect, and the Committee at the time of site plan review. Each Owner submitting drawings for approval to the Committee shall be responsible for the accuracy of all information contained therein.
- C. A **Site Plan**, at the same scale as the survey, showing the graphic locations and the numerical area calculations of the Building Envelope (both the original Building Envelope and any proposed Building Envelope in the case of a request for Minor Modifications), the Residence and all other buildings or major structures, driveway, centerline of adjacent streets, parking areas, patios, pools, walls, proposed utility service facilities and routes, site grading including existing and proposed contours

and topographic features such as washes, rock outcroppings and existing trees and major shrubs to be retained and to be relocated, and elevations (datums) of all building floors, patios and terraces, shown in relation to site contour elevations. The Site Plan must also include the size of the Lot in square feet and the size of the Building Envelope in square feet as designated on the Building Envelope Exhibit.

- D. A **Massing Diagram** which includes the roof plan of the Residence and the plan of the site improvements superimposed over existing topography. This drawing shall indicate:
- all parapet and roof ridge heights and any changes in elevation of the parapet and roof ridge heights.
 - heights of site walls or retaining walls.
 - a bold outline of each building mass in plan.
 - existing pre-construction topography with one-foot contour intervals; contour lines must be legible beneath the footprint of any Residence or other Improvements.
 - area calculations, in square feet, identifying the area of the building footprint at or below the lower mass height and area of the building footprint above the lower mass height limit. See Section 5.3(d) of these Guidelines for specific details on height limitations for building masses. For the submittal, these areas should be shaded or color coded to designate each height category.
- E. **Roof Plan and Floor Plans** (at a scale of no less than 1/8"=1'-0"). Roof plans should show areas and heights of flat and sloped roofs, location of crickets, and locations and heights of all roof-mounted equipment (if allowed) and skylights. Floor plans shall show elevations (datums) for each floor level change.
- F. **Exterior Elevations** of all sides of the Residence including retaining walls, at the same scale as the floor plans, identifying all structure heights, delineating both existing and proposed grade lines and designating all exterior materials and general colors. Color selections may be general and not specific for the Preliminary Design Submittal.
- G. For only Lots 25 through 37 (inclusive), a **Study Model** of the proposed Improvements, at 1/8"=1'-0" scale, showing the relationship of all proposed Improvements to the contours of the Lot will be required. Care must be taken to accurately represent the massing of all structures and roof forms. The model must clearly show all windows, exterior doors and skylights. The model shall include the Owner's name, Architect's name, Builder's name, Lot number, street address and scale of the model. The model must include contours of the entire Lot, and Lot lines/

property lines must be shown on the model.

- H. **Visual Simulations** of the proposed Residence and Improvements are required ONLY if requested by the Committee at the Pre-Design meeting. Due to the extreme visual sensitivity of select Lots within Pasión, the Committee may require color visual simulation(s) to portray the visual impact of the proposed Residence and Improvements as seen from adjacent areas below. The location of viewpoints for the simulation(s) will be determined by the Design Review Coordinator at the Pre-Design Meeting. All visual simulations must be shown in real perspective scale with no significant distortion and shall be in color.

The approved visual simulation methods include:

- Computer simulation: photograph of the site (taken from points approved by the Design Review Coordinator at the Pre-Design meeting) is scanned into a quality graphics computer program. A computer generated three-dimensional image of the Residence and the Improvements is then superimposed on the photographic image to create a realistic simulation. The computer generated image must include solid coloring and shading.
- Artist simulation: photograph of the site (taken from points approved by the Design Review Coordinator at the Pre-Design Meeting) is enlarged and an artist prepares a three-dimensional rendering of the proposed Residence and other Improvements overlaid directly on the photograph to create a realistic simulation.
- Or other simulations as approved by the Design Review Coordinator.

The visual simulations need to include the correct scale and proportion of the proposed Improvements, correct colors and material representations, shade and shadow, and proposed landscape in a manner that will create a realistic visual image of the proposed Improvements. Visual simulations shall be submitted as 8½" x 11" color photographs or other photographic quality color reproduction.

- I. The Preliminary Design Submittal shall include one (1) 8½" x 11" paper PMT reduction of each of the required drawings in (b), (c), (d), (e) and (f) above.
- J. Any other drawings, materials or samples requested by the Committee or necessary to explain the design.
- K. A non-refundable Design Review Fee of two thousand five hundred dollars (\$2,500.00) must accompany the submittal. In the case of an addition to an existing home, the Design Review Fee will be based on the total area under roof of the

proposed addition and will be fifty cents (\$0.50) per square foot. (All fees are subject to change by the Committee. Please consult the Committee for a current fee schedule.)

All accessory Improvements proposed on the Lot must be shown on the Preliminary Design Submittal.

To assist the Committee in its evaluation of the Preliminary Design Submittal, the Owner shall, if requested, provide preliminary staking of the locations of the corners of the Residence or other Improvements deemed by the Committee to be major and at such other locations as the Committee may request.

2.5. Notice of Preliminary Design Submittal

Within three (3) work days after the submission of a complete Preliminary Design Submittal, the Committee will post a notice at the Lot stating that drawings have been submitted with respect to the Lot and will be available for review by other Owners during the period stated in the notice. Written comments may be submitted to the Committee regarding the posted Lot up until two (2) calendar days prior to the scheduled meeting date stated on the notice.

Owners wishing to review a submittal are required to set up an appointment with the Design Review Coordinator, or his designee, to review the submittal. Personal appointments with Association or Committee staff must be scheduled a minimum of two (2) working days in advance and are subject to time availability. Personal reviews are provided only as a courtesy and no drawings, photos or information will be mailed, faxed or delivered to interested parties. Comments must be submitted in writing at least two (2) calendar days prior to the scheduled meeting date stated on the notice. Owners or interested parties are not allowed to attend the Committee meeting unless specifically requested by the Committee.

2.5.1 Review of Preliminary Design Submittal

After the posting, notification and comment period and any staking of the Lot, the Preliminary Design Submittal will be deemed complete. The Committee will then review the submittal for conformance to these Guidelines and will provide a written response to the Applicant.

2.6. FINAL DESIGN SUBMITTAL

After approval of the Preliminary Design Submittal is obtained from the Committee, the following documents, which clearly comply with or satisfactorily resolve the stipulations for preliminary approval, are to be submitted to the Committee for final approval. Final Design Submittals must be made a minimum of eight (8) calendar days prior to a regularly scheduled meeting at which time they will be discussed. Dates of regularly scheduled Committee meetings are available from the Committee.

Final Design Submittals shall include:

- A. The **Application Form**, supplied by the Committee, with all information completed.
- B. Complete **Construction Documents** for the Residence, including:
 - all data noted in Section 2.5, paragraphs (b), (c), (e) and (f).
 - building sections as required to illustrate the Residence and other Improvements.
 - all utility locations, and electric meter, transformer and exterior mechanical equipment locations.
 - any adjustments to locations and/or areas of the Building Envelope or the Residence.
 - height of the top of all skylights and parapets shown on the roof plan.
 - locations and manufacturer's catalog cut sheets of all exterior lighting fixtures.
- C. **Samples** of all exterior materials and colors, and window and glass specifications, mounted on an 8½" x 11" (maximum size) heavy-stock cardboard identified with manufacturer's name, color and/or number. Sample boards shall include Owner's, Architect's and Builder's name, as well as the Lot number. Samples of exterior materials such as stone should be submitted via the use of photographs that show color and coursing patterns.
- D. A complete **Landscape Plan** at the same scale as the Site Plan, showing:
 - proposed contours and grading if finished grading is different than that on the Final Site Plan.
 - areas to be irrigated, if any, including location of the backflow preventer.
 - locations and sizes of all existing and proposed plants. Indicate which plants will be relocated and the proposed location of plants within the landscape plan.
 - locations of areas to receive enhanced vegetation.
 - decorative features such as pools or imported rocks.

- specifications as to color and size of mineral landscape elements including approximate size of any boulders proposed.
 - a list of all proposed plants including both the common and the botanical plant name and the plant size. Proposed plants not included on the Approved Plant List must be listed on the Landscape Plan with an asterisk before the plant name. A photograph and description of any non-approved plant must be submitted in order to be considered for approval.
 - locations of all existing protected plants including species, size and condition, as well as the status proposed for each plant (i.e., remain, salvage or destroy). All plants proposed for salvage and transplanting shall be tagged in accordance with governmental requirements.
 - location of all exterior lighting, including cut sheets for all fixtures and a list of proposed bulb types and wattage.
- E. A Hydrology Report, if required by the Committee, performed by a civil engineer registered in the state of Arizona, in a form acceptable to the Committee.
- F. A Construction Schedule indicating approximate milestone dates for:
1. start of construction.
 2. completion of slab/foundations.
 3. completion of framing.
 4. completion of exterior wall surfaces.
 5. completion of roofing.
 6. completion of all construction.
 7. completion of landscaping.
 8. anticipated occupancy.

2.6.1. FINAL DESIGN SUBMITTAL APPROVAL

Upon receipt of the complete Final Design Submittal, the Committee will then review the submittal for conformance to the Guidelines and the Declaration and to any stipulations by the Committee from the Preliminary Design Submittal, and will provide a written response to the Applicant. If the Final Design Submittal is approved, the Committee will provide a Construction Authorization Certificate to be displayed on the rear of the construction sign at the Lot indicating approval of the Final Design Submittal. This certificate must remain posted during the duration of the construction process. The Final Design Submittal must be expressly approved in writing by the Committee prior to commencement of construction or installation of any Improvement.

2.7. RESUBMITTAL OF DRAWINGS

In the event of disapproval by the Committee of either a Preliminary Design Submittal or a Final Design Submittal, any resubmission of drawings must follow the same procedure as the original submittal, except that resubmittals of a Preliminary Design Submittal must be made at least eight (8) calendar days in advance of a regularly scheduled meeting at which time it will be discussed. The resubmission of a Preliminary Design Submittal will not be posted on the Owner's Lot, unless determined otherwise by the Committee.

2.8. CONSTRUCTION PERMIT

Obtaining plan check approval from the County and securing of a building permit from the County is the responsibility of the Owner and/or Builder Construction shall be in accordance with the Final Design Submittal approved by the Committee.

2.9. ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES

Any changes to the approved Final Design Submittal before or during the construction of an Improvement must first be submitted for review and approval by the Committee. Failure to obtain approval of any changes to the approved Final Design Submittal can result in the Committee or Association causing the existing construction to be modified to match the approved Final Design Submittal, the imposition of fines, or any other remedy available to the Committee or the Association in these Guidelines, the Declaration and/or at law or in equity.

2.10. COMMENCEMENT OF CONSTRUCTION

Upon receipt of approval of the Final Design Submittal from the Committee, the Owner shall commence the construction pursuant to the approved Final Design Submittal within one (1) year from the date of the approval. If construction has not commenced within one (1) year from the date of approval, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the Committee prior to the expiration of the one-year period and upon a finding by the Committee that there has been no change in circumstances, the time for commencement is extended in writing by the Committee.

The Owner shall, in any event, complete the construction of the foundation and all exterior

surfaces (including the roof, exterior walls, windows, doors and all landscaping) of any Improvement on his Lot within one (1) year after commencing construction except when such completion is impossible or would result in great hardship to the Owner due in either case to strikes, fires, national emergencies or natural calamities. If the Owner fails to comply with this paragraph, the Committee may notify the Association of such failure, and the Association, at its option, may complete the exterior in accordance with the approved drawings or remove the Improvement(s), and the Owner shall reimburse the Association for all expenses incurred in connection therewith. Nothing in these Guidelines shall be deemed to modify or replace any rights or remedies of the Declarant, the Association or the Committee as set forth in the Declaration and as may be available at law or in equity.

2.11. WORK IN PROGRESS - OBSERVATION FOR DESIGN CONFORMANCE

The Committee may review, but will not be obligated to do so, all work in progress and give notice of non-compliance, if found. The Builder is required to inform the Committee in writing at least ten (10) days prior to the completion of rough framing so that a review for design conformance may be made prior to completion of sheathing. A written note stating this requirement shall be shown by the Architect on the floor plan or framing plan as part of the Final Design Submittal. Absence of such review and notification by the Committee during the construction period does not constitute approval by the Committee of work in progress or of compliance with these Guidelines or the Declaration.

2.12. FINAL CONSTRUCTION REVIEW

- A. Upon completion of any Residence or other Improvement for which approval of the Final Design Submittal was given by the Committee, the Owner shall give written Notice of Completion to the Committee prior to occupancy by the Owner.
- B. The written notice required in paragraph (A) above shall include a copy of the "Certification of Finish Floor Level and Building Height" signed by the Builder on a form provided by the Committee and signed and sealed by a land surveyor or civil engineer registered in the state of Arizona. This form shall certify that the finished floor levels and building heights of the Residence were constructed in accordance with the approved Final Design Submittal. Any changes to the finish floor levels or building heights during the course of construction require specific approval of the Committee prior to the change pursuant to Section 2.9 of these Guidelines.
- C. Within such reasonable time as the Committee may determine, but in no case

exceeding twenty (20) calendar days from receipt of the required written Notice of Completion and the Certification of Finished Floor Level and Building Height, the Committee may review the Residence and/or other Improvements. If it is found that work was not done in strict compliance with the approved Final Design Submittal, the Committee shall notify the Owner in writing of such non-compliance within thirty (30) calendar days of its receipt of the Owner's Notice of Completion, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same.

- D. If the Owner has failed to remedy any non-compliance within thirty (30) calendar days from the date of the Committee's notice, the Committee shall notify the Owner, and may take such action to complete or remove or remedy the non-complying Improvements as is permitted in these Guidelines or the Declaration including, without limitation, injunctive relief and the imposition of fines, and/or may enforce any other rights and remedies available at law or in equity.

- E. If, after receipt of the written Notice of Completion from the Owner and after review of the Residence and/or Improvements by the Committee, the Committee finds that all Improvements are deemed to be in accordance with the approved Final Design Submittal, the Guidelines, and any stipulations of approval, the Committee shall notify the Owner in writing of such final construction approval.

- F. If an Owner chooses to occupy the Residence following receipt of a Certificate of Occupancy from the County, but prior to a final construction review (paragraph (C) above) by the Committee, he may do so provided that the work is continued and the written Notice of Completion is given to the Committee within forty-five (45) days of occupancy. If Improvements are not completed within forty-five (45) days of occupancy, the Committee reserves the right to take such action to cause the completion of the Improvements as is permitted in the Guidelines or the Declaration including, without limitation, injunctive relief and the imposition of fines, and/or may enforce any other rights and remedies available at law or in equity.

2.13. NON-WAIVER

The approval by the Committee of any drawings or specifications for any work done or proposed, or in connection with any other matter requiring such approval under the Guidelines or the Declaration, including a waiver by the Committee, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification or matter whenever subsequently or additionally submitted for approval, or of a nonconforming design or aspect that has not been identified earlier. For example, the

Committee may disapprove an item not in conformance with the Guidelines shown on the Final Design Submittal even though it may have been evident and could have been disapproved at the Preliminary Design Submittal.

2.14. RIGHT OF WAIVER

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

3. Site Development Guidelines

The natural topography, vegetation, and environment of Pasión is unique and requires special design attention for site development. Each Lot has unique features of topography, slope, views, drainage, vegetation, and access that need to be analyzed in the design process. The Committee stresses the importance of integrated site and Residence design so that homes respond to the natural characteristics of each specific Lot. It is important to realize that designs that may work on one Lot most likely will not on another Lot. The following site development guidelines deal with issues of siting, grading, excavation and landscaping.

The topography and environmental conditions within Pasión vary dramatically. Some lots are flat and easy to build on, while others are located in rugged and steep areas. Some lots are visible from the overall community, while others are nestled low on the gentle ridges. Some lots are heavily vegetated, while other lots have sparse existing landscaping. These variable environmental factors must be considered in the design of any Residence within Pasión. The design of each Residence and other Improvement must respond to the specific site conditions of each lot.

3.1. NATURAL AREA

The Natural Area is that portion of the Lot (as designated on the following illustration) which lies outside of the Building Envelope and must remain as natural desert. Additional plant material may be added in the Natural Area if specific approval is granted by the Committee. If allowed, only plants indigenous to the general area of development may be used in the Natural Area. In addition, the density and mix of any added plant material in the Natural Area should approximate the density and mix found in the adjacent undisturbed desert. Irrigation of the Natural Area is not permitted since the indigenous vegetation does not require additional water. Irrigation of the Natural Area can lead to disease and death of the native plants, particularly cactus, and aid in the spread of undesirable plant species or weeds.

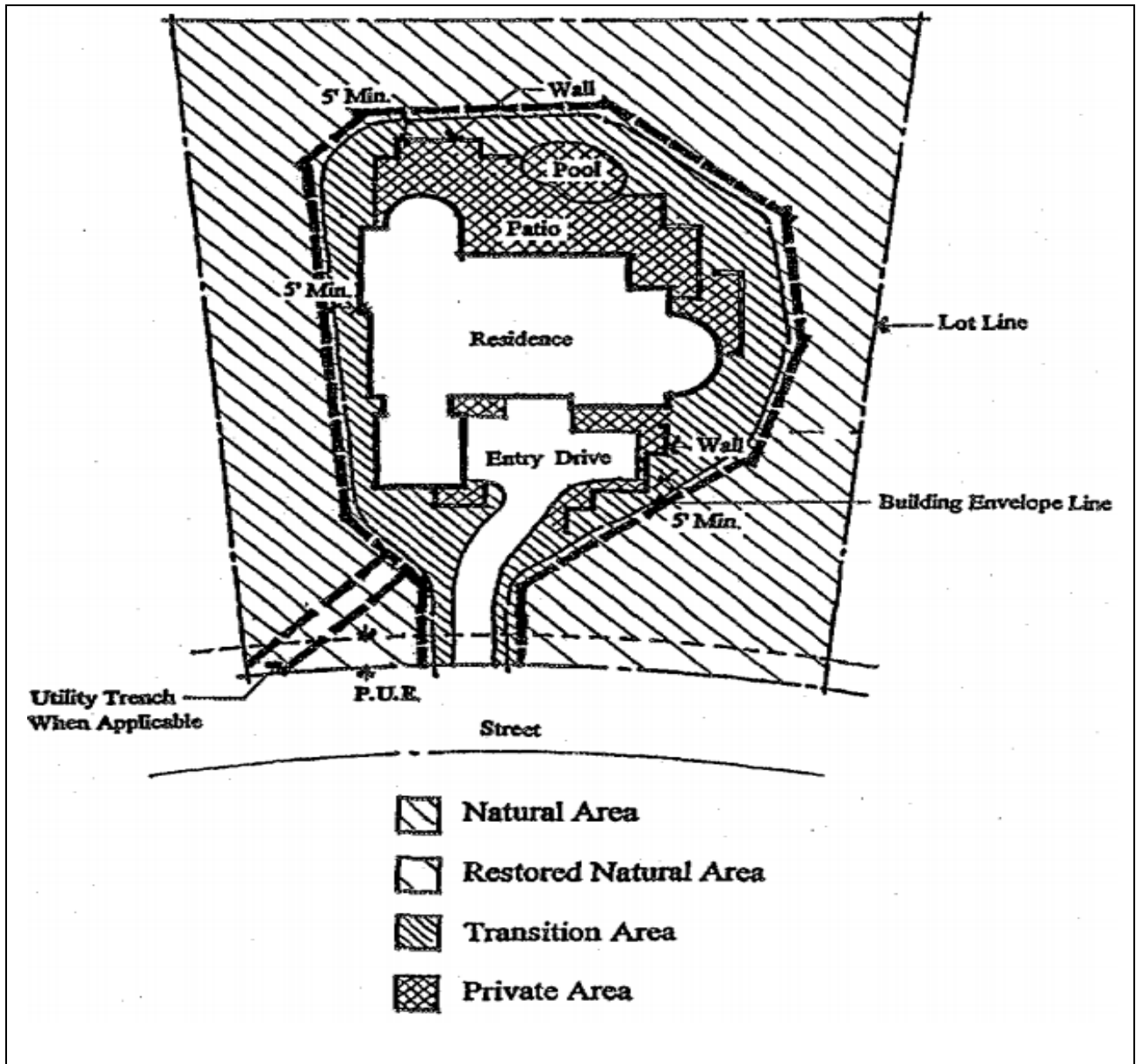
3.2. TRANSITIONAL AREA

The Transitional Area is that part of the Building Envelope (as designated on the following illustration) which lies between the Natural Area and the wall of a Residence or other Improvement and is Visible from Neighboring Property. Upon completion of construction, this area must be replanted to match the adjacent Natural Area in appearance. An irrigation

system, carefully designed to avoid over spray or runoff onto the Natural Area, may be installed to maintain the transitional planting until it has become established (approximately 1 year). Once the plants are established, use of the system must be discontinued. Only indigenous plant material as specifically identified on the Approved Plant List (Appendix "C") may be planted in the Transitional Area.

