



MORNING STAR

Community Design Guidelines



February 13, 2023



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1.0 PURPOSE OF THE COMMUNITY DESIGN GUIDELINES

The Community Design Guidelines for Morning Star Ranch are intended to be used by Owners and their Architects, Landscape Architects and Civil Engineers in their design of residential buildings, ranch facilities, landscape and site features within Morning Star Ranch.

These Design Guidelines have been established to ensure that all development within the community will be done in a manner that will harmonize with the natural environment and protect individual property rights and values. Periodically, revisions may be made to this document to better protect the community. A copy of any such revisions will be available on the MSR-CA website: <http://www.msr-hoa.org/>.

1.1 DESIGN PHILOSOPHY

1.1.1 Design Integrity

A residential design may comply with all the technical requirements of these Guidelines yet may not be visually pleasing in terms of architectural composition or fit with the site -- it may lack design "integrity." "Integrity" refers to a condition of being "unimpaired," "complete" or of "adhering to an artistic code." Design integrity will be evaluated according to the following elements:

A. Site Integration and Fit

Each home at Morning Star is to have a minimal intrusion into the landscape. This includes:

- Properly locating Structures within the Building Envelope.
- Integration of natural features into the site's design.
- Properly locating the driveway.
- Harmony with the site's topography.
- Integration of floor elevations with the natural grade.
- Integration of drainage to respond to the existing and future flows.
- Sensitive exterior materials finish selection.

B. Scale

The home must be appropriately scaled relative to the Building Envelope. In general, homes

should have low scale single story elevations at the perimeter and step up to two story areas (if proposed) towards the center of the home.

C. Proportion

Each design element of the home has an inherent proportional relationship to the entire Structure and to the site. This includes but is not limited to windows, doors, fascia details, columns or posts, entry areas, exterior walls, secondary Structures, site walls, etc. The goal is for every home to be well composed and with all design elements appearing in proportion with each other and to the whole composition.

D. Rhythm

Rhythm is the recurrence or natural flow of related elements. It refers to the regular or patterned recurrence of forms, shapes, colors and/or materials. The architecture and landscape should exhibit some manifestation of rhythm. A traditional Santa Fe style home can be a good example of rhythmic design, where sequences of arches, wood columns and lintels, deep window and door openings, flat and tiled roofs, and the thick sculptural forms of the various walls (architectural and in the landscape) create the "natural flow of recurring elements."

E. Balance

Balance refers to the aesthetically pleasing integration of the different elements of the house and site. Examples of balance can be seen in the three-dimensional massing of the Structures, in the location and scale of windows, or in the way the Structures occupy the site.

F. Color Value

Color must be considered from the very beginning of the design process, and not as an afterthought. At Morning Star, it is crucial that the Structure's colors blend with the natural colors of the environment, especially as the Structures are seen from a distance. As the home is approached and as transitional spaces are entered, the creative use of color will add character and drama to the design.

G. Texture

Textural diversity in the Structures and in the landscape is very desirable. The creative use of the dichotomies of fine/coarse, rough/smooth,



three-dimensional/flat is a classic technique in both architectural and landscape design.

H. Shade/Shadow

Another vital component of design is the use of shade and shadow, both to compensate for the desert sun and to add drama. A series of transitional spaces (loggias, porches, trellises, courtyards) create “middle spaces” between inside and outside -- a necessary component for the visual appeal and the livability of the home.

I. Integrity/Visual Strength

The overall integrity of a design is measured in the visual strength and composition of the home -- how well all the components look and feel together. A well composed home and site that excels in all design elements will have great visual strength. A home and site that have not excelled in or are devoid of many design elements are typically not as successfully composed and therefore have a weak visual strength.

J. Appropriateness

The degree of diversity in the individual design expression will be measured against the goals for the overall character of Morning Star. Some individual designs that are deemed inappropriate or incompatible with this community might be considered as excellent design in another context. “Inappropriate” design can include design that is too individualistic or object oriented, too ornate or overstated, or far from the historic and environmental roots of Morning Star.

K. Artistic Quality

This element recognizes that certain criteria in these Guidelines may inhibit the expression of artistic quality in a proposed design. As such, this element may allow a design submission to be more individualistic, unique or expressive, if the design successfully incorporates other elements of design integrity, and still has a good “fit” with the site and the community. Nevertheless, the design of the home and site must not cause an undue negative impact to another individual property or to the community as a whole.

1.1.2 Heritage of Tubac and the Santa Cruz River Valley

Morning Star has one of the most fascinating cultural and environmental settings in the western United States, and this community is at the center of the [Santa Cruz Valley National Heritage Area](#). There are only [55 National Heritage Areas in the United States](#), with only 13 in the West,

The Santa Cruz Valley was part of an ancient natural travel route that linked with the native civilizations of prehistoric Mexico. Santa Cruz Valley was part of the route used by Juan Batista de Anza in 1774-75 for an expedition to conquer what is now San Francisco, California. Tubac was the final staging area for his journey to the California coast.

The Santa Cruz Valley had great growth from mining prior to the American Civil War, and then hard times with Apache attacks during that war as Union garrisons were withdrawn from the region. The Tubac settlement was several times abandoned due to attacks and then re-occupied.

It was not until after World War II that Tubac began to emerge from a near-ghost-town condition. Ranching in and around the valley has grown again.

Tubac today is a unique historic town with nearly 100 art galleries and studios. It is called “The Town Where Art and History Meet.” Moreover, this locale is set in one of the richest and most diverse natural environments to be found in the West.

Design Implications of Heritage

Morning Star is growing from this deep cultural heritage, and though diversity in architecture is supported, Morning Star has several strong underlying heritage-based design themes:

- Ranch and Ranch House, including “craftsman” architectural elements
- Hacienda design elements
- “Arizona Territorial” architecture
- Pueblo and “Santa Fe” design elements
- Native, natural building materials
- Craft and craftsmanship
- Artistry and custom detailing



1.1.3 Morning Star Environment

Tubac is about 3,300 feet in elevation, and Morning Star Ranch is at about 4,000 feet, making the area cooler in the summer than Scottsdale, Phoenix or Tucson. To the east, the land rises 6,000 feet above the valley to the Santa Rita Mountains, culminating in Mount Wrightson at 9,453 feet.

Morning Star Ranch ranges in elevation from about 3,650 ft to 6,004 ft at the summit of San Cayetano Mountain. It presents a transitional Sonoran high-desert landscape of rolling hills with scattered mesquite and oak trees, native grasses, Santa Rita and other prickly-pear cactus, ocotillo, desert willow, graythorn, yuccas, and spreading agaves. Background views east to the Santa Rita Mountains give drama to the setting. Morning Star sits in a trough between the San Cayetano Mountains on the west and the Grosvenor Hills on the east; the northern half of the trough drains into Josephine Canyon; the southern half drains into Sonoita Creek.

Morning Star has chilly winter temperatures that can go below freezing, and moderately hot summer temperatures into the 90s and sometimes higher. Each year is different. Heavy, sporadic rainstorms and thunderstorms occur during the mid-summer “monsoon” season and in the winter months. Humidity is typically low all year, and wind conditions are typically light to moderate, however gusts approaching 60 mph are not unknown. Morning Star is cooler, slightly wetter and somewhat breezier than Tubac.

Design Implications of Environment

Architecture and site development at Morning Star must respond to its environmental conditions, and certain techniques are appropriate:

- Design for infrequent heavy rain -- for the architecture (roof integrity, roof run-off) and on the site (swales to carry run-off, erosion control on slopes, water-harvesting).
- Provide excellent building insulation against heat and cold.
- Use materials that stand up well in sunny and dry climates.
- Protect against potential wildfires by providing a firebreak around structures and using fire-resistant materials opposite natural landscapes.

- Design to take advantage of mountain and other views that are available.
- Avoid un-shaded south and west-facing glass, entries and outdoor use-areas; use ample roof overhangs.
- Plan for winter outdoor spaces (sunnier, more enclosed) and summer outdoor spaces (shaded and open to breezes).
- Ask your architect and Landscape Architect to use an annual solar azimuth-and-altitude diagram for Morning Star’s latitude (31.50) to see how sun angles and sun elevations change throughout the year.

1.1.4 Community Design Guiding Principles

Morning Star Ranch’s large lots make it different from many other residential communities. Typically, the home and yard features will be far from the road and widely separated from other home sites.

