

**COLONIA ENCANTADA
LANDSCAPE GUIDELINES
(Approved by Board of Directors on July 12, 2023)**

Colonia Encantada is a unique subdivision in Scottsdale. In this land of desert and rock, Colonia Encantada stands out as an oasis of trees, green lawns and lush vegetation. This appearance is not accidental. Cactus and succulents are not allowed in the front yard and are discouraged in any area visible from beyond the lot boundaries. The community, through the years, has encouraged homeowners to nurture their trees by working with the Association to schedule tree fertilizing and trimming. Maintaining the lush appearance of the community requires the cooperation of homeowners, the Landscape Committee and the Board of Directors.

LANDSCAPE MAINTENANCE

1. The Association provides contractual maintenance for all trees, shrubs and grass in common areas and front yards (including front courtyards) of units (except as hereinafter specifically noted), and shall keep all shrubs, trees, grass and plantings of every kind thereon neatly trimmed, and free of trash, weeds and other unsightly material. If any homeowners desire their front yards/courtyards to be trimmed in a different manner, they must submit a Request for Service Form (available at the Gatehouse).

2. *Trees.*
 - a. *Front yard and common area trees.* Trees in common areas and front yards are maintained by the Association. The schedule provides for trimming, fertilizing and, in the case of olive trees, spraying. Palms are trimmed on an annual basis to remove dead fronds and seed pods. Olive trees are sprayed on an annual basis. The Association will bear the cost of common areas and front yards while rear yards are the responsibility of the homeowner. All other tree maintenance is done every two to three years, depending on the type of tree and need.

 - b. *Back yard trees.* Maintenance of back yard trees is a responsibility of the homeowner. As is the case with all trees, back yard trees must be kept healthy and trimmed as needed. Homeowners shall ensure that fan, queen and other palm trees in their back yards are trimmed every year to remove seed pods. This trimming shall occur at the same time as the Association trimming of common area trees. If back yard trees are not properly maintained, the Association, as directed by the Board, reserves the right to arrange for necessary maintenance and/or removal and to bill the homeowner for the cost of such work.

The homeowner shall pay for the cost of removing and/or replacing front yard trees that are more than fifteen feet in height. Only licensed and bonded tree removal companies may be used to remove a tree that is more than fifteen feet in height.

3. *Tree Removal Policy.*

No trees shall be cut down or removed from Colonia Encantada without express written permission from the Board.

The Association takes great pride in the myriad of established and mature trees that add to the lush and differentiated appearance of the community. These trees provide a community look and uniqueness that adds to the quality of life as well as a financial value for all of our residents. Trees provide, among other benefits, erosion control, shade, privacy, noise and sound barriers, dust barriers, wildlife, and scenic beauty. For purposes of this policy, a palm is considered to be a tree.

As a result of the above-mentioned benefits that the trees represent to the overall community, the Colonia Encantada CC&Rs prohibit the removal of any trees without written Board consent. The Board will exercise extreme prudence when considering the removal of any tree. Tree removal in common areas is included in an over-arching Colonia Encantada Landscaping Master Plan.

Factors for Consideration in Response to Tree Removal Request

In order for a tree to be removed, it must meet at least one (1) aspect of the following criteria:

- The tree is dead.
- The tree is diseased or dying and restoration is impossible or cost prohibitive. If it is not obvious that the tree is diseased or dying, the homeowner will be required to provide a letter from a certified arborist highlighting the inevitability of demise of the tree and the recommendation for removal.
- Removal of a tree supports the Master Landscape Plan implementation.
- The tree poses an imminent risk to the health or safety of a resident or residents' home, and/or home infrastructure, to include plumbing, electrical and hardscape, and has been documented by a certified technician.
- The Landscape Committee, in its discretion, determines that removal is warranted by other relevant factors, which may include one (1) or more of the following –
 - The area in which the tree is located is overcrowded with other trees.
 - The tree has outgrown the space where it is located.
 - The tree is at imminent risk of falling and damaging nearby property.
 - Trimming and maintaining the tree poses a safety hazard or undue financial burden, or subjects the homeowner and/or the Association to potential liability for injury or property damage from falling limbs or fronds, as a result of the tree's height or proximity to buildings. The Landscape Committee will recommend that the Board approve a request by a homeowner to remove, at the homeowner's expense, one (1) or more of the forty-eight (48) Mexican fan palms that have been identified by the Association's tree maintenance/trimming vendors as posing an

imminent risk of damage to persons or property while being trimmed as a result of their height and proximity to buildings.

