



# **PROPERTY DEVELOPMENT GUIDELINES**

(Revised January, 2009)

**A  
MASTER PLANNED  
COMMUNITY**

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# **INTRODUCTION**

**The Cliffs of Snow Canyon** is a master planned, golf course community. Specific and detailed standards for the development of streets, trails, recreational facilities, and residential developments have been established to maintain the high standards of the project. The Cliffs Property Development Guidelines (hereinafter the "Guidelines") defines and discusses these standards. The Guidelines will help ensure quality and design continuity within the Cliffs development. Capitalized words and terms are defined in Appendix A to these Guidelines.

## **A. ADMINISTRATION**

A homeowners association, The Cliffs Property Owners Association (herein the "Association"), has been established to administer the day-to-day community affairs. A recorded Declaration of Covenants, Conditions, and Restrictions ((hereinafter the "CC&Rs" or "Declaration") and duly adopted By-Laws set the legal aspects of the community, including powers and procedures of the Association. The Master Plan has been prepared as a guide for present and future development of The Cliffs of Snow Canyon.

These guidelines call for higher standards in design and construction and are much more specific and limiting than those found in typical developments. These Guidelines set goals, policies and regulations encompassing all aspects of development, including site planning, architecture and landscaping. Standards are set for building type, height and setbacks; construction material, color and texture; and landscaping. Standards are also set for signage, lighting, and other accessory uses.

The CC&Rs empower the Association to administer and control all developments within The Cliffs development. The Association will perform these duties via The Cliffs Design Review Committee (hereinafter the "Review Committee"). Section 13 of the Declaration lists the powers and duties of the Review Committee, and Section 14 describes the design review procedures. These Guidelines will assist in interpreting, applying, supplementing, and implementing the provisions of the Declaration pertaining to the design of lots, buildings and other improvements. *It is highly recommended that property owners familiarize themselves with these documents prior to beginning any design of a new home or any additions to an existing home.*

Development of any subdivided properties within The Cliffs is subject to approval by the Review Committee including remodeling, additions to existing structures and changes in landscaping. Said approval shall be received prior to commencement of any improvements. The design criteria contained herein apply to all developments within The Cliffs. Although the current document lists design criteria for Single Family detached and attached residences and Planned Unit Development, additional criteria for various types of developments will be established and adopted by the Association during the course of build-out of the entire community.

The Association may amend or augment the Guidelines to meet site specific, temporal, or functional requirements of any project, consistent with the basic objectives of the Cliffs development. As various issues surface during the process of development and better solutions become available, the Review Committee may propose amendments to the Guidelines and present them to the Board of Trustees of the Association for review and adoption. A copy of these Guidelines, as from time to time adopted, amended or repealed, shall be maintained in the office

of the Association, and it will be the responsibility of each property owner to be aware of the latest changes to the Guidelines.

The design criteria in the Guidelines may vary from the standards set by the City. In case of discrepancy, the stricter of the two regulations shall apply. Requests for exceptions or variances to the laws, regulations, and standards of the City shall be presented to the appropriate agency of the City by the property owner according to the established procedures of the City. However, the Review Committee must approve the waiver or exception before the question is put to the City.

Upon approval from the Review Committee and prior to beginning construction, the owner must obtain appropriate approvals from the City required for a building permit. Approval by the Review Committee does not take the place of the required application and approval of permits by the City.

The Declaration contains legal restrictions regulating the construction and maintenance of improvements within the Cliffs development and is enforceable in a court of law. The Declaration and Guidelines are subject to interpretation by the Association and by the Review Committee.

## **B. MASTER PLAN**

Approximately 203 residential units are planned to be built within the residential area which is within the city of St. George.

The Master Plan designates generalized land uses and their locations. However, it is not and need not be specific as to the detailed street or Lot layouts or type of structures. Similarly, neither the number of units nor the type of units shall be specified for each particular site as long as the total number of units does not exceed that which is approved under current zoning.

The project developer may, from time to time, add land and additional units to the current limits of The Cliffs of Snow Canyon.

## **SITE PLANNING ISSUES**

### **A. RESIDENTIAL DEVELOPMENT TYPES**

The goal of The Cliffs is to build a coherent community with a limited mix of housing types. Following are the residential building types that will be permitted in the Cliffs community:

**1. Single Family Detached.** No more than one residence shall be constructed upon any single family Lot. A single residence may be constructed upon two or more Lots. In such cases, the Review Committee shall evaluate existing conditions and reestablish the building envelope, buildable area and other controls on a case by case basis. A single residence may be composed of primary and accessory structures such as a *casita*, *attached or detached*, detached garage, a pool house, etc. The size of the accessory structure may not exceed twenty percent of the living area of the main structure. Subject to City approval, main and secondary residential units may be constructed on a Compound Lot so designated on a plat.

**2. Planned unit development.** Planned Unit Developments comprised of single family attached and/or detached structures are not permitted.

## **B. BUILDING ENVELOPE**

The development philosophy mandates that the improvement of the property preserve the essence of the existing natural environment, topography and vegetation. Therefore, The Cliffs uses the Building Envelope concept for most of the home developments. The envelopes define 1) the vertical and horizontal extent of a site improvement, and 2) the maximum buildable area.

**Extent of Site Improvement.** All building shall be contained within the setback areas of the pads as designated in the patio home area and within the designated setbacks in the custom home area. In the custom home lot area, lots adjacent to the Habitat Conservation Plan area (hereinafter the “HCP”) may have an additional rear setback requirement as imposed by the HCP. When imposed these homes shall be setback forty (40) feet from the HCP boundary.

The Review Committee may require a temporary construction fence be erected at the beginning of construction at a location designated by the Committee. The location of the fence shall be determined by the Review Committee during the design review process. It shall not be removed until a final building inspection by the City has been completed and all construction debris has been removed from the site. No construction activity, including the storage of material, shall take place outside of the construction fence.

**Building Setback and Encroachment.** In a single family development, the building setback line shall be the same as the building envelope line. In all other developments setbacks shall be established based on the type of development. Except for the architectural projections listed in this section, and encroachments approved by the Review Committee through the Plan Review process, no part of the structure may extend into the required building setbacks. The following architectural projections may encroach into the required setbacks:

- Roof overhangs, eaves and fascia: maximum of four feet (4').
- Fireplaces, bay windows and wing walls: maximum of two feet (2').
- Posts and columns not structural to the home: maximum of two feet (2').
- Exterior stairs: maximum of three and one-half feet (3'6").
- Fences and Walls, as approved by the Review Committee.
- Pool and HVAC equipment screen walls will be a maximum of six (6) feet in height.
- Window wells for basements: maximum of six feet (6').

**Building Footprint.** In a custom home development, minimum and maximum building size is established for each building site in the form of a Building Footprint. Building Footprint as used here shall mean the Lot area covered by structures including the interior and the exterior spaces such as living area, garage, covered patio, porch, porte-cochere etc. Eaves and overhangs beyond structural support shall not be added in this calculation.

## **C. GRADING AND SITE DRAINAGE**

The goal for site grading includes the preservation of as much of the natural topographic forms and features as possible. No alterations of the existing topography over and above what has been done by the Developer shall be permitted on any lots in The Cliffs development unless it is determined by the Review Committee to be necessary.

A cut or fill may be approved by the Review Committee, and shall be on a case-by-case basis only. Except for basements, grades may not be raised or lowered without approval from the Review Committee. Cut and fill slopes shall not be exposed but rather finished via a retaining wall of approved material or via an approved landscape treatment. Maximum height of a retaining wall shall be six (6) feet, or as approved by the Review Committee. Retaining walls shall be either of a finished masonry (such as stucco) or shall be constructed out of natural material such as lava (in the wash areas) or red stone or other approved material (in the lot area). Masonry retaining walls shall be finished to merge into natural land surrounding the site.

Site improvements such as driveways, fences, pools, and patios shall be designed to fit existing topography in order to minimize grading. General surface drainage from one lot shall not drain to an adjacent Lot or open space area. The Review Committee shall review and approve all drainage plans for lots. Any redirection of existing drainage flow must first be approved by the Review Committee. Site drainage and related grading shall be done with minimum disruption to the existing Lot. All effort should be made to drain lots to the front of the lot and into the existing street. Native rock and plant materials should be used to minimize soil erosion.

#### **D. EASEMENTS**

**1. Access Easement.** Within each single family residential Lot, a ten-foot (10') wide access easement exists parallel to the street right-of-way along all street frontages. A walking trail or sidewalk may meander within the street right-of-way and the access easement. Each individual lot owner is required to landscape and maintain the access easements. Owners are also required to maintain any unpaved area within street rights-of-way contiguous to his/her property. Such areas shall be kept free of debris and weeds at all times.

**2. Utility Easement.** Each residential Lot is served with underground power, TV cable, telephone, sewer, gas and water lines. Such utility lines typically run in an easement within the street right-of-way. It is the responsibility of the owner or general contractor to confirm the location of these utilities within the easements. Utility locations should be confirmed in the field when a survey of the Lot is performed. Driveways over utility easements are permissible if done in accordance with the requirements of the utility company. The owner is responsible for removal and replacement of the improvements if the utility companies determine that access to the utilities is necessary.

All utility company pull boxes, transformers, and similar facilities have been set within the street right-of-way or easements created around each Lot. Future planting and grading must be designed to diminish their visual impact. The Review Committee will individually review all improvements planned for inclusion over easements held by utilities or public agencies as well as those held by the Association. Easements that are located on residential Lots include, but are not limited to, emergency access, water lines, irrigation lines, sewers, and storm drainage alignments. Prior to construction, the contractor is responsible to locate all utility lines in an effort to avoid damages.

It is the owner's responsibility to confirm the location and purpose of all easements and the improvements within the easements. The owner or owner's design consultants should check with the Review Committee to determine restrictions relating to improvements constructed within easements.

**3. Drainage Easement.** Designated drainage easement may exist on a Lot as a result of the overall drainage plan for the community.

**4. Trail Easement.** Access to Common Areas or the HCP area may require a ten (10) foot easement to establish or maintain access for lot owners. Trail Easements may be established by the Design Review Committee to achieve this end.

## **E. VEHICULAR PARKING AND DRIVEWAYS**

To reduce the visual impact of vehicles, there are specific controls established in The Cliffs for on-site parking, driveways and garage location and design. Vehicles referred to herein shall include cars, vans, trucks, trailers, motor homes, motorbikes, dirt bikes, bicycles, boats and such (motorized or non-motorized). No on-street overnight parking is allowed in The Cliffs development except in designated locations. Violators of parking regulations may be cited, warned and fined by the Association. In extreme cases vehicles may be impounded by the CPOA.

**1. On-site Parking Requirement.** All vehicles must be kept in garages at all times. Visitors' vehicles may be parked (uncovered) on-site during their period of visit. A garage must be designed and built of a size large enough to accommodate storage of all vehicles intended to be stored on that site. Garages must be able to accommodate a minimum of two (2) vehicles.

In a Single Family Attached neighborhood and Planned Unit Developments, the garage for each residence shall be large enough to accommodate a minimum of two automobiles. Driveways shall not qualify for this parking requirement.

**2. Recreation Vehicle Parking.** Small recreation vehicles, if to be stored on site, must be kept within a garage where the garage door height does not exceed eight (8) feet. Large recreation vehicles such as motor homes or travel trailers must be stored outside of the community.

**3. Driveways.** Driveways shall be designed to intersect with the street at approximately 90-degree angles for safety, visibility and continuity. If driveways for one lot enter the street in two different locations the maximum width for any one driveway shall be eighteen (18) feet. If there is only one entrance location on the lot that driveway may be up to thirty-six (36) feet wide. The driveway finish shall be of a masonry material with a color and texture in harmony with the existing grounds. Typical acceptable materials are a brick or concrete pavers, or colored concrete with stamped, salt finish, or other texture. Asphalt driveways for homes shall not be permitted. Large expansive driveways shall be screened by a berm, screen wall, a courtyard wall or additional landscaping.

## **F. FENCE REQUIREMENTS**

Fences have a significant affect on visual and social aspects of a neighborhood. They can create a positive or negative result The Cliffs' goal is to create an open environment allowing nature to flow without being dominated or obstructed by man-made physical barriers. Therefore, no property line fences shall be permitted in the community without an approval of the Review Committee.

