

*Beaver Creek Preserve  
Design Guidelines  
Initial Publication  
July 24, 2006  
Amended July 31, 2007  
Amended July 31, 2009*

**DESIGN GUIDELINES  
BEAVER CREEK PRESERVE  
HOMEOWNERS ASSOCIATION**

**A DEVELOPMENT BY  
BEAVER CREEK PRESERVE, INC**

**July 24, 2006  
Amended July 31, 2007  
Amended July 31, 2009**

***NOTICE: ALL LOT OWNERS, THEIR HOME DESIGNERS, AND THEIR  
BUILDING CONTRACTORS, MUST REVIEW THIS DOCUMENT BEFORE  
APPLYING FOR A BUILDING PERMIT FROM YAVAPAI COUNTY OR  
COMMENCING CONSTRUCTION***

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## **INTRODUCTION TO DEVELOPMENT PHILOSOPHY**

Beaver Creek Preserve, located in Rimrock, Arizona, offers a unique setting in an area that has not changed geologically for thousands of years. To ensure the preservation of the natural desert landscape, Beaver Creek Preserve has chosen an approach to site planning that is designed to harmonize, blend, complement and in some respects be subordinated to the natural environment as much as possible. As a Gated Planned Area Development, Beaver Creek Preserve will preserve upwards of 43.0 percent of the acreage as Common Area Open Space, and individual Lots will be subject to reasonable controls over building improvements.

The placement of each Dwelling and Improvements on a Lot must be considered unique in terms of its relationship to the natural terrain of the site and any drainage courses on site, providing both opportunities and constraints. In order to take full advantage of the unique characteristics, each area and each condition may require a different approach to design and construction. It is expected that the design of the Dwelling will be tailored to the topography and features of each Lot in order to achieve the desired synthesis of nature.

As you consider the various placements of your Dwelling within the Lot, you will want to assess your design drawings thoughtfully, orienting and designing your Dwelling in rhythm with the natural features of your property. Your Dwelling should appear to be an integral element of the landscape, rather than a structure superimposed on a site.

The placement of each Dwelling takes into consideration not only the views from the particular Lot itself, but must also take into account how placement affects and impacts the views from surrounding Lots.

The purpose of these Amended Design Guidelines is to allow for a variety of residential designs within a contemporary or southwestern style and to ensure that the various designs are compatible with each other, with the site and with Beaver Creek Preserve's environment in general. No Dwelling should stand so apart in its design or construction as to distract from the prevailing environment. Creativity and innovative use of materials and designs are encouraged, so long as the final result is consistent with the overall design and development philosophy. All Dwellings within Beaver Creek Preserve shall be of a Contemporary, Southwestern, Santa Fe, Tuscan or Pueblo Style.

In order to assist each Owner in the planning and design of their Dwelling, a comprehensive design review process has been established. Since the preservation and the enhancement of the

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unique natural environment at Beaver Creek Preserve is an important objective, the Design Review Committee (DRC) is charged with the responsibility of ensuring that objective is carried out in all phases of development.

## **INTRODUCTION TO DESIGN GUIDELINES**

The Design Guidelines are administered by the DRC. Its mission is to assist the individual homeowner and the professional architect or home designer in the task of building a Dwelling at Beaver Creek Preserve.

All Owners wishing to build at Beaver Creek Preserve must have their designers meet with a representative of the DRC prior to the commencement of the design process, and prior to submitting any plans to Yavapai County for a building permit. This should facilitate the design process and avoid possible misunderstandings in the future.

The Design Guidelines may be amended or supplemented from time to time by the DRC through the Board of Directors of the Beaver Creek Preserve Home Owner's Association in order to apply the spirit and intent of the overall development standards to particular individual situations.

### **1. DRC Members**

The initial Design Review Committee Members are the Principals of Beaver Creek Preserve, Inc.

### **2. Design Review Schedule**

The DRC will conduct reviews of individual Dwelling's architectural and construction drawings within ten (10) business days of their submittal, and the DRC shall provide the Owner with a written response and a redlined drawing showing any comments and requested changes. Any response an Owner may wish to make in reference to design issues raised by the DRC's review should be addressed to the DRC in writing.

All submittals made to the DRC become the property of the DRC and shall be retained in the records of the Association.

### **3. Design Review Process**

The Design Review Process encompasses the following four phases:

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- a). The Pre-Design Conference: At this meeting, each Owner, together with the Owner's architect/designer, has the opportunity to discuss and review conceptual plans with a representative of the DRC (formal drawings are not required, just concept drawings).
- b). The Preliminary Design Conference: At this meeting, each Owner, together with the Owner's architect/designer, has the opportunity to review a scaled 24 x 36 inch preliminary site plan, floor plans and Dwelling elevations, along with the proposed roofing material, exterior wall material and colors.
- b). Final Design Plan(s) Submittal: At this time the DRC is in a position to review the final architectural plans, site plan and construction documents for the proposed Dwelling and Lot Improvements to ascertain that they are consistent with the previously approved preliminary plans. The **Plan Review Application Sheet in Appendix A** of this document shall be submitted along with a **Review Fee of \$300.00** (check made out to the Beaver Creek Preserve Home Owner's Association).

**Submit by mail to the DRC or deliver to the Clubhouse, two copies** of a scaled ¼ inch = 1 foot, architectural drawing depicting the Dwelling's elevation (all sides) and a floor plan, along with a scaled topographical site plan showing the underlying topographical contours of the Lot and the exact proposed placement of the Dwelling, garage, patio, driveway, all exterior lights, satellite dishes, solar equipment, buried propane tank, air conditioner pad/enclosure, trash container enclosure, gutters and downspouts, all roof penetrations, walls, screen walls, fences, pool, spa, ancillary detached buildings/shed and any other proposed Improvements. The drawings should indicate the building materials being proposed and the Owner shall submit a sample of roofing tile material and paint samples of exterior colors.