- The tree is visually unattractive and, given its size, shape, placement, protruding root structure or other similar elements, does not add aesthetic value to the community.

Homeowners are encouraged to consider the impact that a removed tree will have on their neighbor(s) prior to submitting a request.

Process for Review of Landscape Committee Recommendation

If the Landscape Committee recommends that the Board deny a homeowner's request to remove a tree, the Committee must provide the homeowner with a written statement of its reason(s) for the denial. In such case, the homeowner may ask the Board to review the Landscape Committee's decision. If requested, the Board will meet with the homeowner. Following such review and meeting, the Board will provide the homeowner with a written decision, approving or denying the request. The decision of the Board will be final.

Tree Replacement Obligation

Except as provided in the following paragraph, any tree that meets the aforementioned criteria and is removed must be replaced by a tree that conforms to the standards and palette of Colonia Encantada. The person(s) or entity requesting the removal must provide to the Board in writing and gain Board approval of the species of tree and the planting location of the replacement prior to gaining approval for the removal of the requested tree. If the tree is removed as a result of location and/or damage to infrastructure, a new suitable location will be determined supporting the Master Landscape Plan. The cost for the new tree as well as the planting cost will be the sole responsibility of the person(s) or entity initiating the request.

In specific cases, the Board, in its sole discretion, may elect to waive the requirement that a homeowner replace a tree that has been removed. In the case of the removal of a Mexican fan palm that has been identified as posing an imminent risk of damage to persons or property while being trimmed as a result of its height and proximity to buildings, the homeowner will not be required to plant another tree; however, the homeowner will be encouraged to do so if the space where the palm was located is open and barren.

4. *Grass, Shrubs and Plants.*

The Association will maintain the grass, shrubs and plants in the front yards of all units. Shrubs that need replacing in the front yards will be replaced by the association with the same, or different, type of shrubs at the discretion of the Landscape Committee. If the homeowner wants those shrubs replaced by a different type of plant, a request for

replacement of the plants should be submitted to the Landscape Committee for approval/disapproval. Replacement of plants in the courtyards is done at the Homeowner's expense.

5. *Rules Regarding Artificial Turf and Xeriscaping*

In response to frequent and severe drought conditions that Arizona has experienced during the past decade, as well as a recent state law that forbids homeowner associations from imposing blanket prohibitions against the installation of artificial turf to replace natural grass, the Association has developed this set of rules to assist homeowners who wish to incorporate alternative ground covers in the landscaping on their property.

Artificial (or synthetic) turf and xeriscaping are two alternatives to natural grass that may help reduce the community's use of landscape water and enhance the aesthetic appearance of the community, if done properly. Additionally, artificial turf and xeriscaping may decrease the need for landscape maintenance, reduce the use of fertilizers and pesticides, cut lawn mower emissions and lower water bills.

The purpose of these rules is to provide homeowners who are interested in installing artificial turf and/or xeriscaping on their lots – whether in the front yard, courtyard or back yard – with guidance and options that will enable Colonia Encantada, as a community, to maintain its green, cohesive and appealing aesthetic, reduce our need for landscape water and preserve the value of our homes.

I. LANDSCAPE CHANGE REQUEST REQUIREMENTS

1. Homeowners who wish to install artificial turf and/or xeriscaping anywhere on their property, whether in the front yard, courtyard or back yard, must submit a completed landscape change request form approved by the Board for this purpose to the Landscape Committee for review and approval before any work is begun. In addition, homeowners must provide a current, completed artificial turf or xeriscaping approval worksheet which includes the requirements for the landscape change proposed with sufficient information the Landscape Committee needs to determine whether the artificial turf and/or xeriscaping will be acceptable, including but not limited to:

- * The square footage of the area to be covered by artificial turf and/or xeriscaping;
- * The vendor and model of artificial turf to be installed, if applicable, including the color, face weight, pile height and proposed blade direction;
- * The type and composition of infill and method of installation to be used with the artificial turf;
- * A copy of the manufacturer's brochure and warranty for the artificial turf;
- * The type, size and location of plantings to be included in the affected area; and
- * The type, size and location of any borders to be installed;

- * A description of any irrigation changes that will be required and who will make the needed irrigation changes.