However, fences are necessary for individual privacy, health, safety, and screening of unsightly elements. Several types of fences, as defined and categorized here, shall therefore be

permitted within The Cliffs development. A typical Lot may have several types of fencing, such as project fencing, courtyard fencing, privacy fencing, screen fencing, golf course fencing and/or pool fencing. Design standards for these fences, as enumerated herein, shall be adhered to in all single family detached homes. The height of fences as established in the following section is to be generally measured from the higher ground; any dispute may be arbitrated by the Review Committee.

**1. Project Fencing.** Design details defining material, texture, location and color of this fence are established by the Association. The Association shall also establish the same for the HCP boundary fence as required. Visually the project fence shall follow property lines along the project boundary where appropriate. The fence shall be visually solid at locations where security is a prime concern and shall be open at important view corridors. Maximum height shall be six (6) feet at solid sections and five (5) feet at open sections. Tortoise fencing has been provided as agreed with the HCP. Maintenance responsibility for Project Fencing and Tortoise Fencing shall be with the Association, the golf course owner and the individual property owner.

**2. Courtyard Fencing.** The function of a courtyard fence is to create private outdoor areas such as an entry court or an enclosure in the rear yard. Courtyard fences shall be constructed of masonry and shall be finished stucco or rock. The courtyard fence is an extension of the architecture of the home and therefore its texture and color shall be similar to that of the house exterior. The fence design shall be compatible with the house architecture. Shadow lines, articulated cap detail, tile bands or other architectural treatments, to break the monotony, are promoted. Wide walls give a massive feeling and are preferred over thin walls; however, in no case shall the thickness of the fence be less than six inches (6"). Use of slump block or "Energrid" is acceptable if it is finished with stucco. Courtyard fences may be of a variable height with maximum height being five (5) feet. Porticos incorporated in the fence design shall be a maximum of nine (9) feet in height. A fence may be solid, open or a combination thereof. Wrought iron, glass and glass blocks are approved materials for use in an open fence design. Open concrete block units (such as the one with "XX" opening) are not permitted. Other materials may be permitted by the Review Committee.

**3. Privacy Fencing.** The privacy fence creates a shield for an interior garden, a bedroom, or a bathroom. Use of privacy fencing shall be limited. Design, material, color and texture criteria shall be the same as for courtyard fencing except that maximum height of a privacy fence may be up to six (6) feet.

**4. Screen Fencing.** Screen fences must be installed to screen unsightly elements such as air conditioning, pool equipment, trash recepticals, and utility meters. All service areas such as storage of trash cans shall be behind a screen fence. A maze type of layout is preferred for access to such service areas. . The most commonly used screen fence will be along the side of a home typically above a retaining wall for safety. A screen fence may be used to shield on-site guest parking from general view. Design, material, color and texture criteria shall be the same as for the courtyard fencing, except that the maximum height may not exceed six feet (6'). Screen fences must be solid in all areas.

**5. Pool Fencing.** Pool fencing is required by the City and must meet the zoning code. A pool fence may be solid, open, or a combination thereof. The design, construction, material, color and texture criteria shall be the same as for the courtyard fencing. The extent of the pool fence shall be limited to the pool and decking and landscaping area around it. Height of fence shall not exceed five feet as measured from outside.

**6. Golf Course Fencing.** It is not intended that a golf course fence be constructed, however should a golf course fence be considered, it shall be designed to keep an open view corridor between the homes and the golf course. It could create a sense of separation. The fence shall be a non visual barrier above two feet (2) in height and shall be constructed of wrought iron and masonry products. The masonry surfaces shall be finished with stucco. The stucco color and texture shall be compatible with the homes in the area. Maximum fence height shall be five (5) feet.

## **G. GATES**

Gates shall be unique and artistically designed. The design shall be in harmony with the architectural style of the main structure. Gates as referred to herein are for portico, courtyard, entry, service area access and such locations. Gates may be constructed of metal or wrought iron. Other material may be considered by the Review Committee on a case by case basis. Colors used for gates shall be muted and not primary. Wrought iron gates shall not include elements such as arrows in the design. Electronic operators, if used, shall be concealed by screen walls.

## **ARCHITECTURAL DESIGN STANDARDS**

Architectural design standards are consistent with the goals of the Cliffs community to create a development that is in harmony with the surrounding environment. These standards will control building style, height, mass, scale, material and colors to enhance the desert environment.

### **A. STYLE**

The architectural character of the buildings in the Cliffs must be indigenous and appropriate to the environmental and climatic conditions. Examples of such styles are Southwestern, Pueblo, and Santa Fe Adobe. Since there are many variations of these styles, the Review Committee shall make all decisions regarding the appropriateness of a proposed architectural design of a home. Styles that are inappropriate for the natural desert environment shall not be permitted. Examples of these styles are Colonial, Revival, Georgian, Roman, Gothic, Chateau, French Country etc.

Elevation treatment, inclusive of materials, trim and detailing, must be consistent around the entire building. Gingerbread, plant-ons, or other false ornamentation shall not be used. Proper design consideration shall be given to the fascia as an architecturally integrated design element.

### **B. MASS AND SCALE**

Building mass and scale are crucial to the development of the Cliffs. To every extent possible, the natural panorama must not be diminished by the man-made improvements. The standards of these guidelines are strict in this regard. A maximum building size is established for each building site in the patio home area in the form of a maximum Building Footprint.

**1. Minimum Building Size.** Minimum building footprint size shall be as follows; Homes built in Plats C, D, F, H, I, J & M - 2,800 SF excluding basements & garages. Homes built in Plats A, B, E, G, K & L - 1,900 SF excluding basements & garages. Plat boundaries are found in the Appendix F.

**2. Basement.** Typical basements and courtyard basements may be permitted, as long as they are within the Building Envelope. Walkout basements shall be permitted on those lots approved by the Review Committee. Basements proposed to have a level grade from the basement finish floor to daylight grade are not permitted on the first tier of homes adjacent to the Entrada development.

See definition of different types of basements. Structures with any type of basement must meet the building height restrictions. Light wells for the basement must meet the appropriate building codes for covering or the use of guard rails.

**3. Maximum Height.** Adjacent to the Entrada development, the maximum building height for any portion of the building structure, including fireplace chimneys, shall be seventeen and one half (17.5) feet.

The maximum building height for all other structures, excluding fireplace chimneys, shall be eighteen (18) feet. Fireplace chimneys may protrude above the maximum structure height an additional two (2) feet.

Fireplace and other vents should be grouped to the extent possible. Roof material elements such as skylights, parapet walls, screen walls and vents must conform to the height limitations.

All lots in the Cliffs are restricted to a one-story height above lot grade.

Maximum building height shall be measured from the homes finished floor. The homes finished floor shall not be more than eight (8) inches above the pad grade elevation. Pad grade elevation shall be established for each lot by the Review Committee in relation to the existing top back of curb. Variance to building height limit &/or pad grade elevation may be granted or imposed by the Review Committee in very unusual circumstances and strictly in the spirit and intent of the development. No variation in building height shall be allowed in the first row of homes adjacent to the Entrada development. Variations in height shall be limited to a two (2) foot maximum.

**4. Building Mass.** The three dimensional design of the building shall have a minimum of three masses. These masses shall be of varying size and heights as viewed from various angles. Larger buildings with footprints exceeding 5,000 square feet shall have more than three masses. Masses shall be separated, vertically and horizontally by appropriate distance. The composition of masses should be aesthetically pleasing. Masses shall not be equal in size. Balance in design should be achieved by combination of primary and secondary masses where the primary mass is substantially larger than the secondary masses.

## **C. MATERIAL AND COLOR**

**1. Materials.** All exterior building materials shall be compatible with and complimentary to each other and to the overall design of the home in style, texture, and color. The use of natural materials for exterior walls and floor finishes such as red stone veneer, flag stone paving, etc., is highly encouraged. At least 300 square feet of natural stone material (not cultured stone), which is visible from street view, is required to be placed on the home. A portion of the required stone square footage may be placed on privacy or courtyard walls, if approved by the Review Committee. Wood, if used on the exterior of the buildings, should be of heavy

dimensions to survive in the extreme climatic conditions. No exterior material shall be used that has a high gloss, glaring, or reflective (mirror) type of finish. Proposed materials must be approved by Review Committee. See Appendix C for a list of approved building materials.

**2. Colors.** Color plays an important part in creating an aesthetic homogeneity in a neighborhood as well as in the community. Bright primary colors tend to distract vision, versus subdued colors which tend to be soft and soothing to the eye. The light reflectance value (LRV) of the exterior colors shall be no higher than 38%. To achieve the Cliffs development goal of creating a community that does not overpower the natural desert, all improvements must be of earth tone colors consistent with the building site and its visual surroundings. Exterior building colors (including natural stone) shall be harmonious with the mountainous surrounding while colors of the hardscape shall be complimentary to the natural desert ground. The primary color of a home must be different than that of the adjoining home. A four-foot (4') square area of the wall must be painted for the Review Committee's approval prior to painting the entire building. It is the lot owner's responsibility to schedule members of the Review Committee to view the painted area.

#### **D. BUILDING ELEMENTS**

**1. Walls and Columns.** Walls are a predominant element of a building design. Where possible, undulating or curvilinear surfaces shall be incorporated in elevations to avoid long flat masses. Horizontal elevations can be accentuated with reveals, bands, etc., or other similar features. Such elements of design will give a low profile to the building which is consistent with the goal of the Cliffs. Varying heights of walls break monotony in design and create interesting elevations.

Stucco is the most common building material in southwest type of housing. Smooth and light sand finished stucco buildings look quite elegant and are acceptable contrary to course finishes such as "heavy lace," which shall not be permitted. Native red stone walls tend to merge the building with the site and are preferred. Bricks are not an appropriate material for the preferred architectural style and therefore they are not permitted. Wood may be used as accent but not as siding. Elements that are visible from surrounding areas such as an electrical service panel shall be mounted flush into the wall and painted to match the building.

Columns are an important design element. Specifically the proportions of a column must be in balance with the architectural design. Columns which are too thin or too fat in proportion or are inappropriately detailed as to the base and capital design are not acceptable. Columns must have a minimum dimension of twelve inches (12) inches in diameter or width in both directions. A slenderness ratio of a column shall be a minimum of one to eight (1:8) meaning one foot thickness for eight foot height. Exposed wood beams or posts shall be of at least a 8x8 construction.

**2. Doors and Windows.** The design of an entry area in a building should be unique and complimentary to the style of architecture. Special consideration should be given to the entry door in terms of its artistic quality, design of the door, the hardware, material used and the finish (paint or stain). Doors and windows should be set deep into the wall to create shades and shadows in the elevations. All exterior doors shall be consistent with each other in details such as surrounds, jambs, sill or head, etc. Where vents are required for exterior (mechanical room) doors, full height louvers shall be used. All patio doors shall be consistent with window trim. All exterior panel doors shall be painted the same color as the adjacent wall.

Windows must be proportionate to the wall mass and located in a proper order. The proportion of windows to the exterior surfaces will be carefully considered by the Review Committee at the time of plan review. Windows should be recessed into walls to create shades and shadows. Windows in the front walls must be recessed at least a minimum of 5-1/2 inches. The style and material of the windows shall be consistent. The use of wood and vinyl frame windows is promoted because of their energy efficient construction. Aluminum frame windows are not preferred for the same reason. However, if used, the aluminum windows shall be anodized, treated or painted to blend with adjacent materials. White window frames shall not be permitted. Glazing must be double insulated unless technical difficulty exists such as in an extra large opening with a butt glazed treatment. All windows must have a "Low E" glazing. Canvas or similar type awnings shall not be permitted as the material tends to fade over time.

Exterior sun shades may be permitted with DRC review and approval provided their color aesthetically blends with the balance of the structure and that they are out of sight when stored. Careful consideration should be used when selecting color and window treatments.

**3. Roof.** Consistent with the goals of the community, the height restrictions at the Cliffs are prescribed to cause home designs with a low profile and predominantly with a flat roof. Roof terraces may be constructed as long as all elements of the terrace including the guard rail meet the height restrictions.

The roofing material should be authentic, not simulated or cultured. All roofing material must be noncombustible. Color of the Roofing material shall be harmonious with the structure and blend with adjacent natural surroundings. Surfaces shall not be of a bright color such as red, white, black and/or blue. Roof tops must be painted in a same color as the home or a coordinated color that creates a minimum of contrast. Sand should be added to reduce glare.