The Owner or their design representative may obtain for a small fee, an accurate scaled topographical base of their Lot from True North Survey in Cottonwood, Arizona (928) 646-5951.

- c). Landscape Plans: Prior to the completion of the Dwelling and the issuance of a Certificate of Occupancy by Yavapai County, the Owner's landscape designer shall submit final landscape and irrigation plans for approval by the DRC, for all areas of the Lot being landscaped which lie outside of the Dwelling's patios or courtyards. **Note: By order of the Arizona Department of Water Resources, irrigation with portable domestic water will be limited to a 10,000 square foot envelope around each Dwelling, patios and driveways.**

**Due to the fact that Beaver Creek Preserve has private roads, the Open Space area lying between the Front Property line and the back of curb line (approximately 20 feet in depth), is to be landscaped and maintained by the Lot Owner. In the case of a Corner Lot, the Lot**

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**Owner will be responsible for both the front and side Open Space area in terms of landscaping and maintenance. Note: the Lot Owner may enjoy full passive use of these areas, however, no structures are allowed.**

d). The Final Inspection: Upon completion of the Dwelling, a representative of the DRC will inspect the home to determine whether there has been compliance with approved plans. Upon completion of any Dwelling, the Owner shall give written or email notice of completion to the DRC. If it is found that such work was not done in compliance with the approved plans, the DRC shall notify the Owner in writing of such non-compliance, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same.

If, upon the expiration of forty-five (45) days from the date of such notification by the DRC, the Owner shall have failed to remedy such non-compliance, the DRC may take such action to remedy this non-compliance provided for in these Design Guidelines or the Declaration, including, without limitation, injunctive relief.

#### **4. Additional Construction and/or Exterior Changes:**

Any changes to the approved drawings before, during and after the construction of an improvement must first be submitted for approval to the DRC.

#### **5. Resubmitted Drawings:**

In the event of disapproval by the DRC of a design item(s), any required resubmission of drawings must follow the same procedure as the original submittal.

#### **6. Review of Drawings By Adjacent Lot Owners:**

In the event an adjoining Lot(s) is/are already occupied by a completed Dwelling, the Owner of the Dwelling being reviewed must contact their neighbors and provide them an opportunity to review the drawings that have been submitted to the DRC. This review is strictly a courtesy review, however the DRC will consider the neighbor's comments.

#### **7. Design Professionals:**

It is strongly recommended that each Owner retain competent professional services for planning and site design. If an Owner elects to do his own design or obtains non-registered architectural design services, and the plans are not acceptable to the DRC, the DRC retains the right to require that an Owner thereafter utilize professional, registered design services.

**8. Non-Waiver:**

Any approval by the DRC of any drawings or specifications or work done or proposed, or in connection with any other matter requiring such approval under these Design Guidelines or Declaration, including a waiver by the DRC, 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. For example, the DRC may disapprove an item shown on the final design plan submittal even though it may have been evident and could have been, but was not, disapproved at the preliminary discussion. Furthermore, should the DRC overlook or not be aware of any item of non-compliance at any time during the review process, construction process or during its final inspection, the DRC prior approvals in no way relieves the Owner from compliance with these Design Guidelines and all other applicable codes, ordinances and laws.

**9. Construction Permit:**

Securing all required construction and occupancy permits are the responsibility of the Owner and/or builder. Construction shall be in accordance with all applicable governmental rules and regulations.

**10. Commencement of Construction:**

Upon receipt of design plan(s) written approval from the DRC, the Owner shall satisfy all conditions thereof and commence the construction; reconstruction, refinishing, alterations and other work pursuant to the approved plans within ninety (90) days of plan approval by the DRC. Failure to commence construction within the ninety (90) day time frame shall require a resubmittal for consideration by the DRC, unless a written extension is granted by the DRC. All exterior construction, once begun, must be completed within twelve (12) months from the date the foundation excavation is started.

Within four (4) months after receiving a Certificate of Occupancy, all landscaping, as described in the approved plans, must be completed. The DRC may, at its discretion, waive portions of these requirements. If an Owner fails to comply with the requirements of this paragraph, the DRC shall notify the Board of the Association and the Board, at its option, may complete the landscaping in accordance with the approved drawings. The Owner shall reimburse the Association for all expenses incurred in connection therewith.

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## **11. Plan Review/Construction Permit from Yavapai County:**

**Again, please note the DRC Design Review Process is intended to be carried out before the Owner submits plans of their Dwelling to Yavapai County for permits and approval.** Also, the Project's review process is independent of any Governmental permit process now or hereafter required and is solely intended to enforce Beaver Creek Preserve's Design Guidelines and the standards contained in the Declaration of Covenants, Conditions and Restrictions established for Beaver Creek Preserve.

These Design Guidelines are in addition to the Declaration of Covenants Conditions and Restrictions and Lot Owners must comply with all the provisions of the Declaration. The Design Guidelines are intended to supplement the Declaration, but in the event of any conflict between the provisions of the Declaration and the provisions of the Design Guidelines, the provision of the Declaration shall control. Terms not otherwise defined herein shall have the meaning set forth in the Declaration.

### **SITE DEVELOPMENT GUIDELINES**

The desert landscape of the project is fragile and any damage to the environment may take years to heal its impact on the site and its natural vegetation. Because of these concerns, the DRC has developed regulations and controls designed to provide protection for the land and its vegetation.

#### **1. General Site Planning Recommendations:**

Owners should consider the potential impact of their Dwelling and improvements upon the views and privacy of neighboring Lots. Particular attention should be paid to expansive blank walls or walls with no design relief, and undersized windows and windows which are flush with the exterior walls are prohibited.

Evaluate the daytime versus nighttime quality of the views and arrange the living spaces to correspond to these differences.

Carefully consider site drainage and building run-off. Avoid unnatural modifications of existing drainage. Any damage caused to other Lots as a result of the building of the Dwelling and improvements will be the responsibility of the Owner causing such damage.

