

LA COLINA HOMEOWNERS ASSOCIATION

Landscaping Rules

Landscaping Rules La Colina Homeowners Association

To maintain the overall character of this community and consistent with Section 5.22 of the *Covenants, Conditions and Restrictions for La Colina* ("CC&Rs"), the La Colina Board of Directors ("The Board") has adopted Landscaping Rules for owners' information and the approval process of The Architectural Committee (as established pursuant to Section 3.4 of the CC&Rs) for making exterior changes/improvements to their front landscaping. For these Rules, "change" refers to any material modification to the Lot. A change does not include routine maintenance/care of existing plants/shrubs/trees, or their removal due to disease, damage, etc. Nor do these Rules apply to replenishment of stone/gravel nor to movement of rocks and stones. Further, these rules do not apply to installation or repair of landscape irrigation systems, though owners are required to follow any City of Scottsdale/utility requirements before installation.

These rules apply to addition of any new plants, shrubs or trees in the front of lots, and in some circumstances to the backyards if not compliant with City of Scottsdale guidelines for our area and visible to neighbors (i.e., higher than common walls).

Applicable changes, will require the homeowner to provide an *Application for Design Review* plus all documents and details requested herein, ideally, including photos where applicable. Documents will not be accepted if incomplete. (See *Application for Design Review* from the Property Management Company or www.WeAreVision.com/LAC .) Any incomplete application will be automatically denied by the management company and returned to the homeowner to resubmit once they have provided all required information.

If a proposed change is wholly within a homeowner's backyard but could negatively impact the aesthetics/value of adjacent homes, the HOA may require notification of the potentially impacted homeowners so that they may discuss any concerns or suggestions to minimize any negative impact.

DO NOT MAKE SELECTIONS BASED ON WHAT YOU SEE IN THE NEIGHBORHOOD BECAUSE SOME CHANGES WERE COMPLETED BEFORE ADOPTION OF THE CURRENT RULES. DO NOT REPLICATE CURRENT FEATURES WITHOUT FOLLOWING THESE RULES.

Approval by the Architectural Committee is effective upon receipt of the Committee's written approval. Owners should perform due diligence and acquire all required permits, if applicable. Approval by the Architectural Committee does not imply anything regarding approval or permitting by the City of Scottsdale or Maricopa County.

Homeowners have the right to appeal any decision to The Board, based on The Planned Community Statutes in Arizona applicable at that time.

The Association will revise these Rules from time to time to reflect changes by the City or as other rules/options come into effect.

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Landscaping Theme of La Colina

Design characteristics of the HOA blend contemporary and American Southwest styles. In addition, given our location adjacent to Natural Area Open Spaces (NAOS) and the undeveloped land of the Salt River Pima-Maricopa Indian Community, our community strives to blend into the landscape. (NAOS is designed to preserve the desert in its natural state.) As such, these rules provide guidance to homeowners in the design and maintenance of landscapes that

- Enhance the aesthetics of La Colina
- Comply with City of Scottsdale regulations for Environmentally Sensitive Land Ordinance and Scottsdale's list of indigenous plants
- Protect the low-desert environment in which the community is situated.

The Association has adopted the following as a guide for landscape changes. All requests for changes are to be approved or disapproved based on compliance with said Rules. Additional rules and changes are made by The Association from time to time as new concepts or issues present themselves. It is important that the homeowner reviews the current version prior to submittal. A homeowner commencing changes without first submitting documents in compliance with these standards and procedures to the Architectural Committee for approval may be immediately assessed a fine of **\$100**. Continued violation by the homeowner will result in additional fines and may result in legal action.

Please note that these Rules are prospective. Existing landscaping features are not required to be changed to come into compliance with current rules. But this does not mean existing features are authorized for future use or replacement. For example, if an existing plant or tree that is prohibited in these rules dies or is diseased, it cannot be replaced. Furthermore, if you have invasive or prohibited species, The Associations asks that you consider removing them.

Plants/Shrubs/Trees

General

The goal is to have desert-like landscape with indigenous species, and to avoid plants that require significant water, create a wildfire threat or are invasive. Plantings should incorporate plants that are of low-water use, native or desert adapted, (i.e., tolerant of drought, heat, cold, alkaline soil) and help reduce energy consumption (shade in summer and allow sun to warm dwelling in winter).

Palms are tropical in nature and sensitive to cold, heat, drought and alkaline soil. As such, they do not grow well here and should not be considered.

Also, we routinely have javelinas in the neighborhood, so be aware that some plants, especially those that are young and tender, are quite appealing to them.

The Landscape Committee reserves the right to approve additional plant species on a case-by-case basis. If approved, the plant will be added to the list of approved plant species. The Landscape Committee also reserves the right to add additional plants to the list of

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prohibited/invasive plants. Any such prohibitions will be communicated, and this document will be updated.

Approved Species

Selection of new or replacement plant materials is to be made from the City of Scottsdale approved lists. See Additional Resources for links to

- Native/Indigenous Plants
- Recommended Plants for Enclosed Areas
- Desert Appropriate Plants.