Roof-mounted air-conditioning equipment shall not be permitted. Galvanized sheet metal work should be kept clean and simple with a minimum of exposed metal and shall be painted with the same color as the roof.

Roof gutters shall be constructed into the roof structure with down spouts being run within the walls. Exposed gutters, down spouts, or scuppers shall be permitted if accentuated as part of the architectural detailing.

Plumbing vents pipes and similar elements shall be ganged resulting in a minimum number of vents penetrating the roof. These elements should be located on the interior side of the roof away from street view. They must be painted the same color as the roof. Any pipe projection taller than twenty four (24) inches shall be encased in a chimney like structure.

**Sitting areas on roof tops** will be allowed only if it does not intrude on the privacy of the surrounding neighbors. The sitting area shall be no larger than 500 square feet and shall be setback a minimum of 2 feet from the edge of the roof line. Screening walls should be utilized to disguise the sitting area from the street. The height of the screening walls combined with the elevation of the roof line must not exceed the maximum height limit for the specific area. Items (chairs, tables, railing, etc.) placed in sitting area must not be visible from street view. All items on the roof (walls, chairs, railings, etc., must be set back at least two (2) feet from the roof line. Roof access stairways must be located within the home, unless other locations are approved by

the Design Review Committee. Any fire pits, barbeques or other open flame structures require special approval from the Review Committee.

**4. Garage and Porte-Cochere.** In the Cliffs neighborhoods, garages are required and shall be of a size large enough to accommodate the number of automobiles to be stored on that particular site. Carports are not permitted as a primary means for parking in the Cliffs development. Garages may be attached or detached from the main structure. Detached garages may be connected to the main home via a breezeway. Porte-cocheres and breezeways are permitted subject to the Review Committee's approval. Wherever possible, driveways shall not be designed to be the primary pedestrian access to the home.

In the custom home area, garage doors shall not dominate the front elevation. Side entry garages shall be encouraged on all custom home lots when possible. Ornamentation of the door shall be minimal and subtle. Doors shall be recessed into the wall a minimum of eighteen inches (18). The garage front shall be stepped if wider than twenty six (26) feet. If more than four vehicles are to be stored, the balance of the vehicles shall be stored in tandem. Alternatively, separate garages physically located on opposite sides of the facade or in an "L" configuration may be constructed. Design of the door shall be consistent with the overall architecture of the house. Door color shall be subdued and be complementary to and not contrasting with the building. Subdued, faux finishes are encouraged. Doors shall be sectional. One-piece or single slab type garage doors shall not be permitted. Height of the garage door shall be a maximum of eight (8) feet.

Garages must be insulated and have finished interiors. All garages must be equipped with an automatic garage door opener. When the garage is not in use, garage doors shall be in a closed position. Garages shall be used only for the purpose of parking automobiles, golf carts and storing of household items only to the extent that storage does not prevent the parking of automobiles as intended by the garage. The garage shall not be used as a commercial workshop or storage of merchandise or other such uses. Partial garage conversion may be approved if adequate room is available for parking of the number of vehicles owned by the homeowner.

**5. Fireplaces and Chimneys.** Wood burning fireplaces shall not be permitted in The Cliffs as they pollute the environment. Fireplaces are more of a decorative item. Flue of the direct vent fireplace shall be concealed from general view via screen wall or landscaping. The chimney is a dominant element of architectural design and therefore shall be proportionate to and consistently detailed with the overall architectural design. Fireplace walls shall run down to grade when located on an exterior wall.

**6. Skylights.** Skylights are an efficient means of bringing natural daylight into the interior of the home, however, at night, they tend to leak light. Skylights must be integrally designed into the structure and should not be obtrusive. Glazing shall be tinted gray or bronze and shall not be clear or white. A skylight shall not be back lit. The skylight curb shall be painted or coated to match adjacent materials.

**7. Solar Equipment.** Use of solar energy equipment is encouraged. However, the design and placement of the equipment shall be integrated with the architectural design of the structure. All solar equipment design and locations must be screened from view and be approved by the Review Committee.

8. **Mechanical Equipment.** Ground source heat pumps are recommended. Forced air HVAC system with ground mounted condensers will be accepted. Condensers shall be screened by use of a solid wall.

## **RECREATION AMENITIES**

### **A. POOL AND SPA**

Pools and spas shall be built on-site. Fiberglass pre-formed or above ground pools shall not be permitted. Pool, spa and related decks shall be built within the specified Building Envelope. Encroachment outside the Building Envelope may be granted by the Review Committee upon determination that the location of such amenity is appropriate. The Review Committee may require an adequate landscape buffer to screen the pool and spa from adjacent private or common properties. Pool equipment shall be screened *via screen fence* and located such that it is not visible from adjacent public and private properties. Exterior shower enclosures or related equipment shall be screened from adjacent properties.

### **B. TENNIS AND SPORT COURTS**

Tennis and sport courts shall be permitted only upon the Review Committee's determination that the proposed court will not have visual or noise impact on the neighborhood. The Review Committee shall determine the appropriate location, setbacks, landscape buffer and such requirements on a site by site basis. The Review Committee may require that the court be sunk below grade to reduce aesthetic impact. Courts may not be lighted.

### **C. SPORTS EQUIPMENT**

Basketball hoops and backboards shall not be permanently installed on any structure or a Lot. Portable hoops will be permitted and must be stored out of sight when not in use. Other sports equipment such as a trampoline may be used on a temporary basis but must be stored out of sight when not in use.

### **D. SATELLITE DISHES AND ANTENNAE**

A satellite dish may be installed on the ground or on a building when such a dish is completely screened from general view. Usually this means mounting toward the center of the roof with some type of screening provided. The size of the satellite dish shall be limited to thirty-six inches (36") in diameter. The location of the dish and method of screening shall be approved by the Review Committee prior to installation including replacement dishes.. Dish shall be painted the same color as the home. Other types of antennas may be permitted on the roof if they are not visible from the street or general public view. Plans for location of dish must be submitted and approved by Review Committee.

## **SITE ACCESSORIES**

### **A. MAILBOXES**

A mailbox is provided for each home near the entrance of the Development.

## **B. GENERAL LIGHTING**

The Cliffs primary goal for lighting is to preserve the ambiance of the night time desert sky. Hence, exterior lighting shall be minimal and of a low intensity. Lighting is divided into two categories as referenced in these Guidelines: 1) General lighting (which is the lighting attached to buildings, poles, posts and fences); and 2) Landscape lighting (which is the lighting installed on the ground or trees). General lighting standards are listed in this section and the landscape lighting standards are listed in the Landscape Design Standards.

The primary function of general lighting is to provide light for normal use of premises and for public health and safety. General lighting shall be installed only in the areas that are primarily required for use on an every day basis and for the normal function of a home. Examples of this type of lighting include porch, patio, porte-cochere, and service area. General lighting shall not be in abundance. Light sources shall be localized, carefully placed and directed such that it will neither flood the adjacent areas nor will the source be visible from neighboring properties. As much as possible the lighting fixtures shall be recessed or physically integrated into the part of the structure it is on.

The Lot identification element must be lighted so that the address numbers can be seen at night. Lighting shall be directed downwards and pointed at the numbers. Recessed lighting above the garage doors or wall mounted light fixtures near the garage doors are required and will act as street lights. A post light may be installed at the front edge of the driveway. Light fixtures shall be on the side rather than on top of posts. The fixture shall point downward and shall not be higher than three feet (3') to the top of the fixture. Front landscape lighting may be placed on a timer to stay on between the hours of dusk till midnight. No light shall be placed on top of any building or fence. Neither eave lights nor ground mounted flood lights to wash the exterior of the house shall be permitted.

Security lights with motion detectors may be installed; however, they shall be on for no more than twenty (20) minutes at a time. These lights shall not be visible from neighboring properties. Should they be found to be a nuisance, the Association may ask that the lights be shut off permanently.

Motion detectors shall be pointed in a manner such that the lights would not go on and off by motion of vegetation. Only "warm" lamps with a maximum of 75 watts shall be permitted for all general lighting. No lamp post type of lighting shall be permitted to light yards in any part of the property. Colored lighting shall not be permitted. No lighting shall be permitted outside of the Building Envelope except for the driveway, the entry walk, driveway post and landscape lights.

## **C. SIGNAGE**

In order to maintain the residential character of the community, no permanent signs of any type such as security, professional services, architect, general contractor, subcontractors, financing institute, real estate, pool company, etc., are permitted on any residential sites in the Cliffs development except for the following temporary signs. No signage shall be placed on the property for political propaganda or garage sale. All signs must be reviewed and approved by the Review Committee prior to installation.

**1. Construction Signage.** A construction information sign (temporary) must be placed on a property during the course of construction. The design, construction and colors must be as per standard design provided in these Guidelines. A plan box shall be attached to this sign which must have a set of approved plans at all times. The following information is mandatory and must appear on such sign. (No other information shall be added nor shall additional signs be attached to or suspended from the sign.)

- Property identification by Lot number and street address.
- Owner's name and telephone number (optional).
- Architect's name and telephone number.
- General contractor's name and telephone number.
- Lender's name and telephone number (optional).
- Real Estate Company and agent's name and telephone number if the property is for sale.

The sign must conform to the following standards:

- Actual sign shall not exceed 36 inches by 48 inches.
- Color of sign shall be Bolt Brown (Sherman Williams 4001) or similar.
- All letters and/or graphics on the sign shall be white or beige in color.
- The height of the sign must not exceed 5 feet above the ground.

The sign shall be located parallel to and approximately five feet (5') inward from the front property line. The construction sign shall not be lighted. The sign must be removed immediately upon receipt of a final building inspection from the City. Additional sign board/s may not be hung or mounted on the main sign.

**2. Real Estate Signage.** Only one "For Sale" sign may be placed upon any property in The Cliffs development. Additional signs/ boards may not be hung or mounted on the main sign. The sign shall meet the following standards:

- Actual sign shall not exceed 24 inches by 24 inches.
- Color of sign shall be Bolt Brown (Sherman Williams 4001) or similar.
- All letters and/or graphics on the sign shall be white or beige in color.
- The height of the sign must not exceed 5 feet above the ground.

Temporary "open house" or "model open" A-frame signs may be placed on a lot but are subject to review and denial by the DRC. These signs should be in dark colors such as brown, black or grey. The Declarant reserves the right to place a permanent Sales Office sign on a home in the project and at intersections for direction purposes until all developer lots are sold. Temporary "open house" or "model open" signs are allowed to be displayed only during times where the representing sales agent or owner or owner's rep is present on the property being sold. No information except "open house" or "model open" may be displayed on these signs. All exceptions require approval by the CPOA.

## **D. FLAG POLES**

Except for a flag pole for the display of the American flag, flag poles are not permitted in The Cliffs. Flag poles shall be mounted on a temporary basis. Any flag pole shall be subject to the Review Committee's approval for placement, design and height. The top of the pole shall not be higher than twelve feet (12') above grade. The flag pole shall not be used as an antenna. No spotlight or other type of light directed at the flag or flag pole is permitted.

## **LANDSCAPE DESIGN GUIDELINES**

The Cliffs site is unique in character and offers a full variety of desert vegetation. Improved grounds on home sites shall protect, nurture and enhance this vegetation. Existing vegetation is indigenous and appropriate to the Southern Utah desert environment. Developers and Owners shall ensure that developed areas will harmonize and blend with the existing natural environment rather than dominate the same. The objective of the landscape standards is to guide homeowners and builders in achieving this goal. Transplanting of lush greenery from other regions will be against the philosophy of the community. In areas where the CPOA is responsible for maintenance, the design and plant selections must create an area that can be maintained at a reasonable cost.

### **A. BUILDING LOT TREATMENT**

Landscaping material for each lot shall be those materials as listed in Appendix D. Plants used in private courtyards or patios, which are shielded from view of neighboring properties and general public, may be left to the discretion and personal taste of the homeowner with the exception that they shall be no taller than six feet (6') or taller than the fence or any structure around it. The Review Committee may allow variances to this requirement upon determination that the proposed design is in the spirit of these Guidelines. Such variance shall be on a case by case basis.

### **B. GENERAL REQUIREMENTS**

Landscape plans must be prepared by a landscape architect or a competent & experienced designer.