## **2. General Site Planning Requirements:**

Because the natural topography of the Project varies considerably from Lot to Lot, the following general limitations will apply in the absence of special circumstances:

- a) Cut and fill slopes will require re-vegetation subject to approval by the DRC and may not be exposed following completion of construction.
- b) No change in natural or existing drainage patterns for surface waters shall be made upon any Lot that could adversely affect another Owner.
- c) Site drainage and grading must be done with the goal of minimum disruption to the Lot. Surface drainage shall not drain to adjoining Lots or Common Open Spaces except as established by natural drainage patterns, nor cause a condition that could unnaturally lead to off-site erosion. No excessive excavation or fill will be permitted on any Lot, except where specifically allowed by the DRC. Every attempt should be made to balance cut and fill with minimum use of retaining walls. No clear cutting of any Lot will be allowed. Allowable clearing on any Lot is subject to approval by the DRC. In the event of any violation of the foregoing, the DRC or Board may require the Lot to be restored to its previously existing state. The Owner of the Lot shall reimburse the DRC and or the Beaver Creek Preserve Association for all expenses incurred by them, as defined in the Declaration, in performing their obligations under this paragraph. The DRC shall have the right to require complete or partial restoration of cut and fill areas.

## **3. Driveways:**

Because driveways and parking aprons have a major impact on the natural landscape, they will be reviewed by the DRC in detail. Driveways must be located so as to preserve and protect important natural features such as large or important plant materials, drainage ways, rock outcroppings and to minimize the disruption of the existing landscape. In certain instances the DRC has already identified and has physically cut driveway openings for specific lots due to their topography. These driveway cuts must be utilized unless permission for other cuts is approved by the DRC. Driveways should follow ideally the natural contours and meander around existing trees and large vegetation. Long straight runs must be avoided to maintain a natural appearance. All Driveways shall have a minimum width of 18-feet, and Driveways shall not exceed 24 feet in width without DRC approval. Where driveways cross drainage ways or roadway swales on any Lot, the Owners must provide for a culvert with stone or rock headwalls of a design approved by the DRC. All culvert ends must be cut to fit the terrain. Exposed metal or concrete pipe must be avoided.

Only one driveway per Lot is allowed unless approval is given by the DRC for Corner Lots or Lots with wide frontages. All driveways must be colored concrete or decorative pavers. Gray

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concrete driveways, dirt driveways, asphalt, decomposed stone aggregate and double chip seal paving are not acceptable materials. All colors and shape of the driveway must be approved by the DRC.

Builders are advised that the private street's concrete roll curbs may be traversed for a driveway. In certain cases the concrete curb might have to be saw cut prior to the installation of an approved driveway. Such cut shall not be made prior to approval of the Lot Owner's Dwelling unit plans by the DRC.

Due to the physical location of Lot #25 through #29 lying adjacent to the entry driveway into the clubhouse area, these Lots may with DRC approval, elect to place their driveways off of the clubhouse driveway (accessing their garage through their rear yards).

In all cases, the Dwelling located on these five (5) specific Lots shall orientate the front of their Dwelling façade towards Hanover Court, and conform to all yard setback requirements.

#### **4. On Street Parking, Garages and Parking of Commercial Vehicles and Repairs:**

No parking of vehicles, whether commercial or private, other than in the course of making deliveries, is allowed on any street in Beaver Creek Preserve, except at those designated guest parking spaces throughout the development, without the written permission of the DRC for special events or DRC written permission to use the adjoining street during the course of construction of a Dwelling.

An enclosed attached garage accommodating at least two automobiles is required. Carports and tandem parking garages are prohibited and detached garages are not permitted without the approval of the DRC. Oversized garages designed to accommodate large recreational vehicles or campers are permitted only with the approval of the DRC, and such structures must architecturally conform to the Dwelling unit building mass. **In the event the Owner wishes to store a recreational vehicle, horse trailer, boat or other vehicle, it (they) must be stored in a totally enclosed structure approved by the DRC.**

Because garages are a relatively major element in most homes, garage doors should be fully integrated into the design of the architecture, and all garage doors **MUST** be kept closed at all times. Unpainted or unstained wood or fiberglass doors are not permitted.

#### **5. Private Apron Parking Spaces:**

Space shall be provided on the garage apron for a minimum of two (2) additional parking spaces to accommodate guest parking.

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No commercial vehicles (defined as a business vehicle displaying commercial signage and/or business equipment) owned by the Owner or their guest, may be parked on the Lot or driveway apron overnight. A commercial vehicle utilized by the Owner may be kept onsite overnight if and only if it is kept in the garage at all times with the door closed.

The open storage of inoperable vehicles, and the repair of any vehicle outside of an enclosed garage are expressly prohibited.

#### **6. Guest Parking:**

Within certain designated areas of Beaver Creek Preserve overflow guest parking spaces have been provided. These spaces are solely for the use of guests and may not be used by residents for the parking or storage of their own vehicles, nor shall visiting contractors or their suppliers and vendors use these spaces, without the written permission of the DRC.

#### **7. Clubhouse Parking:**

Parking spaces have been provided at the clubhouse, and only the residents of Beaver Creek Preserve and their guests while utilizing the clubhouse; nature trail, pool and tennis court shall use these spaces.

#### **8. Moving Vans/Construction Vehicles**

All of the roads within Beaver Creek Preserve are privately owned and maintained by the Association and the paved right-of-way is for the most part only 20 feet wide with periodic landscape islands. Therefore, oversize moving vans and large construction vehicles will not be allowed into the project without DRC approval. Please take this under consideration when initially planning your move into a new Dwelling and before your contractor commences building a new Dwelling.