If a plant species is not on the approved lists, the homeowner must seek approval in writing from the Landscape Committee.

Prohibited Species

Plants not on the approved lists are prohibited unless submitted and approved. No approval will be authorized for any of the following prohibited and invasive species in front or rear yards:

- Fountain Grass (*Pennisetum setaceum*)
- Common Bermuda grass (*Cynodon dactylon*)
- Tree of Heaven (*Ailanthus altissima*)
- Buffel Grass (*Pennisetum ciliare*)
- Palm trees and all Palms that are expected to exceed six (6) feet in height
- Salt cedar or Tamarisk (*Tamarix* sp)
- Olive tree (*Olea europaea*) emits profuse allergy-producing pollen
- Mexican Palo Verde (*Parkinsonia aculeata*) harbors pests and has ability to spread throughout a community
- Desert Broom (*Baccharis sarothroides*) considered indigenous but is an invasive species with potential to spread throughout a community and thus is prohibited
- Additional species as included in the Scottsdale Invasive Plant Brochure and on the Arizona Native Plant Society website.

Any prohibited plants and invasive species planted after approval of this document, must be removed by the homeowner in a timely manner to prevent the plants spreading throughout the community and to avoid fines.

Size

Size at full maturity must be considered.

- Any species of tree or shrub whose mature height is expected to exceed 20-25 feet is prohibited.
- Existing trees or shrubs that exceed 20-25 feet must be pruned in accordance with best practices, though tree topping (heading, tipping or rounding) to reduce the height of a tree is not recommended as it is often detrimental to the health of the tree.

Turf

Turf, including artificial turf, is prohibited in the front yard landscape

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Rocks, Granite and Gravel

Although the association does not require prior approval of rock and gravel, homeowners must only use natural stone/rock/gravel without stain or paint in front yards.

Maintenance of Landscaping

Pursuant to CCR Article VIII, Homeowners must maintain the exterior of the homes so as not allow a condition to exist on a lot which will adversely affect any other lots and residences or other Owners. This applies to landscape maintenance of trees, shrubs, plants and hardscape surfaces. Such maintenance includes:

- removal of diseased or dead shrubs, plants, trees
- removal of visible weeds
- removal of plant debris, e.g., mesquite seed pods
- replenishment of decorative rock/decomposed granite (at least 2-inch layer) to avoid bare spots
- Pruning (not topping, which is prohibited)
 - Done to enhance the natural form, structure and health of plants
 - Protect people/structures from damage or danger, e.g., cannot limit the vision of vehicle drivers, overhang other properties yards, roofs or driveways, etc.
- Hiding/burial of irrigation lines
- Repair/replace damaged irrigation systems to prevent overflow or runoff onto streets, sidewalks or neighboring lots

The Association is responsible for common area maintenance and plantings. It is prohibited for any homeowner to excavate, dump debris, add plantings to or remove plantings from any area other than their own lot.

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OTHER ITEMS

Front Yard Ornamentation and Sculptures

Please refer to ***La Colina Architectural Rules*** regarding any yard ornamentation and sculptures

Fine Structure

Please refer to any La Colina Association rules & regulations and the La Colina Enforcement Policy for information regarding fines associated with Architectural Change violations.

Signage of Landscape Contractors and Other Service Providers

Please refer to ***La Colina Architectural Rules*** regarding any landscaping or other service providers.

Work Times and Days for Noise Producing Landscape Work

All noise producing construction may not start prior to 7:00 am Monday through Saturday and must end prior to 7:00 pm from April 1 to October 31. From November 1 to March 31, work must end by 5:00 pm Monday through Saturday, and may not commence prior to 8:00 am on Saturday. No such construction which is audible outside the home is allowed on:

- Sundays
- New Year's Day
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving Day
- Christmas Day

Also note that prior to excavation for irrigation or deep plantings, the homeowner should contact AZ 811 at www.arizona811.com before performing any work. This will allow safe digging and avoid any utility interruptions.

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Additional References and Resources

City of Scottsdale plant lists and resources

List of Indigenous plants and recommended plants for enclosed areas

<https://www.scottsdaleaz.gov/codes/eslo/native-plants-es/>

Desert Appropriate Plants

<https://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Codes+and+Ordinances/Desert+Appropriate+Plant+List.pdf>

Invasive Plants

<https://www.scottsdaleaz.gov/fire/wild-fire-prevention/remove-invasive-plants>

Landscape Plants for the Arizona Desert (brochures)

<https://www.amwua.org/what-you-can-do/landscape-and-garden>

Central Arizona Cactus and Succulent Society

www.centralarizonacactus.org

Desert Botanical Garden

www.dbg.org

The Native Plant Society

- Invasive Species List
- How to Grow Native Plant list

www.aznps.com

Maricopa County Master Gardener Program

University of Arizona College of Agriculture and Life Sciences

- Ask a Gardener (register at the website to ask a question),
- Demonstration gardens, plant information brochures/ publications as well as classes/workshops to assist the community in their gardening endeavors

<https://extension.arizona.edu/master-gardener>

Plant Helpline via email

maricopacountyplanthotline@gmail.com