Any portion of the Lot not used for buildings, patios, driveways or sidewalks shall be landscaped at the time improvements are made upon the Lot. All Lots shall be landscaped in accordance with these guidelines and shall be provided with an automatic irrigation system. All plant materials shall meet the requirements of the American Standard for Nursery Stock - ANSI Z60.1.

Plants shall be selected such that they are of appropriate size and shape for the yard being designed. Shrubs over three feet (3') in height or trees with a canopy lower than twelve feet (12') shall not be planted within the front half of the front yard, as measured from the back of the curb and the face of the building. This is required in order to allow for visibility along the street. Minimize planting of certain types of trees in narrow side yards to avoid the need for excessive continual pruning. Locate shade trees near the house for their cooling effects. Consider deciduous varieties on the south and west sides to access the winter sun to the house and yard.

Non-turf areas shall be treated with an approved pre-emergent prior to, and after, placing landscape topping to prevent weed growth. Use of plastic lining is not permitted. A fabric such as Mirascape by Mirafli or Geoscape may be considered by the Review Committee.

### **C. LANDSCAPE MATERIALS**

**1. Approved Plant List.** For water conservation, low water demand plant materials should be used at The Cliffs. A variety of plants survive in this arid climate. A list of approved plants is included in Appendix D. These plants were carefully selected for their ability to blend with the natural desert, their drought tolerant characteristics, and for their foliage and seasonal flowering. Only those plants listed in this list may be installed unless a specific additional plant is specifically approved by the Review Committee.

**2. Prohibited Plant List.** Several types of plants are prohibited at The Cliffs and they are listed in the Prohibited Plant List, Appendix E. These plants shall not be planted since they can be potentially destructive to native plants or because of noxious pollen, excessive height, weed like growth habits, high water demands or other traits considered undesirable.

**3. Trees.** Large trees are not a characteristic of The Cliffs site and therefore use of oversized trees shall be prohibited. No trees shall be taller than two feet (2') above the height of the adjacent building at their maturity. Prior to the approval of tree types, the Review Committee shall determine if the proposed trees are in the spirit of this requirement. Trees may be allowed to canopy over walkways if the canopy is maintained at a minimum of ten feet (10') and over streets and driveways if the canopy is maintained at a minimum of twelve feet (12'). Plants (other than trees) shall not overhang any public walkways or streets.

Minimum numbers of trees are required per the following schedule;

<u>Lot size</u>	<u>Number and Size</u>
Under 10,000 SF	2 - 24@ box
10,000 plus SF	4 - 24@ box

Multi-trunk trees are recommended for open spaces to add informality to the overall design. Single-trunk trees are recommended for narrow spaces or near structures so that canopies will be higher and circulation unrestricted. Hedgerows of trees are not allowed. Trees should be planted singly or in natural groupings.

**4. Shrubs.** Shrubs of a single variety shall be massed to avoid a sporadic appearance. The variety of plant material should be somewhat limited because too many types are often confusing and detract from the overall landscape theme.

**5. Turf.** A good mixture of plant materials and turf is allowed with the total areas of grass/sod limited to fifty (50) percent of the area available for softscape.. To maximize the cooling effects of turf, these areas should be located adjacent to or near the house where they are also easily accessible for recreation and enjoyment. Front yards on the lower lots are required to have a section of turf unless decided otherwise by the Review Committee.

**6. Large Decorative Boulders.** Boulders may be used in the landscape. They shall be sunk a minimum of 1/3 below grade and be in groupings to appear as if they existed naturally. The boulder color shall match as nearly as possible the color of the rocks in The Cliffs area. An oxidizing or aging agent, as described above, may be used to achieve this desert varnish color.

**7. Ground treatment.** All surfaces not planted in turf or plants shall have a topping applied such as decomposed or crushed granite, to prevent erosion and excessive dust. The topping colors shall match as nearly as possible the colors in the surrounding desert. A sample of topping materials shall be submitted as part of the Final Plan Review. Artificially colored rocks

shall not be permitted as topping. Materials with light colors or contrasting colors will not be approved.

#### **D. IRRIGATION**

Irrigation is critical for establishment of indigenous plants and many of the arid-region plant material; however, once established the plant material can survive with little or no water. While designing an irrigation system this element must be considered. Spray irrigation has negative impact on the micro climate as it has a large rate of evaporation and excessive run off onto natural desert area escalating weed growth. Drip irrigation is the most appropriate and mandatory in The Cliffs since this type of application delivers water directly to the root zone and uses less water as well. Spray irrigation shall be limited to turf areas only. Irrigation shall be installed and be fully operational prior to or simultaneously with the installation of all plant material. All landscaped areas shall be provided with an automatic irrigation system. All permanent irrigation systems shall be below grade or permanently covered with landscape material. All systems shall have a back flow prevention device to prevent non-potable water from entering the potable water system. Irrigation controllers and back flow prevention devices shall be located such that they are not visible from adjacent Lots or streets. Systems shall be designed to minimize run-off and loss of water. Use of tensiometers and rain guards are encouraged to prevent the unnecessary watering of the landscape during rain storms. The irrigation system shall be designed to meet the peak demands of all the plant material. Where spray heads are used, they shall be the "pop-up" type. No exposed "knocker heads" are permitted. The irrigation system shall be designed for the scale of the yard. Spray heads shall have a maximum fifteen foot (15') radius throw, unless otherwise approved by the Review Committee. Above ground irrigation systems are not allowed. However drip system lines may be above ground if fully and permanently covered by landscape material. Drip system piping should be black or dark brown in color.

Irrigation systems in the patio lots (Plats A, B, & E) must be connected by the Association's landscape contractor. They will be responsible for properly connecting the patio lots to the Association's irrigation system. No private water features such as waterfalls, fountains, or swimming pools will be allowed to be connected to the Association's irrigation system.

#### **E. LANDSCAPE LIGHTING**

Landscape lighting shall be shielded to prevent nuisance glare onto adjacent properties. Lighting should be automated and controlled by a timer. Conceal "uplights" as much as possible by boulders and shrubs to decrease their visibility during the daytime. Above grade fixtures shall not be permitted in turf areas. All outdoor fixtures shall be low voltage and use incandescent or florescent lamps. Colored lenses shall not be permitted (e.g., blue, green, red). Post lights taller than three feet are not permitted. All light fixtures shall be compatible with the architecture of the community. Walk lights may be used along walkways and driveways and shall project downward only. No exposed bulbs shall be permitted. All fixtures shall use an integral or below grade junction box. Fixtures shall not exceed fifteen inches (15") in height. Fixtures are to be finished to blend with the area they are placed within.

#### **F. WATER FEATURES**

Water features shall be kept in scale with the house and shall minimize jets, sprays, and surface area, to reduce the loss of water through evaporation. Any water feature visible to the surrounding

area shall require approval by the Review Committee. Flash evaporation (micro-mist) systems may be installed. Water features shall be designed as part of the architecture.

#### **G. ART OBJECTS**

Objects visible to the surrounding area shall require approval by the Review Committee.

#### **H. COMPLETION OF LANDSCAPE**

Landscaping shall be installed per an approved design prior to receiving a Certificate of Occupancy. The construction security deposit (see page 31, Building Process) shall be refunded only upon completion of the landscaping and final approval of the same by the Review Committee. At the time of the final inspection of the landscaping, all items including the irrigation system, lighting, planting and site amenities shall be complete and operational.

#### **I. MAINTENANCE**

The homeowner shall maintain all plantings in a healthy growing condition. Fertilization, cultivation, and pruning shall be carried out on a regular basis. Dead and dying plants shall be removed and replaced promptly. Irrigation systems are to be kept in proper working condition to avoid unnecessary loss of water. Owners shall be responsible for adjusting, repairing, and cleaning such systems on a regular basis. The irrigation system shall be designed and shall be checked regularly to ensure that water from the emitter or spray heads is not spraying onto walks or driveways or off the owner's property, causing excessive water loss, staining or irrigating areas not designed to receive water (e.g., natural desert areas).

Routine landscape maintenance (watering, mowing, pruning, fertilization, etc.) is the responsibility of the Association within the Limited Common Area of the Patio Home lots (plats A, B and E). The same landscape maintenance (except watering) is performed for the front yards of the Custom Home lots (plats C, D, F, G, H, I, J, K, L and M). Front yard, as used here, is all property within the front yard set back from the street.

All other landscape maintenance is the responsibility of the lot owner. All plantings shall be maintained in a healthy growing condition. Fertilization, cultivation, weeding, bug control, and pruning shall be carried out on a regular basis by the lot owner. Dead or dying plants will be removed and replaced in all areas of the any lot as a responsibility of the lot owner regardless of which plat the lot is in.

The cost to maintain areas landscape areas covered by CPOA maintenance must be reasonable. The service provider (landscape contractor) may perform maintenance , removal, and/or additions, without contacting the home owner(s).

The CPOA is not responsible to replace or maintain landscaping that dies sue to the owner's utilities being shut off.

#### **J. MODIFICATION TO THE LANDSCAPE**

Any modifications to the landscape visible to the public areas or to adjacent properties shall require approval from the Review Committee prior to such modification.

## **REVIEW AND APPROVAL PROCESS**

### **A. APPLICATION PROCEDURE**

In applying the Guidelines and the Declaration of the CC&Rs, the Review Committee is charged with using its professional judgment to process each submittal in a fair, consistent, and timely fashion. The Review Committee has established procedural rules, approval time schedules and fees for review of plans and specifications. A minimum of two stages of approval are required for final approval of a typical new construction, unless the completeness of the plans do not require a 2<sup>nd</sup> review. Additional reviews such as a Reconsideration Review are also available. Requirements of the submission material are provided later in this section.

The owner shall submit all plans and specifications for review and approval at the current address of the Review Committee. Application forms and update of all policies for construction of improvements can be obtained at the address below. Obtaining the required Review Committee approval is a prerequisite to construction of any improvements including but not limited to structures, paving, fencing, landscaping, utilities, signage, site accessories and recreational amenities.

The application will be received by the administrative staff of the Review Committee. Responsibility for completeness of the application material lies solely with the owner, and the Review Committee may return an application, without any action on it, due to insufficient information. This may cause loss of time for the owner since the Review Committee meets on a scheduled basis only. The Review Committee's address for all correspondence is as follows:

The Cliffs Design Review Committee  
3052 North Snow Canyon Parkway #10  
St. George, Utah 84770  
(435) 668-3870

### **B. THE REVIEW COMMITTEE'S ACTION**

Upon receipt of a completed application, the submission material may be sent to consultants hired by the Review Committee for professional review and comments. Review by professional consultant/s may be necessary for all major construction items. However, for items of lesser concern the Review Committee may waive this requirement.

The Review Committee will act on the application at its next scheduled meeting held at least once a month. The Review Committee meetings are open to the public except for discussions where the privacy of other owners must be respected. The owner or his contractor is encouraged to be present to answer any questions that the Review Committee may have and to respond to concerns which surface during the review process. The Review Committee must have a quorum in order to pass any action on an application.

The members of the Review committee shall use their expertise and/or that of a professional architectural consultant and knowledge of The Cliffs philosophy in rendering their

decision. If the Review committee concludes that the proposed design is not aesthetically pleasing, the application may be disapproved even though it may meet all of the conditions of the Guidelines. The plans may also be disapproved if the Review committee determines that the building is inappropriately sited.

Upon review of the submission material, and given due consideration to the advise of the consultant/s, the Review committee shall take one of the following actions.

- Grant an unconditional approval;
- Grant a conditional approval;
- Issue a notice of disapproval;
- Table the application for further review until the next scheduled meeting; or
- Return the application for further information to be provided by owner.

Before giving an unconditional approval, the Review Committee may require that changes be made to comply with the requirements of the Guidelines and such additional requirements as the Review Committee, in its discretion, may impose. The Review Committee may impose additional requirements, as it discovers a need, for the continuity of the spirit of the Cliffs. Such elements as color, placement, finish, and material are all subject to the review of the Review Committee.

The approval or disapproval by the Review Committee of any element of any submission for any project shall not be deemed to constitute a waiver by the Review Committee of the right to approve, disapprove, object or consent to any of the features or elements embodied therein when the same, or similar, features or elements are embodied in other applications submitted to the Review Committee.

The amount of time taken by the Review Committee for the approval process will vary with the adequacy and complexity of the design information and the completeness of submittal material. A decision of the Review Committee to approve or disapprove a submittal, together with an explanation of further conditions to be satisfied by the owner, shall be made within thirty (30) days after receipt of a completed submittal.