3.3. PRIVATE AREA

The Private Area is that part of the Building Envelope (as designated on the following illustration) which is not visible From Neighboring Property because it is hidden behind walls or structures. The Private Area is the least restrictive in terms of what plants, shrubs and trees can be planted therein. These include those plant materials listed in the Approved Plant List (Appendix "C") and, if first approved in writing by the Committee, any other plant not included in the Prohibited Plant List (Appendix "D"). The Private Area includes, for example, a courtyard, entry or atrium, or the area behind a patio wall where non-indigenous plants would be appropriate despite their increased watering needs. In keeping with the goal to harmonize with the natural desert, the visibility of lawns and other non-indigenous plants must be minimized from a street, Common Area or Adjacent Lot.



3.4. SITE WORK

Typically, Residences and other Improvements should be nestled into the land, remaining low, so as to be part of the site rather than being perched on it. Buildings and other Improvements should step down slopes, using multi-level solutions wherever possible to follow existing contours and minimize Cut and Fill situations. (see Section 3.7 Cut & Fill). When the construction is completed, the finish grade around the Residence and site walls should lie against the walls as near as possible to the original angle of slope.

Once a preliminary plan is well enough defined, it is recommended that the corners of the building be staked out on the ungraded site and elevations taken at each corner with a transit. Using this information, the design can be fine-tuned or adjusted to minimize the structure's height by making it conform more closely to the existing contours.

When preparing a preliminary site plan, consideration should be given to the impact of the proposed Residence on Adjacent Lots and Common Areas with respect to their privacy, view preservation, natural drainage and ease of access.

While the natural topography of Pasi3n 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 Committee.

- A. Retaining walls and other walls not directly supporting a building structure, except screen walls, shall typically not exceed six (6) feet in height, measured vertically from the lowest finished grade adjacent to the wall along the exterior side of the enclosure at the point of measurement. On a case-by-case basis, the Committee may consider heights in excess of six (6) feet when justified by topographic conditions and when the extra height causes no adverse visual impact in the opinion of the Committee. An overall height of up to ten (10) feet may, if deemed appropriate in the sole discretion of the Committee, be achieved by use of more than one retaining wall, provided a minimum planting area of ten (10) feet is provided between the two walls. Subject to approval by the Committee, other acceptable methods for softening the appearance of retaining walls over six (6) feet in height may include: landscaping with mature, indigenous trees or large shrubs, and/or utilizing a different texture and/or material for a portion of the wall.
- B. Residences and other Improvements must be designed to nestle into the existing terrain and contours on each Lot. For Lots which are located in the more rugged terrain of Pasi3n, multi-level solutions will be required in order to accommodate the

grade changes within each Lot.

- C. No change in natural or existing drainage patterns for surface waters shall be made upon any Lot that could adversely affect another Lot, Common Area or other open space.
- D. No Protected Plants, as defined by the State of Arizona Department of Agriculture, shall be damaged, destroyed or removed from any Lot, although such plants within the Building Envelope may be relocated. Protected plants are subject to the requirements and restrictions of the State of Arizona Department of Agriculture.
- E. Screen walls, walls not supporting a building structure or retaining earth, may not exceed five feet six inches (5'-6") in height measured from finished grade along the exterior side of the enclosure in the manner described above for retaining walls unless otherwise approved by the Committee.
- F. Decomposed granite used as a landscape material shall be ½" minus in size and shall match the color of the existing native granite specific to the Lot. Rounded pea gravel or ½" diameter and larger washed granite may not be used as a landscape or driveway material.
- G. Rounded river run rock is not allowed for rip rap or other landscape treatments. Native granite, indigenous to the site, is allowed. The Committee may approve other native-appearing rocks that it deems appropriate for use in Pasión.

3.5. SEWAGE GRINDER PUMP

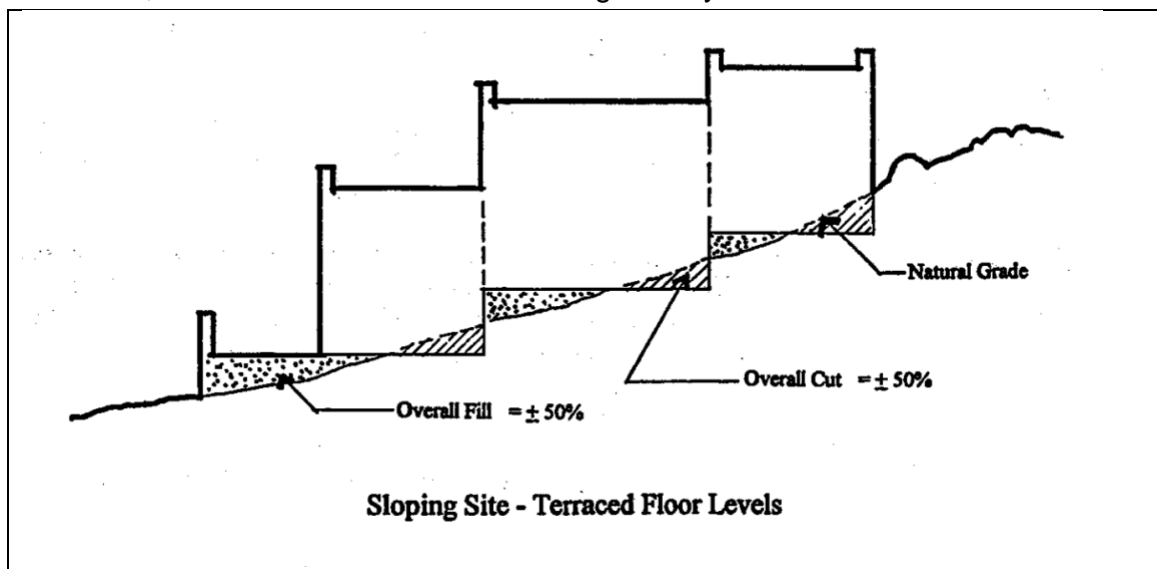
Pasión utilizes a low pressure 1.5" sewer system requiring each home to install a sewage grinder pump system. A grinder pump grinds waste to a slurry so it can be pumped through an engineered sewer line along with a backflow prevention valve installed between the sewer main and the homeowner's grinder pump. The committee strongly recommends a grinder pump system designed and engineered by E-One for E-One Grinder pumps. In addition, the Committee and Liberty Utilities (Gold Canyon Sewer provider) strongly specifically recommend the E-One DH071 grinder pump for use. DH071 utilizes a 240V 1 HP 1 phase motor discharge at 7.8 GPM at 80PSI. Full PDF E-One DH071 specifications can be accessed at www.eone.com/. Pumps other than E-One need to have specifications submitted for 3rd party engineering approval along with the appropriate engineering review fee to insure compatibility with the sewer system.

3.6. CUT AND FILL

The intent of this section is to have the Residence nestle into the natural landforms. The various landforms and slopes require different treatments of the Cut and Fill conditions to create a Residence that nestles into the existing site and appears as an extension of the natural landforms. Wherever possible, significant Cut and Fill conditions should be contained within retaining walls or within the Improvements as to avoid Cut and Fill slopes from being exposed. Cut and Fill conditions will also vary depending on whether the Residence and other Improvements are on a single level or terraced multi-levels to fit with the topography. Cut and Fill conditions are evaluated based on conditions directly under the footprint of the Residence, as well as for the overall site improvements, patios and driveways. Therefore, the following guidelines address the general Cut and Fill situations. Evaluation of a proposed Residence will be based on conformance with these Cut and Fill guidelines. The Committee may request that the proposed finished floor elevations be adjusted due to Cut and Fill conditions regardless of compliance with Section 5.3, Building Heights. Cut and Fill conditions must meet the intent and goals of these Cut and Fill guidelines as well as their technical application. The Committee may allow exceptions, on a case-by-case basis, to the technical Cut and Fill guidelines when, in the opinion of the Committee, the objectives and intent of these Guidelines are still met.

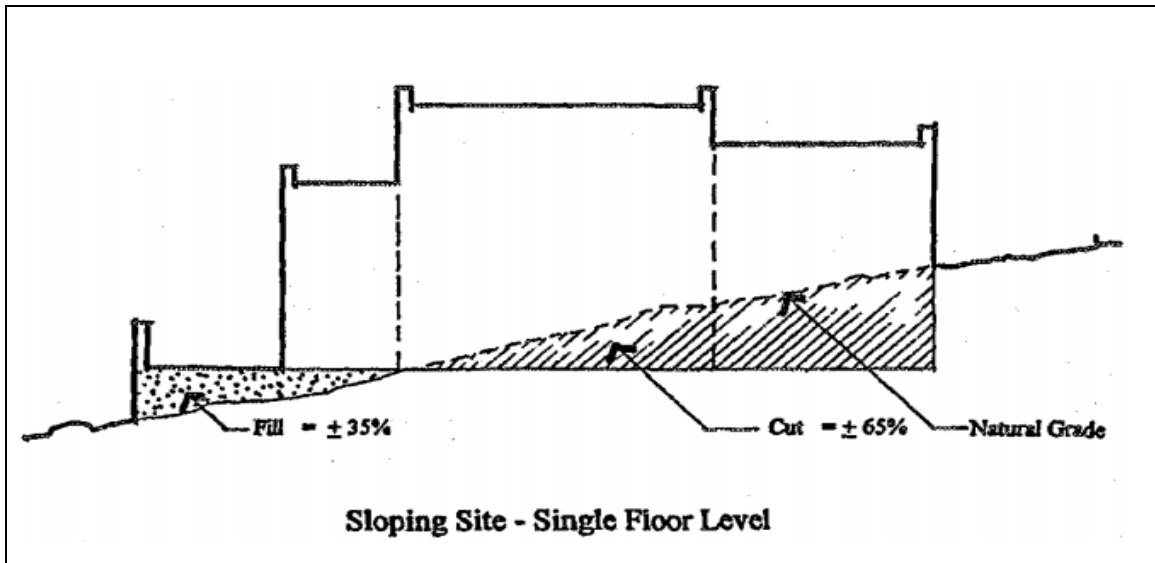
A. Sloping Site - Terraced Floor Levels

In cases where the Building Envelope slopes generally in one (1) direction and the Residence and other Improvements are on multiple floor levels that step down with the terrain, the Cut and Fill conditions shall generally be as follows:



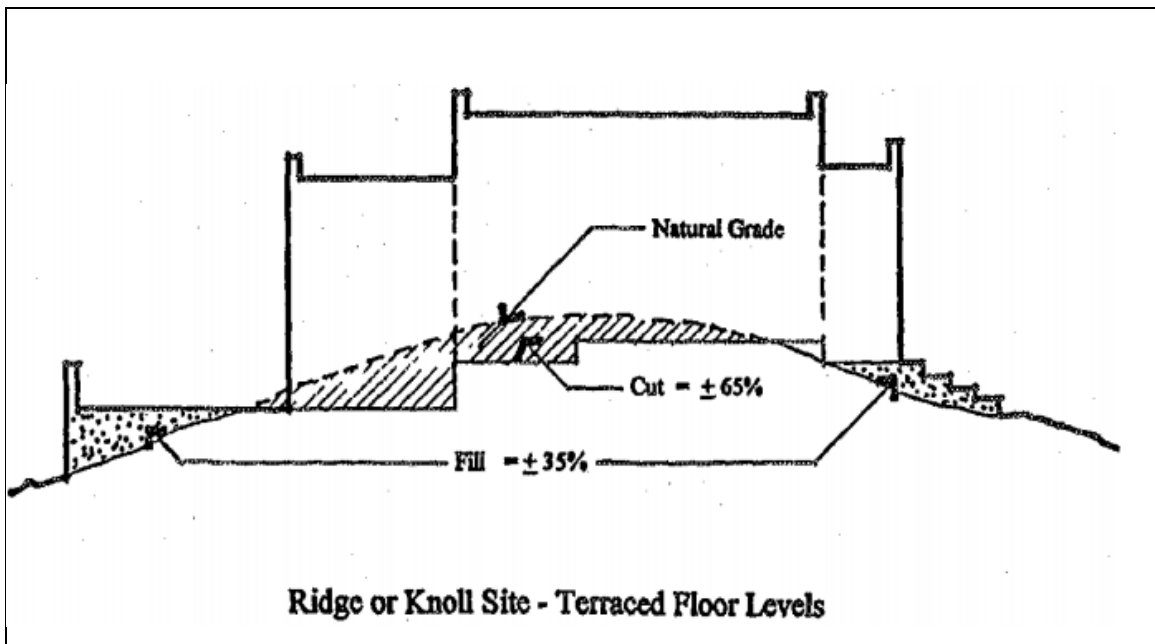
B. Sloping Site - Single Floor Level

In cases where the Building Envelope slopes generally in one (1) direction and the Residence and other Improvements are primarily on a single floor level, the Cut and Fill conditions shall generally be as follows:



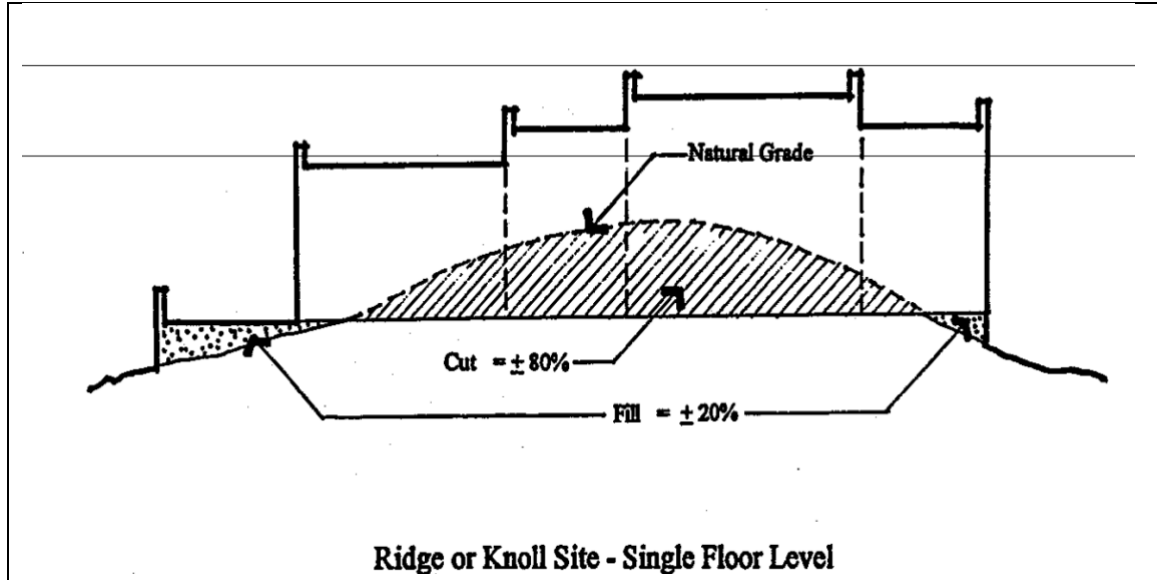
C. Ridge or Knoll - Terraced Floor Level

In cases where the Building Envelope is generally located on a ridge, kaoli or other high point and the Residence and other Improvements are on multiple floor levels that step down with the terrain, the Cut and Fill conditions shall generally be as follows:



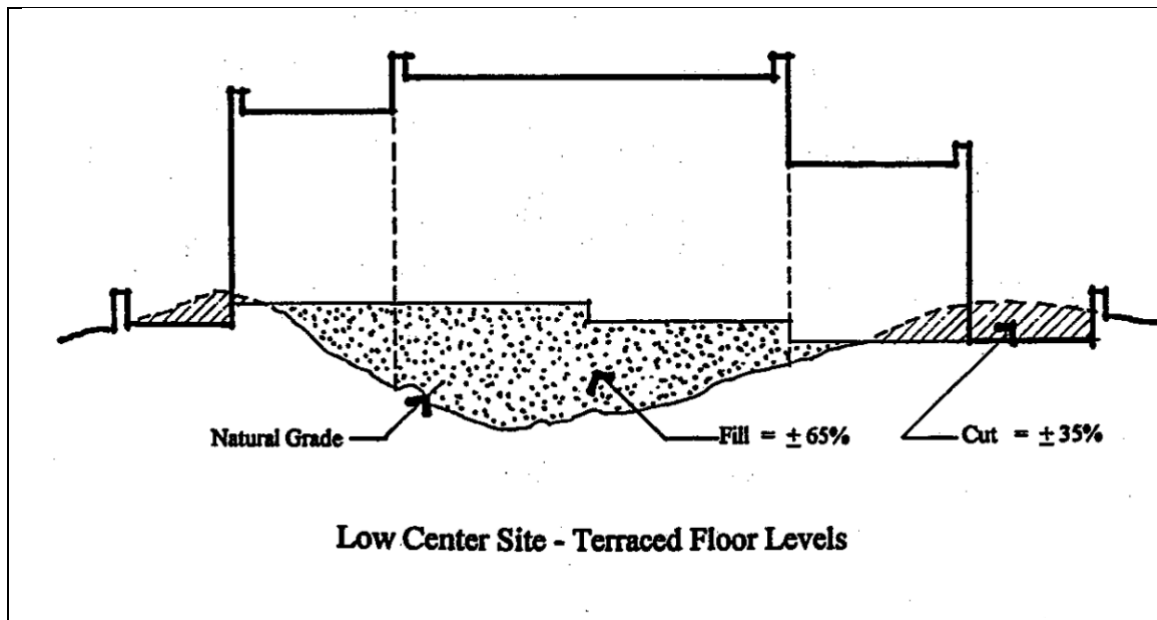
D. Ridge or Knoll - Single Floor

Level In cases where the Building Envelope is generally located on a ridge, knoll or other high point and the Residence and other Improvements are primarily on a single level, the Cut and Fill conditions shall generally be as follows:

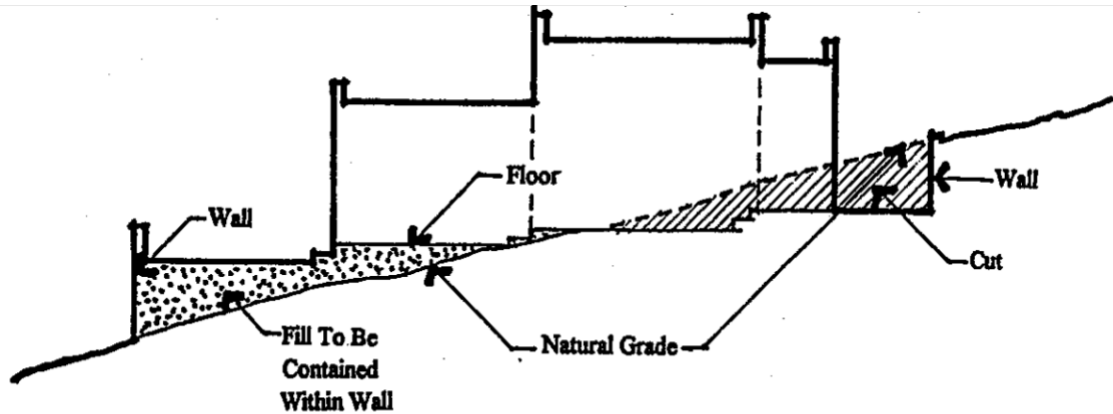


E. Low Center - Terraced Floor Levels or Single Floor Level

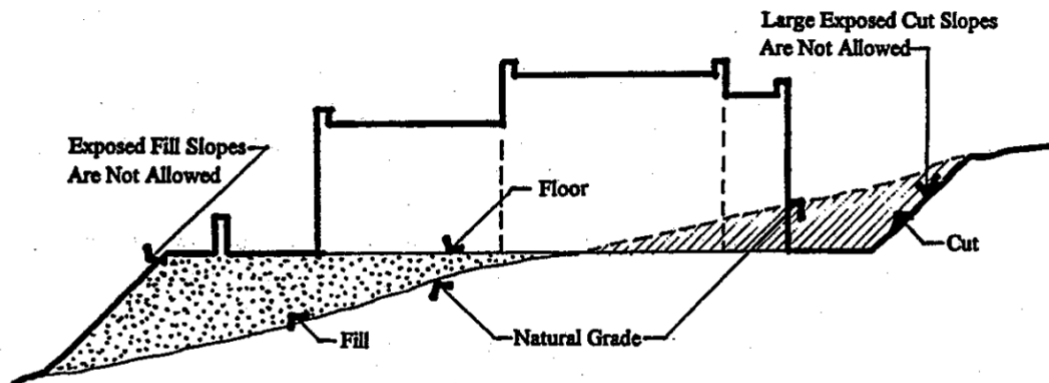
In cases where the Building Envelope is generally located in the low area of a Lot, in a low minor drainage way, or in other similar depressed areas and the Residence and other Improvements are on either multiple floor levels that step with the terrain or a single floor level, the Cut and Fill conditions shall generally be as follows:



- F. **Cut and Fill** slopes may not remain exposed following completion of construction (see sketch). The Committee encourages and may require the use of retaining walls to hide cut or fill conditions. "Flat pads" will not be allowed to extend beyond the perimeter of the building and/or site walls. Cut slopes may be regraded and naturally contoured to match existing terrain if all grading is contained within the Building Envelope and if, in the opinion of the Committee, the regraded slope will have a natural appearance upon completion.