Homeowners may be required by the Landscape Committee to provide samples of artificial turf, infill material, landscape rock, pavers or other materials in the area where artificial turf or xeriscape will be added. Additionally, homeowners must include drawings or photographs of the areas where they propose to install artificial turf and/or xeriscaping, including their property boundaries and the location of any plants to be maintained, removed or added.

2. Requests to install artificial turf and/or xeriscaping will be considered for approval on a case-by-case basis. The Landscape Committee will have up to thirty (30) business days following the receipt of the completed request forms to respond to such a request.
3. Homeowners may be granted approval to install new grass or sod in areas with existing natural grass, but will not be granted approval to install natural grass any place without existing natural grass.

II. ARTIFICIAL TURF

1. To maintain consistency throughout the community and to ensure the use of high-quality turf, only artificial turf vendors, installers and products will be approved for use in front yards, courtyards and back yards.
2. In front yards, artificial turf may be installed only where natural grass currently exists.
3. Artificial turf will not be approved for use in some areas that are deemed to be unsuitable by virtue of their size or location (for example, on narrow strips along the driveways between two lots or close to utility boxes). Artificial turf will not be approved for use in a plot with an existing tree, provided that this prohibition will not apply to plots with small ornamental trees or tall Mexican fan palms which have been found to be more tolerant of changes in ground conditions.
4. In accordance with the Tree Removal Policy, if a homeowner proposes to remove a tree in an area where artificial turf is to be installed, the removal must be approved in advance by the Board. The homeowner is responsible for the cost of removing the tree and may be required to plant a replacement tree in another location. If a tree in a plot where artificial turf has been added becomes dead or dying, the homeowner must obtain prior Board approval to remove the tree and is responsible for the cost of the removal. Alternatively, the Board may require the removal of the dead or dying tree at the homeowner's expense.
5. Homeowners who propose adding artificial turf to the front yard are required to include at least one (1) of the Mandatory Plants in their landscape plan, based on the

exposure of the area, in addition to others in the approved Plant Palette or those that they may choose and are approved in advance by the Landscape Committee. These plants will provide a unifying element to enable the community to maintain a cohesive and consistent look in the front yards.

6. Only live plant material may be included in plans to change ground covers. Artificial shrubs, flowers, trees, and vines, in lieu of living plant material, on a homeowner's property are prohibited and will not be approved. A limited number of small cacti may be allowed.

Installation of Artificial Turf

1. Artificial turf must be installed by approved installers to provide stability and prevent the turf from shifting or bunching. Artificial turf may not be placed directly on top of existing grass or dirt; it must be installed over a compacted, crushed stone base (such as decomposed granite) at least 1½ to 2½ inches deep.
2. Only artificial turf requiring infill installation will be allowed. Infill must be installed in accordance with the turf manufacturer's specifications or be based upon standard industry guidelines. Only sand, synthetic or "pet friendly" infill, and not rubber infill, will be allowed.
3. Artificial turf must be properly trimmed, placed in patterns that emulate natural grass, and installed with glued seams so as to minimize tearing and to appear seamless and uniform. If installed in the front yard, the blade direction must face the street.
4. A border of suitable size, given the particular landscape and ground conditions, may be required to separate artificial turf from neighboring properties with other types of ground cover and from areas with other plantings, for aesthetic purposes and to prevent the intrusion of live plant material into the artificial turf.
5. All modifications to the irrigation system in an area where the ground cover is to be converted to artificial turf are the financial responsibility of the homeowners seeking the change, must be made or reviewed by CLM with its review documented in writing and approved in advance by the Landscape Committee. This may include capping off existing sprinklers, relocating or installing additional drip lines, making changes to the grade or existing drainage path on a lot, etc., and applies whether the homeowners supply their own water or use Association water for landscape purposes. Homeowners are responsible for ensuring that the irrigation system is sufficient to maintain all plant materials, including trees if any, on the homeowner's property where the artificial turf is installed. Drainage must be sufficient to avoid pooling and flooding.
6. In the event that the removal of artificial turf, xeriscaping or hardscaping is required to permit changes or repairs to be made to the underlying irrigation system or utilities,