Following the approval of the plans by the Review Committee, a certification stamp on the approved plans and a separate Letter of Approval shall be provided to the owner evidencing such approval. Any plan or specification approval given by the Review Committee refers only to its apparent conformity with these Guidelines, the Declaration and such other rules, regulations and conditions as may be promulgated by the Review Committee. The Review Committee takes no responsibility for and makes no representations with respect to plan conformance with governmental codes or any other criteria. The Review Committee, by its submission of these standards and approval of plans and specifications, assumes no liability or responsibility for engineering or structural design, or for any defect in any improvement made pursuant thereto, and its approval shall not be deemed approval of any plans or design for structural safety or conformance with building or other codes.

### **C. OWNER'S ACTION**

With regard to a conditional approval, the Review Committee may impose time limitations for the completion of improvements or require changes to be made which in its discretion are required to ensure that the proposed improvement will not detract from the appearance of the community or otherwise create any condition unreasonably disadvantageous to other Owners or to the community as a whole. In such case, the owner has an option to accept all conditions as stated in the Letter of Conditional Approval or to disagree and request a reconsideration of those conditions.

The owner may accept the terms of the conditional approval by signing a copy of the Letter of Conditional Approval and delivering it to the Review Committee.

An owner may request reconsideration of any ruling of the Review Committee by submitting to the Review Committee, in duplicate, written arguments for such reconsideration within thirty (30) days of the date of receipt of the Review Committee's ruling. The Review Committee will give its final ruling by answering the arguments and by confirming or modifying its ruling within thirty (30) days of receipt of the owner's written arguments. Failure of the Review Committee to notify the owner regarding the reconsideration within thirty (30) days of the date of submittal of the written arguments to the Review Committee shall be deemed approval of the submittal.

In the case of disapproval after reconsideration of the application, the owner shall have the right to appeal to the Board of Trustees of the Association.

A Final Approval by the Review Committee remains valid for one (1) year from the date of issuance. The Review Committee approval must be obtained prior to a formal submission to the City for a building permit. If a building permit is not issued within one (1) year after an owner has obtained the Final Approval, the approval is void. The owner may ask for, and receive, one extension of six months. The owner must submit a new application to the Review Committee if the time period expires.

Verbal approvals are not valid approvals under any circumstances. The owner shall not rely on and shall not place any value whatsoever on a verbal approval by anyone, including a Review Committee member.

As part of the final approval process, the Lot Owner, the General Contractor and the Review Committee shall all sign the agreement (see Appendix for form). The agreement contractually binds all parties to the procedures of construction.

#### **D. EFFECT OF APPROVAL**

Neither the Declarant, the Association, the Board of Trustees or the Review Committee, or the members or designated representatives thereof shall be liable for damages to any owner or owner's representative submitting plans or owner's representative affected by the CC&Rs or the Guidelines by reason of mistake of judgment, omission, or negligence unless due to willful misconduct or bad faith of such party.

Each owner, as a condition to obtaining any approval under these Guidelines, agrees to fully indemnify, protect, defend and hold harmless the Declarant, the Association and the Review Committee against and from any and all claims, liabilities, lawsuits and disputes related in any way to any approval or to any approved or disapproved Improvement.

## **E. SUBMISSION MATERIAL**

Submission material shall include:

- Architectural design and construction drawings *with dimensions*.
- Specifications.
- Exterior material and color samples.
- Photographs (optional).
- Colored renderings (optional).
- Any additional items needed to inform the Review Committee of the full details of proposed construction such as scale models or streetscapes.

Building material samples and colors shall be submitted on one or more thick piece(s) of letter-sized cardboard. All submission material (except scale model) shall become the property of the Review Committee and may be retained in order for the Review Committee to inspect the project upon completion. All plans submitted shall be in duplicate. Upon the completion of the review, one (1) set of plans will be retained by the Review Committee for its records, and the other set of plans will be returned to the owner. Plans shall not be submitted to the City for a building permit until the written certification has been issued and all plans have been endorsed with the Review Committee's consent. This approved and endorsed plan, along with the Letter of Final Approval, shall be submitted to the City at the time of application for a building permit.

As a general requirement, include an information block on all submittal sheets containing:

1. Name, address and telephone number of property owner.
2. Name, address and telephone number of Applicant if different from owner.
3. Name, address, telephone of the project architect and other consultants.
4. Lot identification by Lot block, tract and subdivision.
5. Street address of proposed project.
6. Scale and north arrow.
7. Date of original drawing, last revision, change or plan reissue.
8. Sheet title and number.

## **F. DESIGN REVIEW**

Construction requiring review.

All new construction must follow the outlined approval process:

1. Pre-Design Orientation
2. Conceptual Design (Optional by Owner's decision)
3. Preliminary Plan Review
4. Final Plan Review

The Review Committee shall develop a policy allowing small remodeling projects and easily understood projects to proceed directly to the Final Plan Review.

### **1. Pre-Design Orientation Meeting.**

A Pre-Design Orientation Meeting shall precede the Preliminary (*and/or Conceptual*) Design Review. The owner and design team members are required to meet with at least two representatives of the Review Committee to review the proposed improvements. The discussion shall include:

1. A visit to the project site to determine topography, setting of the finish floor elevation/s, natural elements to preserve, view corridors the location of construction fencing, etc.
2. A review of the process of designing and building improvements at The Cliffs and the owner's role in that process.
3. A review of the standards for professional consultants.
4. A review of The Cliffs architectural and landscape philosophy.
5. A review of the Guidelines and updates.
6. Any potential requests for variances by owner's consultants.

The owner must use professional or duly licensed consultants. All building construction documents must be prepared by a design professional or registered architect (Utah or other state). Landscape plans must be prepared by a landscape architect or design professional.

The Orientation Meeting provides the Review Committee member/s an opportunity to meet the owner and member of the his/her design team. The owner is responsible for understanding and complying with the provisions of the Design Guidelines, and assuring that all consultants also understand and comply with the Guidelines. The owner is responsible for ensuring that any revisions relating to the improvements are properly submitted and approved prior to construction. The owner is also responsible for ensuring that the owner's licensed professionals and contractors construct the improvements in conformance with approved plans, revisions and within the allowable time frame. The owner shall furnish copies of these Guidelines to his design team members

**2. Conceptual Design Review**---this phase may be combined with the Preliminary Design Review.

**3. Preliminary Design Review.** Preliminary Design Review is the first formal design review. This review is mandatory. If the owner wishes to apply for variances to any conditions of the Guidelines, it should be formally addressed at this approval stage. The intent of Preliminary Design Review is to evaluate the proposed design at a preliminary design level. Finding and avoiding conflicts with the Guidelines will save the owner and design team considerable time and expense.

In the Preliminary Design Review stage, the Review Committee will focus on architectural form and fundamental relationships between the owner's proposed improvements and the surrounding environment. The Review Committee will not focus on each and every detail at this point; however, the variances will be closely scrutinized. Mandatory submission materials for Conceptual Plan Review include:

- a. Application Forms and Review Fee. A completed form with the signature of the owner (Appendix B) and payment of the Plan Review Fee.
- b. Preliminary Site and Grading Plan (1/8" or 10' or 20' scale). This plan shall include the following items;
  - Property lines, building envelope lines, and easements.
  - Proposed footprint of the building (outline of exterior walls) and the roof design with overhangs, hip, ridge, valley and patio covers (in dashed lines).
  - Footprint coverage calculation and other pertinent information.
  - Existing and proposed easements.
  - Schematic design of driveways, walkways, patios, fencing, gates and pool. HVAC equipment location and screening method.
  - Proposed building floor slab elevation/s and spot grades of elements such as pool, deck, driveway, fences and planter walls.
  - Method of surface and subterranean drainage flow.
  - Lot corner and envelope corner elevations and at least two (2) spot elevations along the curb.
  - Existing and proposed contours at two-foot (2') intervals may be requested by the Review Committee. Show significant geological features, vegetation and trees.
- c. Preliminary Floor Plans (1/8" or 1/4" scale). These plans shall include all floor levels to present the total home design. Include all living and non-living areas with room names. Provide overall exterior dimensions.
- d. Preliminary Roof Plan (1/8" or 1/4" scale). This plan may be combined with the site plan. The following information must be included in the roof plan:
  - Flat and sloped roof areas with pitch and direction of slope.
  - Patio covers, trellis, fireplaces and skylights (with square footage).
  - Location of exterior walls and columns (shown in dashed lines) in relationship to roof edge.
  - Roofing material and color.
  - Location and screening of satellite dish if it is to be installed on the roof.
- e. Preliminary Elevations (1/8" or 1/4" scale). This drawing must include the following information:
  - A minimum of four (4) exterior elevations of each proposed building identified as north, south, east, west, as well as front, rear, left, and right sides. Show fencing in elevation.
  - All proposed exterior materials and color description on elevations.
  - One set of colored elevations (Optional).
- f. Typical Building and Site Sections (1/8" or 1/4" scale).
  - Two (2) sections. One taken from front to back of the house including street, front and rear yards to show the building site relationship. Second taken from side to side up to the property line.
  - Show all existing grades in dashed lines and proposed grades in solid lines.
  - Indicate all section cut lines on schematic site, grading and floor plans.

- g. Architectural Rendering. (Optional) A two-point sketched perspective rendering with a view point above the roof line and generally at a 45-degree angle to the face of the building. The perspective should show proposed buildings, driveways, walkways, patios, pool, fences, walls, planting and grading treatments and how they relate to the adjacent land.
- h. Photographs (Optional) of the site and around the site showing all existing conditions and surrounding areas and buildings.
- i. Scale Model shall be mandatory in cases where the Review Committee determines that a model is needed in order to understand all of the impacts of the proposed structure. The model need not be detailed or colored; rough study models that show architectural form are acceptable.
- j. To request variance provide statement describing the reasons why the variance should be granted and the hardship it would cause if not granted.

#### **4. Final Plan Review.**

Final Plan Review material is to be of a level equal to the customary working drawing stage in the field of architecture. Final plans must be in substantial compliance with the approved preliminary plans. In this review the design of the finalized building and site details will be scrutinized.

Material for the Final Plan Review shall include the same drawings as submitted in the preliminary plan review submission except that the information should be provided in a greater detail. In addition the following items must be submitted.

- a. Site and Grading plans:
  - o Utility lines, meter locations and means to conceal it from general view.
  - o All exterior hardscape materials, texture and colors.
  - o Show top and toe of slope line locations and grade changes (with elevations).
  - o Top of wall and fence elevations and hardscape elevations.
  - o Location, typical details, and specifications of drainage facilities, including drainage inlet and outlet structures (with spot elevations), and drainage patterns. Location of roof drains and area drain connections.
  - o Show setback lines or pad lines & indicating conformance by the proposed structure.
  - o Detailed lot drainage plan & systems
- b. Floor Plans (1/8" or 1/4" scale). These plans shall include all floor levels to present the total home design. Include all living and non-living areas with room names. Provide overall exterior dimensions.
- c. Exterior Elevations (1/4" scale). The elevation plan must show all exterior materials and finishes, main entry door, garage overhead door, gates, columns, ornamental iron work, exterior trim and special architectural features such as skylights and solar panels as permitted. Exterior lighting fixture type, location and finish. It must also show items that will be evident on the exterior of the finished building including louvers, vents, roof drain and gutter outlets, access openings, meter boxes, electrical fixtures, expansion joints, flashing, tile or masonry feature strips, etc. Roof pitch and maximum height of the finished structure must be shown.