#### **9. Service Yards:**

Walls are required as a means of screening for a service yard, if any, to enclose all trash containers, outdoor or service equipment, satellite dishes, solar equipment, firewood or any other goods to be stored outside. The height of the enclosure screen must be higher than the object being screened. All enclosures, other than a trash container enclosure, may not be in the Front Yard of a Dwelling.

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## **10. Clotheslines:**

External clotheslines are prohibited.

## **11. Outdoor Furniture, Fountains, Play Equipment, Decorative Statues**

Location of outdoor furniture or accessories such as swings, tables, barbecues, arbors, jungle gyms, swing sets, dog runs, etc, must be totally contained within the Dwelling's enclosed patio area or separately screened from adjacent Lots and the adjacent streets.

Placing, erecting, constructing, or allowing any permanent unnatural or man-made ornaments, signs, sculpture, statuary, pink flamingos, fountains, relics, flagpoles, machinery, equipment, basketball backboards, game poles and nets, or other such items which are unattached to approved structures are prohibited unless the same are included and made a part of a landscape plan submitted to and approved by the DRC. "Unnatural" shall mean anything not naturally growing upon, or indigenous to a home site in its undeveloped state.

Outdoor decorative fountains are allowed and are encouraged, but their location and style must be submitted to the DRC.

## **12. Utilities:**

Sewer, water, telephone and electric lines will be provided to each Lot at or near the property line. Owners will be responsible for extending utility lines to their Dwellings via the shortest route, but preferably along the driveway so that the routing minimally disrupts the existing landscape. All utility lines must be underground.

Each Lot Owner shall be responsible for the installation and maintenance of their subterranean water and sewer lines, including sewer grinder pumps and meters, within the Lot in accordance with all applicable laws, rules, regulations and ordinances.

Utility pedestals shall be painted a color that causes the pedestal to blend in with the soil. The pedestal shall be screened with native plant material to the satisfaction of the DRC. Individual utility meters are to be screened from adjacent properties, streets and neighborhood views. Designing such utility meters integrally with the architecture is encouraged.

## **13. Swimming Pools, Game Courts, and Basketball Hoops:**

Swimming pools and spas that have been approved by the DRC and Yavapai County, shall be adjacent to the Dwelling, screened by a privacy wall, and should be designed to minimize the

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impact on adjoining Lots with light or sound. Pool heaters and pumps must be screened from view and sound insulated from neighboring Dwellings and constructed with material compatible with the home. Builders shall provide a low noise filtering pump unit in order to prevent noise nuisance.

- X Only in-ground pools are allowed and they must be located within the Rear or Side Yards and screened with a six (6) foot high masonry stuccoed wall or brick wall, in addition to any required pool security fencing required by applicable local and state building code requirements.
- X Above ground spas are allowed if properly screened, located within a Rear Yard or Side Yard, and any Ramada associated with the spa must be reviewed by the DRC.
- X Pools and spas and their associated fencing, must be constructed according to all applicable local and state building code requirements.

All tennis courts and other game courts installed on any Lot requires the approval of the DRC. Basketball hoops are permitted provided their design and location have been reviewed by the DRC, and provided such a location is within the Rear or Side Yard and located behind a six (6) foot high masonry stuccoed wall or brick wall so as not to be visible to anyone driving on, or walking along, the adjoining roadways in Beaver Creek Preserve (Note: basketball hoops, whether fixed or movable, are prohibited on or near the front face of a garage or on a garage driveway apron).

#### **14. Outside Storage:**

Outside storage of any kind, including the stacking of firewood is prohibited unless totally enclosed by a masonry patio, courtyard wall, or screen wall.

#### **15. Flagpoles:**

Freestanding flagpoles are not permitted without the written approval of the DRC, however it is permitted to fly an American, POW/MIA, Arizona State or the American Indian Nations flag measuring no more than three (3) feet by five (5) from a wall bracket attached to the Dwelling.

**16. Mailboxes and Address Identification:**

Beaver Creek Preserve will have a central mail complex near the entrance. A standard design Lot address monument bollard shall be installed once the Dwelling is occupied. These address bollards will be designed by the DRC and a source and cost will be identified by the DRC, and paid for by the Lot Owner.

**17. Real Estate Signs:**

Resale realty signs may be placed on any Lot with written approval of the DRC and all such signs shall conform to the DRC's Realty Sign Specification (a local source and cost will be identified by the DRC). All Realtors advertising the re-sale of a Lot and/or Dwelling must also post their listing on a re-sale board in the Clubhouse. As Beaver Creek Preserve is a gated community, all open houses and showings must be by appointment. Realty signs placed by the DRC to promote the sale of Lots and/or Dwellings are allowed as provided for in the Declaration.

**18. Construction Signage:**

Temporary signs on any given Lot shall be limited to one (1) construction sign and shall meet all regulatory and permitting requirements of Yavapai County. Attachment of signs or similar material to trees is expressly forbidden. Signs placed by the DRC to promote Beaver Creek Preserve are allowed as provided for in the Declaration.

**19. Lighting:**

The Development Philosophy to maintain an undisturbed high desert environment relates to nighttime as well as daytime views. In order to safeguard the dramatic night sky views that tend to be obscured by artificial lighting, the DRC has established guidelines for residential lighting that are in addition to the dark sky lighting requirements of Yavapai County, the most important of which is the total prohibition of external floodlights even if they are covered.

"Site lighting" means lighting placed either on the ground, within patio areas, or within landscape beds for the purpose of providing safe passage around improvements, or simply used as decorative accent lighting.

"Building mounted lighting" means lighting built into or attached to the Dwelling or Garage walls (scones), for the purpose of providing general illumination, area security or decorative illumination.