The following four “Guiding Principles” underlie the requirements of these Community Design Guidelines:

A. Designing the Home to “Fit”

The architecture and site development must “fit” with your individual Lot and take advantage of its unique features and also fit with the Morning Star community and its regional heritage. This means respecting the topographic features, existing trees, views to and from the Lot, neighboring Lots and common areas, existing washes and drainage patterns, and value the heritage and environment that give rise to Morning Star.

B. Using Appropriate Architectural and Site Designers

Your selection of an architect and Landscape Architect should be based on their proven record of design excellence, and also on their record of designing in a natural, visually sensitive, low-density setting such as Morning Star. Your architect should be designing a home for this community and your particular Lot, rather than repeating themes and details from other places. Your Landscape Architect should know the environment of Morning Star and be skilled in sensitively locating outdoor spaces on the site and healing any disruption to the natural setting.



C. Harmony within Diversity

The homes in Morning Star are all individually designed and will vary in size, style and materials. Harmony with other homes in the Morning Star community must be considered by your architect. Design harmony can be achieved through exterior building materials and site elements, the color palette, form, massing, and fit with the land.

Morning Star is a unique community displaying a great degree of individual expression, and also a timeless community where homes display elegance, sensitivity to the land, and appreciation of the special heritage and environment upon which Morning Star is founded.

D. Natural Materials

“Natural” building materials are favored due to their authenticity and ability to perform well over time. Natural stone, wood, stucco (as a reflection of stuccoed adobe), clay tile, true wrought iron, cast iron, copper and brass, native plant species -- these and similar materials help to bind the community together and give it a feeling of permanence.

1.1.5 Special Amenity Lots

The Developer has reserved the power to designate any five of the Lots as “Special Amenity Lots” to be used for the provision of activities and services which are compatible with the nature of Morning Star and of a type which Owners would be likely to use for themselves or their guests. These Special Amenity Lots are subject to the Design Guidelines, except to the extent they are inconsistent or incompatible with the permitted uses. For example, the use of Special Amenity Lots will not be limited to single-family residential purposes.





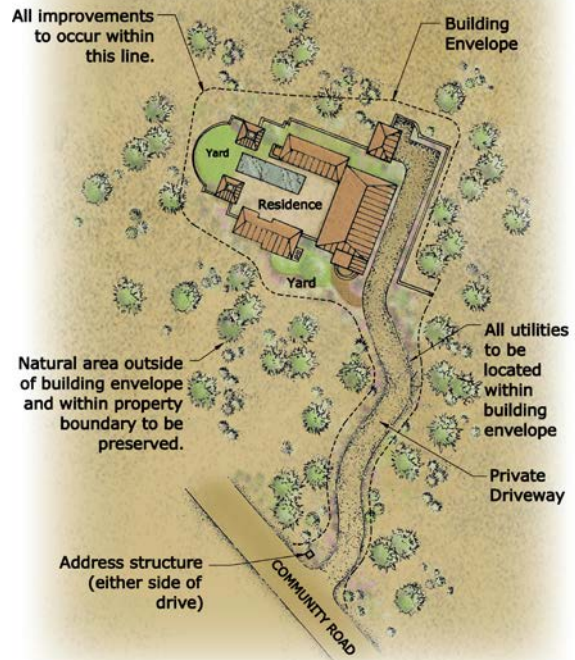
Section 2. Site Planning and Landscape

2.0 SITE PLANNING & LANDSCAPE

The creation of a home site at Morning Star must be given careful thought and be carried out with great sensitivity. Refer again to Section 1 to review the design philosophy and design integrity goals for Morning Star.

The landscape must be enhanced and re-established after construction disturbance, but the over-all design concept for site and landscape work must be an integral part of the design process from the inception. The Owner, Architect, Civil Engineer and Landscape Architect must carefully coordinate a design that will form “an artistic whole” when completed.

Unlike the Structures, the landscape is a process rather than an artifact -- it changes through the seasons and year-by-year, and it requires careful planning. Consider maintenance from the start of design. Also, take into account whether you intend to be a full-year or part-year resident, and how that will affect your use of the outdoor spaces.



Building Envelope

2.1 SITE DESIGN

2.1.1 Survey

Before any design work commences, the Owner must have a complete topographic and boundary survey of the Lot. This survey shall include significant vegetation, rock outcroppings, topography at one- or two-foot contours (only in areas of proposed disturbance), and a delineation of the Building Envelope.

Cacti and agave must be evaluated as “Protect/To Remain in Place,” “Salvage and Re-plant,” or “Destroy/Not Salvageable.” If not salvageable, reasons must be stated.

2.1.2 Building Envelope

A. Areas

Each Lot consists of two distinctive areas: the building (or development) envelope which includes the home, yards and all developed/disturbed areas; and the Natural Area. The size and location of the Building Envelope will vary from Lot to Lot.

B. Structures

The Developer shall designate the proposed Building Envelope for each Lot on the map of each phase of the development. The phase map shall further designate the home site, which is the area within the Building Envelope that the Developer has suggested as the best location for a Residence. These locations have been determined to provide for reasonable building construction while taking advantage of views and providing buffers from other homes, roads, and trails. The disturbed area is that portion of the Lot which may be utilized for all Improvements in addition to the Residence, including roads, driveways, utilities, yards, and Structures such as Guest Houses, fences, walls, railings, patios, pens, corrals, and accessory buildings.

C. Modifications

If an Owner or prospective buyer feels there is a more appropriate location for the entire Building Envelope or the home site is available on the Lot, they may submit a proposal to modify the location(s) to the Design Review Committee. The Design Review Committee may



solicit comments from adjacent Lot Owners. Based on the specific nature of the proposed change(s) and any comments received, the Design Review Committee may choose to accept the proposal, deny it or accept it with certain modifications or development stipulations.

D. Building Envelope and Setbacks

The Building Envelope, exclusive of the driveway and any community roads, may encompass no more than twenty-five percent of the Lot. The base setbacks for Improvements within the Building Envelope shall be as follows:

1. Minimum setbacks from existing or proposed community roads shall be 60 feet, except for those Improvements which must necessarily come closer, such as driveways, underground utility lines or entry monuments.
2. Setbacks from all other Lot lines shall be a minimum of 100 feet unless otherwise approved by the Design Review Committee. In any case, any approved setback must comply with Santa Cruz County zoning setbacks: 35 feet in front, 25 feet on sides, and 50 feet in the rear of the building envelope.
3. Neither the home location nor the allowable disturbed area may encompass any trails as shown on the Master Trail Plan and each must maintain a 35-foot setback from the centerline of all existing and proposed trails.

E. Uses within the Building Envelope

In determining the size, shape, and location of the Building Envelope, care will be taken to preserve as many of the natural features within the Lot as reasonably possible. The site plan for the Lot shall include information as to what types of uses are proposed currently and in the future. Under no circumstance shall future use areas be disturbed or bladed until the Owner is ready to complete the Improvements thereon.

F. Fencing the Disturbed Area

Prior to the start of any construction activity (except native plant salvage), including all grading, trenching, materials and equipment delivery and construction staking, the Owner must have the Disturbed Area fenced using snow fence or similar, 4 feet in height, staked

and anchored such that it shall remain in place during the entire construction period to keep debris within the Lot.

G. Construction

No construction activity shall occur outside the fenced Disturbed Area, including vehicular access, placement of a construction trailer, materials and equipment storage, washing and cleaning, and all other aspects of construction.

2.2 DESIGN ELEMENTS

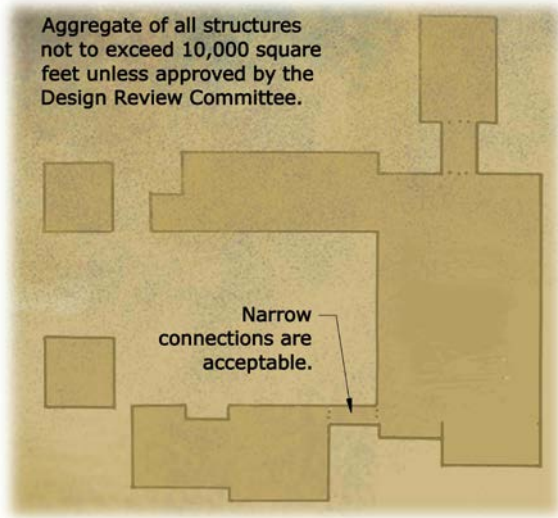
2.2.1 Building Heights

The maximum height of any building mass, as measured to the top of screened roof-top equipment or the parapet walls (whichever is higher) on flat roofs, or the ridgeline on pitched roofs from the highest adjacent natural grade at each building mass, may not exceed 25 feet and the overall exposed height may not exceed 28 feet. Chimneys shall be no more than four feet above the highest point of the roof as defined above. Care must be taken to blend in with the surrounding natural landscape. Single story or split-level Structures are encouraged.