- d. Building Sections (1/4" scale or larger). Sections must show detailed composition of all types of walls, floor and roof elements and materials used, including wall and roof heights and roof pitches.
- e. Roof Plan. Show all roof drains and overflow drains/scuppers. Indicate color. Locate roof mounted Satellite dish. Show all pipe penetration taller than 24". Show chimneys and skylights.
- f. Electrical Plan. Show all exterior lighting, and fixture schedule including cut sheets for exterior lights visible from other properties or public areas.
- g. Reflected Ceiling Plan. Unless shown on electrical floor plan, this plan must show complete ceiling systems for exterior overhangs.
- h. Details. Show details necessary to supplement information of all plans for a comprehensive understanding of the construction of the building.
- i. Landscape, Irrigation and Landscape Lighting Plans (Scaled). These plans may be submitted in stages. A conceptual landscape plan must be submitted at this review stage, however, detailed construction plans may be submitted thirty days (30) prior to the installation of landscaping, irrigation and landscape lighting. These plans must consider view corridors of Common areas and adjacent lots and show the following details:
  - o Indicate number, location, type and size of the trees and shrub.
  - o Indicate turf and ground cover areas.
  - o Conceptual irrigation plan indicating permanent and temporary irrigation areas. Show typical drip irrigation and/or conventional irrigation systems.
  - o Locate landscape lighting. Provide specifications of all landscape light fixtures. Provide complete information on the lamp, lens, and wattage to be used for all exterior fixtures.
- j. Pool, Spa, Fountain Plan and Details. This plan must show plans, sections and details for pools, spas, fountains and all other water treatments (including related drains) to be located on the Lot. Provide cross-sections of the pool, spa, or fountain and the adjacent hardscape showing their relationship to adjacent property where applicable.
- k. Security Systems Plan. Show location and method of mounting all exterior equipment if a security system is to be installed.

An approved set of drawings with the Review Committee's approval stamp and the Letter of Final Approval must be submitted to the City as part of the required material for a building permit.

### **BUILDING PROCESS**

The Association shall monitor all construction activities within the community to ensure that the Guideline regulations are being followed, that improvements are being made to individual sites in accordance with the approved plans and that the natural vegetation is being preserved. This section lists requirements that must be followed by Owners, contractors, subcontractors and any

other entity related to the construction process. Also listed is the construction inspection procedure that must be followed in the improvement of a custom home site. The processes and regulations do not apply to land development actions taken by the Declarant or its assigns during the community development of the Cliffs.

Violations of the Building Process may result in fines as outlined in this document. A Fee and Penalty Schedule will be maintained and updated by the CPOA Design Review Committee.

## **A. CONSTRUCTION FLOW PROCESS**

The general, or basic, step-by-step procedures for building Improvements at The Cliffs are sequentially described here:

- The Review Committee approves final working drawings; City issues Building Permit.
  - Submit pre-construction materials to the Review Committee (see below).
  - Pay construction damage deposit, which also covers the site clean-up fee.
  - Install temporary fence around Building Envelope.
  - Call the Review Committee for inspection of temporary construction facilities.
  - Stake and flag the location of all underground utilities to avoid damage. This service is available through Dig Alert at 1-800-422-4133.
  - Start construction.
  - Call for pre-slab and post framing inspections and receive approvals from the Review Committee.
  - Complete construction and cleanup premises.
  - Call for and receive final approval from the Review Committee.
  - Receive refund of the construction damage deposit.
1. **Builder Approval.**---General Contractors can be selected from the pre-approved list or through application may be added to the approved list.
  2. **Pre-Construction Submittals.** Before beginning construction, the following items shall be submitted to the Review Committee for their permanent files:
    - a. One (1) full set of final working drawings approved by the City.
    - b. Construction damage and site clean-up deposit. (See Fee Schedule). A second fee may be imposed when and if the initial fee is substantially exhausted as a result of corrective actions being required. Fees for remodel and other construction activity shall be established by the Review Committee at a later date. The damage deposit will be held by the CPOA. All, part, or none will be returned after final inspection by the Review Committee.
    - c. Signed Agreement. Signed Owner/General Contractor/CPOA agreement
  3. **Site Inspections.** There are three site inspections required during construction of a custom residence. They are 1) pre-slab, 2) post framing, and 3) final. In addition, homes with a basement or pool may require additional inspections: a) prior to pouring foundations and basement perimeter walls, and b) pool location prior to excavation.

The intent of the pre-slab inspection is to confirm that the slab will be poured in a position as approved by the Review Committee. Building setbacks must be adhered to as shown on the applicable plat and building plans. Building setbacks may be measured by the Review Committee's representative's, but the Review Committee assumes no liability as to the measurements accuracy. Contractor shall schedule this inspection and meet with and provide assistance to the Review Committee's representatives in measuring distances and setbacks. Property corners, stringed property lines and other monuments necessary shall be in place in order for the Review Committee's representative to perform this. In the case of a basement there shall be two inspections, one for the basement and the other for the house slab.

The intent of the post framing and pool inspection is to confirm that the structure is being built in accordance with the approved plans and that no modifications are being made without a review and approval from the Review Committee. The contractor shall schedule this inspection prior to beginning stucco work and assist the Review Committee's representative as necessary.

The final inspection shall be scheduled upon completion of the project. Intent of this inspection is to verify that the final building and site improvements are in conformance with the approved plans in terms of building materials, colors, landscaping, pool, fencing and such elements. Property must be cleaned up and ready for occupancy and any and all damage to private and common properties shall be repaired. In the case where the property is to be occupied prior to completion of landscaping, there shall be two inspections. In such case the property shall be free of all construction debris except for the landscaping related items at the time of the first inspection. A partial refund of the construction damage deposit may be made. Upon approval of the final inspection after landscaping, the contractor may request a refund of the balance of the construction damage deposit.

The Review Committee and the CPOA or their representatives have the right at anytime to make a site visit. In accordance with the CC&Rs, any member of the Review Committee, or any other representative, agent, or employee of the Board, may, at any reasonable hour enter a Lot and inspect any improvement being built thereon for the purposes of inspection for compliance with approved plans, these Guidelines and the CC&Rs..

Upon the completion of any Improvement, the owner shall give written notice thereof to the Review Committee. The Review Committee, or its duly authorized representative, may inspect the completed Improvement in order to determine whether it was constructed, erected or installed in substantial compliance with the approved plans. If the Review Committee or its representative finds that such work was not done in substantial compliance with the approved plans and specifications, it shall so notify the owner in writing after the inspection. The notice shall specify the particulars of noncompliance. In the event the owner fails to remedy the noncompliance within thirty (30) days from the date of notification to the owner, the Review Committee shall so advise the Board. Upon receipt by the Board of notification of noncompliance from the Review Committee, the Board, in addition to any other remedies it may have pursuant to these Guidelines, the Declaration and applicable law, shall have legal standing to commence and prosecute legal proceedings against any owner in order to correct such noncompliance as it deems necessary. The security deposit shall not be refunded until such noncompliance is corrected.

## **B. OWNER AND CONTRACTOR RESPONSIBILITIES AND REQUIREMENTS**

1. Each owner is responsible for hiring contractors and subcontractors licensed in Utah to construct the owner's residence or other Improvements. Contractors, subcontractors, equipment operators and their employees are the responsibility of the Lot Owners employing them. Generally, an owner-builder, who is not a licensed general contractor, shall not be allowed to build their own home. Owner-builders would have the same responsibility as a general contractor, if special approval were given by the association which allowed them to build their own home.
2. The owner or owner's general contractor or superintendent is required to provide someone on-site with adequate authority (whenever one is needed) to receive deliveries and direct suppliers and subcontractors.
3. All equipment operators must possess an appropriate driver's license and be at least 18 years old. All vehicles must be parked on one side of the street, along the lot frontage.
4. The owner is responsible for making certain that all construction personnel are familiar with and obey the rules governing their activities at The Cliffs.
5. Each general contractor or superintendent is responsible for familiarizing their employees, subcontractors and suppliers with all relevant construction requirements and provisions in these Design Guidelines, and enforcing them. Each general contractor or superintendent is responsible for controlling employee work hours, and controlling any activities of employees that may be deemed as an annoyance or nuisance to lot owners (i.e., radio volume).
6. The owner or owner's general contractor or superintendent are required to construct the residence and surrounding Improvements according to the plans, specifications and revisions approved in writing by the Review Committee.
7. Each owner and owner's contractors shall be responsible for providing adequate sanitary facilities for their construction personnel.
8. The owner or owner's general contractor or superintendent is required to schedule inspection as described in the preceding section. Failure to do so shall cause a penalty in the amount of five hundred dollars (\$500).
9. Upon completion of any Improvement, the owner shall give written notice thereof to the Review Committee.
10. Each owner and owner's contractors shall be responsible for keeping their lot free of debris at all times. Any of the owner's contractor's debris that has fallen or blown onto any surrounding lots shall be cleaned up in a timely manner.

### **C. TEMPORARY CONSTRUCTION FACILITIES**

The following temporary construction facilities are required to be placed on a Lot, unless approval is given by the Review committee. A Temporary Construction Facilities Plan indicating the location of the facilities on the Lot will need to be submitted and approved by the Review Committee prior to their installation. No construction trailers or other temporary construction

facilities will be allowed without the Review Committee's approval. In any case, no shacks, trailer or temporary construction facilities may be used as living quarters.

All temporary construction facilities shall be subject to immediate removal upon notice by the Review Committee or designee and must be removed within one week after receipt of the Certificate of Occupancy for the structure.

1. Temporary Water. A temporary water riser together with 150' (minimum) of 3/4" heavy duty rubber water hose for dust control and a hose stand shall be provided and installed in accordance with the Review Committee's requirements.
2. Temporary Toilet. A temporary portable toilet in good condition shall be provided with a biweekly chemical maintenance program. These units shall be maintained in a clean, sanitary and odorless condition. The color of the temporary toilet facilities shall be approved by the Review Committee, and shall be located only on the building site itself or in other areas approved by the Review Committee.
3. No Interruption of Water Flow. It is the responsibility of the contractor to insure continuation of water flow to adjacent Lots so that damage is not done to other properties' landscaping, etc.
4. Dumpster. A minimum three (3) yard steel roll-off dumpster shall be maintained in clean exterior condition, free of graffiti, on the Lot for the duration of the construction phase for adequate containment of all construction waste. The color of the dumpster shall be approved by the Review Committee. A regular dumping service shall be utilized so that overflow and unpleasant odors do not occur.
5. Plan Box and Lot Sign. A plan box and accompanying Lot sign shall be installed in accordance with the Review Committee's standards. A complete set of approved plans and permits shall be maintained in the plan box while the residence is under construction. The Review Committee must be provided with a key or combination if the plan box is locked. Proposed locations of the following temporary construction facilities must be shown on the Temporary Construction Facilities Plan and approved by the Review Committee before they are installed on the site. Such facilities are not mandatory.
6. Temporary Construction Trailer (optional). Trailers shall be no smaller than 8' x 16' and no larger than 12' x 20', and shall be maintained in good, clean condition and repair. The color of temporary construction trailers must be approved by the Review Committee. Trailers shall be recessed and back-filled into the ground with a matching wooden "skirt" applied. No construction "shacks" will be permitted. All signs must be removed from trailers.
7. Storage Bins (optional). Storage bins for on-site material storage shall be steel and maintained in good, clean condition and repair.

After the Temporary Construction Facilities Plan has been approved and the actual facilities installed on the Lot, the Review Committee's member or a representative may make a site inspection of the facilities.

#### **D. USE OF ADJACENT PROPERTY**

The use of properties adjacent to Lot under construction for vehicle access purposes, parking or equipment and material storage shall not be permitted without the written approval of the property owner and DRC. General contractors, employees, suppliers, and subcontractors shall not enter common areas for any reason at any time unless granted permission by the Review Committee. All adjacent properties, if accidentally encroached upon, must be returned to its original condition at the end of construction period. The security deposit will be held until this is accomplished.

## **E. THE CONSTRUCTION PROCESS**

### **1. Construction Hours.**

Construction on and around the exterior of the structure shall be limited to:

<u>October 1 - April 30</u>	<u>May 1 - September 30</u>
Monday through Friday	Monday through Friday
7:00 a.m. - 5:30 p.m.	6:00 a.m. - 7:00 p.m.
Saturday	Saturday
8:00 a.m. - 4:00 p.m.	8:00 a.m. - 5:00 p.m.

Site access may begin one-half hour before construction begins each day and an additional half-hour is allowed for site egress each day. No construction-related activities shall be permitted on and around the exterior of a structure during Sundays or official Cliff's holidays. Official Cliff's holidays are as follows:

New Year's Day	Labor Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

2. Review Committee and the Association's Access to the Lot. Representatives of the Review Committee and the Association shall have full access to the Lot and buildings while under construction to:

- a. Inspect the Lot or Improvements at any time.
- b. Remove security, health or safety risks or hazards.
- c. Clean or maintain the Lot or Improvements.
- d. Enforce any provision of the Declaration or these Design Guidelines.

3. Site Signage. No signs other than an approved address sign located on the plan box or the standard construction sign as described in the signage section shall be permitted on Lots under construction.