Approved Cut & Fill Technique



Unacceptable Cut & Fill Technique

3.8. WASHES AND DRAINAGE EASEMENTS

These natural drainage ways occur within Pasión and should not be obstructed. Structures and other Improvements should be sited to avoid these washes, although they can be sited near the edge of a wash.

Drainage easements have been established encompassing some washes. These easements are areas of special consideration due to the potential for water flows of a high volume and must remain unaltered and unobstructed. As with any wash, Improvements should avoid these easement areas. Improvements considered to be absolutely necessary within a drainage way should be designed and constructed to bridge these easements; however, in such cases, if required by the Committee, a backwater flood analysis prepared by a civil engineer licensed in the state of Arizona and ensuring the safety and feasibility of the design must be submitted and will be subject to review by a licensed civil engineer retained by the Committee.

3.9. CULVERTS

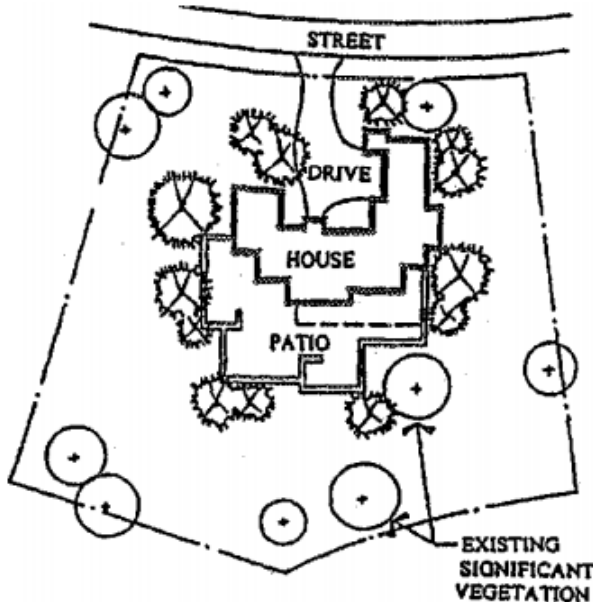
If culverts are used at any location, concrete culverts are preferred instead of corrugated metal culverts. In either case, the inside of the culvert must be painted a minimum distance of two (2) times the opening of the culvert at each end. For example, if an 18" diameter culvert is used, the inside must be painted a minimum distance of 36" from each end. Colors should match the building sitewalls or natural earth colors. The termination of culverts, including the use of head walls, must result in a well-designed termination with finished edges. Rough, bent or chipped ends of culverts must not be exposed.

3.10. LANDSCAPE

The goal of these landscape guidelines is to ensure that developed areas within Pasión harmonize and blend with, rather than dominate, the natural environment. This sensitive approach to landscaping will help protect and preserve the wildlife and flora that contribute to the unique experience of living within a desert environment.

The indigenous landscape palette is abundant in regard to the number of species and the variety of unusual forms it has to offer. Native trees provide shade and appropriate scale to the built environment. Native cacti and yucca provide sculptural elements and interesting texture to a landscape. Native shrubs not only provide screening and stabilization of the desert floor, but provide cover for birds and other wildlife.

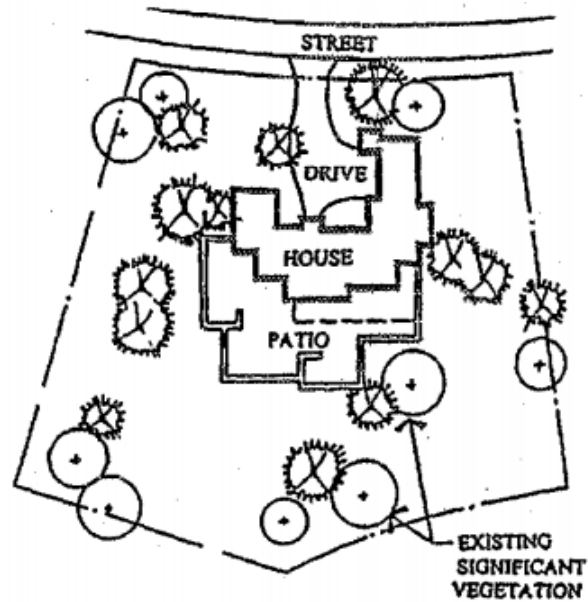
Care must be taken when revegetating around built structures and disturbed areas to match the natural density of the plant material in the existing adjacent desert. New landscaping and revegetation should transition from the house to the Natural Areas in patterns that are typically found in native plant distribution, similar to the sketches shown below.



NOT ACCEPTABLE

Do not "surround" house with additional significant vegetation.

Do not create an "oasis" landscape character around the house.



ACCEPTABLE

Transition additional significant vegetation to blend with existing vegetation.

Location of additional large plant material should appear natural and repeat the typical patterns of the undisturbed desert.

Like the architecture of each Residence, the landscape should be tailored to fit the unique features found on each Lot. Transitional Area landscaping may vary from Lot to Lot in regard to palette and plant densities in order to respond more specifically to the adjacent area. A good method for developing an appropriate landscape palette within Transitional Areas is to record the types and density of the existing vegetation prior to disturbance of the Lot.

The landscape should be considered an integral part of the architecture and should be a factor in the initial site planning process. The Natural Area surrounding each building site provides an instant "mature" landscape setting. Siting of interior spaces should take into consideration this protected landscape when orienting and framing views. Likewise, the addition and placement of landscape materials used to restore the Transitional Area and to

enhance the Private Areas should be carefully considered. Plants provide another dimension to the architecture and are useful for augmenting and/or solving architectural or harsh environmental conditions. Trees can enhance a view by creating a soft framework for viewing. Trees and plants can mitigate extreme climatic conditions. Deciduous trees placed beyond a south or west facing wall will provide shade and natural cooling in the summer and will allow the sun to penetrate in the winter.

More information is available on native desert plants through several good sources in the area, including the Desert Botanical Garden and the Arizona Municipal Water Users Association. Or you may contact a landscape architect or designer with knowledge of native plants.

The Approved Plant List (Appendix "C") in these Guidelines includes an extensive list of indigenous and arid-region plant materials suitable for use within Pasi3n. Use of indigenous species should not be limited to Transitional Areas, but should also be considered for use within the Private Areas. The Committee may consider other plant materials that may not be listed on the Approved Plant List (Appendix "C"), provided they are not on the Prohibited Plant List (Appendix "D") and provided specific approval is obtained from the Committee.

Proposed landscape planting materials not on the Approved Plant List (Appendix "C") must be identified on the landscape drawings as such, and the submittal must include a photograph and description of the plant for which approval is being requested. The Committee reserves the right to refuse any plant material it feels will not be beneficial to the environment of Pasi3n.

3.11. MINIMUM AMOUNT OF MATURE TREES

In an effort to minimize the visual impact of the Residence and other Improvements and to improve the integration of the home into the natural terrain, each Lot will be required to have a minimum of five (5) *mature" trees within the Lot upon completion of the Residence and other Improvements. The minimum number of mature trees includes any existing trees on the Lot that meet the size requirements described below that were not disturbed or will be considered "mature" if they are a minimum height of twelve (12) feet with a minimum canopy of twelve (12) feet in diameter. New trees shall be of a species native to the site and shall be generally placed within the Building Envelope, as to provide visual screening of the Residence from the community without impacting views from the Residence. Trees shall be located in a natural pattern which will be subject to approval by the Committee. Additional mature and/or additional smaller trees are also encouraged and may be required by the Committee subject to the specific design for a Lot.

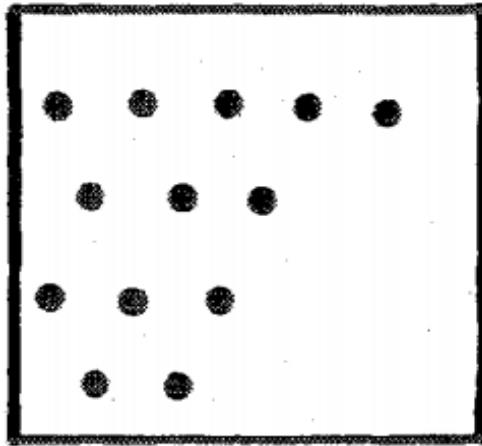
3.12. REVEGETATION

The goal and intent of revegetation is to restore any areas disturbed by construction or grading to a natural appearance such that upon maturity of the revegetation, the area matches the adjacent natural desert and appears as though it was never disturbed. Revegetation is required for all areas that are disturbed by grading or construction and located in the Transitional Area, or any disturbed area not enclosed by the building or site walls. Revegetation includes the combined use of trees, cacti, ground cover and seed, all of which are necessary to achieve the desired results. Revegetation plant material shall be planted in a density and arrangement that is similar to the adjacent undisturbed Natural Area. This revegetation landscaping must include only indigenous species specifically identified on the Approved Plant List (Appendix "C").

The desert ground cover (bushes and shrubs) must be revegetated using a minimum of fifty (50) one-gallon or larger plants per one thousand (1,000) square feet. This minimum number of revegetation ground cover plants should be placed in a natural pattern, similar to the illustration below, and not in a formal or geometric pattern. As exists in nature, the species of plant material used for revegetating the ground cover should consist of a minimum of 75% of the plants as the primary ground cover species (such as Bursage) and the remaining 25% or less as miscellaneous shrubs, bushes and cacti that are indigenous plants and on the Approved Plant List (Appendix "C"). An assortment of too many types of plants will result in an unnatural appearance. A recommended revegetation ground cover plant mix is included in Appendix "C".

In addition, the use of a revegetation seed mix, similar to that recommended in Appendix "C", should provide a well-designed and natural-looking area upon maturity of the revegetation plant material.

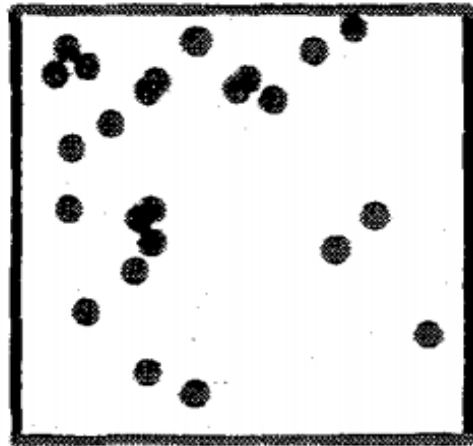
REVEGETATION TECHNIQUES



NO

NOT ACCEPTABLE

Do not place vegetation in geometric massings as diagrammatically indicated above.



YES

ACCEPTABLE

Randomly placed vegetation in natural massings as diagrammatically indicated above.

3.13. IRRIGATION

While indigenous plants and many of the arid-region plant materials can survive on little or no supplemental irrigation, irrigation during the establishment period is critical. Drip systems or hand watering versus traditional spray irrigation systems are the required methods of irrigation for desert areas. Drip systems deliver water directly to the root zone. This results in lower water usage due to efficient applications, less impact to the microclimate as evaporation is decreased, and decreased weed growth as areas between shrubs are not irrigated. Spray irrigation systems shall be limited to turf areas because of the inefficiency and the effect the spray has on the microclimate. All irrigation systems shall operate on an automatic timer. Irrigation within the Natural Areas is not allowed, except for special circumstances where specific approval is granted by the Committee to add additional trees in the Natural Areas. In this case, the irrigation system must be designed to be an above-ground, temporary system that will minimally impact the Natural Areas. Temporary irrigation systems established within the Transitional Areas must be designed to eliminate runoff into the adjacent Natural Areas. Established native vegetation does not need irrigation, and supplemental water can lead to disease and death of many of these plants and aid in the spread of undesirable plant species or weeds.

3.14. LANDSCAPE MAINTENANCE

Each Owner is required to maintain the landscape on their Lot in such a manner that it does not become visually unattractive, overgrown, or otherwise not in keeping with these Guidelines, the applicable policies of the Association, or other provisions of the Declaration. In general, the Natural Area and the Transitional Area should require minimal maintenance since they are intended to appear the same as the undisturbed desert. Maintenance in the Natural Area and Transitional Area should be limited to the removal of dead plant material, the removal of defined weeds or other plant materials not listed in Appendix "C", and the control of grasses through the use of appropriate methods. The landscape in the Natural Area and the Transitional Area should not have a manicured or groomed appearance and should not be kept clean of all small native grasses and plant material, exposing a bare desert floor. These areas should be maintained in such a manner that they resemble the appearance of the undisturbed natural desert. The maintenance of an area around a home that is clear of vegetation is not allowed. The maintenance of landscape within the Private Area shall be such that the plant material does not become overgrown or appear unattractive. The landscape areas between the Private Area and the Transitional Area that are not clearly divided by site walls should naturally transition the level of maintenance so as not to create a clear line of demarcation between the two zones.

The Committee and the Association reserve all rights allowed by the Declaration to cause the maintenance of the landscape in accordance with these Guidelines, including the imposition of fines.

3.15. PROHIBITED PLANT LIST

The plant materials set forth in the Prohibited Plant List (Appendix "D") include species with characteristics which are undesirable by reason of profuse and noxious pollen, excessive height, weed-like characteristics of excessive growth and high water demands. Under no circumstances is it permissible to plant any Prohibited Plant within Pasi3n.

3.16. PROTECTED PLANTS

Protected Plants are those desert plants which must be protected pursuant to State regulations. Improvements should be sited to avoid these protected species if at all possible; however, they may be carefully transplanted. It is recommended that competent professionals be consulted prior to transplanting any desert plant materials. The Committee may require replacement of any plant which dies during transplanting with a plant of the same species and size. It is recommended that the Owner and Architect become familiar

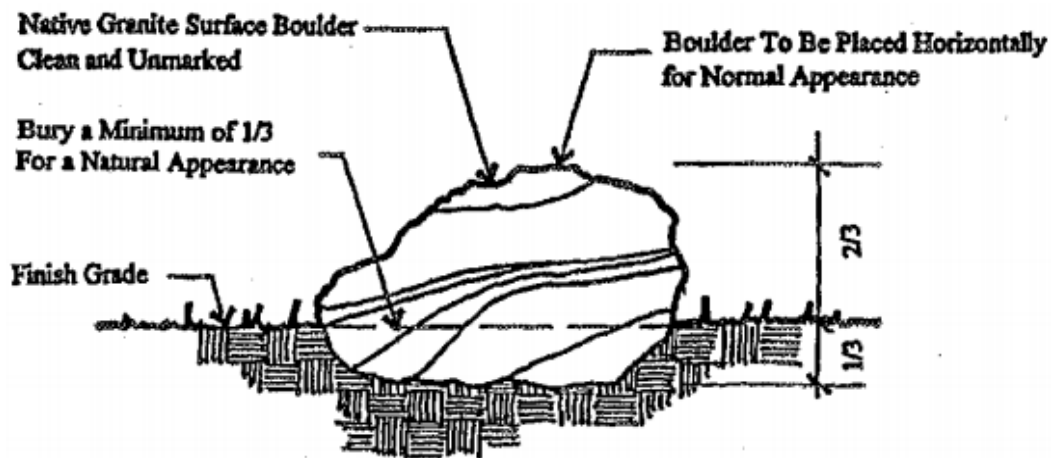
with all the requirements of the State of Arizona Department of Agriculture.

The following list represents the Protected Plant species native to the Pasión site. Any of the following cacti which are six (6) feet or greater in height and indigenous trees which are four (4) inches or greater in caliper shall, if in good health, be salvaged from the Building Envelope prior to construction and transplanted elsewhere on the site.

Trees		
	<u>Botanical Name</u>	<u>Common Name</u>
	Acacia greggii	Catclaw Acacia
	Celtis reticulata	Hackberry
	Cercidium floridum	Blue Palo Verde
	Cercidium microphyllum	Foothill Palo Verde
	Olneya tesota	Ironwood
Cacti		
	<u>Botanical Name</u>	<u>Common Name</u>
	Carnegiea gigantea	Saguaro
	Ferocactus species	Barrel
	Fouquieria splendens	Ocotillo

3.17. LANDSCAPE BOULDERS

The use of additional boulders as part of the site and landscape design requires special attention to the scale, proportions and arrangement of the boulders. The natural sites in Pasión have few, if any, native boulders and rock outcropping. If additional boulders are proposed for landscape purposes, they must be placed in a natural arrangement with the boulders being placed horizontal, not vertical, with a minimum of one-third of the boulder buried into the ground. Boulders should be naturally clustered, not "lined up" or evenly scattered. The color of potential additional boulders should match the color of the exposed rock native to the Pasión area. Broken or crushed surfaces of boulders may not be exposed. Detailed design sketches and/or photographs will be required to be submitted to the Committee with the Preliminary Design Submittal and Final Design Submittal if additional boulder features are proposed.



Boulder Placement

3.18. MINERAL LANDSCAPE FEATURES

Boulders, gravels, mineral ground covers and similar features will be limited either to materials indigenous to Pasión or to materials similar in color and appearance to indigenous materials. Decomposed granite used as a landscape material is to be a maximum of ½" minus in size and similar in color to the native ground. Washed granite that is ½" diameter or larger is not allowed in the Natural Area or Transitional Area.

3.19. EXTERIOR LIGHTING

The Pasión philosophy of the predominance of undisturbed desert extends to nighttime as well as daytime views. In order to preserve the dramatic views of the night sky, which tend to be obscured by excessive local lighting, the Committee has established the following guidelines for residential site lighting.

Site lighting is defined as lighting mounted on the ground, in trees or on site walls for the purpose of providing security or decorative accent lighting.

Building-mounted lighting is defined as lighting built into or attached onto buildings or walls, ceilings, eaves, soffits or fascias for the purpose of providing general illumination, area illumination or security illumination.

- A. Site lighting must be directed onto vegetation or prominent site features such as boulders and may not be used to light walls or building elements.
- B. Building-mounted lighting must be directed downward away from Adjacent Lots, Common Areas, streets and open spaces, and may not be used to light walls or building elements for decorative purposes.
- C. All exterior lighting must provide for significant shielding to ensure that light sources and lamps are not Visible From Neighboring Property; no bare lamps will be permitted.
- D. Only incandescent lamps with a maximum wattage of seventy-five (75) watts will be allowed for exterior lighting unless specific approval is received from the Committee. Low-voltage lighting is recommended, since these fixtures are typically small and can be easily concealed within the native vegetation. Colored lights will not be allowed for exterior lighting.
- E. No lighting will be permitted in Natural Areas or outside areas enclosed by patio or building walls. Site lighting must be confined to areas enclosed by walls or be in the immediate vicinity of the main entrance to the Residence.
- F. Lighting of driveways and parking areas shall be subject to restrictions set forth in Section 3.20.
- G. Lights on motion detectors for the purpose of security illumination are strongly discouraged but may be allowed subject to specific approval of the Committee. If allowed by the Committee, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of twenty (20) continuous minutes. Security

lights must still meet the requirements of shielding of the light sources, and the light sources should not be Visible From Neighboring Property. If problems with these lights occur, the Committee and the Association reserve the right to demand that the fixtures be disconnected. If allowed, care must be taken to avoid setting off the motion detector by the motion of vegetation and the movement of wildlife. These lights will not be allowed to operate for the purpose of general illumination.

3.20. ENTRANCE DRIVEWAYS

Entrance driveways should be located so as to minimize their visual impact on important natural features of a Lot such as large or significant plant materials, rock outcroppings, washes or drainage ways. Driveways shall be a maximum of sixteen (16) feet wide at the property line and shall intersect the street preferably at a right angle, but at a minimum angle of seventy (70) degrees. Driveways should also be located in such a way as not to interfere with drainage in the right-of-way of the street. Only one driveway entrance off of the street will be permitted for each Lot, except that when three (3) or more Lots are tied together to create a single Lot for one Residence, the Committee may, at its sole discretion, approve up to, but not exceeding, two (2) driveway entrances off of the street(s).

Uncolored smooth concrete, colored smooth concrete, and asphalt may not be used for driveway surfaces. Bomanite concrete, exposed aggregate concrete utilizing integral coloring, integrally colored concrete with texture or pattern, decomposed granite, pavers or flagstone are all approvable driveway materials, provided that the colors are within the limitations of Section 5.5 of these Guidelines. Driveways constructed of pavers are strongly encouraged. **Gravel driveways are not permitted.**

The lighting of driveways is strongly discouraged because of the negative visual impact from below. A series of lights up the foothills as viewed from a distance is not attractive to the overall Pasi3n community. If in the opinion of the Committee lights along driveways do not create visual concerns, the Committee may approve driveway lights subject to the following criteria. Light fixtures may be mounted no higher than 18" above the driving surface. The fixtures must be located on the "downhill" side of the drive and aimed toward the "uphill" side of the drive. The light source must be fully screened from below, including any light leak from the top of the fixture. Lights must only light the driveway surface and not walls or landscape. The maximum foot candles allowed at any point beyond ten (10) feet from the fixture is 0.25 foot candles. Cut sheets and photometric charts of any proposed light fixtures must be submitted with the Final Design Submittal.