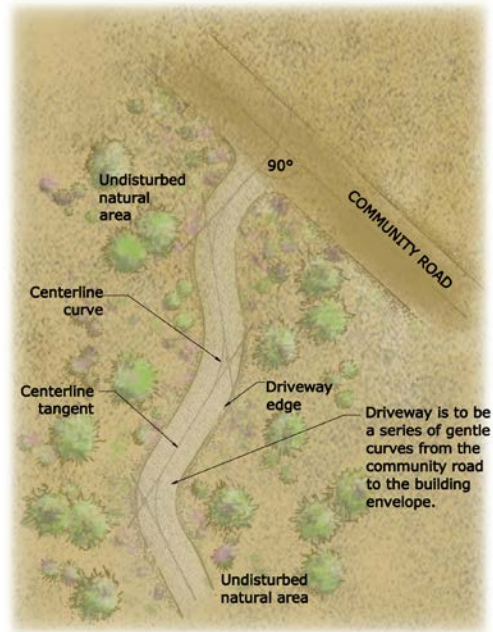
2.2.2 Building Size

It is expected that Residences will contain at least 2,200 square feet of living area; smaller Residences may be approved by the Design Review Committee if, in its opinion, the design would be in character with the community. Primary residential Structures over 10,000 square feet in floor area are allowed only with approval of the Design Review Committee. Multiple elements are allowed. The design of residential Structures over 10,000 square feet must be in general conformance with the sketch below. Under no circumstance shall a Guest House be constructed prior to the main Residence.





Building Massing



Driveway Design

2.2.3 Driveways and Parking Area Design

Because driveways and parking areas have a major impact on the natural landscape, they will be reviewed in detail by the Design Review Committee.

A. Layout

Driveways should be designed to fit in with the natural topographic features and meander around significant areas such as rock formations and vegetation. Driveway widths should not exceed 14 feet, and driveways and parking areas must be improved to minimize dust. A turn-around or drop-off is allowed at the primary building entrance. The Owner may need to provide additional drainage features where the driveway meets the community road if there is significant flow along the side of the road.

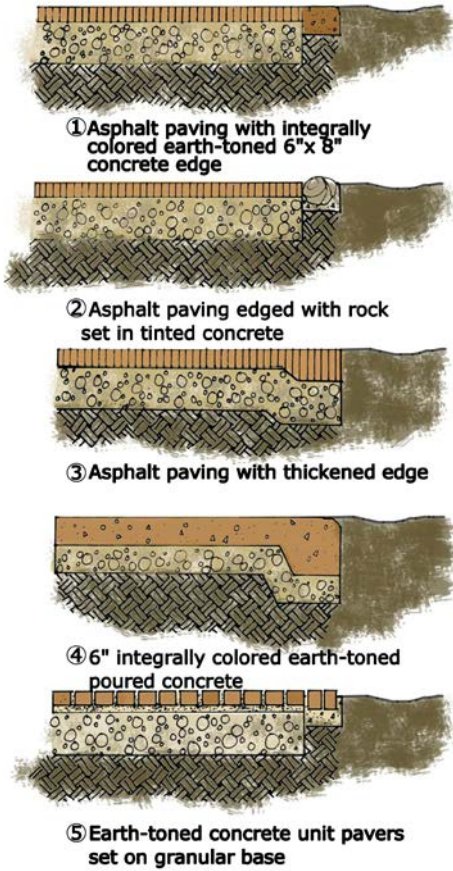
Asphalt driveways and earth-tone chip-seal driveways are allowed subject to Design Review Committee approval. Site plans shall include existing and finished grades, cut and fill, retaining structures, drainage structures, landscape features and proposed slopes.

B. Paving Materials

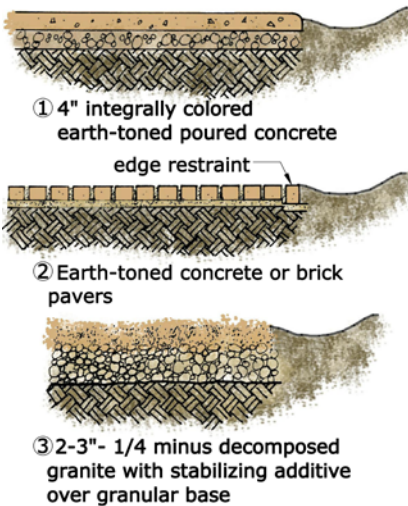
A naturalized material with colors to blend with existing conditions shall be used. Asphalt driveway pavement is allowed and it is suggested that it be edged with a tinted concrete or stone flush curb at least 8 inches wide. "Stamped" and patterned asphalt is not allowed. The following paving materials are recommended:

1. Earth tone, integrally-colored concrete with broom finish or exposed aggregate.
2. Natural stone or flagstone.
3. Interlocking concrete pavers in earth tones.
4. Stabilized decomposed granite or equivalent, subject to Design Review Committee approval.
5. Angular, 1 inch minus gravel in approved color.





Acceptable Driveway Pavements



Pedestrian & Patio Pavements

2.2.4 Walls and Fences

Wall and fence materials shall be compatible with the architecture of the buildings being designed for the Lot.

A. Fence Materials Permitted

1. Natural looking materials shall be utilized so that the structures blend with the colors of the native landscape.
2. Painted or oxidized metal railing, wood, natural rock or stone veneers are recommended.
3. Indigenous wood-rail and “stacked rail” fencing are encouraged.
4. Earth-tone pre-cast textured concrete posts and post-and-rail systems may be allowed only by Design Review Committee approval.
5. “V mesh” horse fencing and “Australian” tensioned-wire fencing may be allowed with custom posts, subject to Design Review Committee approval.
6. Wood board fence
7. Barbed wire fence is permitted around the building envelope only. If used, a slick (non-barbed) top and bottom wire are preferred to avoid injuring wild animals.

Note that walls and fencing surrounding pools and spas must meet Santa Cruz County and Arizona State codes for pool-safety fencing.

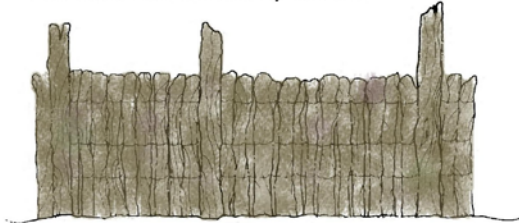
B. Materials Not Permitted

1. Wood lattice, and picket fences.
2. Chain link (except as permitted under [Section 2.2.5 B.](#), Tennis or Game Courts)
3. Unfinished and non-textured block.
4. Split face block for more than 40% of wall area.
5. Electrified fences.
7. White fencing and railing, including traditional white horse pasture fencing.
8. Steel “view fence” for more than 60% of the wall area.
9. Fiberglass, plastic and composite materials.





① Wood Post & Rail
Earth-tone stain or natural finish, 2 or 3 rails



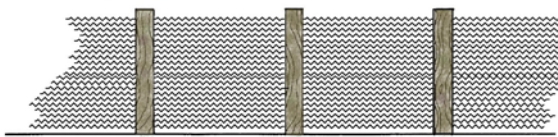
② Indigenous Wood Corral Fencing - Vertical
Vertical posts stacked and tied with wire between main posts.



③ Indigenous Wood Corral Fencing - Horizontal
Horizontal posts stacked between vertical posts



④ Wooden Board Fencing - Horizontal
Horizontal plants spaced between vertical posts



⑤ V-Mesh Horse Fencing
V-mesh attached to heavy wooden posts.

2.2.5 Pools, Spas and Game Courts

Pools and spas should be incorporated into the overall site plan and landscape and, to the extent possible, must be screened from view from adjacent Lots and community roads. Only in-ground pools are allowed. Above-ground hot tubs or spas are allowed when screened from adjacent Lots or common areas.

