

Total Resolutions List as of January 2011

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This document is to be updated annually prior to the Annual Meeting. It is posted on the web site at [www.cfe7.org](http://www.cfe7.org) and distributed to new residents at time of title transfer.

**Resolution 1. 1 June 2005 - “Architectural and Property Use Guidelines”**

It was moved, seconded and unanimously passed to accept the document. It was also moved, seconded, and unanimously passed that the Guidelines should be sent out with the Annual Meeting Minutes to the membership.

**THE CATALINA FOOTHILLS ESTATES NUMBER 7**

**HOMEOWNER’S ASSOCIATION**

**POLICY RESOLUTION**

**ARCHITECTURAL AND PROPERTY USE GUIDELINES**

WHEREAS, Article V, Section 2,A of the Restated Bylaws of the Catalina Foothills Estates Number 7 Association establishes an Architectural Review Committee for the purposes of approving any improvements and alterations to the exterior of the property; and

WHEREAS, the Board wishes to establish guidelines to facilitate the approval process and achieve the intent of the Bylaws,

IT IS RESOLVED THAT the attached procedures and guidelines will be adopted and will be applicable to all improvements, modifications, or alterations on any building site.

**THE CATALINA FOOTHILLS ESTATES NUMBER 7  
HOMEOWNER'S ASSOCIATION (CFE #7)  
ARCHITECTURAL AND PROPERTY USE GUIDELINES EFFECTIVE  
AS OF 1 JUNE 2005**

Dear Homeowner:

To assist you in preparing plans for architectural approval, the following guidelines have been adopted by the Board of Directors:

**A. PURPOSE**

- 1.1 To maintain the architectural character and aesthetics of the Catalina Foothills Number 7 it is imperative that new construction or modifications to structures, materials and colors be compatible with the aesthetic character of the neighborhood.
- 1.2 Based on the Restatement of Declarations of Protective Covenants for Catalina Foothills Estates No. 7 (the "Declaration") the Board of Directors determines the standards to be applied to the project. The Architectural Review Committee has the responsibility of applying these standards to all new construction and modification of existing structures.

**B. APPLICATION PROCEDURES**

- 2.1 To obtain approval for new construction, an exterior addition, alteration or improvement of existing structures, each homeowner must submit two complete sets of building plans of the proposed change in writing to the Architectural Review Committee (the "Committee"). One set is retained by the Association, the other is returned to the Owner with written approval or disapproval. The submittal must include a description of the project, including drawings to scale showing the height, width, length, size, shape, color, materials, and location of the proposed improvement on the lot. If the alteration affects the existing drainage pattern, the proposed modification to the drainage pattern must be included.
- 2.2 Oral requests will not be considered and oral approvals are not valid.
- 2.3 Each alteration, addition, or new construction must be specifically approved by the Committee even though the intended alteration or improvement conforms to the Declaration and Architectural and Property Use Guidelines, and even when similar or substantially identical alterations or additions have been previously approved. The only exceptions to this are the pre-approved items published in these Guidelines. The location of such improvements, to be approved by the Committee, shall be staked on the site prior to such approval. No changes or deviations from the approved plans may be made without the written

approval of the Committee. The Association shall not be responsible for any structural defects in said plans, nor in any building or structure erected according to such plans. Swimming pools and sewage systems are included within the meaning of the term "structure." The Committee shall have the right and privilege to disapprove any and all plans submitted to him/her as aforesaid, for any one or more of the following reasons. A denial of submitted plans by the Committee shall be final:

- a. If said plans are not in exact accordance with each and every provision of the Declaration and these Guidelines.
- b. If, in the opinion of the Committee, the architectural design of the proposed building or other structures as shown by said plans, plot plans, including exterior color scheme, or the location of any structure is not in harmony with the general surroundings, or with the building or structures, or proposed building or structures, adjacent to the location at which said proposed building or structure is intended to be erected.
- c. If the plans submitted are not in sufficient detail or incomplete.

Provided, however, that the Association shall not be liable for damages to anyone so submitting plans for approval, or to any owner or owners of land covered by this instrument by reason of mistake in judgment, negligence or non-feasance of itself, its agents or employees, arising out of or in connection with the approval or disapproval, or failure to approve any such plans; likewise anyone so submitting plans to the Association for approval, by the submitting of such plans, and any owner by so acquiring title to any of the covered property hereby, waives his/her claim for any such damages sustained.

2.4 The Committee will make a reasonable effort to inform the applicant of its decision within 14 business days of the Committee's receipt of a complete application. This time period will be suspended during any period the Committee may be awaiting receipt of necessary additional information requested from the applicant. In no event, however, will the Committee's inability to inform the applicant of its final decision within 14 business days be construed as approval of the application. Residents should be aware that, either due to the complexity of the project or to resident and Committee member schedules, especially during the summer months, additional time could be required. Therefore, it would be prudent for residents to arrange their personal affairs to secure approval of any application prior to making any significant pre-payment to contractors or others.

2.5 Applicants have six (6) months from the date the application is approved by the Committee, to complete their project. An extension of an additional six (6) month period may be granted by the Committee when requested in writing by the applicant, and for good cause shown.

2.6 If an Owner's request is denied, the applicant may request a reconsideration, provided new or additional information which might clarify the request or demonstrate its acceptability can be provided to the Committee.

2.7 Periodic on site inspections may be done by the Committee during construction. If the structure or modification that is being constructed deviates from the approved plans, construction must stop and revised plans must be submitted to the Committee.

2.8 Any Owner may appeal the final decision of the Committee to the Board. This appeal must be made in writing within 30 days of receipt of the Committee's decision, and this appeal should include the reasons why the Owner believes the Committee's decision should be reviewed by the Board.

Approval of any project by the Committee DOES NOT WAIVE THE REQUIREMENT OF OBTAINING ANY REQUIRED GOVERNMENTAL PERMITS. In turn, obtaining governmental permits DOES NOT WAIVE THE NEED FOR APPROVAL BY THE COMMITTEE OR BOARD PRIOR TO CONSTRUCTION.

FAILURE TO OBTAIN THE NECESSARY APPROVALS PRIOR TO CONSTRUCTION: (1) CONSTITUTES A VIOLATION OF THE DECLARATION; (2) MAY REQUIRE MODIFICATION OR REMOVAL OF UNAUTHORIZED WORK AT THE EXPENSE OF THE HOMEOWNER; (3) MAY INCLUDE PAYMENT OF THE ASSOCIATION'S ATTORNEY FEES IF LEGAL ACTION IS INSTITUTED TO SEEK COMPLIANCE.

### **C. ARCHITECTURAL AND PROPERTY USE GUIDELINES**

THIS SECTION SETS FORTH EXCERPTS FROM THE DECLARATION PERTAINING TO USE RESTRICTIONS FOR LOTS WITHIN CATALINA FOOTHILLS ESTATES NO. 7 (THE "SUBDIVISION").