3.21. PARKING SPACES

Each Residence shall contain parking space within the Lot for at least two (2) automobiles in a garage. A minimum of two (2) additional exterior parking spaces must be provided to accommodate guest parking. No on-street parking will be permitted for residents' vehicles or vehicles of their guests. Views of guest parking areas from Adjacent Lots, streets or other Common Areas must be mitigated and diffused by screen walls or a combination of screen walls and landscaping. Walls should be between 36" and 48" high. Landscaped berms may also be used.

There shall be absolutely no unenclosed storage of motorhomes, house trailers, campers, boats, ATVs, jet skis, watercraft or any other type of recreational vehicle, craft or trailer within Pasi3n, including in rear yards or within open-air screened areas. Storage of these types of vehicles is solely limited to completely enclosed spaces with standard size garage doors.

3.22. SWIMMING POOLS AND SPAS

Swimming pools and spas, if any, should be designed as being visually connected to the Residence through walls or courtyards, and the visual impact must be minimized from Adjacent Lots, streets and other Common Areas. Swimming pools and spas must be constructed according to all applicable regulations, including required fence and enclosure heights. Doors and gates leading to swimming pools and spas must meet the applicable safety and closure regulations, including doors that open directly from the Residence to any pool or spa area. The color of exposed tile on a negative-edge pool must be dark or match the building color. No light or bright tile colors will be permitted on negative-edge pools.

Pool equipment, including all valves, filters, blowers, conduits, backflow preventers, piping and controls, must not be Visible From Neighboring Property, streets or other Common Areas and must be enclosed by walls and a gate or other suitable screening methods to a height of 12" minimum above the equipment.

3.23. WINDSCREENS

If proposed, windscreens must be integrally designed into the Residence and the site improvements as to appear visually connected. If clear windscreens are proposed, glass is preferred over plexiglass or plastic. Fabric windscreens and stained glass windscreens will not be allowed. Large amounts of windscreen may be deemed inappropriate at the sole

discretion of the Committee, and therefore the amount of windscreen may be limited or not allowed. Prevailing wind conditions should be carefully considered prior to design of the Residence to avoid the need for windscreens.

3.24. SPORTS / TENNIS COURTS

For reasons of noise control and aesthetics, sports / tennis courts will not be allowed on any Lots.

3.25. BASKETBALL HOOPS

Basketball hoops and backboards may not be mounted to the walls or roof of any Residence. When specifically approved in advance by the Committee, pole-mounted basketball hoops and backboards may be approved subject to stipulations imposed by the Committee based on specific review of the request. The intent is to locate a basketball hoop and backboard in the least visible area and away from view from the streets or other Common Areas. Basketball hoops and backboards are not allowed in yards facing the street(s). Backboards must be either clear, painted to match the house, or painted flat verde green. The pole or support shall be painted black, dark brown or dark desert green. Poles must be removable and the basketball hoop and backboard must come down when no longer utilized.

The Committee may require additional mature landscaping to screen any basketball hoops and backboards from Adjacent Lots, streets and other Common Areas. Although the general guidelines of this section may be met by a proposed application, the Committee may refuse to allow a basketball hoop and backboard if, in its sole discretion, the Committee determines a negative impact would result.

3.26. EXTERIOR RECREATIONAL OR PLAY EQUIPMENT

All exterior recreational or play equipment such as swing sets, slides, play structures, jungle gyms and similar equipment must meet the intent and requirements of all sections of these Guidelines, including color. This type of equipment or structures should be located in the least visible portions of the Lot. In addition, every attempt to screen this equipment or structures from view of Adjacent Lots should be made, including the installation of mature landscape. The height of this type of equipment shall be limited to a maximum of ten (10) feet above finished grade. Due to the fragile nature of the desert environment, tree houses or other play structures attached to native plants will not be allowed. All exterior recreational or play equipment requires specific approval of the Committee prior to installation.

3.27. ADDRESS IDENTIFICATION

Individual address identification devices for each approved Residence may be installed by the Owner of a Lot. Such devices must be subtle in design and utilize the same materials and colors as the Residence and reflect its design character. No "unique" identification devices will be permitted. No additional signage detached from the Residence will be permitted, except temporary construction signs or other signs as permitted by the Declaration and approved by the Committee. The Committee may initially, or in the future, require installation of uniform address identification devices for all Lots, including Lots with previously constructed identification devices. The design of the address identification device, if any, should be submitted with the Final Design Submittal and must be approved by the Committee before installation.

3.28. EXTERIOR HOLIDAY DECORATIONS

The intent of this section is not to discourage decorating for holidays, but only to maintain a standard of quality fitting with a community like Pasión. Holiday decorations should be subtle, soft, and tasteful. Decoration displays should not have a commercial appearance and should not be "overdone". The Committee reserves the right to prohibit any holiday decorations deemed inappropriate in the opinion of the Committee for the image of Pasión. No "lawn ornament"-type holiday decorations or plastic sculptures may be displayed on the exterior of the Residence. Decorations shall not be allowed to be mounted on roofs or located outside of the site walls or Building Envelope. Cut evergreen trees, decorated as Christmas trees, will not be allowed on the exterior of the Residence.

Although holiday lights are allowed, no chasing, twinkling or blinking lights will be allowed. No more than five (5) trees, cacti or plants may be decorated with lights (this does not include small plants immediately adjacent to the front door or patio doors of a home). Lights will not be allowed to outline an entire home or to be located on ridges or gables of pitched roofs. No exposed spotlights will be allowed. Lights are allowed around window frames, soffit/eave lines and landscaping (as noted above). Electrical luminaries will be allowed along driveways and patios, but not on roofs or parapets. Paper luminaries with candles are not allowed due to potential fire danger.

Exterior holiday music is not allowed except for exterior music for personal and social enjoyment at the outdoor living spaces, (i.e., patios, terraces, pool, etc.), provided it does not disturb other Owners and subject to any restrictions in the Declaration.

Christmas decorations will be allowed between Thanksgiving and January 7th. No

Christmas decorations are allowed before Thanksgiving and all must be removed by January 7th. Decorations for other holidays may be installed no more than two (2) weeks prior to the holiday and must be removed within one (1) week after the holiday.

4. Design Character and Principles

4.1. INTENT OF DESIGN CHARACTER AND PRINCIPLES

Design Guidelines alone cannot legislate or cause good architecture. Good architecture is the result of a creative Owner, a talented design professional, a sound understanding of basic principles of quality architectural design, and an in-depth knowledge of the environmental and community context. This section is intended to provide Owners and their architects, designers and contractors with some general direction on what is considered by the Committee as important design principles to be adhered to when designing a Residence or other Improvements for Pasi3n. All of the aspects in this section are "guidelines" or "rules of thumb" and this section is not intended to be a strict set of regulations, but rather an informative, descriptive and educational narrative that addresses the goals and intent of the design portion of these Guidelines. The design character and principles within this section are subject to the interpretation and discretion of the Committee and are backed up by additional technical requirements elsewhere in these Guidelines. The Committee reserves all rights to remain flexible in their interpretation of this section.

4.2. ARCHITECTURAL STYLES

Although, specific architectural styles are not dictated by these Guidelines, the goal of Pasi3n is to have a variety of styles that represent traditional and contemporary design themes that are rooted in authentic and historic architecture of the desert southwest. Therefore, traditional design themes will be required to utilize authentic detailing and authentic use of materials and forms. Likewise, contemporary design themes must be based on natural forms and textural materials that quietly blend into the natural environment.

Architectural styles that are appropriate for Pasi3n, provided the design is properly executed, include:

- Adobe
- Arizona Ranch
- Desert Classic
- Desert Contemporary
- Desert Rustic
- Southwest Rustic
- Southwest Territorial

Although commonly used in this region, the following styles are not considered appropriate, unless otherwise approved by the Committee:

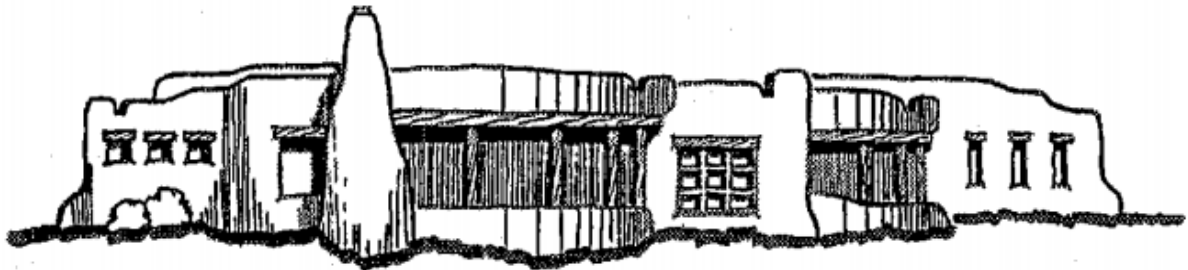
- Contemporary
- Southwest Contemporary
- Mediterranean

The Committee may, at its sole discretion, approve other design themes or styles if deemed to be compatible with the context of Pasión.

The following general descriptions and sketches further illustrate some of the appropriate design styles for Pasión.

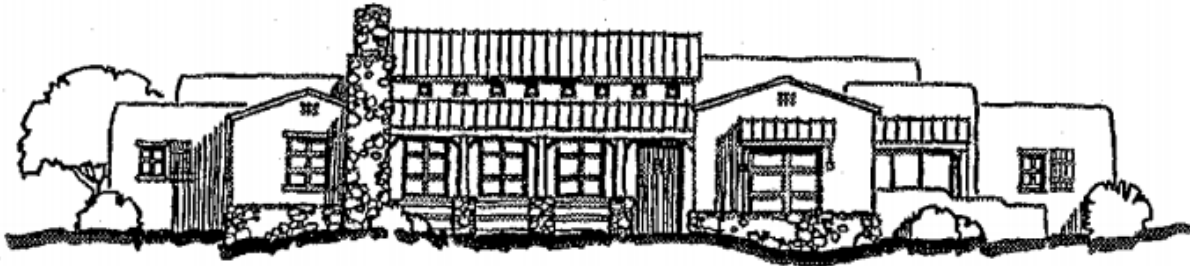
4.2.1. Adobe

- Soft, rounded, flat-roofed, parapeted stucco mass forms.
- Shapes and masses are more rounded and molded with irregular curving shapes and undulations.
- Masses are layered and engaged.
- No sloped roofs.
- Walls and parapets appear very thick and heavy.
- Exposed or plastered-over adobe.
- Window openings are typically smaller and more deeply recessed; often with lintels.
- Exposed wood elements are used including: vigas, latias, columns, beams, lintels, corbels and decorative scuppers.
- Similar to Southwest Territorial, but with more rounded molded shapes and masses.



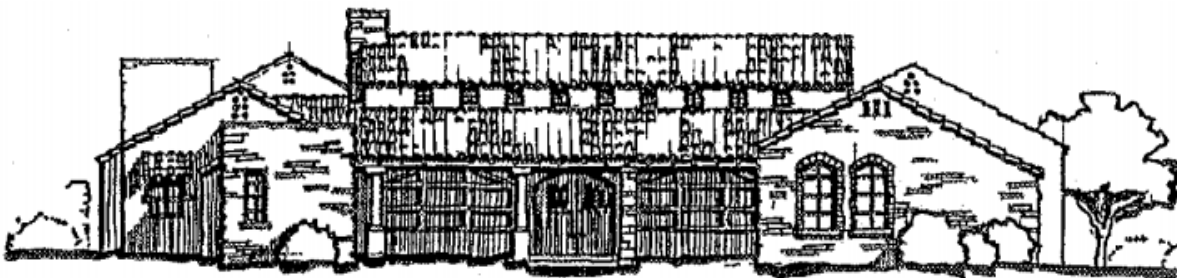
4.2.2. Arizona Ranch

- Traditional rectilinear forms with primarily sloped roofs.
- Low-scale; sprawling scale.
- Long porches and large covered outdoor areas; often accented by wood columns.
- Metal or tile roofs with exposed rafter tails.
- Textural materials including stucco, stone and exposed wood; often stone is used as a base material.



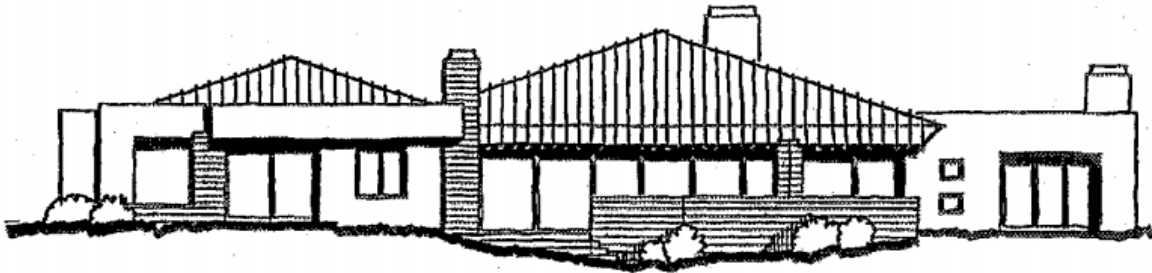
4.2.3. Desert Classic

- Traditional forms; rectilinear shapes.
- Greater Spanish and European influence; Santa Barbara influence.
- Some authentic "mission" influence with arches, wood detailing and textured stucco.
- Simple sloped roofs with minimal overhangs over mass forms; minimal use of flat roofs.
- Attached porch-like roofs.
- Aged stucco; rustic stone.
- Exposed wood detailing is used including beams, columns and corbels.
- Ornamental accents such as decorative iron details or stone window surrounds.



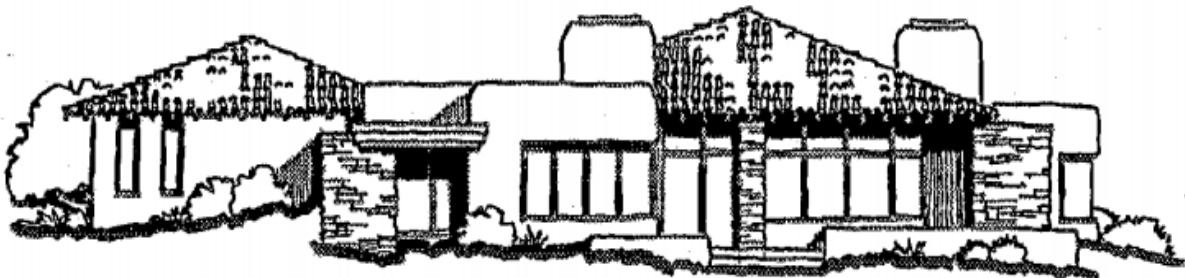
4.2.4. Desert Contemporary

- Dominant canopy-type or pavilion-type roof which create deeply shadowed areas; complemented with simple flat-roofed stucco mass forms.
- The sloped roof is the dominant building form; flat-roofed stucco masses are the secondary forms.
- Broad cantilevered overhangs with the patio cover designed as part of house roof.
- Simpler lines with no ornamentation.
- Smoother finishes.
- Metal or concrete tile roofs.
- Smooth wood or metal fascias.
- Sand-finish stucco.
- Sandblasted, scored or split face concrete block.



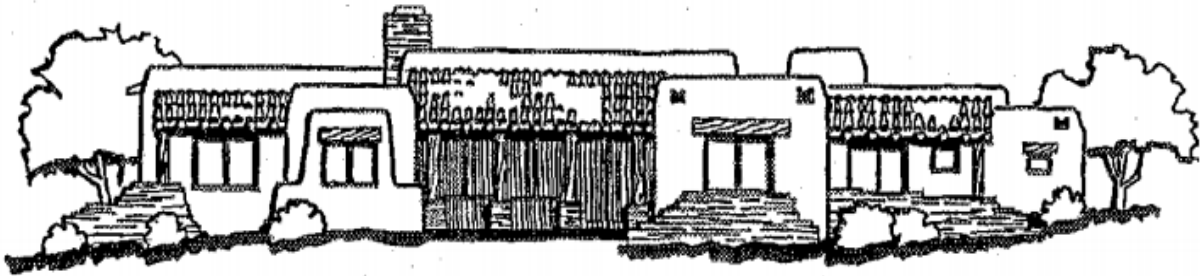
4.2.5. Desert Rustic

- Dominant canopy-type or pavilion-type roof which create deeply shadowed areas; complemented with simple flat-roofed stucco mass forms.
- The sloped roof is the dominant building form; flat-roofed stucco masses are the secondary forms.
- Broad overhangs with the patio cover designed as part of house roof.
- Rough finishes and textured exterior materials.
- Mission tile with exposed beams or rafter tails; textural concrete roof tiles.
- Stone and textured or stained stucco.
- Exposed wood elements.



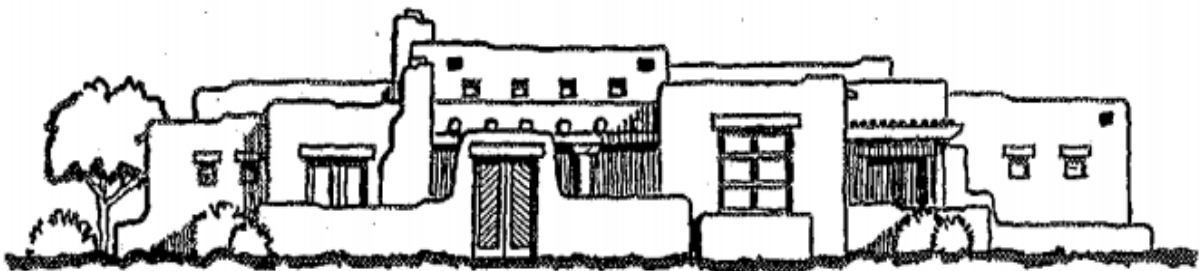
4.2.6. Southwest Rustic

- Soft, flat-roofed, parapeted stucco mass forms are dominant.
- Masses are layered and engaged.
- Sloped roofs are less dominant; often designed as an attachment over an entry or patio.
- Rough finishes and textured exterior materials.
- Mission tile with exposed beams or rafter tails.
- Textured or stained stucco; possible use of stone.
- Exposed wood elements are used including columns, beams and corbels.



4.2.7. Southwest Territorial

- Soft, flat-roofed, parapeted stucco mass forms.
- Rectilinear shapes and masses.
- Masses are layered and engaged.
- No sloped roofs.
- Walls and parapets appear very thick and heavy.
- Window openings are typically smaller and more deeply recessed.
- Exposed wood elements are used including: vigas, latias, columns, beams, lintels, corbels and decorative scuppers.
- Similar to Adobe style but with rectilinear shapes and masses.



4.3. EXTERIOR BUILDING MATERIALS

Without dictating the use of specific building materials, the following exterior building materials and their authentic detailing and application are encouraged at Pasión.

4.3.1. ROOFS

Barrel Tile

- Barrel tile (or mission tile) roofs were often used in historical Arizona architecture, particularly on Spanish and Mexican influenced design characters. The rich character of these roofs came from textural appearance of the hand-made and hand-set tiles.
- The use of aged and authentic looking barrel tile is encouraged by the Committee as a roofing material for Desert Rustic, Desert Classic, Southwest Territorial, Southwest Rustic and Arizona Ranch style homes. The Committee strongly recommends the use of mud-set barrel tiles in lieu of a standard overlap, since the mud-set tiles have a richer look, more texture, and appear more authentic. The Committee also encourages the use of "bolster" tiles, which are double layered tiles that cause a "bump-out-look" to the roof. The Committee endorses barrel tile roofs in a serpentine or "wavy" layout as well as traditional patterns. The goal of the Committee and these Guidelines is to allow barrel tile roofs that look authentic/historic and aged.
- Barrel tiles must be dark earthy colors. Variegated colors are encouraged. Solid red colors or light colors such as off-white, peach and orange will not be allowed.
- Barrel tile roofs are often best accented with exposed rafter tails (which must be a minimum dimension of 3" x 6") and exposed wood soffits. Stuccoed or molded fascia trims below the eaves of a barrel tile roof are discouraged.

Metal Roofs

- Metal roofs were historically used on numerous ranch and western-style structures of old Arizona. Metal roofs tend to emphasize a canopy feel to the roof structure and the architecture.
- The Committee allows the use of metal roofs provided they do not cause objectionable glare. Copper roofs are allowed in a dark penny patina or a flat green patina. Bright copper or unpainted copper is not allowed. Painted metal roofs are allowed provided they have a gloss factor no higher than 10%. Only dark earthy colors such as bronze, black, dark brown, dark rust, or gray-black will be allowed. Colored metal roofs such as red, blue and green will not be allowed.
- A prime concern with metal roofs is reflectivity. Metal roofs should be designed to mitigate this reflectivity. Standing seams, battens or bermuda-type details help to

provide shadow pattern and visual relief to a roof plane.