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- a) Site lighting (landscape lighting/walkway lighting) shall not be higher than 18-inches and must have a shield that directs the light source downward onto the walkway, vegetation, the ground or boulders and not upon the Dwelling or environment. Landscape up lighting of a low voltage and used to accent trees and walls, etc., may be allowed with written approval of the DRC.
- b) External building wall mounted lighting and any security or motion detector lighting must have an external shield on top of the lighting fixture that directs the light source downward and which totally shields the light bulb. All wall mounted sconces or other light fixtures, or other illumination devices, must have no cutouts exposing a frontal, side or top light source (Note: if the Lot Owners desires frontal cutouts, they can install a light bulb which is enclosed in a casing which meets the dark sky ordinance. These are available at most light stores). The only light source allowed must be directed downward on the wall and may not throw a glare (only bulbs with a maximum equivalent wattage of a 75-watt incandescent bulb will be allowed). Basically, such lighting on walls is solely for facade decorative purposes. No external building light fixture may be placed on a wall higher than nine (9) feet measured from grade to top of the light fixture.
- c) All other external lighting fixtures are prohibited, including floodlights and unshielded security lights whether on a timer or not. All exterior lights not on a motion sensor must be off by 11:30 pm, except during parties and events. Pathway low voltage lighting is exempted.

## **20. Interior Home Fire Sprinklers:**

Beaver Creek Preserve has the unique feature of providing on-site fire hydrants. In addition, as part of the stipulations imposed on Beaver Creek Preserve by the Yavapai County Board of Supervisors, all Dwellings within the project shall be sprinkled, which should lower a homeowner's insurance rate.

## **21. Ancillary Sheds, Buildings, and Guest Houses**

All ancillary shed or other structures not attached to the main Dwelling shall be approved by the DRC, and be built with similar material and finishes as the main Dwelling, and be of the same design. Any proposed guesthouse not an integral part of the main Dwelling must follow the specific regulations of Yavapai County and be approved by the DRC.

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## **22. Propane Tanks**

All propane tanks located within the Lot must be buried, unless it is a propane tank that is an integral part of a barbeque grill located within a screened patio or courtyard.

## **23. Antennas and Satellite Dishes:**

Small satellite dishes are allowed if placed on the ground and screened, or wall mounted no higher than ten feet (10) and placed on wall areas that are concealed from the views of adjoining Dwellings and adjoining streets. Such wall mounted satellite dishes must be painted the same color as the wall that they are mounted on. No satellite dish may be placed on the roof. No other antennas are permitted unless they are restricted to the attic or interior of the residence.

## **24. Solar Applications:**

Passive solar applications will be encouraged. Exterior solar collectors are permitted if they are ground mounted and screened with a finished brick or stucco block wall, or if they are architecturally incorporated on the plane of roof materials (flush mounted), with all exterior plumbing painted in a color scheme consistent with the structure. Solar panels shall not be mounted on the front side of the Dwelling.

## **25. Garage Sales:**

Garage sales on individual Lots are not allowed as this is a Gated Community. Resident group garage sales may be held periodically with the approval of the DRC.

## **ARCHITECTURAL DESIGN GUIDELINES**

All Dwellings within the Project shall be site built and of a Contemporary, Southwestern, Santa Fe, Tuscan or Pueblo Style. The purpose of the architectural design effort should be to provide a design solution that is specifically indigenous to and in harmony with the natural environment as it relates to form, colors, materials and topography. By way of example, this would exclude replicas of architectural styles and periods that are not indigenous to the Southwest such as Colonial, Antebellum, French or California Spanish Revival, Log Cabin, Western Territorial, Ranch style, and Pre-Fabricated Structures. Manufactured Homes and Mobile Homes are not permitted within the Project.

**1. Lots #30 - #37 Building Envelopes:**

For those Lots identified as #30 through #37, their Building Envelopes are governed by Yavapai County's Hillside Development Standard. This regulation applies to these Lots as they have a natural slope of 20.0 percent or greater (this slope is calculated using a minimum run of 100 feet with a rise greater than 20 feet over that 100 foot run). Specifically, the total disturbed area (Building Envelope) of any of these Lots shall not exceed 25.0 percent of the total area of each Lot. It is within this disturbed area that the Dwelling and any associated site Improvements must be located. The specific features and topography of the Lot determines the actual placement of the Dwelling within the Lot and the final configuration of the approved Building Envelope.

**2. Lots #1 - #101 Required Yard Setbacks:**

Beaver Creek Preserve is a Planned Area Development with extensive open space. During the individual lot design process particular care was taken to provide extra side and rear open space buffer separation between adjoining Lots, and an open space setback from the front property line to the back of curb of adjoining streets (typically 20 feet). This front open space buffer provides separation from the street and also allows for an extended driveway for parking. Following are the minimum Yard Setback and Lot Coverage requirements, unless the DRC approves reduced setbacks due to topographical conditions or Lot configuration limitations:

- Front Yard Setback, as measured from the Front Wall of the Dwelling to the Front Property Line shall be a minimum of 20 feet. Also the front face of the Garage must be offset from the plane of the front Dwelling wall to provide architectural relief
- Rear Yard Setback, as measured from the Rear Wall of the Dwelling/Garage to the Rear Property line shall be a minimum of 20 feet.
- If the Lot Owner desires to have access to a Garage from the clubhouse driveway (Cheney Court) for Lots 25 through 29 (and if it is feasible architecturally), then the Rear Yard Setback shall be a minimum of 30 feet as measured from the Face of the Rear Dwelling or Garage Wall to the Rear Property Line. It is important to note that any Lot Owner wishing to have a garage access/driveway off of the clubhouse drive, must still orientate the Front of their Dwelling to Hanover Court, adhere to the Front Yard Setbacks, and must provide a driveway off of Hanover Court for guest and Owner's ancillary parking for access to the front door of the dwelling.
- Side Yard Setback of Internal Lots, as measured from the Side Wall of the Dwelling to the Side Property Line shall be a minimum of 5 feet.
- Side Yard Setback of Corner Lots abutting a street, as measured from the Side Wall of the Dwelling to the Side Corner Property line shall be a minimum 5-foot setback (note: if

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a Side Yard Property line lies adjacent to an Emergency Access Road or a Wash, the Side Yard Setback shall be a minimum of 10 feet).