- 3.1 No lot shall be used for any purpose other than for one detached single-family dwelling for single family private use, a private garage, patio walls, swimming pool, guest house, servants' quarters and other outbuildings and improvements incidental to residential use of the subdivision, including public utility facilities. (Declaration, Clause II, Para 2, Page 3)
- 3.2 Native growth, including Bursage, Cacti and Palo Verde trees, shall not be permitted to be destroyed or removed from any lot, except such native growth as it may be necessary to remove for the construction and maintenance of roads, driveways, detached single-family dwellings and accessory structures related to said residence and walled-in service yards and patios, unless written permission be first obtained from the Association. (Declaration, Clause II, Para 3, Page 3)
- 3.3 No private road or driveway shall be constructed until the person or persons desiring to construct such private road or driveway has submitted to the Committee two sets of plans showing the location, course and width of said private road or driveway and the approval of the Committee to the construction of such private road or driveway has been obtained in accordance with the application procedure of Article II of these guidelines. (Declaration, Clause II, Para 3, Page 4)
- 3.4 Driveways and roads shall be treated with a minimum of a two-shot bituminous surface treatment ("chip-seal") to prevent dust, and so maintained. A blacktop or a concrete driveway shall be considered meeting the requirement. (Declaration, Clause II, Para 7, Page 6)
- 3.5 Signs/Billboards: (Declaration, Clause II, Para 6, Page 6)
- a. A name plate of the occupant of a residence may be installed upon which his/her professional title may be included, providing that no such sign or name plate shall exceed one square foot and the design and location must be approved by the Committee and be perpetually maintained.
  - b. Billboards or advertising signs of any character shall not be erected, placed, permitted or maintained on any lot or on any building erected thereon. However, permission is hereby granted for the erection and maintenance of not more than one signboard on each building site during the course of construction. Such signboard shall not exceed five square feet. Said sign shall not include any name other than the contractor's and/or lender's and architects names.
  - c. An "open house" signboard may be placed on any property, which is then open for inspection by prospective buyers. Such

“open house” signboard must be removed at the end of each day the house is open for inspection. No other signboards, including “For Sale” and “Directional” signs, are allowed at any time.

- 3.6 Exterior lights must be so located as not be directed toward surrounding properties or public rights-of-way. (Declaration, Clause II, Para 8, Page 6)
- 3.7 All mailboxes, mail box standards, together with light, shall be of a uniform shape, size, color and design and be constructed in accordance with plans and specifications supplied by the Association, in order that the area be strictly uniform in appearance with respect thereto. (Declaration, Clause II, Para 9, Page 6)
- 3.8 All gas meters shall be located at the main building and be obscured from view from any public right-of-way and adjoining property. (Declaration, Clause II, Para 10, Page 6)
- 3.9 No evaporative cooler, air conditioning equipment, heating equipment, or cooling or heating ducts shall be placed, installed or maintained on the roof or wall of any building or structure. All cooling and heating equipment shall be ground mounted and concealed in an enclosure approved by the Committee. (Declaration, Clause II, Para 11, Page 6)
- 3.10 No solar collector shall be roof mounted unless adjacent parapet construction is of such height as to prevent its viewing from any point beyond the building site on which it is installed. A ground mounted collector must be walled-in or enclosed in such a manner as to be concealed from view from any point beyond the building site on which it is located; such enclosure must be approved by the Committee. (Declaration, Clause II, Para 11, Page 6)
- 3.11 Any furniture or other objects of any kind shall be removed from a roof or placed so as not to be visible from adjoining lots whenever not being used. (Declaration, Clause II, Para 11, Page 7)
- 3.12 No radio, television, or telecommunications transmission or receiving tower shall be erected, placed or permitted upon any part of said property. Roof-mounted or sidewall-mounted television, radio, and telecommunications rod or pole antennae (so-called “yagi” antennae) and other UHF, VHF or microwave antennae are not included in the meaning of this paragraph. However, such antennae extending more than five (5) feet above the roofline of the house shall be subject to approval by the Committee. (Declaration, Clause II, Para 14, Page 7)

Television, radio, or telecommunications broadcast or receiving antennae systems or equipment including, but not limited to “satellite dishes”, not in

excess of 260 square inches in area, are permissible. Any satellite dish which is in excess of 260 square inches must be ground mounted and must be screened so that it cannot be viewed from any point beyond the building site on which they are located. Location and screening of the antennae must be approved by the Committee. (Declaration, Clause II Para 14, Page 7)

3.13 No elevated tanks of any kind shall be erected, placed or permitted upon any part of the subdivision. Any tanks on the subdivision, including tanks for the storage of gas and fuel oil, gasoline or oil, must be buried or walled in sufficiently to conceal them from the view from neighboring lots or other lots or roads or streets. (Declaration, Clause II, Para 15, Page 7)

3.14 All clothes lines, equipment, mechanical equipment, wood piles or piles of dirt or rocks, or stored materials of any kind shall be walled-in and/or concealed at all times so that they may not be viewed from any point beyond the building site on which they are located. (Declaration, Clause II, Para 16, Page 7)

3.15 Setback Requirements: No building or other structure may be located closer than thirty (30) feet from any property line; however a wall or fence not exceeding four (4) feet in height may be placed no closer than twenty (20) feet from the side and rear property line. A swimming pool is included in the definition of the term "structure". Exemptions from the setback requirement for buildings or structures, may be granted by the Board of Directors, when in their sole judgment such exemptions will not be detrimental to any other lot. (Declaration, Clause II, Para 19, Page 8)

The Committee may permit entry structures consisting of gate(s), posts and/or wing walls on the side of the lot abutting a public street.

3.16 Height Restriction: The intent of this paragraph is to provide a means for controlling the height of single-family dwellings and improvements relative to surrounding dwellings and improvements within the boundary of Catalina Foothills No. 7, so as to (1) provide the greatest protection of views and privacy for the benefit of the largest number of lot owners and (2) to maintain the one-story character of the neighborhood.

No single-family dwelling or improvement shall exceed the height as follows: No part of the roof ridgeline shall exceed fifteen (15) feet, and no part of a parapet wall shall exceed thirteen (13) feet above the mean elevation of the natural grade of the area on which the single family dwelling or improvement is located (e.g. the foot print of the building) (See Figure A). In the case of multiple levels, each level must individually conform to the "building height" as defined above (See



Figure B) and the maximum change in elevation shall be 4 ft from the highest level to the lowest level. The natural grade shall be based on the elevations shown on a topographic survey of the building site. On any unimproved building site with an existing pad, said pad shall be considered to be the natural grade.

In cases where an existing structure is remodeled, added onto or demolished to build a new structure, the existing finish grade shall be considered to be the natural grade and the above height limitation shall apply. (Declaration, Clause II, Para 4B, Page 5 and By-laws, Article V, Section 2, A, c, Page 5)

- 3.17 Roof Surface: No white, near or off-white, or reflective roof surfaces shall be permitted. (Declaration, Clause II, Para 4d, Page 5)
- 3.18 No temporary house, dwelling, garage, outbuilding or other structure shall be placed or erected upon any part of said property. No residence placed or erected on any building site shall be occupied in any manner while in the course of construction, nor at any time prior to its being fully completed as herein required, nor shall any residence when completed be in any manner occupied until made to comply with the approved plans, and all other conditions and restrictions herein set forth. All construction shall be completed within six (6) months from the start thereof, and any single-family dwelling, garage, building or other structure damaged by fire or by casualty, or being remodeled in any fashion, shall be repaired, replaced, or completed with six (6) months from the time of such damage or the approval of plans by the Committee, provided that the Board may extend such time when in its opinion conditions warrant same. (Declaration, Clause II, Para 21, Page 8)
- 3.19 All electrical service, telephone lines, and T.V. cables from the utility company lines, or from one structure to another, shall be placed underground. (Declaration, Clause II, Para 25, Page 9)
- 3.20 Where sewer, water, or other public utility facilities have been installed to or near the property line of a particular lot, for the purpose of providing service to that lot, the service connection to service an improvement on that lot shall be made at and from the installed facility or point assigned by the Committee only. (Declaration, Clause II, Para 26, Page 10)
- 3.21 An easement upon and over the ten-foot perimeter of each and every lot is hereby reserved to the Association for utility purposes, with access thereto for installing, repairing and maintaining all facilities necessary for such purposes. The Board may assign any portion of the above easement rights to any other person or persons for the purposes specified, but any of

said utilities shall be installed in such a manner as not to disturb or change existing structures. (Declaration, Clause II, Para 27, Page 10)

3.22 Flag Poles: Flag poles may be up to twenty (20') feet tall, but shall be no closer than twenty (20) feet to any rear or side setback line and no closer than thirty (30) feet to a side abutting a public road. A reasonable height of flag pole and size of flag, or flags, may be as determined by the Committee. All flag displays must comply with the Federal Flag Code (P.L. 94-344:90 Stat. 810; 4 United States Code Section 4 through 10).