A. Pool Requirements

1. The maximum surface area of a Lot's pool(s) is 900 square feet.
2. Water slides and other raised water features, such as waterfalls, jets, etc. are allowed only if they are not visible from adjoining Lots and common areas.

3. All pool equipment must be fully screened from adjacent Lots and common areas.

B. Tennis or Game Courts

Tennis and/or game courts are permitted based on meeting the following criteria:

1. Playing surfaces must be recessed on at least one end to achieve a balanced cut and fill.
2. A combination of solid wall and fencing (including earth toned or vinyl coated chain link) is recommended in most cases and may be required; however, in some locations perimeter walls or fencing may be disallowed if, in the opinion of the Design Review Committee, such devices would be unattractive.
3. Additional landscape planting with indigenous trees may be required to mitigate the surface's visibility from community roads and nearby Lots.
4. Lighting for night play is prohibited.
5. Related ramadas, storage rooms, and connecting walkways must be visually integrated with the main Residence and surrounding landscape.
6. The objective is to create the most inconspicuous game court possible.
7. Basketball hoops, playground equipment, and miscellaneous items used for exercise or children's play may be installed in private, low-visibility portions of the Lot, subject to approval by the Design Review Committee. Lighting and night play are prohibited.
8. Playground equipment and other play Structures such as trampolines may only be allowed within private areas, and must have a height less than 12 feet. Equipment must be screened from view from adjacent Lots, roads and common areas.
9. Play equipment is considered a temporary use and must be removed when children are no longer using the Residence on at least a yearly basis, or sale of the Residence is in process.

2.2.6 Equestrian and Ranch Facilities

Equestrian and ranch facilities will be permitted on some parcels within Morning Star. Due to severe



site conditions on certain parcels, equestrian facilities may not be appropriate. Permissible equestrian facilities will be based on the following criteria:

- A. All accessory buildings will be architecturally integrated to match the main Residence and should not exceed 24 feet in height and 2,000 square feet gross floor area without Design Review Committee approval.
- B. Additional landscape planting may be required to screen facilities from adjacent properties.
- C. Facilities must be in the designated Building Envelope.
- D. Except as may be otherwise provided in rules adopted by the Association, no commercial operations will be permitted on residential Lots.
- E. The area will be always kept in a neat and clean condition. A separate refuse container may be required and located in an enclosed area out of view from neighboring Lots. The refuse container shall be emptied on a weekly basis.
- F. Lighting of arenas and night activities shall not be permitted.
- G. Insect and odor control is required to prevent nuisances outside the equestrian facilities.

2.2.7 Utility Lines and Propane Gas Tanks

- A. All utility lines must be underground and shown on the site plan. The preferred location for utilities shall be within the disturbance area approved for the driveway. However, with approval from the Design Review Committee, utilities may be located elsewhere on the Lot subject to certain conditions, including revegetation of the disturbed area.
- B. Propane gas tanks must be located underground or within an enclosed wall at least 5 feet in height where they will not be visible from other Lots or community roads.

2.2.8 Satellite Dishes and Antennas

- A. Satellite dishes should be located so that they will be screened from adjacent properties as much as possible. The color of the dish frame, cables and mounting equipment must match the color of the building or wall upon which it is mounted.
- B. All antennas are restricted to the interior of the Residence, or located in a manner that will

screen the antennas from adjacent properties as much as possible..

2.2.9 Solar Power and Wind Installations

- A. Solar panels must be located within the Building Envelope. They should be situated so they are not visible from another Lot or from any common area to the extent possible.
- B. Windmill and wind turbine installations should be discussed in advance with the Design Review Committee with the intent of maintaining the character of the ranch and meet production goals of the installation. The Design Review Committee must approve the project in advance.



Screening Mechanical Units

2.2.10 Trash Enclosures

Trash and refuse enclosures must be constructed of the same facade material as used on the main Structures, and containers shall be always screened from view of other Lots and community roads by a wall or other approved screen.

2.2.11 Address Identification and Entry Features

Individual address identification monuments for each approved Residence shall be installed by the Lot Owner. "Unique" identification devices, sculptures, artifacts and "yard art," etc. must be approved by the Design Review Committee.

Entry features shall not exceed eight feet in height and their lighting must be subdued and comply with Section 2.3.6. Address lettering shall comply with



County requirements and with Morning Star adopted design standards. No entry features or other Structures shall be located within any designated roadway easements on the Lot.

2.2.12 Owner Proposed New Building Envelope

At the Owner's request, the Design Review Committee will designate a new, single Building Envelope for multiple Lots purchased by the same Owner.

If the Owner obtains committee approval to build an Improvement across existing Lot lines between two or more commonly owned Lots, then those Lots must be legally tied to form a single Lot per Santa Cruz County and will thereafter be treated as one Lot for all purposes under these Design Guidelines (but not for assessment purposes under the Declaration). A common Lot line may not thereafter be moved so as to allow another Residence on those Lots, and the Lots must thereafter be sold together to the same buyer. The Owner shall execute a Lot-tie to be recorded by Santa Cruz County imposing these restrictions on the Lots as a condition to approval of the construction of the Improvements thereon.

If the Owner later desires to build a second Residence on the Lots or to sell one of the Lots separately, the Improvements which cross the Lot line or violate the setback requirements must first be removed. Any such removal shall require the Design Review Committee's prior approval and be subject to such conditions as the committee may impose regarding restoration of natural vegetation, etc. Upon completion of such removal to the satisfaction of the committee, it shall execute and deliver to the Owner for recording in the County an instrument for a Lot-split that will release the Lots from these restrictions.

2.3 LANDSCAPE DESIGN

Landscape enhancement is considered an integral part of the overall development of Morning Star.

- A.** A landscape plan must be submitted with preliminary and working drawing submittals.
- B.** Use of native and drought resistant plants is encouraged.
- C.** Landscape planting shall be utilized for screening, softening of buildings, erosion

control, and revegetation of construction scars. Substantial areas of gravel and/or land not revegetated shall not be permitted.

- D.** No removal of existing vegetation may begin until final approval of the landscape plan has been granted by the Design Review Committee.
- E.** Significant natural vegetation and features shall be inventoried, salvaged and incorporated into the landscape plan.
- F.** "Fire safe" design is highly encouraged.
- G.** All rock, including rock rip rap, rock stabilization and decomposed granite shall be Sahuaro Brown, Desert Tan, Apache Brown or similar color as approved by the Design Review Committee.

2.3.1 Lawn Area

To encourage water conservation by the Lot Owners, the maximum area of lawn (or artificial turf) on each Lot shall not exceed 1,200 square feet unless approved by the Design Review Committee.

2.3.2 Prohibited Plants

All pines (except native Pinyon Pine, *Pinus edulis*), olives, oleanders, palms, Mexican Palo Verde varieties (except "Desert Museum Hybrid"), Italian Cypress and fountain grass, and species known to be invasive, are prohibited. In private non-visible courtyards and patios, some dwarf varieties of palm or citrus may be approved. Additional plants may be added to the prohibited list as need arises.

2.3.3 Tree Height Limit

The Design Review Committee may choose to deny the use and placement of any tree that could be expected to exceed 30 feet in height at maturity if they determine that the tree could restrict the views of neighboring Lots. Furthermore, trees which do not appear to be in scale with the building and surrounding landscape may be restricted.

2.3.4 Grading/Drainage/Site Work

While the natural topography varies considerably from Lot to Lot, the following general limitations will apply in the absence of special circumstances justifying exceptions as may be approved by the Design Review Committee:



- A. Site conditions on the ranch are quite variable. Stable slopes and rock may require little addition work. Unstable slopes should be rocked, grouted, planted as appropriate to stabilize the slope and prevent erosion. Slopes may not be bare following completion of construction, but must be re-vegetated with native plants and seeding, provided with temporary spray irrigation, be stabilized with staked straw-rolls and/or permanent native stone. The Design Review Committee may require the use of retaining walls to avoid large cut or fill slopes.
- B. No change in natural or existing drainage patterns for surface waters shall be made upon any Lot that could adversely affect another Owner. All necessary swales and surface drainage-ways must be re-vegetated, and stabilized with natural stone as approved by the Design Review Committee.
- C. No native plants in the natural area shall be damaged, destroyed, or removed from any Lot, although such plants within the Building Envelope may be relocated or removed as necessary.*
- D. Retaining walls or other walls not directly supporting a building Structure, except screen walls, shall not exceed eight feet in height, measured from the lowest natural grade adjacent to the wall. The appearance of such walls over six feet in height must be softened by landscape planting with trees or large shrubs. Screen walls may not exceed five feet in height measured from natural grade in the manner described above for retaining walls. Courtyard walls may exceed five feet in height with the approval of the Design Review Committee.
- E. Site drainage and grading must be done with minimum disruption to the Lot. Surface drainage shall not drain to adjoining Lots or open spaces except as established by natural drainage patterns.
- F. No dams may be constructed that impact natural flows.
- G. It is the intent of these Guidelines to discourage excessive cut and fill, and no grading may be done outside the Building Envelope.