### **3. Staking of Yard Setbacks**

Prior to start of actual construction, the Lot Owner must instruct their contractor or site engineer to survey or otherwise verify the exact location of their Lot Corners (Survey Pins) and Yard Setback Lines, and install a wood lath or other permanent markers at the corners of these Setback Lines (Note: all Lots have been surveyed and front and rear survey pins installed). Once the Lot Corners and Yard Setback Lines are defined, the Contractor shall erect a fence (metal or plastic), or rope tied to rebar stakes, along the Yard Setback Lines (both), and all construction activity, equipment, portable toilets, site work, and vehicles shall be contained totally within the resulting permitted development area defined by the yard setback lines, unless written approval is given by the DRC to park such vehicles or equipment on the street. If such written permission is granted, the Owner and contractor will be responsible for repairing all damages done to the street due to motor oil spills, dropped materials, dirt, etc (See construction deposit requirements on page 25).

### **4. Dwelling Size, Building Height, and Chimneys:**

The terrain of the Project is varied and unique with changes in elevation. These conditions make it necessary to have a uniform application of Dwelling unit size and height restrictions. Therefore, no Dwelling shall be built that contains less than seventeen hundred (1,700) square feet of **livable area** (this area excludes the area of the garage, porch, courtyard or patio), nor be more than **one (1) story in height**. However, Lots located on a sloping site, natural shelf, or adjacent to a ridgeline may, subject to DRC written approval, be permitted an extra story on the downhill side provided the overall building height does not exceed the maximum height of thirty (30) feet.

The height of a chimney mass, including cap, shall not exceed a maximum height of three (3) feet above the highest point of the structure within ten (10) feet of such chimney mass.

### **5. Foundations:**

The following exterior treatments are required:

- Foundation stem walls to the extent that they are visible, must be finished in a material consistent with and repeated elsewhere in the construction of the residence (stucco, culture stone, brick, etc).

- Foundation piers must be screened from view by exterior wall materials continued to finished grade.

## **6. Exterior Colors:**

Exterior colors of any Dwelling and roof shall not be white or an extremely light color and shall not be of a highly reflective material. Earth tones are highly desirable. All exterior colors must be submitted to the DRC for approval for use on a specific Dwelling and any patio walls, screens and fences. Specifically approved colors shall not be deemed to have been approved for general use within the Project. The approval shall only be applicable to the Dwelling for which it was submitted. The Light Reflective Value (LRV) of any Dwelling color, or roofing material, shall not exceed a rating of 50.

## **7. Accent Colors and Metal Trim:**

In keeping with the approved architectural styles for Beaver Creek Preserve, accent colors and metal trim on front doors, window sashes, patio walls, fences and other incidental elements may be allowed as long as, in the opinion of the DRC, the accent does not overwhelm the building's basic color or create a visual distraction from adjacent Building Sites. Metal accents may be allowed by the DRC. Bright, untarnished copper or other metallic surfaces shall be treated to reduce reflections.

## **8. Dwelling's Building Projections:**

All projections from Dwellings, including but not limited to, chimney caps, vents, gutters, downspouts, utility boxes, porches, railings and exterior stairways shall be visually integrated into the overall design. All roof vents, pipes, metal flashings, accessories and roof penetrations must be painted or stained to blend with the Dwelling's colors and materials.

## **9. Skylights and Windows:**

Skylights and windows are important sources of natural light and can be positive contributors of passive solar heat. They can, however, also be sources of undesirable reflections and glare particularly at night. The glass must not be highly reflective nor may the window frames consist of unfinished reflective material.

The selection of windows is subject to prior approval by the DRC. Windows must be recessed into the outside wall to both protect and shelter the glass as well as to give the appearance of substantial wall thickness, strength and durability. **It is strictly prohibited to have windows**

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**that are flush with the exterior walls of a Dwelling.** It is further prohibited to install interior or exterior window film or coverings that can cause a reflective glare from the outside.

All window frame trim shall not be finished in a white or natural aluminum material (wood or metal), but shall be either bronze anodized or a color that complements the color of the Dwelling.

Translucent or UV treated Skylights are permitted but solid white acrylic skylights are prohibited. Skylight framing materials must be bronze anodized or colored to match adjacent roof. White or natural aluminum frames are prohibited.

#### **10. Patios and Courtyards:**

Patios and courtyards are encouraged and should be designed as integral parts of the Dwelling, so they maximize the enjoyment of the climate and capitalize on the views.

By properly orienting these outdoor spaces, breezes can be captured or deflected, sun can be controlled and privacy can be maintained.

Patio screen walls and walls surrounding pools and spas must be adjacent to the Dwelling and made of materials previously approved by the DRC.

#### **11. Roofs:**

In keeping with the goal of visual harmony and sensitivity to the approved architectural styles for Beaver Creek Preserve (Santa Fe, Tuscan or Pueblo), the DRC encourages incorporating clay or concrete tile into the roof structure when appropriate to the design.

Due to the varying topographical elevation within Beaver Creek Preserve and the adjacent Phase V of the Thunder Ridge development, which could allow one Dwelling to look down on the rooftop of another Dwelling, the roofs of all Dwellings must have an appropriate finished roofing material or if a stucco building be finished and painted the same color as the body of the Dwelling. Flat roofs must be shielded with low parapet walls.

Roofs will have a finished surface that will not produce glare or have reflective qualities.

The following roofing materials are prohibited:

- Wood shakes and all types of Asphalt Shingles
- Composition shingles
- Corrugated metal
- Metal, simulated shake shingles

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White or bright rock  
90# roll roofing  
Mastic coated, pattern stamped sheet metal  
Spray urethane foam  
Glossy or reflective materials  
Cap sheet  
Gravel/hot mop

Samples of the roofing material must be submitted to the DRC for final approval.