3.23 Pre-manufactured play equipment and patio umbrellas may be placed in the walled-in rear yard only and do not require the approval of the Committee. Approval by the Committee will be required if play sets are to be attached to the home or the walls in any manner. (New Requirement).

3.24 Fencing: No wire fencing (e.g. chain link, woven wire fabric, "chicken" wire) shall be erected, placed or permitted upon any part of the subdivision. Metal and wood fencing conforming to the setback and height restrictions of the Declaration is permissible but shall be subject to design review by the Committee. Exceptions: A temporary cage made of wire fencing not exceeding three feet in height may be placed around individual plants to protect them from being consumed by wildlife. (New Requirement).

### **NOTICE**

In order to receive final approval upon completion of the project, all work must be done in a workmanship-like manner and must conform to the drawings which were approved by the Committee.

To promote an attitude of sharing and neighborliness and a sense of community among the residents of the Catalina Foothills Estates Number 7 Association, the Committee encourages you to discuss your project with your neighbors, however; this is not a requirement of the application.

Instructions to Homeowner:

Complete both the “Homeowner Copy” and “File Copy” of the attached BUILDING/ALTERATIONS/MODIFICATIONS form and send with two copies of the plans/drawings of the proposed changes, as well as one self-addressed, stamped envelope. Please complete the application in full and submit to the Architectural Review Committee care of:

Catalina Foothills Estates No 7  
Architectural Review Committee  
P.O. Box 64173  
Tucson, AZ 85728

These plans will be presented to the Architectural Review Committee and you will be notified of the action of the Committee. Upon approval, one set of the plans/drawings will be returned to you along with one copy of the completed form via the stamped, self-addressed envelope you provided (above). If, however, the request is denied, both sets of plans will be returned with an explanation.

If you have any questions, please call Board Secretary, Jane Hoffmann @ 323-9299.

Approval of any project by the Architectural Review Committee DOES NOT WAIVE THE REQUIREMENT OF OBTAINING ANY REQUIRED GOVERNMENTAL PERMITS. In turn, obtaining governmental permits DOES NOT WAIVE THE NEED FOR APPROVAL BY THE ARCHITECTURAL REVIEW COMMITTEE OR BOARD PRIOR TO CONSTRUCTION.

FAILURE TO OBTAIN THE NECESSARY APPROVALS PRIOR TO CONSTRUCTION: (1) CONSTITUTES A VIOLATION OF THE DECLARATION; (2) MAY REQUIRE MODIFICATION OR REMOVAL OF UNAUTHORIZED WORK AT THE EXPENSE OF THE HOMEOWNERS; (3) MAY INCLUDE PAYMENT OF THE ASSOCIATION’S ATTORNEY FEES IF LEGAL ACTION IS INSTITUTED TO SEEK COMPLIANCE.

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Please print legibly!

CATALINA FOOTHILLS ESTATES ASSOCIATION NO. 7  
TUCSON, AZ 85728

**BUILDING/ALTERATIONS/MODIFICATIONS – LOT NO. \_\_\_\_\_**

HOMEOWNER copy: one set of Plans/Drawings Date\_\_\_\_\_

Name of Property Owner\_\_\_\_\_ Phone\_\_\_\_\_

Address\_\_\_\_\_ E-mail\_\_\_\_\_

Date Construction Expected to Start\_\_\_\_\_

Date Construction Expected to Complete\_\_\_\_\_

Name and Address of Builder/Contractor\_\_\_\_\_

DESCRIPTION OF WORK:\_\_\_\_\_

Construction shall be in compliance with the Declaration of Protective Covenants and Architectural and Property Use Guidelines. Plans/drawings must be stamped and signed by the Chairman of the Architectural Review Committee (the “Committee”) prior to the commencement of any construction. Homeowner will contact the Committee for final site review upon completion of work.

Signature of Owner\_\_\_\_\_

Date Request received by Catalina Foothills Estates No. 7 Association\_\_\_\_\_

By\_\_\_\_\_ Architectural Review Committee

Request: ( ) Approved As Noted By\_\_\_\_\_ Date\_\_\_\_\_

( ) Denied, reason given\_\_\_\_\_

\_\_\_\_\_ By\_\_\_\_\_ Date\_\_\_\_\_

Final Site Review: By\_\_\_\_\_ Date\_\_\_\_\_

NOTE: See Reverse Side For Homeowner’s Check List for Submittal to the Architectural Review Committee

## **SUBMITTAL FOR ARCHITECTURAL REVIEW**

### **HOMEOWNER'S CHECK LIST**

#### APPLICATION:

1. Application is legibly and completely filled out, i.e. lot number, owner's name and contact information, date of application, description of planned changes, color samples, etc.
2. Two copies (one Homeowner copy and one File copy) of the application and plans included for submittal to the Architectural Review Committee.
3. One self-addressed, stamped envelope in which the Homeowner copy of application and plans can be returned.

#### DRAWINGS:

NOTE: ALL DRAWINGS MUST BE DRAWN TO SCALE, i.e. 1"=20', 1/4" =1'-0"

1. Site plan showing all property lines, lot dimensions, setback lines, existing and proposed improvements, date, north arrow, etc.
2. Building setbacks conform to the 30' minimum as per the Protective Covenants (a swimming pool is considered to be a structure and, therefore, must meet the 30' requirement).
3. Walls conform to the 30' minimum setback requirement (20' at side and rear yards if wall height does not exceed 4'). Regardless, walls conform to the 6' maximum height limitation.
4. Provisions made for preservation of native growth.
5. Floor plan clearly delineates existing improvements and proposed new work.
6. Floor plan is fully dimensioned.
7. Exterior elevations are shown indicating building profile, door and window openings, materials, finishes, textures and colors.
8. Building height conforms to the Architectural Guidelines (13' for parapet, 15' for ridge).
9. Note on drawings to paint out exposed metal surfaces (i.e. flashing, vents, flues, conduit) to match adjacent surfaces.

Please print legibly!