the homeowner and not the Association will be financially responsible for the replacement of the artificial turf, xeriscaping or hardscaping.

Maintenance of Artificial Turf

1. Artificial turf must be maintained in like-new condition, with consistent color and uniformity and without tears, visible seams or other damage. Infill must be refreshed or replaced if deterioration occurs.
2. Artificial turf must be kept free of debris, dirt and odor.
3. The Association reserves the right to require homeowners to repair or remove and replace any artificial turf, or area of artificial turf, that the Association determines, in its sole discretion, is not in an acceptable condition (e.g., the turf is faded or has tears, folded up edges, visible seams, worn areas, burnt areas, persistent or excessive odors, etc.) or the turf has exceeded its life expectancy.
4. Any repairs to or replacement of artificial turf must be completed by homeowners within thirty (30) business days of the delivery of the notice to repair or replace. Homeowners who fail to comply with the notice and complete the required changes within the prescribed time period may be subject to fines and penalties in accordance with the Association's governing documents.
5. Replacement of artificial turf must be pre-approved by the Landscape Committee to ensure like type, color and quality of the replacement product.
6. Homeowners who have installed artificial turf or purchased property with artificial turf and wish to remove it will be allowed to install xeriscaping and will be required to pay for the irrigation changes needed to support the xeriscape plan, but they will not be allowed to install natural grass.

III. XERISCAPING

1. Xeriscaping means using native and adapted plants that have low water needs and are heat and drought tolerant, which may include succulents and a limited number of small cacti as well as other green and flowering plants.
2. Homeowners who wish to include xeriscaping in their front yard must use landscape rock that meets the rock specifications for the area to be xeriscaped.
3. Homeowners who propose adding artificial turf to the front yard are required to include at least one (1) of the Mandatory Plants in their landscape plan, based on the exposure of the area, in addition to others in the approved Plant Palette or those that they may choose and are approved in advance by the Landscape Committee.

4. Homeowners must include a sufficient number of plantings to cover at least 75% of the xeriscaped area, when mature. These plants will provide a unifying element to enable the community to maintain a cohesive and consistent look in the front yards and to create a lush, green appearance.
5. Homeowners who propose adding xeriscaping to the front yard may include boulders in their plans. Boulders in front yards may not exceed two (2) feet in diameter.
6. A border of suitable size, given the particular landscape and ground conditions, may be required to separate xeriscaping from neighboring lots with other types of ground cover and from areas with other plantings, for aesthetic purposes and to prevent the intrusion of live plant material into the xeriscaping.
7. All modifications to the irrigation system in an area where the ground cover is to be converted to xeriscape are the financial responsibility of the homeowners seeking the change, must be made or reviewed by CLM with its review documented in writing, approved in advance by the Landscape Committee and made by an irrigation contractor approved by the Association. This may include capping off existing sprinklers, relocating or installing additional drip lines, making changes to the grade or existing drainage path on a lot, etc., and applies whether the homeowners supply their own water or use Association water for landscape purposes. Homeowners are responsible for ensuring that the irrigation system is sufficient to maintain all plant materials, including trees if any, on the homeowner's property where the xeriscape is installed. Drainage must be sufficient to avoid pooling and flooding.
8. Xeriscaped areas must be kept maintained at all times to ensure an attractive appearance. This includes trimming and thinning plants, edging the borders and keeping the area free of weeds and other debris. Plantings must not encroach on the roadway, driveways or neighbors' property. Plants with thorns, spines or sharp edges may not be used within three (3) feet of the roadway or a neighbor's property. Sickly, dying or dead plants must be removed and replaced. Perennials and ornamental grasses that die back in the winter must be cut back to remove dead material.
9. Landscape rock in the front yard must not be allowed to wash out onto the roadway, driveway or neighboring property. Except where impracticable due to existing tree roots, prior to rock installation at least three (3) inches of soil must be removed in the xeriscape area. All installed rock must be at least 1" vertically below the adjacent curb or adjacent surface to a horizontal distance of not less than 3" from that adjacent surface.
10. Homeowners who have installed xeriscaping or purchased property with xeriscaping may be allowed to remove it and install artificial turf, but they will not be allowed to install natural grass.