* Any cacti to be relocated should be marked to indicate the south-facing side and replanted in the same orientation.

- H. Any alterations to washes carrying 50 cubic feet per second or more resulting from a 100-year storm may require special consideration for approval by the Committee. These natural drainage ways may not be obstructed. Structures and other Improvements should be sited to avoid these washes, although they can be sited at the edge of a wash.

2.3.5 Remedy by the Association

In the event of any violation of (a), (b) or (c) of Section 2.3.4, the Design Review Committee may cause the Lot to be restored to its state existing immediately prior to such violation; or, in the event of any violation of (c), it may cause to be replaced any plant which has been improperly removed or destroyed with a similar plant in type or size or with such other plant as the Design Review Committee may deem appropriate.

The Owner of such Lot shall reimburse the Design Review Committee and the Association for all expenses incurred by them in performing their obligations under this paragraph; provided, however, that with respect to the replacement of any plant, the Owner shall not be obligated to pay an amount in excess of the expenses which would have been incurred by the Design Review Committee or the Association had they elected to replace the damaged, destroyed, or removed plant with a plant similar in type and size. The Design Review Committee shall have the right to require complete restoration of cut and filled and other disturbed ground areas.

2.3.6 Lighting

Lighting restrictions have been established to insure minimal light pollution, reduce glare, increase energy conservation, and maintain the quality of Morning Star's physical and aesthetic character. The following restrictions are also intended to conform to "dark sky" codes that aid in the control of lighting which detrimentally affects astronomical observations. All projects are required to submit a Lighting Plan showing the location and nature of all exterior lighting, whether attached to a structure or landscape.

Note that Santa Cruz County has specific outdoor and exterior lighting regulations and requirements.



In addition to requiring a specific Exterior Lighting Schedule, the maximum total lumens of exterior lighting for lots of one acre or larger (e.g. all Lots on Morning Star) is 20,000 lumens.

A. Applications

The Lighting Plan applies to security, landscaping, architectural and all other outdoor lighting. All outdoor lighting shall be shielded and directed according to the following schedule:

1. The plan should specify the lumen output of the proposed lamps.
2. Bare lamps are not allowed. All lamps must be set in a fixture, sconce etc. No clear-glass “carriage”-type fixtures are allowed.
3. Low-voltage landscape spot lighting may be directed upwards at an angle to illuminate vegetation, walls and other objects, provided that it doesn’t “spill over” to other lots
4. The use of lamps with output over 1600 lumens is discouraged and may not be approved by the Design Review Committee.

B. Additional Requirements

No lighting of 1600 lumens or greater shall be allowed after 10:00 PM, except sensor-activated security lighting that is contained on the property (no light spill to adjacent Lots or common areas).

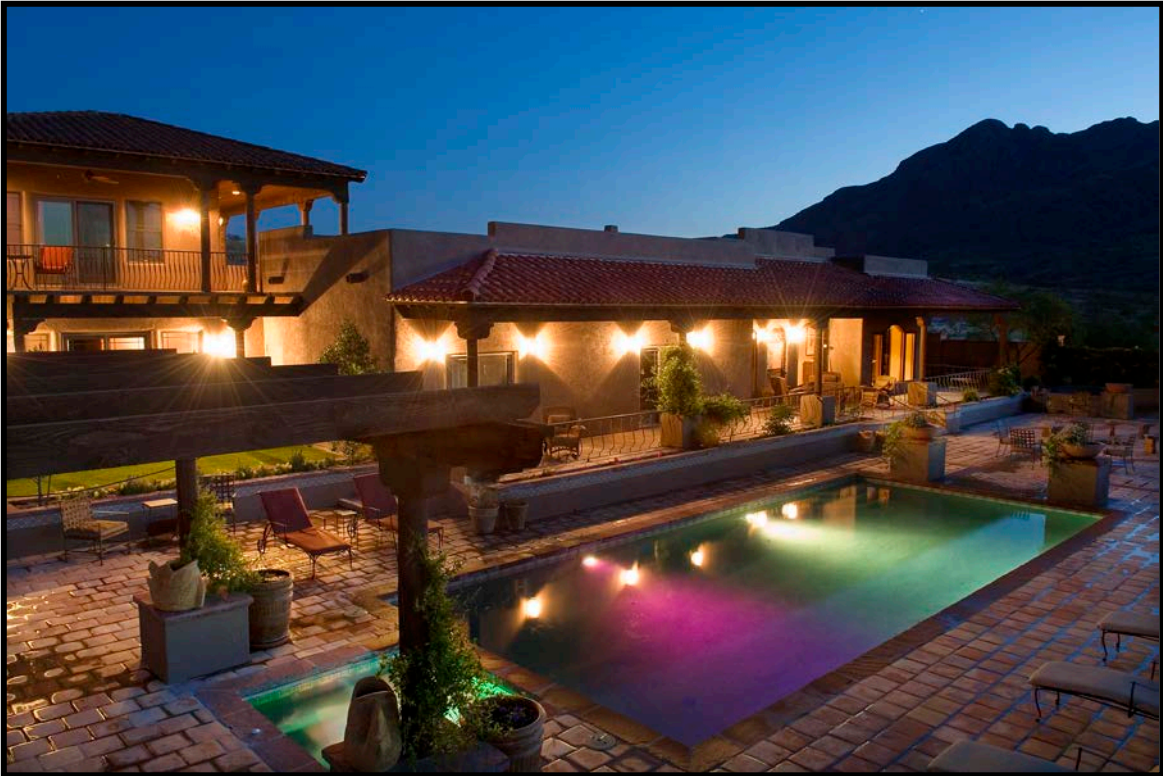
Pole-mounted lighting may not be more than eight feet above the finished adjacent grade and must be fully shielded.

Building mounted lighting may not be more than eight feet above the adjacent finished grade.

Any lighting mounted above eight feet must be directed downward. Mercury vapor lamps are prohibited.

Flashing lights, neon light displays and other types of unconventional lighting are prohibited.





Section 3. Architecture

3.0 ARCHITECTURE

The architect must carefully review the design philosophy for Morning Star found in Section 1 of these Guidelines. Both the Owner and architect should begin the design process with a good grounding in the concepts of design integrity, heritage and environment that are the basis of these Guidelines. Any disagreement with or exception to these principles must be brought to the pre-design meeting (see Section 4, Design Review Procedure).

These Guidelines are to be used by the Owner and the Owner's Architect in designing the exterior appearance of the Residence and other Improvements.

As discussed in Section 1, there is no strict list of allowed and disallowed architectural styles, but the design philosophy for Morning Star points toward some design solutions and away from others. The architect should show early concept-sketches and discuss the proposed design direction with the Design Review Committee at the pre-design meeting.

The architect should expand on the Guidelines to create Structures that are compatible with the environment of Morning Star. Buildings which are harmonious with or reflective of the historic architecture of the region, and the demands of the environment, are encouraged.