**CATALINA FOOTHILLS ESTATES ASSOCIATION NO. 7**  
TUCSON, AZ 85728

**BUILDING/ALTERATIONS/MODIFICATIONS – LOT NO. \_\_\_\_\_**

FILE copy: one set of Plans/Drawings Date\_\_\_\_\_

Name of Property Owner\_\_\_\_\_ Phone\_\_\_\_\_

Address\_\_\_\_\_ E-mail\_\_\_\_\_

Date Construction Expected to Start\_\_\_\_\_

Date Construction Expected to Complete\_\_\_\_\_

Name and Address of Builder/Contractor\_\_\_\_\_

DESCRIPTION OF WORK:\_\_\_\_\_

Construction shall be in compliance with the Declaration of Protective Covenants and Architectural and Property Use Guidelines. Plans/drawings must be stamped and signed by the Chairman of the Architectural Review Committee (the “Committee”) prior to the commencement of any construction. Homeowner will contact the Committee for final site review upon completion of work.

Signature of Owner\_\_\_\_\_

Date Request received by Catalina Foothills Estates No. 7 Association\_\_\_\_\_

By\_\_\_\_\_ Architectural Review Committee

Request: ( ) Approved As Noted By\_\_\_\_\_ Date\_\_\_\_\_

( ) Denied, reason given\_\_\_\_\_

By\_\_\_\_\_ Date\_\_\_\_\_

Final Site Review: By\_\_\_\_\_ Date\_\_\_\_\_

## **Resolution 2. 5 October 2005 – Architectural Review Committee Procedures”**

“Discussion was held about suggested changes and J Bishop will make revisions.”  
The revisions and procedure was never formally voted on.

Proposed: 4/20/05

Adopted: 1/6/2010

### **CATALINA FOOTHILLS NO. 7**

#### **ARCHITECTURAL REVIEW COMMITTEE PROCEDURES**

These guidelines are an effort to enhance completeness and uniformity in the review of projects submitted to the Architectural Review Committee. It is to be used in conjunction with the Architectural and Property Use Guidelines dated June 1, 2005 (subsequently merged into the ARC application in 2009, and located at <http://www.cfe7.org/Images/archforms.pdf> )

#### **1. THE APPLICATION**

Upon receipt of two copies of the BUILDING/ALTERATIONS/ MODIFICATIONS application, log in the date of receipt and your name as a member of the Architectural Review Committee.

Review the form to be sure all information is provided.

#### **2. THE DRAWINGS**

Upon receipt of the drawings stamp each sheet with the “CAT 7 Received” stamp and fill out the “signature” and “date” lines. Next, review each sheet to see that the following basic information is provided

- A.** Owner’s name, address, lot number and telephone number.
- B.** Drawing title, e.g. Site Plan.
- C.** Date.
- D.** Scale, e.g. 1”=20’, ¼”=1’-0”.
- E.** Number each drawing sheet.

Check to see that the drawing set is complete (no missing sheets).

The basic set of drawings should include a Site Plan, a Floor Plan and Exterior Elevations.

- A.** Site Plan: The site plan should show all property lines, setback lines, existing improvements and new improvements. Further, native growth in the work area shall be shown and any plant material to be removed shall be noted.



- B. Floor Plan:** The floor plan, usually drawn at a scale of  $\frac{1}{4}''=1'$ , shows a plan view of the improvements such as walls and location of door and window openings. The plan should clearly define what is existing construction and that which is new.
- C. Exterior Elevations:** The elevations, usually drawn at a scale of  $\frac{1}{4}''=1'$ , show the four sides (north, south, east and west) of the building(s). These should indicate position of finish grade, location of doors and windows, building height and exterior finishes.

### 3. DRAWING REVIEW

#### Site Plan

- A.** Review of the site plan is most important as it is the one drawing, which will show if the setbacks are in conformance with the Protective Covenants. It is best to compare the property line dimensions shown on the site plan with the dimensions shown on the CAT 7 maps found in the back of the Board member's notebook. Also, using a scale, measure the setbacks shown on the site plan to verify that the dimensions are correct. In many instances, it will be necessary for the homeowner to hire a surveyor to mark the property line(s) and setback line(s).
- B.** In some instances, the lay of the land is such that a grading plan is required. In most cases, however, grading is minimal and the limited amount of grading is shown on the site plan. This being the case, review the plan to verify that cuts and fills are contained within the site boundaries and their effects are mitigated with retaining walls and erosion controls, i.e., planting, rock overlay (rip-rap).
- C.** Review the site plan to see that native growth is preserved and protected. Where practical, it is recommended that native plants within the work area be removed and stockpiled on site during construction and then replanted upon completion of the new work. Landscape material should be introduced at the perimeter of new construction to soften the visual impact and tie the work in with the existing plant material on the site.

#### Floor Plan

- A.** The Floor plan should be fully dimensioned and those dimensions must be consistent with dimensions shown on the site plan.
- B.** Check the plan for mechanical equipment locations (no wall mounted or roof top equipment). Be sure equipment is screened from view of adjoining property owners.
- C.** Check plan to see that there is an area screened from view for garbage and recycle cans.
- D.** Check to see that window and door openings shown are consistent with openings shown on the exterior elevations.

#### Exterior Elevations

- A.** Verify that the height of the proposed structures meet the required height limitation.

- B.** Check to see that the exterior materials and finishes are noted or shown. Make a notation to match existing texture and color where there is an addition to an existing structure.
- C.** Check to see that screen walls are shown and that they meet the height restrictions, i.e. 4' for a wall 20'-29' on side and rear yards and 6' wall for a wall 30'+ from the property line.
- D.** Make a notation on the drawing to paint out all surfaces of new work, which are exposed to view such as flashings, conduit, electric panels, skylights, etc. Color of these items shall match adjacent surfaces.

#### Other Drawings

- A.** In some instances, homeowners will submit a set of plans, which include a foundation plan, building sections, mechanical and electrical plans and landscape plans. For the most part, these drawings need not be a part of the review since complying with the Protective Covenants involves only those items, which are visible from the exterior. In all cases, however, it is prudent to look over these drawings to see that dimensions and placement are consistent with those drawing sheets pertinent to the review.

#### General Notes

- A.** For projects involving new structures or walls, visit the site prior to approval to verify that the required staking is in place and the lines and dimensions are as shown on the plans.
- B.** Prior to approval of the drawings, stamp the first sheet with the “governmental approval” and “six month completion” stamps.
- C.** For projects, which include a new roof, stamp the plan with the “no white...roof coating” stamp.
- D.** Check the submittal to verify that the required color samples (paint, stain, windows, roof coating) have been included. If samples are not included, make approval subject to receipt and approval of the samples prior to proceeding with that part of the work.
- E.** Stamp each drawing sheet with the “six month completion” stamp.

#### Approval

- A.** Once the review has been completed stamp each sheet of the drawings with the “approved” stamp then sign and date on the lines indicated within the borders of the stamp. Note that **both** sets of drawings must be marked and stamped; one set to be retained in the Association file and the other set returned to the homeowner.
- B.** Sign and date **both** copies of the application form. Again, keep one copy for the CAT 7 file and return the other to the homeowner along with the approved plans.

#### 4. INSPECTIONS

Projects, which include new construction, need to be inspected early on so that the lay out can be verified before any concrete footings are poured. Also, the lay out for swimming pools need to be inspected prior to excavation.

Periodic site inspections during construction are advised for larger projects to verify that the work is in conformity to the approved plans.

#### 5. FINAL SITE REVIEW

Upon completion of the project make an appointment with the homeowners to visit the site. The purpose of this visit is to verify that the work has been completed in accordance with the approved plans and meets the provisions of the Protective Covenants and the Architectural and Land Use Guidelines.

For minor projects such as window replacement, roof recoating and exterior painting, there is no need for more than one Committee member to inspect the completed job. For more complex projects, however, it is best to have two Committee members make the final site review.