Concrete Roof Tiles

- Concrete roof tiles provide a durable alternative to the wood and asphalt shingles of the past. Flat or raked concrete tiles may be allowed by the Committee provided the colors are dark earth tones. The Committee recommends the use of blended colors for concrete tiles and most manufacturers have recommended blend mixes that have been proven to be aesthetically pleasing. Blended colors include tiles where two colors exist in the same tile as well as blending of individual solid color tiles. Appendix "E" lists acceptable concrete roof tiles. Other concrete roof tiles may be approved by the Committee in its sole discretion.

4.3.2. Masonry

Appearance and Use

- The nature of masonry materials such as stone, adobe, CMU and brick is heavy, thick and massive. The natural characteristics of these materials therefore need to be incorporated into the design of a Residence. Masonry materials should give the appearance of thick walls and three-dimensional masses that are well anchored to the ground.
- Masonry should not appear to be an applied veneer and it should not be designed as a wainscot or facade.
- Due to the heavy characteristics of masonry, it should not be designed to "float" over windows, doors or overhangs. If masonry is used over an opening, it must be visually designed with a strong lintel, header or beam detail that appears to structurally carry the masonry over the opening.

Natural Stone

- Stone has long been an integral design element in the historic homes of Arizona. As a plentiful and natural material, stone has been used in primitive dwellings of the Hohokam, to the refined historic homes of the 20th century.
- The Committee encourages the use of real stone for homes within Pasi3n. "The Committee recommends that the type of stone proposed be indigenous to the desert southwest area and the Committee recommends avoiding types of stone that would not seem to be in character with the desert setting of Pasi3n. Although native, river run rock is not allowed as a stone material on a Residence.
- The coursing patterns in which stone is laid is critical to the design and to the appearance of the authentic use of the material. Stone may not be laid up in a vertical coursing pattern and flagstone patterning shall not be allowed on vertical surfaces. The colors of the natural stone should be dark earthy colors. Stone that is

very light colored or that has highly contrasting colors will not be allowed. The color of the mortar and the size of the mortar joints are equally as critical. Mortar colors that highly contrast the stone colors will not be allowed; this includes the use of black mortar colors which may cause excessive contrast. The Committee encourages the use of stone joints with a drystack appearance as well as deeply raked mortar joints. A mortar wash may be allowed by the Committee depending on the architectural style of the Residence and the type of stone proposed.

Manufactured Stone

- The recent development of manufactured or synthetic stone provides a method of achieving the appearance of natural stone at a lower cost. Manufactured stone may be allowed by the Committee based on the following criteria. The stone type or style must be similar to or in the character of native indigenous types of stone that are appropriate for the desert environment. The size of the individual manufactured stone units must be appropriate to the design application, in the opinion of the Committee. The Committee prefers the use of large stone units (5' x 20" or larger) over numerous small stone units (3' x 12"). The "puzzle piece" manufactured stone units which are made with more than one stone shape per unit will not be allowed. The use of special corner units are required for all outside corner conditions. The special corner units must return around the corner by a minimum of 4". Cap stone or flagstone units shall be used on any horizontal surfaces. Standard manufactured stone units may not be used on horizontal surfaces. Unless otherwise approved by the Committee, all mortar joints shall be deeply raked. Mortar joints that are not deeply raked tend to reveal the fact that the stone is manufactured and not natural. Owners should be aware of the colorfastness of any manufactured stone as some colors may tend to fade over time. The Committee may request information regarding the colorfastness of any proposed manufactured stone to avoid this problem.
- The guidelines regarding coarsing patterns, colors, mortar joints, etc. discussed above in the section on Natural Stone shall also apply to manufactured stone

Concrete Masonry Units (CMU)

- Known commonly as concrete block, CMU can provide a wide variety of durable and natural finishes that are well suited to the desert environment. The Committee allows the use of sandblasted, split-faced, scored, fluted or burnished CMU, provided it meets the color and other requirements of these Guidelines. Integrally colored, sandblasted slump block can also make a durable alternative to adobe. If CMU is proposed, the Committee encourages the use of integrally colored CMU or the use of semi-transparent stains. Solid body paint is not allowed over exposed CMU, unless otherwise approved by the Committee. The Committee will not allow standard block (i.e. 8x8x16 without sandblasting, scoring, etc.) and the Committee does not

allow standard running bond coursing patterns to be exposed. 8x8 coursing patterns may be acceptable, if approved by the Committee.

Brick

- Select styles of brick may be approved by the Committee for the use on a Residence within Pasi3n. Soft, earthy-colored bricks, similar in character to that used in historic Spanish and Mexican style architecture may be allowed, if, in the opinion of the Committee, it is appropriate to the architectural style proposed. Oversized and aged bricks are encouraged. Standard red brick or crisp-looking manufactured bricks will not be allowed.

Adobe

- Adobe has long been a primary building material in the southwest. The soft earthy colors and forms create an attractive texture for a home. The appearance of exposed adobe should replicate the characteristics found on historic structures including the natural weathered appearance. The color of mortar joints shall be required to match the color of the adobe. Exposed adobe may be approved by the Committee when deemed appropriate to the architectural style of the home.

Efflorescence

- With all masonry materials, the Owner, contractor and design team should give careful consideration to the effects of efflorescence on the surface of exposed masonry materials. The use of waterproofing, surface sealers and weepholes must be considered in the design in order to avoid unsightly chalking of exposed masonry materials.

4.3.3. Stucco

Stucco or cement plaster is the most widely used exterior finish material in the desert southwest. Stucco has been used in historic structures to modern ones. The Committee recommends that if stucco is proposed for a home design, that the finish and texture be appropriate to the architectural theme. Authentic and rustic design themes should use stucco finishes that appear to be hand-applied with texture and imperfections in the surface finish. More contemporary designs may choose to use a smoother sand finish in a true plane. Unless otherwise approved by the Committee, crisp square-cornered stucco is not allowed. In addition, stucco finishes with repetitive patterned textures are not allowed, such as "skip trowel" finish, "lace" finish or "Spanish lace" finish. The Committee encourages the use of stained or aged stucco finishes which give the appearance of old, weathered cement plaster.

As part of the goal of these Guidelines to promote authentic design themes, the Committee recommends the use of soft rounded corners with a 3” preferred radius and a 1½” minimum radius on all exterior corners of stucco walls. The Committee also recommends that the tops of parapets be slightly battered and rounded as well to soften the stucco mass forms. Unless otherwise approved by the Committee, crisp, square, stucco corners will not be allowed.

Other sections of these Guidelines address additional restrictions and details regarding stucco finishes such as prohibiting exposed foundation walls. Weep screed details, approved by many local municipalities, exist which allow the plane of the stucco to be continuously carried over the foundation wall, thereby eliminating the unacceptable recess at the base of stucco walls.

4.3.4. Exposed Wood

As a limited and rare natural resource, the use of wood in the desert southwest has historically been minimal, therefore the use of exposed wood is not encouraged at Pasi3n. Exposed wood accents, though, are appropriate for select styles of architecture. Wood lintels over windows and openings, exposed viga ends, wood columns and headers, and exposed wood rafter tails all may be deemed appropriate by the Committee. Owners may choose to use glue-laminated beams instead of solid timbers to avoid twisting and cracking, but if so, exposed glue-laminated beams must be architectural grade with rough-sawn finish and they must be sealed with a colored stain and not a clear finish. Unless otherwise approved by the Committee, wood siding, wood shingles or other large expanses of exposed wood are not allowed.

4.4 SUMMARY OF DESIGN CHARACTER AND PRINCIPLES

As described at the beginning of this section, a major part of the vision of Pasi3n is to allow a varied collection of traditional and contemporary architectural design themes that are appropriate to the desert southwest and to the community of Pasi3n. It is the strong desire of the Committee to avoid the typical suburban subdivision look by implementing the design character and principles of this section. The Committee believes that through the use of selected architectural styles that utilize authentic detailing, natural materials, simple forms and reduced scale, that Pasi3n will have a community character that will endure the ages.

5. Architectural Design Guidelines

5.1. DESIGN CHARACTER

These Guidelines do not intend to dictate architectural style for the design of a Residence within Pasión, although all designs must be of a character appropriate to the environment, climatic conditions and community context. The Committee encourages creative architecture, but warns against architectural styles that are not appropriate for the desert or the community context.

The design character or "style" of all Residences and other Improvements must be appropriate to this visible desert location. These Guidelines intend to allow design flexibility for individual Owners, yet ensure that the result of this design flexibility does not adversely impact the visual appearance of the natural terrain from Adjacent Lots, Common Areas or the overall Pasión community. The overall goal is to create homes that blend into the natural terrain and have as little visual impact as possible when viewed from other areas of Pasión. The less of the house that is noticeable from a distance, the better it achieves the goal of minimizing the visual impact.

While some designs may be "good" examples of architecture in themselves, if, in the opinion of the Committee, the design is not appropriate for the environmental context, the community context, and the overall visual context, it may still not be approved.

Although architectural "style" is not dictated, there are numerous principles of good architectural design that should be considered and included in the design of a Residence in Pasión. To facilitate in the explanation of these principles, the following guidelines are provided:

- The use of textural materials such as stone and masonry helps to reduce the visual impact scale of a Residence. The use of textural materials can dramatically improve the quality of a design when appropriately used. Stone and masonry elements should be used as strong "masses" and not thin planes, veneers or floating elements.
- The use of broad overhangs can create dramatic voids, deep recesses and strong canopies as well as provide protection from the weather and the sun.
- The use of proportions that emphasize the horizontal instead of the vertical are required. Horizontal proportions will help keep the house from appearing too tall or vertical.
- The use of broad overhangs, recessed voids, sheltered windows and well-articulated

massing will create strong shadow lines with deep recesses. These shadows and recesses improve visual appearance of a house significantly, particularly when viewed from a distance.

Many design elements that have been widely used throughout the southwest may not be appropriate for Pasi3n and should be avoided. Some of these elements include:

- Very dominant mass elements that are boxy or imposing on the overall composition should be avoided.
- Dominant horizontal lines only or dominant vertical lines only should be avoided. To create a design with repose, the vertical and horizontal elements should be composed to properly engage each other. Too much vertical or too much horizontal will not achieve a balanced design.
- Large expanses of monolithic materials, such as large unbroken walls of stucco, long continuous retaining walls, or other large elements composed of a single material should be avoided.
- Long stuccoed parapets over covered patios should be avoided. Long continuous parapets need the relief of other materials or intersecting masses or planes.
- Boxy forms or an arbitrary collection of boxy forms should be avoided. Simple parapeted flat roofs arbitrarily composed may be considered inappropriate by the Committee since they lack shade, shadow, recess and repose.
- Long continuous lines or small chopped-up masses should be avoided.

The design character should create a Residence that blends with its environment instead of standing out against it. The design character of a Residence should be considered from all sides (including roofs), not just the front or rear elevations, and all elevations should maintain the same visual integrity, cohesiveness and design detail. The Committee will not approve a design in which only the front or street side of the Residence is well designed. All designs should be textural with the use of multiple exterior materials, natural elements and complementing colors to avoid monotone or "vanilla" homes.

It is recommended, but not required, that the design and construction of all Residences and other Improvements incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof and driveway materials). The secondary or accent exterior wall material, if used, should cover at least twenty percent (20%) of the exterior building surface in order to provide a minimum balance of the two materials. These complementing materials must be carefully articulated into an integrated whole and should not result in a home that appears like two (2) different structures forced together. The use of natural materials such as stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural

formations or authentic use of these materials and tie to the natural terrain.

Monochromatic color schemes are strongly discouraged. In addition, the colors of fascias, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appear as an integrated visual composition. The integration of pitched roofs and flat roofs into the overall home design can add visual depth to the Residence, create welcoming shaded spaces, and add color and texture to the overall composition. Structures that consist of only bold mass or block forms are discouraged. The design of a Residence should carefully integrate mass forms with the overhangs, roof forms, site walls and landscape into a well-composed whole.

The intent of this section is to create homes that have greater visual texture and depth, strong shade and shadow lines, and natural appearance, and homes that blend with the existing environment and community context.

Special attention should be given to the following areas in the design of a Residence:

- Topographic conditions
- Visibility from the community below (where applicable)
- View orientation
- Solar orientation
- Natural vegetation
- Natural drainage patterns
- Location of neighbors or potential neighbors

The stated design principles can be embodied in a variety of architectural styles which include textural materials, anchoring masses, engaged forms, deep shadows, expressed structure and harmonious balance that are fitting to the dramatic natural environment. Consult with the Design Review Coordinator for examples of architectural character that achieves the goals of these Guidelines.

5.2. BUILDING SIZES

All Main Residences, excluding casitas, shall contain at least two-thousand eight-hundred (2,800) square feet of enclosed heated/air conditioned living area.

Provided that all construction is well contained within the required setbacks of its building envelope and meets all laws, restrictions and covenants of both Pinal County and the CC&Rs of Pasion, lots 1 through 24 inclusive shall be allowed a maximum of six thousand (6,000) square feet, including garage area.

Provided that all construction is well contained within the required setbacks of its building envelope and meets all laws, restrictions and covenants of both Pinal County and the CC&Rs of Pasion, lots 25 through lots 37 inclusive shall be allowed a maximum of ten thousand (10,000) square feet, including garage area.

The Committee may approve larger Residences if, in its opinion, the design would not result in a Residence which would be out of character with the other Residences in Pasi3n or the context of the overall Pasi3n community.

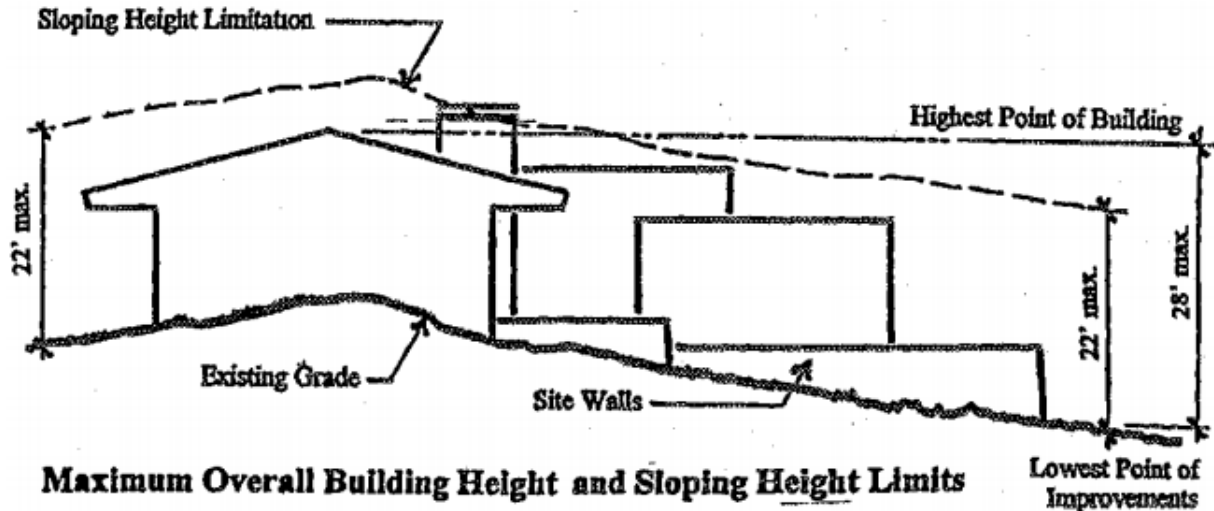
5.3. BUILDING HEIGHTS

The terrain of Pasi3n is varied and unique, with steep slopes, ridges, knolls, valleys and other changes in elevation, making absolutely uniform applicability of height restrictions for Residences inadvisable. These Guidelines are intended to discourage and/or prevent any Residence or other structure which, in the opinion of the Committee, would appear excessive in height when viewed from a street, other Common Area or other Lot, and/or which would appear out of character with other Residences because of height.

Consequently, despite the maximum heights generally permitted as hereinafter specified in this section, the Committee, even though a proposed Residence or other structure may comply with said maxim restrictions, nevertheless may disapprove a proposed Residence or other structure if, in the opinion of the Committee, it would appear excessive in height when viewed from a street, other Common Area or other Lot, and/or would appear out of character with other Residences or undesirably prominent because of height.

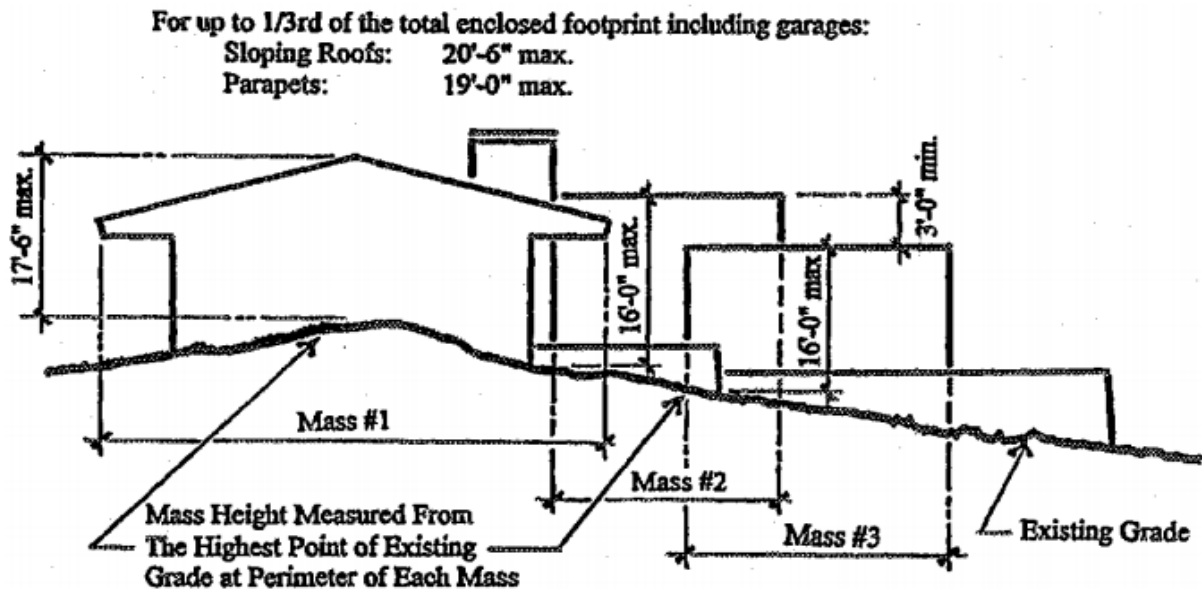
Because the desert vegetation is low, rarely ever exceeding twenty (20) feet in height, and because the Pasi3n philosophy envisions Residences that tend to blend with, rather than dominate, the environment, single-story buildings that relate to the natural contours of the Lot are encouraged. Residences may be sited partially below grade. The height of all Residences and other Improvements is limited by a series of allowable dimensions, all as described below. A summary diagram is provided to illustrate the application of each dimension. The Committee may require adjustments be made to proposed Finished Floor Elevations as described in Section 3.7 Cut and Fill of these Guidelines regardless of building height compliance.

- A. **Sloping Height:** In addition to the other height requirements in this section, no portion of the Residence or other Improvements, except for chimneys, may exceed a height of 22'-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 that point. Due to the unique and varied topography, the Committee may approve, on a case-by-case basis and in its sole discretion, increases in the sloping height limitations.



- B. **Overall Building Height:** The overall height of a Residence and other Improvements shall not exceed 28'-0" measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions which do not conflict with applicable County ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, overall vertical dimensions which may exceed the 28'-0" limitation.
- C. **Massing:** Scale and proportion in the desert can be deceiving. Small structures can at times appear large and dominating against the low vegetation and landforms. Therefore, proper massing will reduce the scale of a large structure and create building texture that will help to blend the Residence with its environment. Unless otherwise specifically approved by the Committee, each Residence shall be composed of at least three (3) visual building masses of differing heights as viewed from any elevation. Homes larger than five thousand (5,000) square feet, excluding garages, shall be composed of at least four (4) visual masses of differing heights as viewed from any elevation. To be classified as a visual building mass, the mass shall have a minimum depth and width of 20'-0" and be a minimum of five hundred (500) square feet in area. Depth and width dimensions shall be measured perpendicular to each other. Very large or dominating individual building masses, in particular those created by sloping roofs, are discouraged. Therefore, no individual building mass shall have an area larger than two thousand five hundred (2,500) square feet, or a single dimension larger than 80'-0" unless, in the opinion of the Committee, a larger mass does not appear to be excessive in size.
- D. **Mass Heights:** The maximum height of any individual building mass of a Residence may not exceed 16'-0" measured to the tops of surrounding parapets on flat roofs, or

17'-6" measured to the top of the ridge on sloping roofs; except that a maximum of one-third of the area of the overall enclosed building footprint, including garages, may exceed these limits to a maximum of 19'-0" measured to the top of surrounding parapets on flat roofs, or 20'-6" measured to the top of the ridge on sloping roofs. (See illustrations.) Single slope or "shed" roofs shall conform to the height limitations for flat roofs. Height shall be measured vertically from the highest adjacent natural grade at the perimeter of each building mass.