4. Site Conduct and Safety Precautions. The general contractor, job superintendent, and their employees, subcontractors and suppliers shall:

- a. Comply with all of the construction provisions established in the Design Guidelines and the Declaration.
- b. Follow the directives of The Cliffs security and staff or the Review Committee.
- c. Not consume alcoholic beverages on the site.

- d. Not damage or disturb the work of others.
- e. Take all necessary precautions for the safety of all persons, materials, and equipment on or adjacent to the site. Furnish, erect and maintain approved barriers, lights, signs and other safeguards to give adequate warning to everyone on or near the site of dangerous conditions during the work.
- f. Not disturb residents or guests of The Cliffs.
- g. Not play loud music or talk loudly at the construction site.

It is the responsibility of the owner and the general contractor to see that all of these rules are being followed.

5. Site Maintenance. The general contractor, job superintendent, and their employees, subcontractors, and suppliers shall comply with the following rules established for the maintenance and cleanliness of the site. The general contractor or job superintendent shall:

- a. Maintain the site in a neat and clean condition, neatly stockpiling all materials delivered for or generated by the work and immediately remove any waste material or debris generated by the work.
- b. Contain and dispose of all lightweight trash and bottles, cans and lunch debris.
- c. Remove all equipment, materials, supplies and temporary structure when any phase of the work is complete, leaving the area neat and clean. Equipment not in daily use must be removed from the job site.
- d. Keep the streets and adjacent property clean and free of dirt, trash, debris or other material related to or caused by the work, and clean up any street spills.
- e. Maintain dust control on the Lot

NOTE: The Owners and builders are prohibited from dumping, burying or burning trash anywhere on the Property.

6. Disposal of Site Spoils.

- a. Any spoils generated from the site grading must be placed on the Lot and within the construction compound. No material may be placed on the street, common areas, or outside of the construction compound.
- b. Storage of spoils on adjacent property will not be permitted.

7. Compliance. The Review Committee and the CPOA reserve the right to deny site access to any general contractor, job superintendent, subcontract, supplier or their employees who is in violation of the construction regulations. The Review Committee and the Association reserve the right to stop construction on a Lot where:

- a. The improvements are being built or the Lot is being landscaped contrary to the approved plans.
- b. These Design Guidelines, approved plans, the Declaration or The Cliffs security regulations are not being complied with fully.

The Review Committee's or their representative will inspect the site periodically. An offense may result in a stop-work order and contractor entry restrictions. Any costs whatsoever incurred by the Association in enforcing these rules or remedying a violation will be billed to the owner. Exercise or non-exercise by the Review Committee or the Association of the rights delineated under this provision shall not be deemed a waiver by the Review Committee or the Association and shall not preclude the Review Committee or the Association from initiating any legal action against the violators (including Owner) of the Declaration, construction regulations or Design Guidelines.

8. Revisions to Approved Plans during Construction. Revisions to approved architectural or landscape plans during construction must be approved by the Project Architect or Landscape Architect or Designer before the Review Committee reviews them.

## **F. CONSTRUCTION DAMAGE DESPOSIT**

1. Construction Damage Deposit Cost. Owner or General Contractor will be responsible for submitting a construction damage deposit (see Fee Schedule) before starting construction, unless the Review Committee gives approval for the owner or General contractor not to submit a construction damage deposit because of the size of the project. Upon final inspection and approval of the property, the construction damage deposit will be refunded.

2. Construction Damages and Conditions. The construction damage deposit will include but is not limited to the following types of damages and conditions:

- a. Failure to satisfactorily meet the construction site maintenance requirements. (Please review section 5 of the Construction Process mentioned above.)
- b. Damages to curb & gutter and/or sidewalk.

3. Procedures for assessing construction damages are as follows:

- a. Review Committees Representative will give two warnings to General Contractor to resolve any problems. The general contractor will have 7 days from the warning to remedy the situation.
- b. If a third warning is necessary, the Review Committee Representative will write a letter outlining the problem to be resolved. The general contractor will have 7 days to remedy the problem. If the problem is not satisfactorily resolved, the Review Committee Representative will pay for the work to be done using the construction damage deposit.

## APPENDIX A - DEFINITIONS

**Architectural Projections** shall mean any projections beyond exterior walls such as fascia, roof rafters, eaves, poles, posts, columns, balconies, wing walls, fire places, bay windows etc.

**Balcony** shall mean an extension of the residence which is accessible from the second story with cantilevered supports. Such space shall be further classified as a non-livable space.

**Basement** shall mean a livable floor having at least fifty percent (50%) of each of the perimeter walls below grade.

**Board of Trustees** shall mean the Board of Trustees of The Cliffs Property Owner's Association.

**Building Envelope** shall mean the area of residential or commercial property bound by setback lines.

**Building Height** shall mean the distance from top of the main floor slab to the top of the highest building element.

**Common Area.** Refer to section 1.3 of Declaration.

**Courtyard Basement.** shall mean a walk-out basement that opens onto a courtyard.

**Declarant** shall mean Snow Canyon Development Company, developer of the property

**Declaration** shall mean the Declaration of Covenants, Conditions and Restrictions for The Cliffs

**Development Control Map** shall mean the map that is provided by the Association designating building envelope limits, maximum building area, maximum building height and other restrictions.

**Exclusive Common Area.** Refer to section 1.7 of Declaration.

**Guidelines** shall mean the Development Guidelines for The Cliffs

**Living Area** shall mean floor area located within the exterior building walls of a residence excluding garage, porch, patio, exterior stairs and storage or mechanical equipment area accessible from garage or exterior of the building. Interior stairs shall be counted as living area only on the first floor.

**Lot** shall mean a recorded single family lot.

**Owner** Refer to section 1.10 of the Declaration. For purposes of plan review processing the applicant having a power of attorney to represent the owner shall be defined as the owner.

**Private Yard** shall mean any yard on a residential lot that is hidden by walls or structures and is generally not visible to public from immediately adjacent areas.

**Public Yard** shall mean any yard on a residential lot that is not hidden by walls or structures and is generally visible to the public from immediately adjacent areas.

**Resident** shall mean any person who is physically residing in a dwelling unit constructed on any residential lot for a period of two weeks or longer and so long as said person is so residing.

**Review Committee** shall mean The Cliffs Design Review Committee.

**Sub-Association** shall mean any association formed in The Cliffs other than The Cliffs Property Owner's Association.

**Terrace.** "Terrace" shall mean an extension of the residence accessible from the second story which has supports extending to the ground. Such area is further classified as non livable area for Living Area calculations.

**Walk-out basement** shall mean a livable floor having at least fifty percent (50%) of the total area of the perimeter walls below grade. Additionally the wall/s with a door must be at least thirty inches (30"=) below grade.



# THE CLIFFS OF SNOW CANYON

## *PLAN SUBMITTAL REQUIREMENTS AND CHECK LIST (Page 2)*



OWNER: \_\_\_\_\_  
 Name \_\_\_\_\_ Lot No. \_\_\_\_\_

APPLICANT: \_\_\_\_\_  
 Name \_\_\_\_\_ Tel. \_\_\_\_\_

**COMPLIANCE REQUIREMENTS**

<u>Yes</u>	<u>No</u>	
_____	_____	Indicate and list separately if any variances are requested and reasons for the same
_____	_____	Architect's and a landscape architect's name and registration no. shall be noted on plans
_____	_____	Are two sets of plans submitted
_____	_____	Plan shall have general information such as name, scale, etc. per section 2.2.1
_____	_____	Is the material sample board submitted on a 8 1/2" x 14"
		<i>Doesn't</i>
		<i>Complies Comply</i>

**SITE PLAN** Total of two required- one full size and one on 8 1/2"x11" at 20 scale (a digital copy in PDF format may be submitted in place of the 8 1/2" x 11")

_____	_____	Identification of Lot by parcel and lot number
_____	_____	Lot boundaries with dimensions
_____	_____	Dimensions main and accessory building footprint (with patio, balcony, etc., in dashed lines) with roof lines (in solid) including eaves ridges and valleys. Dimension overhangs
_____	_____	Building and fencing setbacks with dimensions
_____	_____	Property fencing and gates with heights and lengths dimensioned
_____	_____	Side walks, driveways (with distance to trees), utility boxes and points of connection
_____	_____	Finishes of all exterior paving materials including walkways, driveways, pool deck, etc...
_____	_____	Utility connections, meter locations and means to screen from public view
_____	_____	HVAC and pool equipment location and means to screen from public view

**GRADING PLAN** (No smaller than 20 scale)

_____	_____	Existing and proposed grades
_____	_____	Lot boundaries with dimensions
_____	_____	Drainage pattern. Lot shall drain to street
_____	_____	Grades of adjacent properties, streets, slope banks, etc...
_____	_____	Retaining wall location and sections and other site structures if any

**FLOOR PLAN/S** (1/4" Scale)

_____	_____	Dimensioned floor plan/s for each level including porte-cochere, patios, balcony, patio, etc...
_____	_____	Dimensioned floor plan/s of accessory structure.
_____	_____	Summary of square footage of all areas including living space, garage, balcony, patio, etc...

**ELEVATIONS** (1/8" OR 1/4" Scale)

_____	_____	Elevation of all sides with dimensioned heights of all elements
_____	_____	Bulk plane setback lines for front and corner side yards
_____	_____	Note finish materials and colors of all exterior surfaces including walls, roof and eaves

**LANDSCAPE PLAN/S** (Scaled) **Approval required before installation.**

_____	_____	Location of all existing and proposed trees, shrubs, ground covers, and turf in all yards.
_____	_____	Location and specifications of all existing and proposed inorganic materials in all yards
_____	_____	Plant material sizes drawn with sizes at maturity
_____	_____	Identification of all plant material with Latin and common names in a plant list.
_____	_____	Sizes of proposed plant material as per sections 2.2.1 and 5.3.4.

**IRRIGATION PLAN/S** (1/8" OR 1/4" Scale)

_____	_____	Location and product specifications of entire irrigation system including common area
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**CONSTRUCTION PLAN** (1/8" OR 1/4" Scale. This information can be incorporated into site plan)

_____	_____	Location of temporary construction facilities, toilet, trash receptacle and construction access
-------	-------	---

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

# THE CLIFFS OF SNOW CANYON

## MATERIALS SPECIFICATIONS FOR A CUSTOM RESIDENCE

(This form to be submitted with the Plan Review submission)



Lot # \_\_\_\_\_ Tract # \_\_\_\_\_

Owner's Name \_\_\_\_\_

Address \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

Phone # Home# \_\_\_\_\_ Work# \_\_\_\_\_

ITEM	MATERIAL	COLOR	SAMPLE FURNISHED
Walls			
Columns			
Beams/Fascia			
Eaves/Soffit			
Window Glass			
Window Frames			
Shutters			
Main Entry Doors			
Other Exterior Doors			
Roofing- flat			
Roofing- pitched			
Exterior Lights			
General Fencing			
A/C & Pool Equipment Screening			
Pool/patio screening			
Trash Container screening			
Driveway (pattern)			
Walkway (pattern)			
Other:			

(For any special design features, use the back of form or additional information.)

SIGNATURE: \_\_\_\_\_  
Applicant

DATE: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

**THE CLIFFS OF SNOW CANYON**

*Request for Contractor Approval  
(All contractors must fill this form out each time they request approval to build on any lot, unless they are a Preferred Builder)*



TO: The Cliffs of Snow Canyon  
3052 North Snow Canyon Parkway #10  
St. George, Utah 84770

COMPANY: \_\_\_\_\_  
Name License number Tel.  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Daytime Telephone Number(s)  
Lot #(s) requesting to build on \_\_\_\_\_ Lot owner(s) name(s) \_\_\_\_\_

APPLICANT: \_\_\_\_\_  
Name, Address Tel.

ARCHITECT: \_\_\_\_\_  
Name, Address Tel.

LANDSCAPE: \_\_\_\_\_  
ARCHITECT Name, Address Tel.

LENDER: \_\_\_\_\_  
Name, Address Tel.