The final site review is made with the approved plans in hand so that all elements of the plans can be verified with the completed work at the site. Items to look for include (but are not limited to) meeting setback requirements and height limitations, screening of mechanical equipment and service areas, colors matching approved samples, surfaces of all new work painted and native growth preserved.

If, upon completion of the review, the project is determined to be in accordance with the approved plans, sign and date both copies of the Application on the "Final Site Review" line. In many instances the homeowner will have lost track of his/her copy of the Application and it will be necessary to make a copy of the original CAT 7 application form and send it to the homeowner after the final site review.

If the final site review indicates that there is work that is not in accordance with the approved plans, notify the homeowner in writing of each deficiency and set a reasonable time limit to correct these items. Once the deficiencies are corrected, schedule another inspection and proceed in accordance with paragraph 5.4 above.

### **Resolution 3. 2 November 2005 – “Homeowner Check List”**

After reviewing the check list a motion was made and unanimously passed to include this in welcome packets and when ever architectural requests from residents are made.”

#### **HOMEOWNER’S CHECK LIST**

##### APPLICATION:

1. Application is completely filled out and all information is provided, i.e. lot number, owner’s name, date of application etc.
2. Two copies of the completed application and cover sheet are ready for submittal to the Architectural Review Committee.

##### DRAWINGS:

NOTE: ALL DRAWINGS MUST BE DRAWN TO SCALE, i.e. 1”=20’, 1/4 “ =1’-0”

1. Site plan showing all property lines, lot dimensions, setback lines, existing and proposed improvements, date, north arrow, etc.
2. Building setbacks conform to the 30’ minimum as per the Protective Covenants (a swimming pool is considered to be a structure and, therefore, must meet the 30’ requirement).
3. Walls conform to the 30’ minimum setback requirement (20’ at side and rear yards if wall height does not exceed 4’).
4. Provisions made for preservation of native growth.
5. Floor plan clearly delineates existing improvements and proposed new work.
6. Floor plan is fully dimensioned.
7. Exterior elevations are shown indicating building profile, door and window openings, materials, finishes, textures and colors.
8. Building height conforms to the Architectural Guidelines (13’ for parapet, 15’ for ridge).
9. Walls conform to the 6’ maximum height limitation.
10. Note on drawings to paint out exposed metal surfaces (i.e. flashing, vents, flues, conduit) to match adjacent surfaces

5/6/06 - revision

**Resolution 4. 2 November 2005 – “Request for Exemption (Variance) Form”**

Unanimously passed by Board

**REQUEST FOR EXEMPTION**

Homeowner shall submit the following as the minimum requirements for an application:

1. A letter to the Board explaining the specific exemption and what conditions exist to validate a departure from the Protective Covenants (**NOTE:** an exemption may not be detrimental to any other lot within CFE No. 7). This letter must include the name of the property owner, address, lot number and applicant’s telephone number.
2. A site plan of the subject property showing all property lines, existing and proposed improvements, lot dimensions, setback lines and the dimensions of the encroachment for which an exemption is being requested. This site plan must be based upon a recent survey of the property.
3. Obtain letters from all CFE No. 7 property owners who would be impacted by the requested exemption. Said letter shall acknowledge that each neighbor has read the applicant’s letter requesting the exemption and has reviewed the supporting site plan, which clearly delineates the proposed encroachment. The letter from the neighbors shall include a space at the bottom to check off either an endorsement of the request or a disapproval, as well as, a space for comments. Letters from the neighbors shall be submitted directly to the Board. (**NOTE:** The determination of which properties would be impacted is at the discretion of the Board; however, letters from neighbors on all lots adjoining the subject property shall be considered to be a minimum to meet this requirement).

Further, the homeowner shall attend a meeting of the CFE No. 7 Board and present his/her case for granting the exemption and shall answer questions from Board members. In order to be placed on the agenda, the homeowner shall call the secretary to the Board at least two weeks prior to the next scheduled meeting and request to be put on the agenda. Once the item is on the agenda the homeowner shall provide copies of the letter of request and the supporting site plan so that all Board members can review the documents prior to the meeting.

**11/05**

REQUEST FOR EXEMPTION

**PROJECT REVIEW COMMENTS**

Applicant: \_\_\_\_\_  
Name

\_\_\_\_\_  
Lot No.

\_\_\_\_\_  
Street

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
e-mail

The Board of the Catalina Foothills Estates No. 7 Association has received a request for an exemption to the Protective Covenants and/or the Architectural and Land Use Guidelines. As a neighbor of the applicant who will be impacted by the requested exemption, The Board is requesting your comments. The applicant has been instructed to provide you with written material and supporting drawings which clearly delineate the request. Following your review of this material will you please indicate your response to the proposal as follows:

1. \_\_\_\_\_ I/we endorse the request for exemption as submitted.
2. \_\_\_\_\_ I/we object to granting an exemption for the following reasons:

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3. Additional Comments:

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Thank you for your input regarding this matter. If you have any questions, please call Jane Hoffmann (323-9299) and she will have the chair of the Architectural Review Committee contact you. Please send your comments to Catalina Foothills Estates No 7, PO Box 64173, Tucson AZ 85728. Thank you.

Signature: \_\_\_\_\_ Lot No. \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

11/05

## **Resolution 5. 1 February 2006 – “New Resident CC&R Document Notice”**

Final version was reviewed and a motion was made, seconded and unanimously passed to accept this new version.”

Catalina Foothills Estates No. 7 is an area known for its beauty and spectacular views. Maintaining the property owners’ quality of life and high housing values is a direct result of strict enforcement of its CC&Rs.

The Board of Directors of the Catalina Foothills Estates No. 7 Homeowners Association wants **prospective buyers** of property in the area to be aware that they are responsible for any violations of the covenants – even if incurred by previous owners. Although we have attached excerpts from these covenants, prospective purchasers should read the detailed covenants from the realtor carefully, and make the necessary inspection to ensure that the property is in full compliance.

### **EXCERPTS FROM THE PROTECTIVE COVENANTS OF CATALINA FOOTHILLS ESTATES NO. 7 ASSOCIATION**

The “Declaration of Protective Covenants,” filed with the Pima County Recorder by the Developers of Catalina Foothills Estates No. 7, placed binding and legally enforceable conditions and restrictions upon the use of each lot in our subdivision. In accordance with these declarations, owners of lots 1-313, P-1, P-2, P-3, 2-E automatically become members of the Catalina Foothills Estates No. 7 Association, organized as a non-profit homeowners’ corporation to “stabilize and preserve the amenities” of the neighborhood. The Association is managed by a Board of Directors elected from and by the membership. In 1980, “all powers, duties and responsibilities” of the original Grantor were assigned to the Association, including the right to assess each lot up to \$60 annually for expenses incurred or anticipated. Selected excerpts from some of the covenant restrictions are listed below. **Refer to your covenant package for complete wording.** Attorney fees and court costs incurred by the Association in enforcing these covenants will be recovered from the violator. Disputes between the Association and a property owner may be submitted to final and binding arbitration.