3.1 ARCHITECTURAL DESIGN

3.1.1 Building Massing

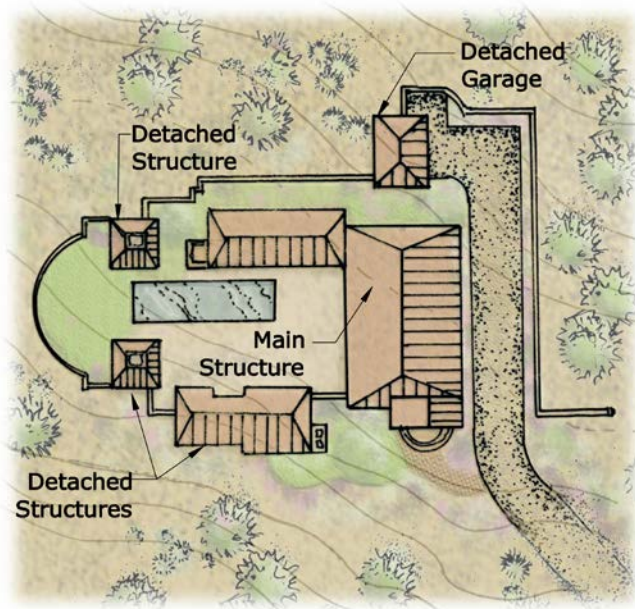
Building massing shall be varied with one- and two-story architectural elements stepped back from the edge of the Building Envelope or disturbance area. Care must be taken to minimize the overall height appearance of the buildings. Foundations should be stepped with the topography, and the use of stone veneer at the building foundation is encouraged. The area of exposed stem walls and extended foundation walls shall be kept to a minimum.

3.1.2 Building Facades and Projections

Large masses should be broken up to articulate several volumes and reduce the impact of scale. The use of porches, entry treatments, shadows from openings or projections provides relief and rhythm to large surfaces, enhancing visual interest and scale. The following Guidelines should be observed:

- A. Facades (particularly elevations seen from adjacent Lots or roads) should be varied in placement, size, and material to avoid visual monotony and to create interest and human scale. Horizontal breaks in the plane must be provided to provide articulation to elevations.
- B. Entry treatments, porches, and motor courts should be carefully incorporated into the site plan to create a habitable scale.
- C. Architectural articulation of facades and roof planes should be accomplished through the introduction of sub-elements such as projections, dormers, alignment changes in the roof ridge, roof overhangs, building face trims, recessed doorways, windows and/or porches.
- D. Two-story Structures should create a scale and vertical transition by stepping back the second story and providing a partial roof or trellis at the top of the first-floor level. This eliminates a continuous two-story vertical facade and creates opportunities for covered entries and porches.
- E. The use of many different styles of windows on one facade is prohibited. The use of mirrored or highly reflective glass is prohibited.
- F. Highly symmetrical building elevations are prohibited. Organic rather than formal compositions are preferred.
- G. All building projections including but not limited to chimneys, vents, gutters, downspouts, exposed plumbing and communications fixtures must be integral to the house and roof and must be painted an approved color to match or complement the roof or building colors.





Building Massing

3.1.3 Roof Design

The following Guidelines are applicable to roofs on all Structures:

- A.** A roof plan shall be submitted at all stages of the review process. All roof penetrations, slopes, and materials must be shown.
- B.** Pitched roofs shall have a maximum slope of 6" to 12" (i.e. 45 degrees or less). No buildings shall be located on ridges or hill tops in a manner that would provide for "skylining." No mansard roofs will be allowed.
- C.** As an architectural form, chimneys should be simple in design and incorporate the same material as used in the Structure to insure consistency and compatibility in character. Exposed metal flues shall be kept to a minimum and shall be non-reflective and painted to blend with the chimney. Spark-arrestors are mandatory on any wood-burning fireplace or stove chimney.
- D.** Mechanical equipment is not allowed on pitched roofs and will only be allowed on flat roofs if they can be completely screened from view or painted to match the roof and building. See section 2.2.8 for additional information.
- E.** Skylights are permitted but must be designed as an integral part of the roof. Skylight glazing must be clear, solar bronze or gray. White or reflective glazing is prohibited. Bubble type

skylights are prohibited. Skylights must be placed on the roof in an organized pattern that complements the roof design.

- F.** Solar heating panels and other solar features are encouraged and should be an integral part of the roof design.
- G.** All materials utilized in roofs shall be of a fire-retardant material and shall be colored to complement the main Structure colors; provided that flat roofs should be color tinted, cool coat to blend with the natural landscape. Roofs shall have a finished surface that will not produce glare or have reflective qualities. Asphalt/composite roof tile is prohibited. The following materials are recommended for pitched roofs:
 - 1.** Barrel concrete or clay tiles in earth tone variegated colors.
 - 2.** Fire-retardant wood shingles if approved by the Design Review Committee.
 - 3.** Flat concrete tiles in earth tones.
 - 4.** Non-reflective raised seam metal in earth tones, subject to Design Review Committee approval of type, finish and manufacturer.
- H.** Roofs and roof mounted materials shall have earth tone colors complementary to the surrounding natural landscape and in harmony with the terrain. Mechanical equipment, skylight frames and other similar materials shall match the surrounding roof colors.
- I.** Exposed gutters used as an architectural element are to be colored to match roof trim or wall material. Exposed downspouts must be colored to match the Structure's trim or the surface to which they are attached. All gutters, scuppers, and downspouts shall be shown on elevation drawings.
- J.** Flashing and sheet metal must be colored to match the material to which it is attached.
- K.** All vents, stacks, and pipes must be colored to match the roof or wall material from which they project and should be placed to minimize visibility from other Lots and community roads. They should be grouped to minimize roof penetrations.

3.1.4 Guest Houses, Guest Suites, and Accessory Structures

All accessory Structures must be visually integrated with the Residence, as well as complement any walls, courtyards, and major landscape elements.



Any Guest House must comply with Santa Cruz County zoning regulations. A Guest House can be constructed on any Lot, with approval from the Design Review Committee. A Guest Suite may be incorporated into any Residence.

All accessory Structures shall be subject to review and approval by the Design Review Committee. The following standards, among others, will be applied to accessory Structures:

- A.** Decks and patio covers should be constructed of a material compatible with the Structure.
- B.** .
- C.** Patios, ramadas and gazebos may be constructed within the disturbance area and must be architecturally compatible with the main Structures on the Lot.
- D.** Balconies and roof decks must not be constructed to become a dominant element of the Structure.

3.1.5 Exterior Wall Surfaces and Colors

The objective should be to create walls that are interesting, but not in competition with the surrounding elements of the Structure. Walls can be surfaced with one to three different materials. Continuity of materials and colors is required for all site Improvements.

- A.** Exterior surfaces and detailing should be of natural materials, which are indicative of a rural environment.

The following exterior materials are recommended:

- 1.** Lightly textured (“sand,” “colonial,” “Spanish” or “Californian” finishes) plaster stucco painted or with integral color.
- 2.** Brick or split face block in earth tones, used as accents.
- 3.** Wood painted or treated to withstand water penetration and exposure to the sun.
- 4.** Authentic wrought iron, copper and brass for detailing.
- 5.** Adobe or terra cotta brick.
- 6.** Indigenous stone, complementary non-indigenous natural stone, or artificial faux-stone veneer.
- 7.** Modern faux-wood accents that replicate natural wood finishes are allowed subject to Design Review Committee approval.

Unacceptable exterior finishes include but are not limited to:

- 1.** Unfinished metal or galvanized metal. Limited use of corten or oxidize-finished steel may be allowed if approved by the Design Review Committee
 - 2.** Fiberglass, acrylic, plastic and unfinished composites.
 - 3.** “Glass walls” and extensive glazing.
 - 4.** Faux-stone elements made from high-density foam. Thin surface applications resembling wood, stone, brick etc.
 - 5.** Polished and highly reflective stone.
 - 6.** Glazed and glossy tile except as an artistic accent, subject to Design Committee approval.
 - 7.** Mica plaster.
 - 8.** Exposed plain concrete block.
 - 9.** Corrugated metal, aluminum, and plastic siding.
 - 10.** Standard precision brick and block.
 - 11.** “Honed” block.
 - 12.** Exposed plywood and particleboard.
- B.** Colors, paints, stains, and stucco shall be complementary earth tones and must be approved by the Design Review Committee.
 - 1.** Reflective surface treatments are not permitted.
 - 2.** Neutral colors, grays, and light to medium earth tones should be used with selected complimentary accent colors limited to moldings, doors, window frames, fascia, shutters, cornices, and accent trim.
 - 3.** Contrasting materials, textures and colors may be used to add emphasis to entry areas and significant architectural features but must relate to the architectural form and character of the Structure.
 - 4.** The light reflective value (LRV) of all paint and exterior materials must be in the 32- 50 range.
 - C.** Exterior cover material treatment used on walls shall be continuous and consistent on all elevations of the Structure to achieve a uniform and complete architectural design statement. Other materials will be allowed on a case-by-case basis.
 - D.** Design treatments and architectural features such as porches, small roofs, and overhangs are encouraged.