## **12. Rooftop Equipment:**

No mechanical, satellite T.V equipment or building component not associated with the integrity of a roof, with the exception of an approved skylight or solar system, shall be permitted on any roof surface.

## **13. Roof Drainage:**

Roof drainage must be controlled with gutters or decorative splash chains. Unrestricted flowing roof scuppers are not allowed. A graveled "splash guard" wash must be installed beneath all downspouts to catch any direct free falling water.

## **14. Walls, Retaining Walls, Screens and Fences:**

Retaining walls, screen walls and other walls not directly supporting a building structure, shall not exceed four (4) feet in height within any Front Yard. A six (6) foot wall or fence may be located in the Side or Rear Yards (Note: a six (6) foot fence or wall may not extend past the front plane of the Dwelling). Landscaping with trees and shrubs must soften the appearance of such walls at six (6) feet in height.

Stucco block or brick screen walls should be a visual extension of the architectural design of the Dwelling. The colors of the walls must conform to the same color standards referred to in Section 6 and 7 of this section of the Design Guidelines, and all masonry block walls must be stuccoed and painted, or covered on both sides in a finish material such as culture stone or brick.

All walls, fences, gates, and the materials to construct same, are subject to approval by the DRC. Wood, plastic, PVC, fiberglass, exposed galvanized, and chain link (including vinyl coated) fences are strictly prohibited. Decorative powdered coated extruded aluminum or wrought iron fencing may be used only as a pool enclosure or gate (with or without wood inserts), if a design and color sample is first submitted to the DRC for approval. Swimming pool fences must

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comply with Yavapai County fence regulations and be totally enclosed in the rear or side yard behind an ancillary stuccoed block or brick wall of the same height or higher (i.e. pool fencing may not be visible to the street of neighboring lots.

No Lot may be totally walled. All walls shall commence and end with an integral attachment to the wall of the main structure or garage.

### **15. Exterior Appearance:**

Exterior surfaces must generally be of materials that harmonize with the natural landscape as well as provide an outer skin that will withstand the climate extremes. Natural Rock, Cultured Stone, Brick and Stucco are four such materials and their use is strongly encouraged. Specifically prohibited are metal siding, opaque glass, vinyl and plastic siding, reflective artwork and sculpture and other materials whose appearance, in the judgment of the DRC, does not convey quality, permanence or durability. Glass may not be mirrored.

The use of wood is allowed but choice of wood requires careful consideration and detailing, particularly as a wall surface material, due to its high maintenance requirements. Avant-garde or highly contemporary styles and materials that do not harmonize with the native environment are strongly discouraged and may be rejected by the DRC at its sole discretion.

Any exterior or interior window coverings visible from the exterior shall be the color of or be compatible with the exterior of the Dwelling. Canvas awnings and metal awnings require the approval of the DRC and should be noted on the Dwelling construction plans.

### **16. Compliance with Governmental Regulations:**

In addition to all the foregoing, all architectural improvements shall comply with all applicable governmental regulations, whether federal, state or local.

## **LANDSCAPE GUIDELINES**

Each Lot, with its unique topography and vegetation, will require a comprehensive design review to accomplish this goal. As required for the final design approval, landscaping and irrigation drawings shall be prepared in sufficient detail to indicate the installed size, placement and character of all elements. Drawings shall depict an automatic drip irrigation system. All automatic valves shall be installed in below grade boxes. Back flow control devices must be screened from view with plantings. The purpose is to ensure that as each Lot is finished, it becomes a coordinated element in the existing environment. Plant material should be used to

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reduce the scale of high walls and wherever possible, help integrate the residence into its surroundings.

### **1. Existing Vegetation/Front Yard Open Space Landscaping:**

Extreme care shall be taken to preserve all existing mature vegetation when siting improvements. No existing vegetation shall be removed from any Lot unless it is necessary to accommodate the footprint of the Dwelling.

Installation of Beaver Creek Preserve's private roadways necessitated the grading of the Front and Corner Lot Open Space buffer area lying between the back of curb and the property line. This area is to be landscaped and maintained by the Lot Owner and reviewed by the DRC.

### **2. Grasses, Annuals, Perennials and Ground Cover:**

The Owner, at their option, may incorporate non indigenous plant material within their patio, courtyard, and defined planting beds lying adjacent to their Dwelling, and within freestanding decorative plant holders.

The use of cultivated grasses is recommended only in the Side and Rear Yards or as an accent feature in the Front Yard.

### **3. New Building Site Landscaping:**

All new vegetation being planned for areas of the Lot away from the main structure should be limited to plant species that are indigenous to the Verde Valley environment. The distinctive character of the natural landscape is primarily a function of height, color, density and distribution of its trees.

### **4. Protecting and Preserving Plants:**

Care should be taken to protect all plants within the development. Therefore, as much as possible, improvements should be sited to avoid the destruction of native plant material.

Reasonable efforts should be made to transplant all significant transplantable materials. It is suggested that competent professionals be consulted prior to the transplanting of any natural materials.

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## **5. Fencing of Trees:**

All trees that are to be saved within the area of construction shall be fenced to avoid compaction of the root system and low branches from being broken. Contractors should be instructed to treat the surrounding landscape with the utmost care.

## **CONSTRUCTION GUIDELINES**

### **1. Construction Regulations:**

In order to assure that the completed infrastructure of Beaver Creek Preserve is not unduly damaged during construction, the Design Guidelines shall be made a part of the construction contract documents for each Dwelling or other Improvements on the 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.

### **2. Restoration of Property/Construction Deposit**

Damage and scarring to any other Lot or Common Area, including but not limited to roads, driveways, curbs, gutters, utilities, vegetation and other improvements resulting from construction operations or the unapproved on-street parking of vehicles, will not be permitted. If such damage occurs, it must be repaired and restored promptly and any expenses are those of the builder and in the event of default by the builder in meeting these obligations, the Owner who has retained the builder shall be responsible.