1. Building sites are limited to a single family unit for residential use only. The premises may not be used to conduct a business.
2. **Native growth**, including cacti , trees and **ground cover** (including triangle-leaved bursage, range ratany and zinnia) must not be removed.
3. Private driveways must be approved before construction begins.
4. **Plans and specifications, including exterior color scheme and roof material, for any building, patio, swimming pool, wall, etc. must be approved in writing and the proposed location staked on site prior to such approval.** Changes from approved and specifications which affect the exterior of any structure also require written approval. **No white, off-white, or reflective roofs will be approved.**
5. No lot may be used for storage of rubbish, debris or trash.
6. **No billboards, real estate or other advertising signs are permitted** except occupant nameplate or (during initial construction) the name of the owner or builder.
7. **No exterior lights may be directed toward adjoining lots.**
8. Mailboxes and street fixtures must be uniform in shape and design and conform to specifications provided by the Association.
9. **Heating and cooling equipment must be concealed in an enclosure and cannot be located on the roof or wall of any structure.**

10. Only pollen free Bermuda grass may be grown.
11. Trees must be kept trimmed so as not to interfere with views.
12. Radio transmission towers are not allowed. Television receiving antenna must not extend more than 10 feet above the roofline. **Satellite antenna systems must be mounted and screened in so as not to be seen beyond the building site.**
13. Tanks for storage of oil and gas must be buried or enclosed.
14. Clotheslines, woodpiles, mechanical equipment, etc. must be concealed from view of neighboring lots at all times.
15. Garbage/trash cans must remain concealed and may not be placed along street rights-of-way.
16. **No dwelling, swimming pool, garage or other structure may be erected closer than 30 feet from the property line.**
17. **No fence, wall or hedge may exceed 6 feet in height and may not be closer than 30 feet from any property line adjacent to a street.** Those adjacent to adjoining lots may be placed up to 20 feet from the property line, but, if closer than 30 feet, are limited to 4 feet in height.
18. No trailer, motor home, camper, camper van, boat, truck (other than pick up), commercial vehicle, etc. may be placed on the property in excess of four 2-day periods per month unless completely concealed in an enclosed structure.
19. No animal or fowl except pets may be kept. No more than 2 dogs and/or cats are allowed. Objectionable animals or birds will be ordered to be removed.
20. **Solar collector installations must be concealed** from view from any point beyond the building site on which located.



**The form below must be signed and returned to the CATALINA FOOTHILLS ESTATES NO 7 ASSOCIATION, PO BOX 64173, TUCSON, ARIZONA 85728-4173 in order for the Escrow to Close.**

To the CATALINA FOOTHILLS ESTATES NO. 7 ASSOCIATION:

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

I/WE, \_\_\_\_\_, the prospective  
(Signatures)

buyer(s) of \_\_\_\_\_,

Lot \_\_\_\_\_, Tucson, Arizona, 85718, have read the Protective Covenants of Catalina Foothills Estates #7 Association (Restatement Dated March 18,1997) and the “Architectural and Property Use Guidelines “ dated June 1, 2005, and have thoroughly inspected the subject property to ensure that it is in full compliance with the above referenced documents. By signing this statement, I/we acknowledge that I/we have read and understand the Association’s Protective Covenants and Architectural Guidelines and that I also understand that by Arizona law I may be giving up my rights to the homestead exemption protection regarding a lien of the Association.”\*\*

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**\*\*HOUSE BILL 2368 – INCREASE IN HOMESTEAD EXEMPTION**

This Bill increases the amount of the Homestead Exemption from \$100,000 to \$150,000, and applies to all residential property in Arizona.

The Homestead Exemption protects a homeowner’s equity in his/her primary residence from forced sale by a creditor, and applies to a condominium unit, townhome, single family residence or mobile home. A person may claim only one homestead exemption. A lien foreclosure by an Association is not subject to the protection of a homestead exemption.

3 of 3

## **Resolution 6. 1 March 2006 – “Review Procedures for Subjective Design Elements”**

It was moved, seconded and passed with 7 yeas and 2 nays to accept the Review Procedures for Subjective Design Elements and Response Form (with the addition of name and date on the form).

### **REVIEW PROCEDURES FOR SUBJECTIVE DESIGN ELEMENTS**

In an effort to achieve uniformity in the approval of elements of a project which do not lend themselves to a strict interpretation of the Protective Covenants and Architectural Guidelines, such as color selection and features of architectural design, the following procedure shall be followed:

1. When the chair of the Architectural Review Committee receive an application for a project which he/she considers might not be in harmony with the aesthetic character of the neighborhood as per Clause II, paragraph 4B (page 5) of the Protective Covenants, the applicant shall be informed that the project is subject to further review.
2. The applicant shall then give his/her neighbors an opportunity to review the proposed changes so that they may make their comments regarding the proposal to the Board. The Board shall make a determination as to which neighbors will be most impacted by the project under consideration and send them a “Project Review Comments” form. The neighbors will then make their comments and send the completed form directly to the Board.
3. Once the comments have been received from the selected neighbors the project shall be placed on the agenda for the next scheduled meeting of the Board. The applicant may make a presentation to the Board prior to a discussion of the item during the closed session of the meeting. Following this discussion a vote shall be taken to either approve or disapprove the elements of the application which have been under consideration.
4. Based upon the Board’s vote, the chair of the Architectural Review Committee shall process the application and send it to the homeowner indicating the action of the Board

March 06

Subjective Design Elements Review  
**PROJECT REVIEW COMMENTS**

Applicant: \_\_\_\_\_  
Name Lot No.

\_\_\_\_\_  
Street Telephone

\_\_\_\_\_  
e-mail

The Board of the Catalina Foothills Estates No. 7 Association has received a request for an project from one of your neighbors. As a neighbor who may be impacted by the requested project, The Board is requesting your comments. The applicant has been instructed to provide you with written material and supporting drawings which clearly delineate the request. Following your review of this material will you please indicate your response to the proposal as follows:

1. \_\_\_\_\_ I/we endorse the request for project as submitted.
2. \_\_\_\_\_ I/we object to granting a project for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Additional Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Thank you for your input regarding this matter. If you have any questions, please call Jane Hoffmann (323-9299) and she will have the chair of the Architectural Review Committee contact you. Please send the Board your comments in the attached. Thank you.

Signature: \_\_\_\_\_ Lot No. \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

11/05

## **Resolution 7. 5 September 2007 – “Process for Rules Enforcement” both Architectural and Covenants Committee**

“Discussion was held about the steps taken by both covenants and architectural committees to enforce the CC&Rs. It was decided that 3 letters would be written (if necessary sent by certified mail), then attorney will write a letter, and finally arbitration will be started. Using this process issues will hopefully be settled within a four month period (3 letters and attorney letter) and arbitration will not be necessary and issues will not continue for months. Resolved.”

### **Guidelines for members of Covenants Enforcement Committee**

#### **Philosophy**

My general approach is that my primary role is to serve as a mediator/negotiator to keep friendly neighborly relationships. As part of the effort to keep neighbors getting along, *it is important to be fair, reasonable, and consistent* regarding covenant guidelines. In this manner, it is not consistent to ignore some violations while enforcing others and to make numerous special cases. It is a delicate balance between a good rationale for a variance vs. the rationale for consistency.