3.1.6 Stone Patterns

The intent of these Guidelines is to have the new stonework of Morning Star match or complement the historic stonework of this region of Arizona.

- A. The following Guidelines should be observed to achieve this goal:
 - 1. If flagstone is used it must be laid horizontally in a non-coursed ledge rock pattern. Vertically applied flagstone is not permitted.
 - 2. The salvage and use of native stone from the building site is highly encouraged.
 - 3. A wide variety of masonry patterns may be used with raked, flush or over-grouted joints.
 - 4. Encouraged patterns based on current naming are:
 - a. Country ledgestone,
 - b. Weather edge ledgestone,
 - c. Fieldledge, rustic ledge,
 - d. "Hillstone", "Bluffstone", "Shadow rock".
- B. Generally, the following will not be approved:
 - 1. Random rubble (except the use of salvaged native stone).
 - 2. Water wash, stream stone, river rock.
 - 3. "Castle stone" and other highly dressed ashlar stone patterns.
- C. Because of variations in stonework, the Design Review Committee must be shown pictures of the proposed pattern and stone material prior to approval. Subsequent masonry must match the approved test panel.

3.1.7 Windows, Doors, Garage Doors, and Carports

All windows and doors, and their weather seals, should be able to withstand heavy rain blowing horizontally at high speeds. Precipitation during monsoon microbursts may exceed 10 inches per hour, and winds may exceed 60 miles per hour.

A. Windows

- 1. Windows shall be recessed a minimum of four (4) inches, and greater recesses are encouraged.
- 2. All windows must be dual pane, insulated glass.

- 3. Mirrored glass, glass with an applied film, highly reflective glass, and non-anodized or clear anodized aluminum frames are prohibited.
- 4. The segmentation of all glazing into smaller panes--as opposed to "picture windows" is strongly recommended.
- 5. Exterior security bars are prohibited unless it is demonstrated that they are not visible from another Lot or common area. Exterior roll-down security screens are prohibited unless it is demonstrated that they are not visible from another Lot or common area. Hinged, decorative 2-part horizontally-swinging "hurricane shutters" may be allowed if approved by the Design Review Committee. Interior roll-down security shutters are allowed and can be incorporated into the original construction.
- 6. Window shade screening must be black or dark brown. Shade films and exterior fabrics are prohibited.

B. Doors

- 1. Doors shall be recessed a minimum of four (4) inches, and greater recesses are encouraged.
- 2. All door glazing must be dual pane, insulated non-reflective glass.
- 3. Ornamental screened swing-opening security doors are permitted subject to Design Review Committee approval. Screen color must be black or dark brown. Metal work must be black or match the house body or trim color.

C. Garage Doors

- 1. Because garages are a major element in most homes, garages and garage doors should be fully integrated into the design of the Residence.
- 2. Insulated garage doors are highly recommended for energy conservation.
- 3. Garage doors should be recessed from the outside face of the garage. Higher garage doors for the storage of recreational vehicles shall be allowed only with approval of the Design Review Committee.

D. Carports

- 1. Carports must be integrated into the design of the Residence and must be situated so



that any parked vehicles or stored items are not visible from any other Lot.

2. Carport posts must be thick and resemble building columns. Roofing, construction materials and colors must match the Residence.

designed modular buildings that are assembled on the site may be allowed subject to approval by the Design Review Committee.

3.1.8 Re-construction, Additions and Tear-Downs

- A. Homes and other Structures that suffer damage from fire or other sources must be secured by removing or covering damaged portions and making the Structure(s) weather-tight within 20 days, and must be re-built within 9 months, unless a longer period is allowed by the Design Review Committee due to special circumstances.
- B. Any additions to the site or to Structures on the site must be approved by the Design Review Committee.
- C. The length of the allowable construction period is addressed in Section 5.
- D. Tear-downs, where all or a substantial part of the Structure is demolished in preparation for new construction, must be approved by the Design Review Committee and appropriate measures taken to prevent un-due noise, dust, road traffic and other disturbances.

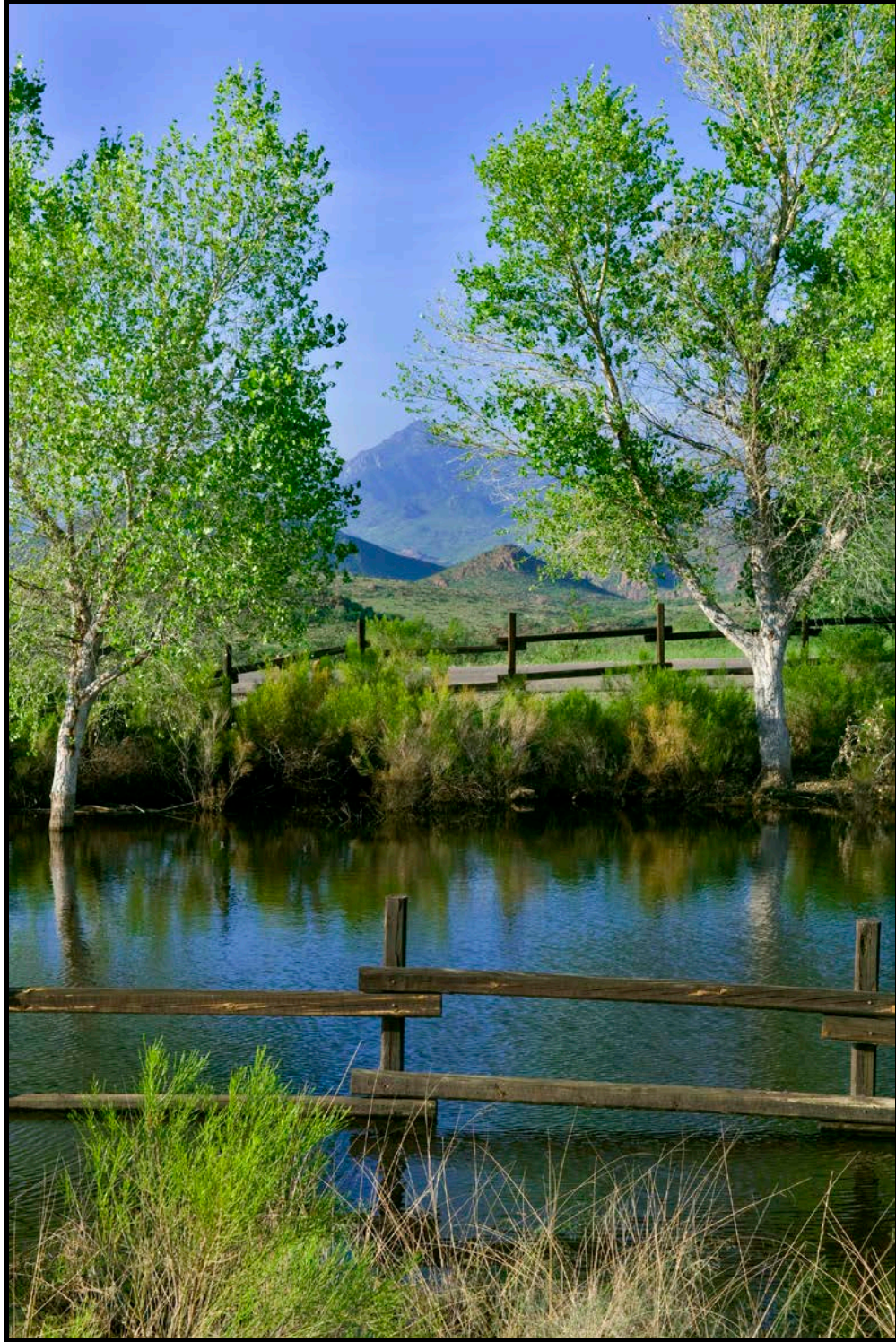
3.1.9 Porches, Terraces, Patios, Courtyards and Decks

Covered and shaded terraces and decks are encouraged to provide shade and soften the exterior elevation of the home. Internal courtyards are encouraged as a traditional way of providing a comfortable outdoor living space with shade and shelter from the wind in addition to privacy.