Upon completion of construction of a Dwelling, each Owner and builder shall clean the construction site and repair all property that has been damaged outside of the Lot, including but not limited to, restoring grades, planting shrubs and trees as required by the DRC and repair of streets, curbs, driveways, pathways, drains, culverts, ditches, signs and lighting.

Upon receipt of a new building permit, or remodeling permit, from Yavapai County, the Lot Owner shall deposit with the Association a Construction Deposit of \$1,000.00 (new home) or \$500.00 (remodeling) which will be retained by the DRC to make partial or full repairs in the event the Lot Owner does not instruct their builder to make required repairs and do necessary cleanup on the adjacent open space or within the abutting roadway. The Construction Deposit, or a portion of it, will be returned to the Lot Owner if their builder completes all necessary restorations and cleanup. The DRC strongly suggest that the Owner, like the DRC, photograph the adjacent open space and roadway abutting the Lot so that there is no question as to extent of damages caused by their contractor's equipment, oil leakages, and vehicles.

**3. Debris and Trash Removal/Burning:**

Builders shall clean up all trash and debris on the construction site at the end of each day, including any dirt and debris that they might have tracked onto the adjoining project roadways. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight materials, packaging and other items shall be prevented from blowing off the construction site. Builders are prohibited from dumping, burying or burning trash anywhere within Beaver Creek Preserve. During construction, each construction site shall be kept neat and clean and shall be properly policed to prevent the site from becoming a public nuisance or adversely impacting other Lots and Common Areas. Unsightly dirt, mud or debris from construction site activity shall be promptly removed and the general area cleaned up.

**4. Occupational Safety and Health Act Compliance (OSHA):**

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

**5. Construction Material Storage and Sanitary Facilities:**

Each builder shall be responsible for providing adequate sanitary facilities for construction workers. Construction materials, dumpsters and portable toilets must be located on the Lot in the least conspicuous place, having minimal visual impact on surrounding neighbors. No construction materials, dumpsters or portable toilets may be stored in the project roadway or within the adjacent Open Space at any time without special permission of the DRC.

**6. Fencing of Lot Lines During Construction**

In an effort to protect the Open Space between Lots, prior to commencing construction the Owner shall locate all Lot pins, define the Yard Setbacks and an appropriate construction demarcation shall be installed around these areas (plastic fencing, rope on rebar, metal fencing, etc - See page 19 Section 3).

**7. Vehicles, Parking Areas, Entry Pass:**

Construction crews shall not park on any roadway within Beaver Creek Preserve without written permission from the DRC, or otherwise use other Lots not owned by their custom home client.

Private and construction vehicles and machinery shall be parked only within the Lot or in areas designated by the DRC.

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Each builder shall be responsible for its subcontractors and suppliers obeying safe speed limits within the development. Repeat offenders may be denied future access to the Project.

Prior to commencing construction, the DRC will issue an Entry Pass or Code to the Primary Contractor. It will be the responsibility of the Primary Contractor to monitor how their subcontractors use the Pass or Code.

**Due to the fact that the roads within Beaver Creek Preserve are privately owned and maintained, the DRC will reserve the right to refuse entrance to any construction vehicle that it deems to be too heavy for the roadway. Contractors MUST inform the DRC of the arrival schedule of all heavy vehicles (concrete trucks, truss deliveries, etc).**

#### **8. Conservation of Landscape Materials:**

Builders are advised that the Lots and Common Areas in the Project contain valuable native plant materials and other natural features such as topsoils that should be protected during the period of construction.

#### **9. Excavation Materials:**

Excess excavation materials must be hauled away from the Project.

#### **10. Blasting:**

If any blasting is to occur, the DRC must be informed far enough in advance to make sure that the applicant has obtained the advice of expert consultants that blasting may be accomplished safely. These consultants must advise the DRC in writing. Applicable governmental regulations concerning blasting must be observed. The DRC's only responsibility is to require evidence of such consultant's expertise and the DRC shall have no liability for the blasting. Appropriate approvals must be obtained from Yavapai County.

#### **11. Miscellaneous and General Practices:**

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

1. Changing oil on any vehicle or equipment on the site itself or at any location within the Project (**vehicles leaking oil must place a pan/mat under their vehicles while on site**). Any toxic material must be properly disposed of and cannot be left on the building site.

The Owner or their general contractor must clean up all oil spills, and the general contractor should retain on site several oil spill trays in case of problems.

2. Allowing concrete suppliers, plasterers, painters or any other subcontractors to clean their equipment anywhere but the one location specifically designated, if any, for that purpose by the general contractor. This location should be clear of and avoid runoff to washes, vegetation, roads or conservation easements. Any clean up costs incurred by the Project in the process of enforcing these regulations shall be payable by the Owners.
3. Removing any rocks, plant materials, topsoil or similar items from any property of others, including other construction sites. (Note: the DRC has stockpiled decorative rock excavated from the project during roadway construction. The Owner may take these for landscaping purposes upon request to the DRC).
4. Carrying any type of firearms or engaging in drug or alcohol abuse.
5. Using disposal methods or equipment other than approved by the DRC.
6. Careless disposition of smoking and other flammable materials. At least one 10-pound ABC rated dry chemical fire extinguisher shall be present on the construction site at all times.
7. Construction personnel or vendors shall bring no pets, and particularly dogs, into Beaver Creek Preserve.
8. Careless treatment or removal of protected plant material or plants not previously approved for removal by the DRC.
9. Loud playing of radios and other audio equipment on construction sites is prohibited.

**13. Dust and Mud:**

The builder shall be responsible for controlling dust and mud during construction.

**14. Daily Operating Hours:**

Daily working hours for each construction site shall be from 6:00 am to 6:00 pm Monday through Saturday. Working on Sunday is prohibited for commercial contractors retained by the Lot Owner.