#### **General Procedures**

1. In following up on a complaint, if possible go observe the violation first—e.g., look for visible garbage cans, see if white roof is visible from neighboring properties.
2. Make first contact in person rather than via phone.  
Introduce yourself—name + board member of homeowners association  
My usual start is to say something like “Sorry to bother you, but we have received a complaint regarding \_\_\_\_\_. Are you aware or do you know that the covenants require \_\_\_\_\_, so we would appreciate it greatly if you would \_\_\_\_\_.”
3. If a question arises and you are not sure (i.e, you are struggling with the balance between variance vs. consistency), I tell the resident that I will bring their point to the Board to be decided there. The rationale is that it is then not my arbitrary decision but a decision made by a group of representatives of the neighborhood.
4. Record date of conversations (either in person or on the phone) for record keeping and later referral.
5. If there have been several personal conversations, and resident has still failed to comply, a letter is written, citing the Covenants item, and listing the conversations and finally asking for remedy within a certain time frame.
6. If a resident can not be reached personally after multiple attempts, send a letter.
7. When the complaint is resolved and when appropriate, contact the complainant and inform them that the issue is resolved or in process of being resolved.
8. *All information is confidential*—in other words, the names of complaints or owners in violation are not discussed outside of the Board meetings. If a resident asks for names, I let them know that I must keep that information confidential to protect everyone—they, as well as others.
9. I usually bring my hard copy of the covenants with me. Often residents have lost their copy and ask for another (you could be really prepared and bring another copy with you, just in case)

### **Specific recommendations**

1. Regarding trashcans. I explain to a property owner in violation, that we ask all residents to arrange for back door service, since the covenants state trashcans are not to be visible at any time. Special rates are offered if they state they are in the homeowners association.

Often, an owner will reply that others leave their trashcans out. My reply that is we don't police and go around looking for violations, we respond to complaints. So it is helpful if they would inform me where else the trashcans are left out and I will talk to those residents also.

2. Regarding removal of native desert vegetation. I explain that one of the major purposes of the covenants is to protect and maintain the beautiful unique area for which we all chose to live in Cat 7. Part of this is preserving the look—and the Covenants prohibit removal of native plants. It is important to watch gardeners that they do not remove scrub and undergrowth that are native desert plants that aid other desert plants (e.g., trees) to survive in the desert. I advise the owners to try not to go towards a manicured look. I assure them that we cannot dictate exactly what a resident chooses to do, but any major change in a front yard should be written up as a plan and sent to the Architectural Board BEFORE someone goes ahead and makes changes. In the back yard a resident can do whatever they want.
3. Parking of RV's, trailers, etc. Many times residents are unaware of the covenants restricting extended parking of these vehicles. If a relative is visiting for an extended period (weeks but not months), I ask the resident to send a letter to the Board asking for permission to park longer than the allowed days. It is also good to recommend that the resident talk to his/her neighbors and inform them of their plans to keep good relationships among neighbors.

## **Resolution 8. 3 October 2007 – Height Exemption/Variance Form”**

It was moved, seconded and passed by 6 yeas to develop a form using the county variance criteria.

### **CATALINA FOOTHILLS ESTATES No. 7**

#### **REQUEST FOR EXEMPTION - HEIGHT RESTRICTION**

Homeowner shall submit the following as the minimum requirements for an application:

1. A letter to the Board explaining the specific exemption and what conditions exist to validate a departure from the Protective Covenants and/or the Architectural Guidelines (NOTE, an exemption may not be detrimental to any other lot within CFE No. 7). This letter must include the name of the property owner, address, lot number and applicant's telephone number.
2. A site plan of the subject property showing all property lines, existing and proposed improvements, lot dimensions and setback lines. In addition, a drawing showing the exterior elevations of the existing and proposed structures, including the finish grade and dimensioned heights.
3. Obtain letters from all CFE No. 7 property owners who would be impacted by the requested exemption. Said letter shall acknowledge that each neighbor has read the applicant's letter requesting the exemption and has reviewed the supporting drawings. The letter from the neighbors shall include a space at the bottom to check off either an endorsement of the request or a disapproval, as well as a space for comments. Letters from the neighbors shall be submitted directly to the Board. NOTE: The determination of which properties would be impacted is at the discretion of the Board; however, letters from neighbors on all lots adjoining the subject property shall be considered to be a minimum to meet this requirement.

Further, the applicant shall attend a meeting of the CFE No. 7 Board and present his/her case for granting the exemption and shall answer questions from Board members. In order to be placed on the agenda the homeowner shall call the secretary of the Board at least two weeks prior to the next scheduled meeting and request to be placed on the agenda. Once the item is on the agenda the homeowner shall provide copies of the letter of request and supporting drawings so that all Board members can review these documents prior to the scheduled meeting.

**Resolution 9. 7 November 2007 – “Standards that Must be Considered for an Exemption Request”**

It was moved, seconded and passed with 5 yeas and 1 abstain. This is only for internal use by the Board.

**STANDARDS THAT MUST BE CONSIDERED BY THE CFE #7 BOARD OF DIRECTORS  
WHEN CONSIDERING A EXEMPTION REQUEST**

1. The strict application of the provision would work an unnecessary hardship.
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in CFE #7.
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property.
4. The exemption is the minimum to afford relief.
5. The exemption does not allow a use which is not permitted in CFE #7.
6. The exemption is not granted solely to increase economic return.
7. The exemption will not cause injury to or adversely affect the rights of the surrounding property owners and residents.
8. The exemption is in harmony with the general intent and purposes of the CC&Rs and Architectural and Property Use Guidelines which the variance is requested.
9. The exemption does not violate State law or the provisions of Pima County ordinances.
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner.
11. If the exemption is from a height limitation or set back limitation and no reasonable use of the property can be made unless the variance is granted.

Warren Edminster  
7 November 2007

**Resolution 10.            9 April 2008 – House Plans in Storage**

A motion was made and seconded that copies be made of construction documents and costs passed onto the owners plus allowable administrative costs. This was unanimously passed.

3 June 2009 “House Plans in Storage – Fee”

Discussion was held and a motion was made that the homeowner would pay the cost of the copying plus a \$20 service charge. This motion was unanimously passed.



**Resolution 11. 8 October 2008 - “Policy Statement on Exterior Mounted Rolling Shutters and Screens”**

Proposed: 4/20/05

Adopted: 1/6/2010

Policy Statement on Exterior Mounted  
“Rolling Shutters and Screens”

The Board of Directors (Board) of CFE7 acting through its Architectural Review Committee (ARC) is obligated under Clause II, Section 4 of its CCR’s to ensure that all structures and modifications to structures are “... in harmony with the general surroundings... .”

As exterior mounted rolling shutters and screens are clearly visible from the exterior of a structure they clearly come under the purview of the ARC and any homeowner wishing to install them must make application to and receive approval from the ARC before installation begins. The ARC will review such applications using the same standards of conformance to the general surroundings that it uses all of its reviews. So, issues of visibility from public areas and neighboring properties, color, and material will all be relevant.

11/05/08

**Resolution 12.            3 June 2009 - “CFE Mailbox Specifications”**

A motion was made to approve the draft proposal. This motion was seconded and discussion was held. It was decided that the boxes must be all black and within the dimension ranges in the proposed documents. This motion unanimously passed.”

Proposal: Updated Mailbox Guidelines for Catalina Foothills Estates #7

The Board prefers to approve a standard alternate style rather than receiving ongoing variance or exemption requests from each resident. After review of many options and desiring to propose a solution to the HOA, the following is our recommendation of two approved mailbox styles:

- A. The original USPS #2 mailbox remains as the approved style mailbox for Cat 7.
- B. The only alternate approved mailbox style for Cat 7 is a black, metal, lockable mailbox with smooth, un-textured flat sides and top, of the following dimensions:  
18-24 inches deep X 15-20 inches tall X 11-14 inches wide. These will be mounted on the side of the current lamp post (in place of the current mailbox). Postal carrier deposits mail and small packages in the unlocked upper “hopper”, closes the door, and the mail falls to the lower, locked bin for retrieval by the homeowner. (See web site for approved alternate style lockable mailbox)

Mailboxes meeting the alternate style dimensions are available from local retailers and online merchants starting at about \$125 and going much higher depending on the gauge of metal, type of construction (rivets versus spot welding), etc. Installation is not included in the price.