6. *Rock Specification Policy.*

From time to time the Colonia Encantada Board has adopted rules and regulations to preserve the core aesthetics of our community, consistent with the requirements of the CC&Rs. Uniform paint colors for dwellings and driveways are two examples. Such regulations ensure that the architectural and landscape elements of the original design for the community are preserved and provide for a consistent look among the seventy-nine (79) units in the community. To that end, effective June 15, 2023, homeowners may use only one-half (½) inch screened Navajo Brown decomposed granite when installing new landscape rock in the front yards of their units (i.e., areas outside of the front courtyard wall). Existing landscape rock that does not meet the new specifications may remain in place, but any new rock that is added in a front yard must meet the aforementioned specifications.

7. *Irrigation Systems.*

The Association furnishes the water and maintains all in-ground irrigation systems in common areas and front yards. The irrigation is provided to individual properties at the risk of the owners. Back yard irrigation systems, except for main water distribution lines, are a responsibility of the homeowner.

- a. The Association provides irrigation water for Colonia Encantada, including back yards, unless the homeowners have installed irrigation lines on their lots that are connected to their own water supply. In those cases, water is provided at the homeowner's expense.
- b. Homeowners are responsible for the cost of repair of damages caused by irrigation water, and for the maintenance of back yard irrigation systems.
- c. In the event a sprinkler head breaks, or leaks occur in irrigation lines, the most important consideration is to turn off the flow of water as quickly as possible by closing the appropriate main shut-off valve. Gatehouse personnel should be notified of any leak and they will alert the appropriate parties to shut off the water. If the problem is in a common area, front yard or main irrigation line, the Association will arrange for, and pay for, the necessary repair. However, the Association will not be responsible for any collateral damage caused by the water or excavation. If the problem is found to be associated with back yard lateral irrigation lines, solenoids, valves or irrigation heads, the homeowner shall be responsible for correcting the problem, and the homeowner shall arrange for and pay for the repairs. If the homeowner is not immediately available, the Association reserves the right to arrange for repairs and bill the homeowner for costs.
- d. Homeowners shall not allow any connections to be made to Association irrigation lines on their lot without prior approval from the Board.

8. *Back Yard Drainage.*

Homeowners are responsible for all the costs of maintaining proper drainage of their back yards.

9. *Maintenance Personnel.*

Maintenance personnel employed or contracted by the Association shall not perform duties for any homeowner while on duty as an employee or contractor of the Association.

HOMEOWNER LANDSCAPE CHANGE APPROVAL PROCESS

Homeowners who are contemplating changes to their front yard, courtyard, or back yard landscaping are required to submit all requisite documents discussed herein to the Gatehouse where they will be directed to the Landscape Committee.

Once the documents are received, the Landscape Committee will meet at the property, if requested by the homeowner or at the Committee's discretion, and review the design plan for the site. The Committee will attempt to evaluate the plan and give consideration to the following guidelines:

1. Is the plant material consistent with community guidelines and a good choice for the location chosen?
2. Will the plant material require watering schedules unavailable on our irrigation system?
3. Will the number and type of plants require an inordinate amount of Association labor to maintain?
4. Are any trees being removed and what is the replacement plan, if appropriate?
5. How will the design plan affect adjacent properties?

The Landscape Committee will notify the homeowner as to their finding to approve, recommend changes, or deny approval of the plan. A homeowner may petition the Board if the homeowner disagrees with the decision of the Landscape Committee.