Have there been any investigations by the State brought about by complaints or questionable building practices in the past 5 years? Yes No

**Checklist**

SUBCONTRACTORS:  
\_\_\_\_\_ Attached list of your subcontractors you will be using, including company names & phone numbers

REFERENCES:  
\_\_\_\_\_ At least 5 references of clients you've built homes recently, including names, addresses, & phone numbers

RESUME:  
\_\_\_\_\_ Information about your company and its history

SIGNATURE: \_\_\_\_\_  
Applicant Date

APPROVAL: (To be completed by Design Review Committee)  
\_\_\_ Approved \_\_\_ Approved with conditions \_\_\_ Denied

BY: \_\_\_\_\_  
The Cliffs of Snow Canyon Design Review Committee Date

## **APPENDIX C - THE CLIFFS APPROVED BUILDING MATERIALS LIST**

### **WALLS**

Stucco and plaster with light to medium texture (Spanish lace not permitted),  
Pre-cast foam blocks with stucco finish,  
Natural material veneer such as Stone, Rock,  
Adobe clay,  
Wood trim.

### **COLUMNS**

Wood,  
Pre-cast concrete,  
Masonry,  
Concrete masonry unit with stucco,  
Any of the wall material.

### **OPENINGS**

Non reflective glass, clear or tinted, Low -E  
Glass blocks,  
Anodized aluminum door and window frames  
Vinyl door and window frames  
Wood door and window frames

### **ROOF**

Built-up roof  
Clay tile  
Concrete tile,  
Slate tiles,

### **DRIVEWAYS**

Concrete, colored and/or textured,  
Brick or concrete pavers.

## APPENDIX D - THE CLIFFS APPROVED PLANT LIST

Except as noted in Design Review Guidelines, only approved plants may be planted at the Cliffs. This includes landscaping for new homes and changes to the landscaping at existing homes. The DRC can grant exceptions to this list.

The Plant List was developed by the owners with input from contractors and differs from previous lists. Plants on this list have been selected because they fit with our desert setting and so not have disagreeable characteristics such as excessive pollen or being invasive. Some varieties may be marginal with respect to hardiness for this region and could suffer frost damage during cold weather. Each owner/contractor should select plants carefully with consideration of the site.

Abbreviations: MH = Marginal Hardiness; CO = Courtyards Only; RO = Real Lot Only

### *Accent/Cactus Plants*

All varieties of agave, aloe, cactus, and yucca are encouraged to be installed.

<i>Botanical Name</i>	<i>Common Name</i>
Agaves spp.	Century Plant (MH)
Aloe spp.	Aloe
Dasyliirion supp.	Desert Spoon
Echinocactus grusonii	Golden Barrel Cactus
Echinocereus spp.	Hedgehog
Ferocactus spp.	Barrel Cactus
Fouqueria splendens	Ocotillo
Hesperaloe parviflora	Red/Yellow Yucca
Opuntia spp.	Prickley Pear; Cholla
Yucca spp.	Yucca
Yucca brevifolia	Joshua Tree

### *Trees*

<i>Botanical Name</i>	<i>Common Name</i>
Acacia farnesiana	Sweet Acacia
Acacia stenophylla	Shoestring Acacia
Acacia constricta	Whitehorn Acacia
Acacia smallii	Sweet Acacia
Cercidium spp.	Palo Verde (MH)
Cercidium floridum	Blue Palo Verde (MH)
Cercidium microphyllum	Foothills/Littleleaf Palo Verde (MH)
Cercidium praecox	Palo Brea, Sonoran Palo Verde (MH)
Chilopsis linearis	Desert Willow
Chitalpa tashkentensis	Chitalpa
Forestiera neomexicana	New Mexico Olive/Privet
Fraxinus greggii	Little Leaf Ash
Japanese (Glossy) Privet	Liqustrum japonicum (trim below 15 feet)

Lagerstromia	Crape Myrtle (limited to dwarf varieties)
Loquat	Eriobotrya japonica (RO)
Olea europaea 'Wilsonii'	Wilson Fruitless Olive
Olneya tesots	Ironwood
Pithecellobium flexicaule	Texas Ebony
Prosopis spp.	
Prosopis chilensis	Chilean Mesquite
Prosopis glandulosa	Honey Mesquite
Prosopis pubescens	Screwbean Mesquite
Prunus Compacta	Dwarf Carolina Cherry (other Prunus prohibited) (CO)
Sophora secundiflora	Texas Mountain Laurel
Vauquelinia californica	Arizona Rosewood
Vitex agnus-castus	Chaste Tree

### ***Shrubs***

<b><i>Botanical Name</i></b>	<b><i>Common Name</i></b>
Abelia x grandiflora	Glossy Abelia
Anisacanthus quadrifidus v. wrightii	Mexican Flame
Ambrosia spp.	
Ambrosia ambrosioides	Giant Bursage
Ambrosia deltoidea	Triangle Leaf Bursage
Ambrosia dumosa	White Bursage
Ambrosia eriocentre	Wooley Bursage
Artemisia filifolia	Sand Sage
Artemisia tridentate	Tall Sagebrush
Atriplex canescens	Four Wing Saltbush
Baccharis sarothroides	Male Selection Broom Coyote Bush / Desert Broom
Baccharis x 'Centennial'	Hybrid Coyote Bush
Baccharis x 'Starn'	Thompson Hybrid Broom
Buddleia marrubiifolia	Wooly Butterfly Bush
Caesalpinia spp.	
Caesalpinia gilliesii	Yellow Bird of Paradise
Caesalpinia pulcherrima	Red Bird of Paradise
Caesalpinia mexicana	Mexican Bird of Paradise
Calliandra californica	Red Fairy Duster (MH)
Calliandra eriophylla	Pink Fairy Duster
Cassia spp.	
Cordia parvifolia	Littleleaf Cordia
Crataegus	Hawthorn
Dalea spp.	
Delosperma cooperi	Ice plant
Dodonaea viscosa	Hop Bush
Encelia farinosa	Brittle Bush
Ephedra spp.	Mormon Tea
Eremophila spp.	Emu Bush
Ericameria laricifolia	Turpentine Bush

Euonymus fortunei	Winter Creeper
Eupatorium greggii	Boothill
Fallugia paradoxa	Apache Plume
Grevellia spp.	Grevellia
Gutierrezia sarothrae	Snakeweed
Ipomoea leptophylla	Bush Morning Glory
<b>J</b> usticia spp.	
Justicia brandegeana	Shrimp Plant
Justicia californica	Chuparosa (MH)
Justicia spicigera	Mexican Honeysuckle
Larrea tridentata	Creosote Bush
Leucophyllum spp.	
Leucophyllum frutescens	White, Silver or Green Cloud
Leucophyllum laevigatum	Chihuahuan Sage
Leucophyllum zygophyllum	Blue Ranger
Myrsine Africana	Cape Myrtle
Nandina spp.	Heavenly Bamboo (CO)
Nerium oleander	Dwarf Red Oleander—Bold Only
Nolina spp. Microscopa	Bear Grass
Perovskia	Russian Sage
Poliomintha maderensis	Lavender Spice
Rosemary spp.	Rosemary
Ruella spp.	
Ruella brittoniana	Purple ruellia (MH)
Ruella peninsularis	Baja ruellia (MH)
Salvia spp.	
Salvia clevelandii	Cleveland Sage
Salvia columbariae	Chia Sage
Salvia greggii	Autumn Sage
Salvia leucantha	Mexican Sage
Salvia leucophylla	Purple Sage
Spartium junceum	Spanish Broom
Thymus vulgaris	Thyme
Vauquelinia californica	Arizona Rosewood

## ***Perennials***

### ***Botanical Name***

Acalypha monostachya  
 Bahia absinthifolia  
 Baileya multiradiata  
 Bulbine frutescens var.  
 Chrysactinia mexicana  
 Dyssodia  
 Euphorbia biglandulosa  
 Gaura lindheimeri

### ***Common Name***

Raspberry Fuzzies  
 Desert Bahia  
 Desert Marigold  
 African Bulbine (CO)  
 Damanita  
 Dogweed  
 Gopher Plant  
 Gaura (pink)

Gaillardia  
Hymenoxys acaulis  
Lavendula spp.  
Melampodium leucanthum  
Penstemon spp.  
Psilostrophe cooperi  
Rudbeckia hirta  
Sphaeralcea spp.  
Teucrium spp.  
Tulbaghia violacea  
Zephyranthes

Blanket Flower  
Angelita Daisy  
Lavender  
Blackfoot Daisy  
Penstemon  
Paper Flower  
Black-Eyed Susan (CO)  
Globe Mallow  
Germander  
Society Garlic  
Rain Lily (CO)

### ***Annuals***

#### ***Botanical Name***

Achillea millefolium rubra  
Cosmos bipinnatus  
Layia platygolaas  
Lupinus texanis  
Machaeranthera tanacetifolia  
Phacela campanularia  
Phylox drummondi  
Zinnia spp.

#### ***Common Name***

Yarrow  
Cosmos  
Tidy Tips  
Lupine  
Tahoka Daisy  
Desert Bell  
Phlox  
Zinnia

### ***Groundcovers & Vines***

#### ***Botanical Name***

Acacia redolens  
Antigonon leptopus  
Bignonia capreolata  
Campsis radicans var.  
Convolvulus spp.  
Convolvulus cneorum  
Dalea greggii  
Delosperma cooperi  
Gazania rigens leucolaena  
Hardenbergia violacea  
Lantana montevidenis  
Lonicera spp.  
Macfadyena vaguis cati  
Malephora lutea  
Oenothera spp.  
Parthenocissus sp. 'Hacienda Creeper'  
Rosa banksiae alba  
Rosa banksiae 'Lutea'  
Verbena spp.  
Vinca minor

#### ***Common Name***

Trailing Acacia (MH)  
Queen's Wreath  
Cross Vine  
Trumpet Vine  
  
Bush Morning Glory  
Trailing Indigo Bush  
Pink Ice Plant  
Trailing Gazania (MH)  
Purple Lilac Vine (MH)  
Trailing Lantana (MH)  
Honeysuckle  
Cats Claw Vine  
Rocky Point Ice Plant  
Primrose  
Hacienda Creeper  
Whitebanks Rose  
Yellowbanks Rose  
Verbena  
Dwarf Periwinkle (CO)

***Ornamental Grasses***

***Botanical Name***

Festuca glauca 'Elijah Blue'  
Muhlenbergia cap. 'Regal Mist'  
Muhlenbergia lindheimeri 'Autumn Glow'  
Muhlenbergia rigens  
Pennisetum setaceum

***Common Name***

Elijah Blue Fescue  
Regal Mist Muhly  
Autumn Glow Muhly  
Deer Grass  
Fountain Grass

## APPENDIX E – CLIFFS PROHIBITED PLANTS

All plants not on the Approved Plant List are prohibited. This list is provided to clear up confusion regarding plants that were previously approved, or are similar to an approved plant. It also lists some plants that are particularly undesirable.

1. **Plants** with a mature height over eighteen feet (18) because of view blocking and aesthetic reasons unless on the Approved list. All plants listed as noxious by California Department of Food and Agriculture.
2. **All Palms**, for aesthetic reasons, except those planted in a private courtyard or rear yard behind walls (limited to four (4) per yard, or adjacent to a private pool whose mature height will not exceed six (6) feet. Mexican Palms, California Fan Palms and Date Palms are prohibited in all locations.
3. **All Pines, Cypress, False Cypress, Cedar** for aesthetic reasons except dwarf varieties having a mature height less than six (6) feet in private courtyards.
4. **Olive and Mulberry Trees** for aesthetic and pollen reasons.
5. **Fountain Grass** (*Pennisetum setaceum*) due to its weed like growth and fire concerns.
6. **Citrus Species** due to pollen and aesthetic concerns. Dwarf varieties, with a mature height less than six (6) feet may be approved in private courtyards.
7. **Common Bermuda** (*Cynoden dactylon*) due to weed like growth habits.
8. **Mexican palo verde** (*Parkinsonia aculeate*) due to weed like growth habits.
9. **Brazillian and Californian Pepper** for aesthetic reasons.
10. **Oleander** (*Thevita*) **due** to poison and size issues. Dwarf Oleanders (some of the *Nerium* Oleanders) are approved providing they have a mature height of less than six (6) feet.
11. **Feather Bush** (*Lysiloma microphylla*) because it freezes.
12. **Morning Glory** (*Althaeoides tenuissimus*) because it is invasive.
13. **Jojoba** (*Simmondsia californica*) prohibited as a fruit tree
14. **Southern Live Oak** (*Quercus virginiana*) unless maintained under 10 feet in height.
15. **Rabbit Brush**
16. **Tamarisk**

APPENDIX -F - PLAT BOUNDARIES