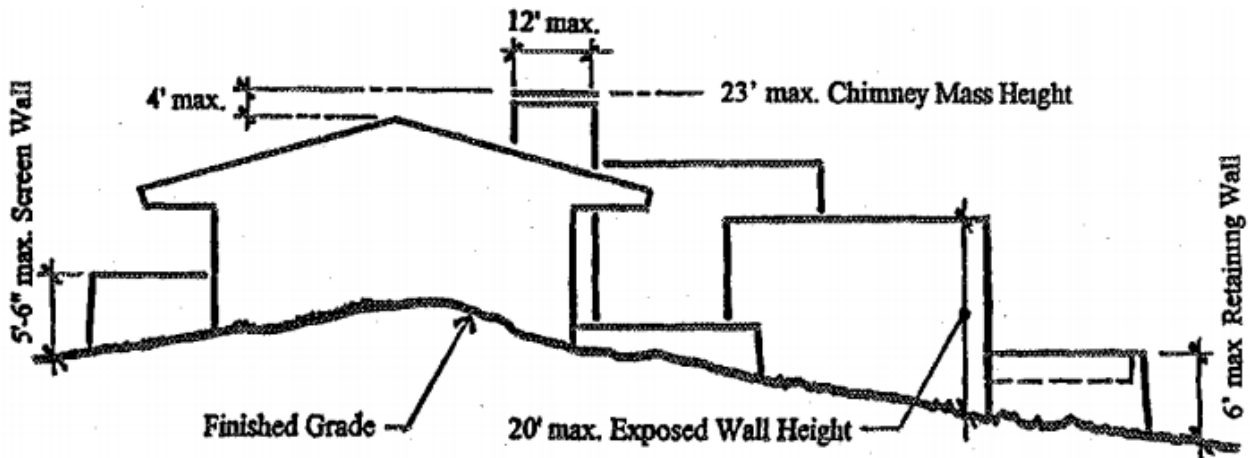


- E. **Difference in Mass Heights:** Unless otherwise specifically approved by the Committee, the required three (3) or four (4) visual masses shall vary in height vertically by a minimum of 3'-0" from any adjacent mass or masses.
- F. **Exposed Wall Heights:** In no case shall a wall have an unbroken height of more than 20'-0" measured vertically from the finished grade at its lowest point along the wall to the top of the wall. Additional height may be achieved if an additional wall or site wall is created and set back a minimum of 6'-0" from the high wall, subject to the limitations of the other governing criteria in these Guidelines and if approved by the Committee. Door and window penetrations and applied banding or textured relief in a wall plane do not change the measurements of an unbroken wall height.
- G. **Articulation and Engagement of Massing:** All height limitations are rudimentary criteria which form the basis of the general massing only. For example, in addition to the overall massing which must step with the terrain, it is expected that all elevations will not only take advantage of the view from within the Residence, but will provide

pleasant views from all surrounding areas. All side and rear elevations are expected to be articulated to break up the facade into smaller elements, as well as add the richness of shade and shadow. Large blank walls will not be allowed. While the specific design is a matter for each individual Architect, failure to provide this articulation and richness may be grounds for rejection of the design by the Committee.

The building masses of a Residence shall be designed such that they appropriately engage with each other to make a harmonious composition of forms. Building forms should be thought of as three-dimensional masses that are carefully nested together. These forms should not be viewed as flat elevations or simple planes. Building masses will not be allowed to align in the same plane.

- H. **Chimney Mass:** Chimneys may be constructed to a height not to exceed 23'-0" measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed 4'-0" above the highest adjacent point within 10'-0". A chimney mass may not exceed an overall horizontal dimension of 12'-0" in any one direction, unless otherwise specifically approved by the Committee.



- I. **Retaining Wall Height:** In no case shall the height of a retaining wall exceed 6'-0" measured vertically from the lowest point at finished grade adjacent to the wall to the highest point of the wall along the exterior side of the enclosure. Retaining walls shall include any walls that retain or hold back earth more than 2'-0" in depth. The Committee, on a case-by-case basis, may consider overall retaining wall heights which exceed the 6'-0" limitation described above. Where justified by topographic conditions and where, in the opinion of the Committee, the extra height causes no

adverse visual impact, an overall retaining wall height of up to 10'-0" may be achieved in limited areas provided mitigation by landscaping is utilized. Retaining walls over six (6) feet in height, if allowed, shall be visually softened with either mature landscaping consisting of indigenous trees and large shrubs, and/or utilization of a different texture and/or material for a portion of the wall. Approval of mitigation techniques for retaining walls over 6'-0" is at the sole discretion of the Committee. Open railings up to an additional 3'-0" high may be allowed on top of a maximum 6'-0" tall retaining wall, subject to approval by the Committee. These railings, if allowed, must be integrally designed into the Residence and be at least 75% open.

- J. Screen Wall Height: In no case shall the height of a screen wall or site wall exceed 5'-6" measured vertically from the lowest point at finished grade adjacent to the wall to the highest point of the wall along the exterior side of the enclosure, unless otherwise specifically approved by the Committee.

5.4. ROOFS

Since roofscapes will form an important part of the visual environment, they must be carefully designed. It is intended that neither flat roofs nor pitched roofs predominate.

Pitched roofs shall have a maximum slope of 6 to 12, unless otherwise approved by the Committee. Mansard roofs are prohibited; however, the Committee shall have the authority to approve partial gable or shed roofs when, in the opinion of the Committee, they do not add to a Residence's visual massiveness. Typical gable-end roofs may not be allowed, unless in the opinion of the Committee, the gable-end is an attractive design element and is authentic to the design style of the home. Dominant roof colors such as white and red or reflective roof surfaces are prohibited. Skylights are prohibited on pitched or sloped roofs. Red-clay tile, wood shake shingles and asphalt shingles are prohibited. The finish of metal roofs must be matte with a 10% maximum gloss factor. The materials listed in Appendix "E" are those sloped roof materials which the Committee has approved for use within Pasi3n.

In the case of built-up roofs, the color must match or compliment the building color. All lap joints, seams or patches must be coated with an aggregate or ballast matching the roofing aggregate or ballast and these joints, seams or tar patches may not be obvious. The finished roof shall have an even color and texture across the entire surface. Parapets must return and end in an intersection with a building mass. Flat roofs should be surrounded by parapets a minimum of 10" above the adjacent roof surface, but in no case higher than 36" above the adjacent roof surface. Flat roofs that do not have parapets are discouraged, although may be approved by the Committee if such roofs are free of any skylights, roof penetrations, roof vents, plumbing vents, etc. and, if in the opinion of the Committee, any

drainage crickets are not distracting to the overall design character of the Residence.

Roof-mounted mechanical equipment and antennas are prohibited.

The design of a Residence with a combination of flat and sloping roofs can create dramatic homes with appropriate massing and texture. The use of this combination takes skilled design understanding, and, if not properly designed, can lead to the appearance of two separate styles pressed together without integration or repose. The Committee may, at its sole discretion, reject any design in which it feels the sloped and flat roofs are not integrated into a harmonious whole.

Sloped roof materials should be textural with very dark or deep color tones. Flat roof colors shall meet the requirements of these Guidelines regarding color and it is strongly recommended that the color of flat roof material and associated flashing match the color of the building. In any case, the color of the inside of the parapets should be the same across the entire vertical surface (i.e., paint the flashing and vertical roof material to match the parapet wall).

5.5. COLORS

All exterior colors of the Residence and other Improvements shall have a light reflective value (LRV) less than or equal to forty (40). This information is available from most paint manufacturers. A limited color palette has been recommended for Residences within Pasi3n and is listed in Appendix "F". The colors were chosen to blend with the natural colors of the vegetation and mountains as seen from a distance. Colors leaning toward the yellow, orange or blue hues are discouraged, even if they have an acceptable LRV. Subdued accent colors may be used, subject to approval by the Committee. Flat roofs must be surfaced with a material whose color harmonizes with the natural desert but does not contrast with the building walls, or they may be painted to match the building walls. Colors for exterior artwork, sculpture or any other special features should also be muted tones chosen to blend rather than contrast with the Residence and its surroundings. The paint colors listed in Appendix "F" are those colors which the Committee has approved for Residences within Pasi3n. Other colors that meet the criteria of this section may be approved by the Committee when submitted as part of an application. For a color pot on the approved list to be considered by the Committee, a 4' x 4' sample shall be painted by the owner or his Builder on at least three exterior wall surfaces of the home while it is under construction; each location facing a different direction. The Committee or Design Review Coordinator shall evaluate the samples as part of its consideration of the request.

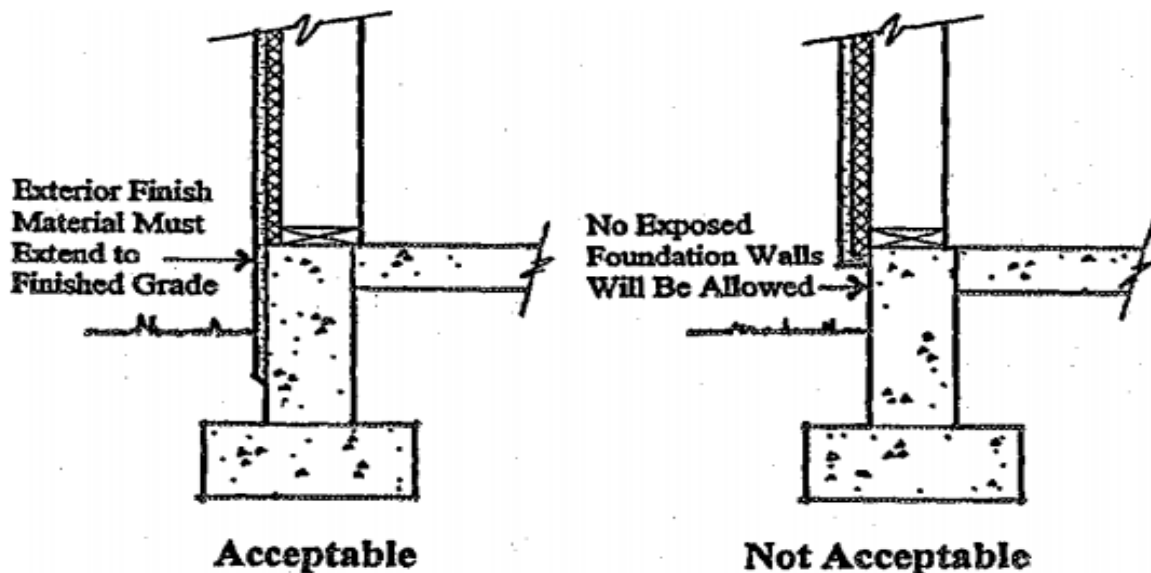
5.6. REFLECTIVE FINISHES

No highly reflective finishes, except glass, which may not be mirrored or opaque, and door hardware, shall be used on any exterior surfaces, including exterior artwork and sculpture.

5.7. MATERIALS - EXTERIOR SURFACES

Exterior surfaces must generally be of materials that harmonize with the natural landscape. Stucco, stone masonry, painted slump block, adobe block, sandblasted block or integrally colored split-face concrete block should be the predominant exterior surfaces. They provide an outer surface to withstand the climate extremes and their use is encouraged as the combination of materials provides a textural context that breaks down visual massing in much the same manner that the variety of the desert itself breaks up the large expanses. Large amounts of wood will not weather well in desert conditions and are strongly discouraged. In addition, red brick is not considered harmonious with the desert and will not be approved.

Exterior finish materials including stucco on all building walls, site walls and screen walls must be continued down to below the finish grade, thereby eliminating unfinished foundation walls.



5.8. BUILDING PROJECTIONS

All projections from a building, including, but not limited to, chimney caps, vents, gutters, scuppers, downspouts, utility boxes, porches, fencing, railings and exterior stairways, shall match the color of the surface from which they project or be an appropriate accent color, unless otherwise approved by the Committee. All building projections must be contained within the Building Envelope.

5.9. ANTENNAE AND SATELLITE DISHES

There shall be no antennae or satellite dishes of any sort installed or maintained which are visible from neighboring property, except as expressly permitted by the Committee.

5.10. SKYLIGHTS

Skylights can add natural light to interior spaces of a home, but they can also cause problematic light discharge and reflection from roofs. Therefore, a maximum of eight (8) skylights and/or a maximum of forty (40) square feet of total area of skylights, whichever is more restrictive, may be permitted on any Residence. Skylights must be surrounded by parapets, and the parapets must be at least 12" above the highest point of any skylight. It is recommended that the skylights be placed in such a manner as to maximize the screening effect of the parapets from views from Adjacent Lots, streets and other Common Areas. Skylights must be either tinted bronze or gray. White or clear skylights will not be allowed. Skylights should be the low-profile type and should be located as to minimize their visibility from other Lots, particularly those located at a higher elevation, and they should not cause objectionable glare or reflections. Skylights are not allowed on pitched roofs or flat roofs that are not surrounded by a parapet. Uplighting in skylights is not allowed.

A note must be placed by the Architect on the roof plan or other applicable plan in the final construction drawings indicating that parapets must be a minimum of 12" above the highest point of any skylight.

5.11. WINDOWS

In authentic desert architecture, windows have always been deeply recessed and/or shaded to protect the openings from the strong sun and heat. In addition to protection from the sun, the deep window recesses give the appearance of strength to the architecture and dimension to the wall thickness. Therefore, all homes at Pasi3n shall have recessed

windows and glazing Windows that are flush with the surrounding wall plane will not be allowed. Windows should also be located and sized so as to limit heat gain to the Residence's interior and not cause any objectionable glare at any time, day or night. The use of overhangs, deep window opening recesses and other shading devices is encouraged.

In order to cause recessed windows and glazing for all homes within Pasi3n, the plane of the glass of all windows must be recessed a minimum of 3" from the exterior surrounding wall face. Typically, the larger the plane of glass, the greater the recess should be, therefore, windows or window assemblies that are larger than 5'-0" high by 6'-0" wide, including sliding glass doors, will be required to have a greater recess or setback from the surrounding wall plane. "Pop outs" around windows will not be allowed unless, in the opinion of the Committee, the window surround is treated as a mass element.

Glass block has the same constraints as listed above for windows. Glass block shall be limited to no more than 32 surface square feet per location and no more than 72 surface square feet total per Residence, unless otherwise approved by the Committee. Glass block is not allowed in decorative patterns or shapes. Colored glass block is not allowed.

The use or addition of fabric-type awnings, exterior sunshades or other shading devices that do not appear integrated into the design of a Residence is strongly discouraged and can only be allowed if, in the opinion of the Committee, the element is integrally designed into the character of the Residence and other Improvements and it does not have a negative impact on the overall visual harmony of Pasi3n. Sun control and shading demands should be analyzed with the initial concepts and designed as an integrated part of the Residence through the use of correct solar orientation, broad roof overhangs, shading masses and deeply recessed windows. In general, the attachment of shading devices to the Residence is not considered an integrated solution. If allowed by the Committee, these shading devices must meet the requirements of Section 5.5 Colors.

5.12. INTERIOR LIGHTING

Windows can also create a contrast problem at night if interior lighting is not properly designed or installed. If clerestory windows are combined with soffit lighting, the lamp must be screened from view from outside, including above, and directed away from the window. The lamps of interior soffit lighting must not be Visible From Neighboring Property. Soffit and interior lighting, that creates "hot spots" when the light reflects off of walls or ceilings, should be avoided. Interior lighting may not be directed up into any skylights.

5.13. PATIOS AND COURTYARDS

Patios and courtyards should be designed as an integral part of the Residence so they can be shaded and protected from the sun by roofs and building masses. These open areas can take advantage of natural air flows to produce cooler temperatures. By orienting these outdoor spaces inward, disturbance of the desert will be minimized. Outdoor firepits and outdoor fireplaces must be gas burning only due to concerns about fire danger. Wood-burning outdoor firepits or outdoor fireplaces will not be allowed.

5.14. PATIO AND COURTYARD FURNITURE

In order to maintain the visual integrity of Pasi3n, all patio and courtyard furniture, including umbrellas, must meet the intent of Section 5.5 Colors. White or brightly colored patio and courtyard furniture and accessories will not be allowed. These standards shall also apply to patio or exterior furniture on rooftop decks. Umbrellas will not be allowed on roof decks.

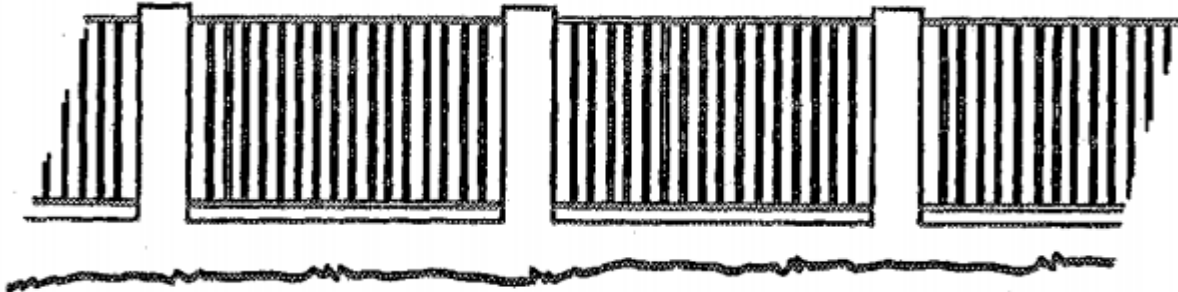
5.15. SOLAR APPLICATIONS

Passive solar applications or the orientation and design of the Residence for maximum winter sun gain will reduce the winter heating needs, and will be encouraged. Active solar collectors can cause excessive glare and reflection, and can only be approved if they are integrated into the structures or landscaping on a Lot. As with all design elements of a Residence or other Improvements, solar collectors must be integrally designed, aesthetically pleasing and meet all other applicable restrictions set forth in these Guidelines. Solar collectors must not be Visible From Neighboring Property or cause excessive glare.

5.16. SCREEN WALLS/SITE WALLS/YARD WALLS/ FENCES

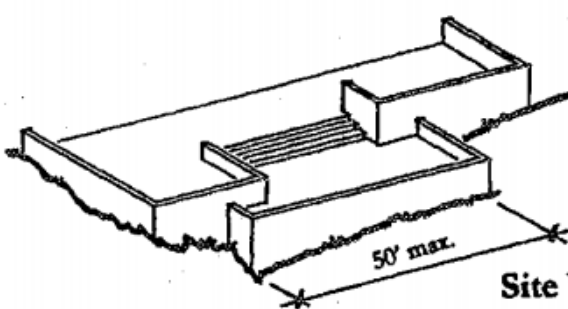
Screen walls and site walls should be a visual extension of the architectural design of the Residence and these walls should express the same design forms, geometry and massing as the Residence. They may be used to separate the Private Areas from the rest of the Building Envelope, to provide the required safety enclosure for swimming pools, and to provide screening for parking and service areas. Walls or fences may not be used to delineate property lines or to arbitrarily delineate the Building Envelope and more specifically, no walls or fences are allowed to follow the property lines or the Building Envelope lines. The materials, forms and colors of any walls and fences must conform to the standards described in these Guidelines. Walls or fences shall be consistent and/or complimentary to the materials, forms and colors of the Residence.

Chain link fences (except as temporarily allowed by Section 6.5 of these Guidelines), wire-type fences, split-rail fences, other types of wooden fences, or "dooley" walls are not allowed on any Lot. In addition, industry-standard "view-wall" fencing, as illustrated below, is not allowed. Open metal fencing or railings may be allowed by the Committee, if, in the opinion of the Committee, the design is integrated into the overall composition of the architecture and design elements of the Residence and other Improvements.



View-Wall Fencing - Not Acceptable

In addition to conforming with the forms, geometry and massing of the Residence, site walls and fences shall not exceed 50'-0" horizontally in an unbroken plane. Horizontal and vertical stepping of walls and fences is encouraged with careful attention to the engagement of masses, the articulation of overlapping planes, and the stepping of wall heights. The drawing below illustrates the intent of this guideline.



Acceptable
Engaged Masses
Relates to Forms of House



Unacceptable
No Massing
Not Integrated into Design of Home
Arbitrary Shape

5.17. SERVICE YARD

All above-ground garbage and trash containers, clotheslines, mechanical equipment, pool equipment and other outdoor maintenance and service facilities must be completely screened by walls and gates, at least one (1) foot higher than the equipment, from Adjacent Lots, streets or other Common Areas. Gates or a "maze" entry that provides complete screening shall be required around all mechanical and pool equipment enclosures. The Committee may, at its sole discretion approve the use of landscape to screen mechanical and pool equipment if it can be demonstrated that sufficient screening can occur.

5.18. GUEST HOUSES, GUEST SUITES AND CASITAS

Such structures must be designed as a single visual element with the Residence and should be visually related to it by walls, courtyards or major landscape elements. A free-standing Guest House, Guest Suite or Casita may not exceed 1,000 square feet, unless otherwise approved by the Committee, and it must comply with applicable County zoning regulations. Only one Guest House, or Guest Suite or Casita may be constructed on any Lot, with approval from the Committee, provided all Improvements are within the Building Envelope and meet the requirements of the Guidelines.