If the proposal for an alternate style mailbox is supported by the HOA, interested residents will be able to save some money when the mailboxes are purchased in bulk.

See also:

- Standard mailbox specifications  
[http://www.cfe7.org/Images/standard\\_mailbox\\_lamp\\_specs.pdf](http://www.cfe7.org/Images/standard_mailbox_lamp_specs.pdf)
- Approved alternate style lockable mailbox specifications  
[http://www.cfe7.org/Images/alternate\\_mailbox\\_specs.pdf](http://www.cfe7.org/Images/alternate_mailbox_specs.pdf)

### **Resolution 13: Policy for Solar Equipment in Catalina Foothills Estates #7**

Our delightful location in the Sonoran Desert places us in a perfect spot to take advantage of solar power. Public policy encourages the use of solar power and, for many residents, investment in solar technology may be a wise decision. In 2007, the Arizona Legislature amended the Arizona Revised Statutes to promote public policy supporting installation of solar energy devices. Specifically, Section 1, Title 33, Chapter 16, Article 1, Arizona Revised Statutes, was amended to provide as follows:

#### 33-1816. Solar Energy Devices; Reasonable Restrictions

- A. Notwithstanding any provision in the community documents, an association shall not prohibit the installation or use of a solar energy device as defined in section 44-1761.
- B. An association may adopt reasonable rules regarding the placement of a solar energy device if those rules do not prevent the installation, impair the functioning of the device or restrict its use or adversely affect the cost or efficiency of the device.
- C. Notwithstanding any provision of the community documents, the court shall award reasonable attorney fees and costs to any party who substantially prevails in an action against the board of directors of the association for a violation of this section.

While the Board appreciates an individual Association member's wish to benefit from a solar installation, the Board has a duty to all members collectively to ensure that our Declaration of Protective Covenants is interpreted, applied and enforced in the best interests of the entire Association.

In this regard, the Board's desire is to avoid solar panels or collectors that may result in excessive glare and reflection or may present an industrial appearance that can negatively affect the views from (and, potentially, property values of) nearby residences. To preclude adverse impact on neighbors, solar installations shall either be an integral part of a structure and be fully concealed by it or be ground mounted and concealed by appropriate screening (e.g., landscaping or patio wall) so that no portion of the solar application will be viewed from any other CFE#7 lot or common area.

In Clause II, Paragraph 11, our Declarations of Protective Covenants provide, among other things, that:

“No solar collector shall be roof mounted unless adjacent parapet construction is of such height as to prevent its viewing from any point beyond the building site on which it is installed. A ground mounted collector must be walled-in or enclosed in such a manner as to be

concealed from view from any point beyond the building site on which it is located; such enclosure shall be approved by the approving agent.”

The Board interprets the term "concealed from view" to include concealment provided either by an integral part of a structure, by appropriate landscaping, or by a patio wall.

It is the Board's continued position that the Covenant cited above has always permitted installation of solar collectors and is not inconsistent with the Statute cited above.

The Board encourages residents who might wish to install a solar device to consider the potential for negative visual impact on their neighbors. In this regard, the Board believes that a resident seeking the benefit of a solar installation should not seek to impose on his neighbors a greater aesthetic burden than he is willing to bear himself.

The Board further encourages potential purchasers of solar installations to obtain plans for roof-mounted and ground-mounted options from several bidders to determine which can offer the best design for the property and the CFE7. Consideration should also be given to the type of solar device (e.g., passive solar for hot water, photovoltaic cells, etc.) *Before signing a contract with a provider*, be sure to consult with the Architectural Review Committee for guidance to ensure an installation that will minimize adverse visual and property value impact on neighbors.

In view of the foregoing, the Board has adopted the following policy for installations of solar equipment in CFE#7:

1. Solar equipment is permitted, per Arizona law;
2. Residents must submit and receive approval of a complete application to the Architectural Review Committee, prior to starting the project, per the Protective Covenants;
3. For rooftop solar equipment, CFE#7 policy requires installation within the 2005 Architectural Guidelines, such that the peak of the rooftop solar equipment is not higher than 15 feet (15') above the mean natural grade of the home.
  - a. Whenever possible, individual solar panels should be placed in “landscape mode” to lessen their visibility above the parapets or screening material ("landscape mode" is interpreted to mean that a rectangular panel will be installed with its long axis in the horizontal position);
  - b. Parapets may be raised to the maximum 13 feet (13') above the mean natural grade of the home to hide the solar collectors;
  - c. When deemed necessary as part of the review process, the Committee may require a mock-up of a solar panel representing the actual size, angle, and height of at least one panel shall be placed on the proposed area(s) such that neighbors can consider possible impact on their views;

- d. If the collectors will be visible beyond the parapets, the homeowner shall submit a request for variance/exemption, subject to the Committee's subjective review process.
  - e. Consideration will be given to feedback regarding neighbors' views.
  - f. In instances where solar installations will be visible due to lack of parapets or homeowner/applicant unwillingness to provide adequate mitigating measures based on the provisions of A.R.S. 33-1816, the Board shall not issue an approval of the application. In lieu of approval, the drawings which form a part of the application shall be noted with the following statement: THIS PROPOSED INSTALLATION OF SOLAR EQUIPMENT DOES NOT CONFORM TO THE PROVISIONS OF THE PROTECTIVE COVENANTS AND ARCHITECTURAL AND PROPERTY USE GUIDELINES FOR CATALINA FOOTHILLS ESTATES NO. 7. DUE TO THE PROVISIONS OF A.R. S. 33-1816, THE BOARD IS RESTRICTED FROM STRICTLY ENFORCING THE APPLICABLE SECTIONS OF THE COVENANTS AND GUIDELINES. IT IS UNDERSTOOD, HOWEVER, THAT THE APPLICANT MAY PROCEED WITH THE SOLAR INSTALLATION BASED ON THE CONDITIONS AND RECOMMENDATIONS OF THE ARCHITECTURAL REVIEW COMMITTEE. FURTHER, IT IS UNDERSTOOD THAT THE SUBJECT PROPERTY SHALL BE "RED FLAGGED" IN HOA FILES AS BEING A NON-CONFORMING PROPERTY AS LONG AS THE CONDITIONS OF NON-CONFORMANCE EXIST.
4. As part of the approval, any visible metal flashing, trim, equipment underside, support structures, etc. are to be painted to match the adjacent surface.
  5. Equipment mounted on the side of the home is to be painted to match the home and existing equipment colors or, where deemed necessary, ground-mounted equipment will be shielded by a wall of similar construction and color as of the home;
  6. While the homeowner may choose to use the provisions of A.R.S. 33-1816 to avoid meeting his obligations under the requirements of community documents regarding the installation of solar equipment, the Board appeals to the community spirit of the homeowner/applicant to give consideration to his/her neighbors and to take all measures necessary to minimize the visual impact of the proposed installation.

June 2009, revised and approved June 2, 2010