A Guest Suite may be incorporated into any Residence. No Guest House, Guest Suite or Casita may be leased or rented, separate and apart from the lease or rental of the main Residence.

5.19. STORAGE TANKS

All water tanks or similar storage facilities shall be shielded from view from Adjacent Lots, streets or other Common Areas by walls or structures, or shall be located underground with all visible projections screened from view from Adjacent Lots, streets or other Common Areas. Tanks or storage containers containing fuel, oil, chemicals or similar substances are prohibited on any Lot, except for portable LP gas tanks that are five gallon and smaller in size.

5.20. SIGNAGE

Signage can become a visual nuisance if not limited, therefore all security, pool, construction, financing, for sale, for lease, open house, and other similar signs utilized for advertising or otherwise are prohibited within Pasi3n, except the following are permitted subject to approval of each by the Committee as to design, nature, color, number, location

and size:

- A. Address Identification devices described in Section 3.28 of these Guidelines.
- B. Temporary Construction Signs described in Section 6.17 of these Guidelines.
- C. Any "For Sale* Signs for all lots that have not been built upon. These signs shall be limited to no greater than six (6) square feet in size and no higher than four (4) feet above grade.
- D. Any "For Sale" Signs for speculative homes that are for sale for the first time when granted specific approval by the Committee. These signs shall be limited to no greater than six (6) square feet in size and no higher than four (4) feet above grade.
- E. Any signs allowed by the Declaration.

No signs other than those described above are allowed for homes that are completed. The Committee reserves the right to make exceptions as it deems appropriate.

5.21. FLAGPOLES

Due to visual concerns from the overall community as well as the desire to blend with the natural desert, free-standing flagpoles are not allowed on any Lot within Pasion. The display of the American flag is permitted and encouraged if it is hung from a pole-bracket mounted on the Residence or if it is suspended from a roof overhang.

5.22. RADON GAS PROTECTION

Although there has been no indication that significant amounts of radon gas are present in the soil of Pasi3n, the Committee recommends that each individual Lot be tested by a competent professional for the presence of radon gas. If a determination is made that protection system is needed, the design professional should be made aware of this and include it in the design of the Residence.

5.23. COLUMNS

In keeping with the intent of visual strength in the architectural design, column proportions are critical. Thin columns tend to visually appear weak. Columns must have a minimum dimension of 8" in diameter or width in both directions, and have a minimum slenderness

ratio of 1 to 12. (i.e., an 8'-0" tall column must be 8" wide and a 12'-0" tall column must be 12" wide). The Committee may grant exceptions to this guideline if determined by the Committee to be appropriate to the specific design. The patterns and spacing of columns must also relate to the design character of the house. Arbitrary and random column spacing will not be approved.

5.24. GARAGES

Garage structures must be attached to the main residence. Every effort should be made to minimize the impact of the garage and garage door(s) and therefore garage doors should not face the street. Side entry garages are strongly encouraged by the Committee. Careful siting and driveway orientation can ensure that a garage is recessed from view from the street and Adjacent Lots. In an effort to minimize the visual impact of the garage, no more than three (3) garage stalls (i.e., three (3) single garage doors; or one (1) single and one (1) double garage door) will be allowed on a single Residence, unless otherwise approved by the Committee. The appearance of the garage door must blend with the home design. Ornate garage doors are strongly discouraged.

Oversized garage doors, defined as garage doors taller than 8'-0" or wider than 18'-0", shall not be allowed on any Residence within Pasión.

5.25. UNIQUE EXTERIOR FEATURES

Unique exterior features including, but not limited to, entry arches, decorative gates, glass patterns, railings, stairs, roof decks, enclosures, shade structures, ramadas, fountains, gazebos, cabanas, exterior fireplaces, exterior artwork and sculpture, and the like must be designed as an integral part of the Residence. Requests for approval of unique exterior features should include detailed design information including sketches, cut sheets, photographs, etc. as a part of the Preliminary Design Submittal and the Final Design Submittal for approval by the Committee.

Specific restrictions include:

- A. Exterior stairs and, specifically, circular stairs and ladder-type stairs, must be screened so they are not Visible From Neighboring Property with a solid wall; open railings and exposed treads and risers on exterior stairs will not be allowed. Exterior ornamental stairs are not allowed.
- B. Outdoor fireplaces, firepits or similar items shall be gas fueled only due to concern of fire danger.

- C. Fountains or water displays shall be limited in height to no higher than five (5) feet above the grade at which they are located, and must be screened so they are not visible From Neighboring Property.
- D. Exterior artwork and sculpture shall be limited in height to no higher than ten (10) feet above adjacent finished grade or floor level including any stands or pedestals Exterior artwork must conform to the color standards of these Guidelines.

6. Construction Regulations

In order to ensure that the natural desert landscape of Pasión is not unduly damaged during construction, the following Construction Regulations must be made a part of the construction contract documents for each Residence or other Improvements on a Lot. All Builders and Owners shall be bound by these Regulations and any violation by a Builder shall be deemed to be a violation by the owner of the Lot.

The Committee has determined that policing of building sites during construction will be done by Committee Members, the Design Review Coordinator and the Association Manager. Violations of the Construction Regulations or any conditions of final approval which are discovered will be reported to the Association Manager, who will send a letter to the Builder involved. Copies of the letter will be sent to the Lot Owner and the Design Review Coordinator.

6.1. PRE-CONSTRUCTION CONFERENCE

Prior to commencing construction, the Builder must meet with the Design Review coordinator to review the Construction Regulations, procedures and guidelines of this section. Builders will be required to fill out a form listing subcontractors and suppliers for access to the project.

A "Construction Authorization Certificate" issued by the Design Review Coordinator or Association Manager on behalf of the Committee will be required to be posted at each construction site. The certificate should be posted on the back of the construction sign if it exists, or on a small fixed post located near the driveway at the street. In order to receive the Construction Authorization Certificate, the Final Design Submittal must be approved by the Committee and the construction documents received and reviewed for compliance with the Committee's stipulations for final approval. In addition, the Builder's Bond must be collected and the acknowledgment of receipt of the Construction Regulations must be signed by the Builder. No construction activity of any kind can take place until this Construction Authorization Certificate is received and posted.

6.2. BUILDER'S BOND

To assist the Committee in causing compliance with these Regulations, each Builder (not the Owner), before beginning any construction, shall post a cash bond in the amount of forty thousand dollars (\$40,000) with the Association. Should it become necessary for the

Committee or the Association to remedy any violation of these Regulations, or any condition of approval of the Final Design Submittal, the costs of such remedy can be charged against the bond.

The Builder's Bond will be refunded upon receipt of the Notice of Completion from the Owner and upon satisfactory completion of all requirements of the Final Construction Review as determined by the Committee.

6.3. OCCUPATIONAL SAFETY AND HEALTH ACT COMPLIANCE (OSHA)

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

6.4. CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.

Any Owner or Builder who desires to bring a construction trailer, field office or the like to Pasion shall first apply for and obtain written approval from the Committee. To obtain such approval, the Owner or Builder shall submit a copy of the site plan with proposed locations of the construction trailer or field office, the portable toilet and the trash receptacle noted thereon. Such temporary structures shall be removed upon completion of construction. No signage shall be allowed on any construction trailers and the color of any construction trailer or field office shall comply with Section 5.5 of these Guidelines. The construction trailer, if any, portable toilet, construction material storage and dumpsters must all be contained within the chain link fence and within the Building Envelope.

6.5. FENCING

To protect the Natural Area of a Lot from damage due to construction operations, a chain link fence at least five (5) feet high shall be installed to completely enclose the construction area prior to starting any footing or foundation work. The fence shall follow or be within the approved Building Envelope. The fence shall have a single entrance located at the driveway entrance, and shall be maintained intact until the completion of construction. The construction trailer, if any, portable toilet, construction material storage and dumpsters must all be contained within the chain link fence. In special cases the Committee may allow materials to be temporarily stored outside the chain link fence when specifically approved in advance by the Committee.

If it is necessary to conduct construction activities outside of a Building Envelope in order to

complete an Improvement falling within the Building Envelope, the Owner of the Lot, or his representative, may submit a request to the Committee for a Building Envelope infringement. If such a request is approved by the Committee, the construction area outside the Building Envelope will be required to be revegetated and returned as close as possible to its original condition to the satisfaction of the Committee.

6.6. DEBRIS AND TRASH REMOVAL

Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight material, packaging and other items shall be covered or weighted down to prevent their being blown off the construction site. In no case may debris and trash be allowed to exceed the top of the dumpster. The Committee reserves the right to assess fines to Builders and Owners who fail to prevent debris from blowing or being disposed of on other Lots or Common Areas. Builders are prohibited from dumping, burying or burning trash anywhere on Pasión except as expressly permitted by the Committee. During the construction period, each construction site shall be kept neat and clean, and shall be properly policed to prevent it from becoming a public eyesore or affecting other Lots or any open space. Unsightly dirt, mud or debris resulting from activity on each construction site shall be promptly removed and the general area cleaned up.

Dumpsters or other waste receptacles must be located within the Building Envelope and within the fenced construction site or in areas specifically approved in writing by the Committee. For physically constrained sites, smaller dumpsters with more frequent removal may be necessary in order to fit the dumpster within the construction fencing.

6.7. WASHOUT AND CLEANING

Washout of concrete trucks or the washout and cleaning of any equipment by masons, plasterers, painters, drywallers, etc. must be contained within the Building Envelope of each Lot. Washout or cleaning residue shall not be allowed to flow off of the Lot or into washes, drainage ways or any Natural Area locations on the Lot. Fines may be imposed against an Owner and its Builder and/or its Builder's Bond for any violations to this provision. The Owner will also be responsible for restoring the damaged area to its natural state.

6.8. SANITARY FACILITIES

Each Owner shall be responsible for causing its Builder to provide and maintain adequate sanitary facilities for his construction workers Portable toilets or similar temporary toilet

facilities shall be located only within the Building Envelope and within the fenced construction site or in areas specifically approved in writing by the Committee.

6.9. VEHICLES AND PARKING AREAS

Construction crews shall not park on, or otherwise use, other Lots, Common Areas or any other open space. Private and construction vehicles and machinery shall be parked only within the Building Envelope and the fenced construction site or in areas designated by the Committee. All vehicles shall be parked so as not to inhibit traffic on adjacent streets. Parking of construction vehicles and equipment on the streets overnight is prohibited unless otherwise approved by the Committee or the Association.

Each Builder shall be responsible for its subcontractors and suppliers obeying the speed limits posted within Pasi3n. Fines may be imposed against the Builder and/or its Builder's Bond for repeated violations. Adhering to the speed limits shall be a condition included in the contract between the Builder and its subcontractors/suppliers.

6.10. EXCAVATION MATERIALS

Excess Excavation materials must be hauled away from Pasi3n and disposed of properly. Dumping of excess Excavation materials within Pasi3n is prohibited.

6.11. BLASTING

If any blasting is to occur, the Committee and the Association must be informed at least four (4) weeks in advance to allow each to make such investigation as each deems necessary and to review any proposed protective measures to be taken prior to the blasting. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the Committee and the Association. Applicable governmental requirements concerning blasting must be observed. The Committee and the Association assume no liability resulting from any blasting nor does the Committee or Association pass judgment on the appropriateness of any proposed protective measures.

6.12. RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGE

Damage and scarring to property other than the Lot, resulting from construction operations including, but not limited to, open space, landscape, boulders, other Lots, roads, driveways,

concrete curb and gutter, 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 Builder.

In order to avoid disputes after the fact, it is the responsibility of the Builder to declare in writing to the Committee any existing damage to the surrounding area prior to any construction activity on the Lot. For example, if a concrete curb on the street in front of the Lot is cracked before any construction commences, it is beneficial to the Builder to declare this damage in writing to the Committee in order to avoid any potential claims of damage at a later time.

6.13. MISCELLANEOUS AND GENERAL PRACTICES

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, Builders, contractors, and subcontractors while on the premises of Pasi3n. The following practices are prohibited:

- A. Changing oil or otherwise servicing any vehicle or equipment on the site itself or at any other location within Pasi3n, other than at a location designated for that purpose by the Committee.
- B. Allowing concrete suppliers, plasterers, painters or any other subcontractors to clean their equipment other than at locations specifically designated for that purpose by the Committee. Residue from cleaning is not allowed to flow into washes, drainage ways or Natural Area locations.
- C. Removing any rocks, plant material, topsoil or similar items from any property of others within Pasi3n, including other construction sites.
- D. Carrying any type of firearms within Pasi3n.
- E. Using disposal methods or units other than those approved by the Committee.
- F. Careless disposition of cigarettes and other flammable material. Due to fire and litter concerns, each job site shall have an ash urn for the disposition of cigarettes. This urn may be as simple as a five-gallon bucket filled with sand.
- G. Careless treatment or removal of any desert plant materials not previously approved for removal by the Committee.
- H. Use of, or transit over, any Common Area paths or trails.

- I. No pets, particularly dogs, may be brought into Pasión by construction personnel. In the event of any violation hereof, the Committee, the Association or Declarant shall have the right to contact County authorities to impound the pets, to refuse to permit the Builder or subcontractor involved to continue work on the project, or to take such other action as may be permitted by law, these Guidelines or the Declaration.
- J. Radios and other audio equipment playing music on construction sites within Pasión are not permitted. This restriction is to avoid impacting homeowners living at Pasión.
- K. Catering trucks will not be permitted to use their horns; their schedules are routine enough for workers to be aware of break times. Also, trash generated by the purchase of items from these trucks should be contained and disposed of properly. Repeated problems with these requirements could result in the catering trucks being denied admittance to the property.
- L. Fires for the purpose of warming in winter.
- M. Storage or parking of non-construction-related vehicles, such as trailers, boats, etc., at the construction site.

6.14. FIRE PROTECTION

At least one full and operable 10-pound ABC-rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times. Absence of such a device may result in fines against the Builder or the Builder being denied access to the construction site.

6.15. CONSTRUCTION ACCESS

The only approved construction access during the time a Residence or other Improvement is under construction will be over the approved driveway location for the Lot unless the Committee approves an alternative access point. In no event shall more than one (1) construction access be permitted onto any Lot.

The location of the construction entrance into the Pasión project, along with the standard procedures and operations of the gate, if any, will be determined from time to time by the Association and issued to each Builder working within Pasión.

6.16. DUST AND NOISE

The Builder shall be responsible for controlling dust and noise, including without limitation music, on the construction site.

6.17. TEMPORARY CONSTRUCTION SIGNAGE

In an effort to maintain the residential character of Pasi3n and to minimize the visual clutter that unlimited construction signage can cause, the Committee will require all temporary construction signs to meet the following criteria, but the Committee shall have the right to approve all signs:

- A. Signs, if any, shall be single-faced, panel type, with a maximum area of six (6) square feet. No additional signs may be attached to the main sign or be suspended below it, although separate sign panels that link together to form a single visual sign that meets all the requirements of this section will be acceptable. No lighting of construction signage is allowed.
- B. Colors of sign backgrounds should be muted earth tones which harmonize with the desert colors rather than sharply contrast with them. Letter colors should relate harmoniously with the background colors while providing sufficient contrast to enable the sign to be read from approximately twenty (20) feet away.
- C. Temporary construction signs must be removed at the time the house is substantially complete or when the Committee directs the sign to be removed.

6.18. DAILY OPERATION

Daily working hours for each construction site shall be determined by the Association and the Committee. Typically, these hours shall not be earlier than thirty (30) minutes before sunrise nor later than thirty (30) minutes after sunset, although the Committee and the Association shall have the right to establish other restrictions and regulations on hours of construction. No construction shall be allowed on Sundays, unless specifically approved by the Committee or the Association.

6.19. OWNERS CONTRACT WITH BUILDER

Each Owner shall be responsible for causing its Builder to comply with the foregoing Construction Regulations, and shall require such compliance by Builder in the construction contract between Owner and Builder.

APPENDICES

Appendix A

DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases when used in these Guidelines shall have the following specific meanings. Terms used herein which are defined in the Declaration shall have the meanings specified therein.

- 7.1. "Adjacent Lot" means any Lot that shares a common boundary with any portion of the subject Lot, as well as any Lot that is located directly across a street or across a Common Area less than fifty (50) feet wide.
- 7.2. "Applicant" means the specific individual person identified as the applicant on the application form submitted to Committee as the applicant to whom all design review correspondence shall be addressed.
- 7.3. "Architect" means a person appropriately licensed to practice architecture in the State of Arizona.
- 7.4. "Association" shall have the meaning set forth in the Declaration.
- 7.5. "Board" means the Board of Directors of the Association.
- 7.6. "Builder" means a person or entity engaged by an Owner, including the Owner acting as Builder, for the purposes of constructing any Improvement on the Owner's Lot.
- 7.7. "Building Envelope" means that portion of a Lot, as described in Section 3.1 of these Guidelines, and identified on the approved Pasión en la Colina del Cascabel Building Envelope Exhibit, including any modifications as made from time to time pursuant to the Guidelines, which encompasses the maximum allowed developable area of the Lot.
- 7.8. "Building Envelope Exhibit" means the document showing the Building Envelope requirements for Pasión en la Colina del Cascabel, including any amendments and changes as may be allowed by the Committee from time to time. This document is available from the Committee upon request.
- 7.9. "Committee" means the Design Review Committee established pursuant to the Declaration.
- 7.10. "Common Area" shall have the meaning set forth in the Declaration.
- 7.11. "County" means Pinal County, Arizona.
- 7.12. "Cut" means removal of soil, rock or other earth materials to create a finished

- grade that is lower than the existing natural grade.
- 7.13. "Declaration" means the "Declaration of Covenants, Conditions, Restrictions and Grant of Easements for Pasi3n en la Colina del Cascabel" recorded in the official records of Pinal County, Arizona, as amended from time to time.
- 7.14. "Declarant" shall have the meaning set forth in the Declaration.
- 7.15. "Design Review Committee" means the Pasi3n en la Colina del Cascabel Design Review Committee established pursuant to the Declaration.
- 7.16. "Design Review Coordinator" means the individual appointed by the Committee to serve as the coordinator and liaison for the Committee.
- 7.17. "Excavation" means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of soil, rock, other earth materials or other substance from a depth of more than twelve inches (12") below the existing surface of the land, or any grading of the surface.
- 7.18. "Fill" means any addition of soil, rock or other earth materials to the surface of the land which increases the elevation of such surface from its existing state.
- 7.19. "Final Design Submittal" means all drawings and information required by Section 2.6 of these Guidelines to be submitted to the Committee for final approval.
- 7.20. "Finished Floor Elevation" means the floor elevation of any portion of a Residence as measured from topographic elevations.
- 7.21. "Guest House" means a structure, separate from the main structure of the Residence, having sleeping facilities for one or more guests.
- 7.22. "Guest Suite" means sleeping facilities incorporated into the main structure of the Residence for the use of one or more guests.
- 7.23. "Guidelines" means "Pasi3n en la Colina del Cascabel Design Guidelines".
- 7.24. "Improvement" means any changes, alterations or additions to a Lot, including any Excavation, Cut, Fill, Residence, buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, landscape, poles, signs, exterior art and any structure or other modification of any type or kind, including all "Improvements" as defined in the Declaration.
- 7.25. "Lot" means a subdivided Lot as shown on the plat of record for Pasi3n en la Colina del Cascabel as further defined in the Declaration.
- 7.28. "Natural Area" means that portion of the Lot as described in Section 3.2 of these Guidelines, which must remain undisturbed, lying within a Lot, but outside of the Building Envelope.
- 7.29. "Owner" means the Owner (as defined in the Declaration) of a lot. For the purposes herein, the Owner may act through his designated agent, provided that such agent is authorized in writing or by law to act in such capacity.
- 7.30. "Pasi3n en la Colina del Cascabel Design Guidelines" means the restrictions, procedures and regulations relating to all Lots in Pasi3n en la Colina del

Cascabel and set forth herein, as adopted and enforced by the Committee, and as amended from time to time by it.

- 7.31. "Preliminary Design Concepts" means the early conceptual drawings and information that demonstrates the design intent as required by Section 2.3 of these Guidelines to be submitted to the Committee for discussion purposes only.
- 7.32. "Preliminary Design Submittal" means all drawings, models and information required by Section 2.5 of these Guidelines to be submitted to the Committee to obtain preliminary design approval.
- 7.33. "Residence" means any building or buildings, including any garage or other accessory building used for residential purposes, constructed on a Lot, and any Improvements constructed in connection therewith. Unless otherwise defined, "Residence shall mean a single-family Residence.
- 7.34. "Structure" means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.
- 7.35. "Visible From Neighboring Property" shall have the meaning set forth in the Declaration.

Appendix B

DESIGN REVIEW COMMITTEE

The formation, duties and other aspects of the Pasión en la Colina del Cascabel Design Review Committee shall be as described in the Declaration.

Appendix C

APPROVED PLANT LIST

The Committee has found the plants included in the following list to be inherently compatible with the natural desert existing at Pasión and encourages their use. Any species not contained herein may not be planted or installed within Pasión without written approval from the Committee. All species of cacti, trees or shrubs not listed below, which have been found to be indigenous to the Pasión area, are acceptable for use within Pasión, but their specific uses must be approved by the Committee. Non-indigenous plant materials which normally reach a mature height greater than twenty (20) feet may not be used in Pasión.

Indigenous species are preceded by an asterisk (*). Only indigenous plants may be used in the Natural Areas and the Transitional Areas outside the site walls. The density and mix of any added indigenous plant material should approximate those found in the general area.

TREES	
Acacia Abyssinica	Abyssinian Acacia
Acacia cavenia	
Acacia eburnia	Needle Acacia
Acacia farnesiana (smallii)	Sweet Acacia
Acacia schaffneri	
Acacia species	
Caesalpinia platyloba	Bird of Paradise
*Canotia holacantha	Crucifixion Thorn
*Celtis pallida	Desert Hackberry
*Celtis reticulata	Net Leaf Hackberry, Palo Blanco
*Cercidium floridum	Blue Palo Verde
*Cercidium microphyllum	Foothills Palo Verde
Cercidium Praecox	Palo Brea
*Chilopsis linearis	Desert Willow, Desert Catalpa
*Olneya tesota	Ironwood
Pithecellobium brevifolium	Apes Earring
Pithecellobium flexicaule	Texas Ebony

Prosopis alba	Argentine Mesquite, White Mesquite
Prosopis chilensis	Chilean Mesquite
Prosopis glandulosa	Honey Mesquite
Prosopis pubescens	Screwbean Mesquite
*Prosopis velutina (juliflora)	Velvet Mesquite
SHRUBS	
Acacia angustissima	Fern Acacia
Acacia constricta	White Thorn Acacia
Acacia craspedocarpa	Leather Leaf Acacia
*Acacia greggii	Catclaw Acacia
*Agave species	Parryi Tomeyi
Aloysia wrightii	Highmass
*Ambrosia ambrosioides	Canyon Ragweed
*Ambrosia deltoidea	Bursage
Ambrosia dumosa	White Bursage
*Anisacanthus thurberi	Desert Honeysuckle
Asclepias subulata	Desert Milkweed
Asclepias tuberosa	Butterfly Weed
Atriplex canescens	Four-Wing Saltbush
Atriplex lentiformis	Quail. Bush
Atriplex muelleri	
Atriplex nummularia	Old Man Saltbush
Atriplex polycarpa	Desert Saltbush / Cattle Spinach
Atriplex rhagodiodes	
Atriplex torreyi	Nevada Salt Bush
*Berberis haematocarpa	Barberry
Buddleia marrubifolia	Woolly Butterfly Bush
Bursera fagaroides	Fragrant Bursera
Caesalpinia gilliesii	Yellow Bird of Paradise
Caesalpinia mexicana	Mexican Poinciana
Caesalpinia pulcherrima	Mexican Bird of Paradise
*Calliandra eriophylla	Pink Fairy Duster
Calliandra californica	Red Fairy Duster
Cassia artemisioides	Feathery Cassia
Cassia biflora	Texas Cassia
Cassia circinnata	

Cassia goldmannii	
Cassia leptophylla	Gold Medallion Tree
Cassia nemophila	Green Feathery Cassia
Cassia phyllodinea	Silver Cassia
Cassia wislizenii	Shrubby Cassia
*Ceanothus greggii	Desert Ceanothus
*Cercocarpus montanus	Mountain Mahogany
Cordia parvifolia	
Dalea bicolor	Indigo Bush
Dalea formosa	Feather Dalea
Dalea greggii	Prostate indigo Bush
*Dalea pulchra	Gregg Dalea
Dalea wislizeni	Indigo Bush
*Dodonaea viscosa	Hopbush
*Ephedra species	Mormon Tea
*Ericameria laricifolia	Turpentine Bush
*Eriogonum fasciculatum	Desert Buckwheat
Eriogonum fasciculatum v polifolium	Flattop Buckwheat
*Eriogonum wrightii	Wright's Buckwheat
Fallugia paradoxa	Apache Plume
*Fouquieria splendens	Ocotillo
Holacantha emoryi	Crucifixion Thorn
*Hyptis emoryi	Desert Lavender
Jatropha cardiophylla	Limber Bush
*Juniperus monosperma	One-Seed Juniper
Justicia candicans	Firecracker Bush
*Justicia californica	Chuparosa
Justicia spicigera	Mexican Honeysuckle
Krameria parvifolia	Ratany
*Larrea tridentata	Creosote Bush
Leucaena retusa	Gold Lead Ball Tree
Leucophyllum frutescens	Texas Sage, Texas Ranger
Leucophyllum laevigatum	Chihuahuan Sage
Leucophyllum species	
*Lotus rigidus	Desert Rock-Pea
*Lycium andersonii	Anderson Thornbush
*Lycium brevipes	Thornbush

*Lycium fremontii	Wolfberry, Tomatillo
*Mimosa biuncifera	Catclaw
Mimosa dysocarpa	Velvet Pod Mimosa
Mimulus cardinalis	Monkey Flower
Nolina bigelovii	Bigelow Nolina
*Nolina microcarpa	Bear Grass
*Quercus turbinella	Scrub Oak
Rhamnus californica	Coffeeberry
*Rhamnus crocea	Redberry Buckthorn
*Rhus ovata	Sugar Sumac
Rhus trilobata	Lemonade Bush
Ruellia peninsularis	Ruellia
Salvia chamaedryoides	Blue Sage
Salvia greggii	Autumn Sage
Salvia species	
Senecio salignus	Willow Leaf Groundsel
Senecio douglasii	Thread Leaf Groundsel
*Simmondsia chinensis	Jojoba
Sophora arizonica	Arizona Sophora
Sophora secundiflora	Texas Mountain Laurel
Tecoma stans	Arizona Yellow Bells
*Trixis californica	Trixis
Vauquelinia californica	Arizona Rosewood
*Viguiera deltoidea	Golden Eye
Zinnia grandiflora	Prairie Zinnia
*Ziziphus obtusifolia	Graythorn
VINES	
Antigonon leptopus	Coral Vine
Cissus trifoliata	Arizona Grape Ivy
Clematis drummondii	Old Man's Beard
Mascagnia lilacina	Lilac Orchid Vine
GROUNDCOVERS	
Acacia redolens	Trailing Acacia
Dalea greggii	Trailing Indigo Bush
Verbena peruviana	Peruvian Verbena

Verbena pulchella	
PERENNIALS	
*Baileya multiradiata	Desert Marigold
*Cassia covesii	Desert Senna
*Castilleja chromosa	Indian Paintbrush
*Delphinium scaposum	Bare-Stemmed Larkspur
*Dichelostemma pulchellum	Blue Dick
*Dyssodia porophylloides	Dyssodia
*Machaeranthera species	Aster
*Melampodium leucanthum	Blackfoot Daisy
Menodora scabra	Menodora
*Mirabilis multiflora	Desert Four O'Clock
Muhlenbergia rigens	Deer Grass
Oenothera	Evening Primrose
*Penstemon eatonii	Beard Tongue
*Penstemon parryi	Beard Tongue
Penstemon species	
Penstemon superbus	Beard Tongue
Phlox tenuifolia	Phlox
*Psilostrophe cooperi	Paperflower
Salvia farinacea	Mealycup Sage
Senecio douglasii	Groundsel
Sphaeralcea ambigua	Globemallow
Tagetes lemmonii	Mt. Lemmon Marigold
Verbena (Glandularia)	Vervain
Verbena gooddingii	Goodding's Verbena
Verbena rigida	Vervain
ANNUALS	
*Datura meteloides	Sacred Datura
*Erigeron species	Fleabane Daisy
Eschscholzia mexicana	Mexican Poppy
Gilia flavocincta	Gilia
Kallstroemia grandiflora	Arizona Poppy
Lupinus concinnus	Lupine
*Lupinus sparsiflorus	Lupine

Lupinus succulentus	Lupine
*Mentzelia species	Stickleaf, Blazing Star
Oenothera species	Evening Primrose
Phacelia campanularia	Desert Blue Bell
*Rafinesquia species	Desert Chicory
*Salvia columbariae	Chia
SUCCULENTS AND CACTI	
*Agave species	Century Plants (Parryi, Toumeyi)
Aloe species	
*Carnegiea gigantea	Saguaro
*Cereus greggii	Night-Blooming Cereus
*Dasylyrion wheeleri	Desert Spoon
Echinocactus grusonii	Golden Barrel Cactus
*Echinocereus engelmannii	Hedgehog Cactus
*Ferocactus acanthodes	Compass Barrel
Ferocactus mislizenii	Fishhook Barrel
Hesperaloe parviflora	Coral Yucca
*Mammillaria microcarpa	Fishhook Pincushion
*Opuntia acanthocarpa	Buckhorn Cholla
Opuntia basilaris	Beavertail Prickly Pear
*Opuntia bigelovii	Teddy Bear Cholla
*Opuntia chlorotica	Pancake Prickly Pear
*Opuntia engelmannii	Desert Prickly Pear
*Opuntia fulgida	Chain Fruit Cholla
*Opuntia leptocaulis	Desert Christmas Cholla
Opuntia violacea	Purple Prickly Pear
*Yucca baccata	Banana Yucca
*Yucca elata	Soaptree Yucca

REVEGETATION PLANT MIX

The following is a general recommendation for basic ground cover revegetation with one gallon and larger plant material as required in Section 3.12. When used in conjunction with specimen indigenous trees, cacti and large shrubs, as well as with a revegetation seed mix, this should provide a revegetation area that is natural in appearance upon maturity.

Recommended
Quantity of
One-Gallon
Plants per 1,000ft²

GROUND COVER PLANT MIX

Ambrosia deltoidea	Bursage	26.0
Eriogonum wrightii	Wright's Buckwheat	8.0
Larrea tridentata	Creosote Bush	6.0
Calliandra eriophylla	Pink Fairy Duster	2.5
Eriogonum fasciculatum	Desert Buckwheat	2.0
Acacia greggii	Catclaw Acacia	2.0
Opuntia acanthocarpa	Buckhorn Cholla	2.0
Celtis pallida	Desert Hackberry	0.5
Yucca elata	Soaptree Yucca	0.5
Ferocactus acanthodes	Compass Barrel	0.5

Recommended Distribution:

Revegetation plants should be placed in natural formations that duplicate the adjacent undisturbed desert. Natural clustering and distribution patterns should be duplicated.

Strict adherence to the recommended distribution is not encouraged. The goal should be to match the appearance of the adjacent undisturbed desert.

REVEGETATION SEED MIX

Note: This is not a replacement for revegetation with one-gallon and larger plant material.

TREES, SHRUBS AND FORBES SEED MIX		Recommended Application Rate <u>In Ounces per Acre</u>
Ambrosia deltoidea	Bursage	3.0
Eriogonum wrightii	Wright's Buckwheat	0.5
Eriogonum fasciculatum	Desert Buckwheat	0.5
Acacia greggii	Catclaw Acacia	2.0
Prosopis juliflora	Native Mesquite	1.0
Cercidium microphyllum	Foothills Palo Verde	1.0
Calliandra eriophylla	Pink Fairy Duster	1.0
Cercidium floridum	Blue Palo Verde	1.0
Larrea tridentata	Creosote Bush	1.0
Yucca elata	Soaptree Yucca	1.0
Viguiera deltoidea	Goldeneye	0.5
Baileya multiradiata	Desert Marigold	0.5
Lupinus sparsiflorus	Lupine	0.5
Escholtzia Mexicana	Mexican Poppy	0.5
Phacelia campanularia	Blue Bells	0.5

Recommended Application Method:

1. Rip or scarify all areas to be seeded to a minimum depth of four inches (4").
2. Cover all areas that have excessive amounts of hard granite (hardpan) or alkaline soil with a minimum of six inches (6") of friable topsoil after ripping.
3. Broadcast seed mix at the rates described above in a uniform manner, ensuring that all areas are evenly covered; either mechanical or hand broadcasting methods are acceptable.
4. Mechanically drag or rake all seeded areas after all seed is uniformly applied. Ideally this should happen after the boxed plant material is installed, and before the small containerized plants are installed.
5. No supplemental irrigation is required.

Appendix D

PROHIBITED PLANT LIST

The following may not be planted or maintained anywhere in Pasión:

1. Any species of tree or shrub whose mature height may reasonably be expected to exceed twenty (20) feet, with the exception of those species specifically listed as approved by the Committee.
2. All Palms (Palmae) whose mature height may reasonably be expected to exceed six (6) feet will be prohibited for aesthetic reasons as well as their high maintenance requirements. Dwarf varieties whose mature height may reasonably be expected to be less than six (6) feet will be allowed only in Private Areas within the confines of a private garden and behind site walls.
3. All Pines (Pinus), Cypress (Cupressus), False Cypress (Chamaecyparis), Juniper or Cedar (Juniperus), except those species specifically approved, whose mature height may reasonably be expected to exceed six (6) feet, will be prohibited for aesthetic reasons. Dwarf varieties, and those whose mature height may reasonably be expected to be less than six (6) feet, may be used immediately adjacent to the entry to a Residence, or in Private Areas within the confines of a private garden and behind site walls.
4. Olive trees (*Olea europaea*) will be prohibited for reasons of their profuse production of allergy-producing pollen, as well as for aesthetic reasons.
5. Oleanders (*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 excessive height. Dwarf varieties may be allowed only in Private Areas within a private garden and behind site walls.
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. All varieties of Citrus will be prohibited for aesthetic reasons and for their profuse production of allergy-producing pollen. Dwarf varieties are permissible only in Private

Areas within the confines of a private garden and behind site walls.

8. Common Bermuda Grass (*Cynodon dactylon*) will be prohibited as a defined weed.
9. Mexican Palo Verde (*Parkinsonia aculeata*) will be prohibited as a harbinger of pests and because of its ability to spread throughout the development, thereby altering the present natural desert.
10. Desert Broom (*Baccharis sarothroides*) female plants are prohibited as a defined weed with potential to spread throughout the development. Male plants are acceptable provided they are marked (tagged) as such and purchased from a reputable nursery.

Appendix E

APPROVED SLOPED ROOF MATERIAL LIST

In order to minimize the visual impact of sloped roofs in Pasi3n, no solid red or terracotta tile roofs will be permitted. The use of very deep and dark colors for roof materials will blend with the natural environment and minimize the bright effects of the direct sun. These Guidelines further prohibit other bright colors. In addition to the approved roofing materials listed below, roofing tiles having a mottled appearance or tiles of an earth color, other than red, will be considered on a case-by-case basis.

The following roof materials and colors are most often approved for use on any Lot in Pasi3n:

- A. Two-piece "Pinto" sand cast tile, also known as "Borgata" or "Algodones". It should be installed with at least 75% of the cap tiles showing less than 50% red color. Pan tiles may show up to 100% red. The tiles may be mortar-set.

- B. Clay Tiles (Boral Roofing Products)
 - Rustic Carmel Blends: Tops (1UAD10075) Pans-(1UBDU0073), S Tile-(1USD10075)
 - Carmel Blend: Tops- (1UADU0075) Pans-(1UBDU0073) S Tile-(1USOU0075)

- C. Concrete Tiles: Eagle Roofing Products
 - Capistrano** (also known as "S" profile):
 - 3636 Piedmond Blend
 - 3645 Sunrise Blend
 - 3684 San Rafael Blend
 - 3785 Clay Springs
 - 39706 Grand Canyon (specifically made to replace the look of sand cast roofing)
 - SMC 8402 Santa Cruz Blend
 - SMC 8403 Santa Barbara Blend
 - SHC 8709 El Morado Blend
 - SCC 8829 Santa Fe Blend

Textured slate: flat tile with texturing and tapered edge to give off an old world look:

- D. Two-piece "Barrel Tile" as manufactured by Redland Clay Tile in dark blended colors that meet the intent of the Guidelines, including standard colors of Adobe, Cafe Antigua, Old Sedona and Palmia Blend.
- E. "Holandesa", "Marsellesa", and "Portuguesa" tiles, in "Cafe" color only. Information on these tiles is available from Mexican Tile Company of Phoenix.
- F. Flat concrete tiles with dark blended or variegated colors that meet the intent of the Guidelines, subject to specific approval by the Committee, including:
 - a. Lifetile: Supershake #503 or #505 or California Shingle Tile #920 - in select colors.
 - b. Pioneer: Textured or smooth finish with smooth ends - in select colors.

It is not the intent of the Committee to limit choices to only these roof materials, patterns and colors. Anyone wishing to use another roof material, tile pattern or color may submit samples to the Committee for consideration. The Committee will consider other roofing materials and may approve them if, in the opinion of the Committee, the proposed material meets the intent of these Guidelines.

Appendix F

APPROVED COLORS LIST

The Committee has found the colors listed below to be compatible with the natural environment within Pasi3n and has approved them for use on Residences. The colors are identified by color number, color name and Light Reflectance Value (LRV). The maximum LRV allowed within Pasi3n is a maximum LRV of forty (40).

<u>DUNN-EDWARDS COLOR</u>		<u>DUNN-EDWARDS CROSSOVER PALLET</u>	
<u>Number</u>	<u>Name</u>	<u>Crossover/ HEX Code</u>	<u>LRV</u>
Q1-19D	"Flintsmoke"	<i>Sorrel Felt DET 624</i>	(32)
Q1-20D	"Walrus"	<i>Carmel Mission DET 694</i>	(23)
Q1-39D	"Grand Mariner"	<i>Bison Beige DEC 750</i>	(31)
Q1-40D	"Mississippi Delta"	<i>Carmel Mission DET 694</i>	(26)
Q3-19D	"Dry Earth"	<i>Baked Potato DEC 717</i>	(32)
Q3-20D	"Cocoa Mocha"	<i>Whole Wheat DE 6124</i>	(23)
Q5-19D	"Brown Owl"	<i>Baked Potato DEC 717</i>	(24)
Q5-20D	"Moonlily"	<i>Whole Wheat DE 6124</i>	(24)
Q5-39D	"Baja Brown"	<i>Saddle Up DET 690</i>	(31)
Q7-40D	"Tobacco Road"	<i>Natural Bridge DE 6194</i>	(27)
Q8-19D	"Flintstone"	<i>Calico Rock DE 6229</i>	(31)
Q8-39D	"Beaverwood"	<i>Sorrel Felt DET 624</i>	(34)
Q8-40D	"Antler Brown"	<i>Bison Beige DEC 750</i>	(26)
5324D	"Dust Storm"	<i>Cobblestone Path DE 6068</i>	?
5354D	"Potato Skin"	<i>Bison Beige DEC 750</i>	?
5364D	"Ander"	<i>Whole Wheat DE 6124</i>	?

5374D	"Bishop Brown"	<i>Cobblestone Path DE 6068</i>	?
5724D	"Brown Bread"	<i>Mesa Tan DEC 718</i>	?
5734D	"English Saddle"	<i>Mesa Tan DEC 718</i>	?
*NOTE: At times, Dunn-Edwards may change their color names and numbers. Contact your local Dunn-Edwards dealer for the most up-to-date listing.			
<u>FRAZEE COLORS</u>			
	<u>Name</u>		<u>LRV</u>
5324D	"Dust Storm"		(25)
5354D	"Potato Skin"		(27)
5364D	"Ander"		(29)
5374D	"Bishop Brown"		(23)
5724D	"Brown Bread"		(28)
5734D	"English Saddle"		(27)

Paint manufacturers other than Dunn-Edwards and Frazee may be utilized. Other colors may be proposed and will be considered by the Committee and may be approved if, in the opinion of the Committee, the proposed color(s) meets the restrictions and intent of these Guidelines.

A sample of the building color, along with the LRV number, is required as a part of the Final Design Submittal.

DESIGN REVIEW APPLICATION FORM

Applicant to complete the information below

Submit To:

Project Location:

		Owner:	
Lot #	Lot	Name	
Street Address		Mailing Address	
Legal Description		City/State/Zip	
		Phone	
		Fax	

Architect/Designer:

Contractor/Builder:

Firm		Firm	
Contact		Contact	
Mailing Address		Mailing Address	
City/State/Zip		City/State/Zip	
Phone		Phone	
FAX		FAX	

Site Information:

House Information:

Lot Size		Enclosed Conditioned	
Original Building Envelope		Enclosed Unconditioned	
Proposed Building Envelope		Covered/Under Roof	
		Building Color	Name
			Number
		Mfg	LRV

Description of Submittal:

Attach all necessary drawings & information

Applicant:

As applicant, either as Owner or Owner's Agent, I have read and understand the Design Guidelines and the CC&R's concerning design and construction

Applicant's signature

Print Name

Date

For Committee Use Only:

Received By	
Date	<input type="checkbox"/> Preliminary <input type="checkbox"/> Approved
Scheduled DRC Meeting Date	<input type="checkbox"/> Final <input type="checkbox"/> Approved w/ Stipe
Pre-Design Meeting Date	<input type="checkbox"/> Revision <input type="checkbox"/> Revise & Resubmit
Preliminary Approval Date	<input type="checkbox"/> Building Envelope <input type="checkbox"/> Rejected
Final Approval Date	