3.1.10 Prefabricated Buildings

No prefabricated building, mobile home, prefabricated storage building or other Structure fabricated off-site and transported to the building site shall be allowed. In some cases, custom-





Section 4. Design Review Procedures

4.0 DESIGN REVIEW PROCEDURES

Important Note:

Construction plans must be reviewed and approved, and building permits issued, by Santa Cruz County. The County should advise the Owner if additional State or Federal permitting processes are present. Consult with Santa Cruz County to determine their submittal requirements, timing and standards. The design approval process should initiate with the Morning Star Community Design Review Committee, since these Guidelines are more restrictive than Santa Cruz County, for example, regarding building location, materials and architectural design issues. As the design progresses, concurrent submittals to the County and to the Design Review Committee will be required.

To assist each Owner in the planning and design of his/her Residence and to take full advantage of the unique opportunities of each Lot, a comprehensive design review process administered by the Design Review Committee has been established. This process provides an opportunity for the Owner to draw upon expertise and knowledge which has been acquired during the planning and development of Morning Star. Under the Declaration, the Design Review Committee is charged with the responsibility of maintaining the standards set forth in these Design Guidelines, issuing all formal approvals or the disapproval of projects, and enforcing the Design Guidelines. Each Residence and all other Improvements must meet the criteria of the Design Guidelines.

4.1 DESIGN AND QUALITY CONTROL

The Design Review Committee reserves the right to exercise approval or disapproval over any construction not referenced in these Guidelines, which may include new materials, equipment, features and technologies.

In general, the Morning Star design review process is divided into five phases: the pre-design meeting, preliminary submittal, final submittal, construction permit, and final inspection.

It is strongly recommended that an Owner retain competent professional services for planning and design, including an architect, civil Engineer and

Landscape Architect. A thorough analysis and understanding of a particular Lot and the Owner's special needs and the skill to translate this into built form, as well as the ability to convey to the Design Review Committee the concept and design of a proposed Residence and other Improvements are all important elements of the design review process. If an Owner elects to do his or her own design or to retain non-professional services, and the result is not approved by the Design Review Committee, the Committee has the right to require that an Owner thereafter utilize professional design services.

The design review process was developed to provide adequate checkpoints to minimize time and money spent on designs which do not adhere to the Design Guidelines or to the overall philosophy of Morning Star. Each Owner is responsible for complying with the Design Guidelines and all other applicable provisions of the Declaration, as well as all rules and regulations of any governmental authority, to bring the design review process to a speedy and satisfactory conclusion.

The Design Review Committee will conduct reviews of projects during their regular meetings or at other times as they deem appropriate. Owners, Architects, or Builders shall have no right to attend any meeting unless specifically requested to do so by such committee.

The Design Review Committee will attempt to respond in writing within thirty (30) days after a submittal is received. Members of the committee will not ordinarily discuss results of reviews over the telephone with an Owner or his Architect or Builder. Any responses an Owner may wish to make in reference to issues contained in the Design Review Committee's notice following review of submittals should be addressed to the Design Review Committee in writing.

The following is a procedural summary of the review and approval process.

4.1.1 Pre-Design Meeting

To initiate the review and approval process prior to preparing any drawings for a proposed Improvement, it is necessary that the Owner and/or the Architect/Design Team meet with a representative of the Design Review Committee to



discuss the proposed Improvement and to explore and resolve any questions regarding building requirements in the Design Guidelines. This informal review is to offer guidance prior to the initiation of preliminary design work. An appointment for the pre-design meeting should be made at least one week in advance.

4.1.2 Preliminary Submittal

Preliminary drawings, including all exhibits outlined below, must be submitted to the Design Review Committee after the pre-design meeting.

A. Preliminary Requirements

Preliminary submittals must include:

1. Completed design review application and check list.
2. A survey of the proposed resident location and the disturbance area, at no less than 1" - 20', prepared by a registered land surveyor (RLS) or Engineer. The survey shall show Lot boundaries and dimensions, existing surface contours within the Building Area at one- or two-foot intervals, major terrain features such as washes, and all significant vegetation, highlighting the vegetation which will be removed during construction or that is within 20 feet of the proposed Improvements. Each Owner submitting drawings for approval to the Design Review Committee shall be responsible for the accuracy of all information contained therein.
3. A site plan at the same scale as the survey and having a graphic scale, showing the locations and areas of the proposed Building Envelope, Residence and all other buildings or major Structures, driveway, garage, parking areas, patios, pool(s), walls, proposed utility service facilities and routes, site grading including existing and proposed contours and topographic features such as washes, rock outcroppings and existing trees and major shrubs to be retained and relocated, and elevations of all building floors, patios and terraces, shown in relation to site contour elevations.
4. Roof and floor plans, at a customary and legible scale, prepared by an Architect or other designer. Roof plans should show

areas of flat and sloped roofs and all roof-mounted equipment such as air conditioning units, if permitted, and solar collectors.

5. Exterior elevations of all sides of all proposed Structures, on the same scale as the floor plans, with both existing and proposed grade lines shown, and all exterior materials and general colors indicated.
6. A design review fee calculated according to the currently adopted Morning Star design review fee. The fee amount will be provided to the Owner prior to the pre-design meeting.
7. Any other drawings, materials or samples requested by the committee.

B. Accessory Improvements

All accessory Improvements contemplated on the Lot must be shown on the preliminary submittal.

C. Staking

To assist the Design Review Committee in its evaluation of the preliminary submittal, the Owner shall, if requested, provide preliminary staking at the locations of the corners of the Residence or major Improvements and at such other locations as the committee may request.

E. Preliminary Review

After the posting and comment period and any required staking of the Lot, the preliminary submittal will be deemed complete. The Design Review Committee will then review the submittal for conformance to the Design Guidelines set forth herein and make its recommendation(s), which will include a written response to the Owner.

4.1.3 Final Submittal

After preliminary approval is obtained, the following documents are to be submitted to the Design Review Committee for final approval. Note that concurrent approvals are needed from Santa Cruz County, and possibly from other entities.

A. Final Submittal Requirements

Final submittals shall include:



1. Complete construction documents for the Residence and other Improvements, including all data noted in section 4.1.2 A. They must also include building sections as required to illustrate the building, all utility locations, electric meter and transformer locations, any adjustments to locations and/or areas of the Building Envelope or the Residence, and locations and manufacturer's catalog numbers of all exterior lighting fixtures.
2. A list of materials to be used shall be submitted and a sample may be required. The Design Review Committee may require samples of all exterior materials and colors, as well as window and glass specifications. A submittal of manufacturer's cut sheets and specifications may be required by the Design Review Committee.
3. A complete landscape plan at the same scale as the site plan showing areas to be irrigated, locations and sizes of all existing and proposed plants and any decorative features such as pools or imported rocks, art work, lighting, and a list of all proposed plants by botanical and common name.
4. If required by the committee, a hydrology report performed by a competent civil Engineer or hydrologist in a form determined by the Design Review Committee.
5. A time schedule indicating approximate dates for starting and completion of construction, utility hook-up, completion of landscaping work, and anticipated occupancy date.
6. The Design Review Committee may, at its sole discretion, require the Owner to post a Construction Bond to ensure the completion of construction.

B. Final Approval

Upon receipt of the complete final submittal, the Design Review Committee will review the submittal for conformance to the Design Guidelines and to any preliminary approval stipulations and make its recommendation in a written response to the Owner.

4.1.4 Construction Permit

Securing of a building permit is the responsibility of the Owner and/or Builder. Construction shall be in accordance with the final submittal approved by the Design Review Committee and with plans approved by Santa Cruz County.

A. Additional Construction and/or Exterior Changes

Any changes to the approved drawings before, during, or after the construction of an Improvement, must first be submitted for review to the Design Review Committee.

B. Work in Progress – Inspection

The Design Review Committee may inspect all work in progress and give notice of non-compliance if found. Absence of such inspection and notification during the construction period does not constitute approval by the Design Review Committee of work in progress or of compliance with the Design Guidelines.

4.1.5 Final Inspection

Upon completion of any Residence or other Improvement, the Owner shall give written notice of completion to the Design Review Committee.

A. Terms of Completion

1. Within such reasonable time as the Design Review Committee may determine, but in no case exceeding 10 days from receipt of such written notice of completion, the Design Review Committee may inspect the Residence and/or other Improvements. If the committee finds that such work was not done in strict compliance with the approved final submittal, it shall notify the Owner in writing of such non-compliance within 30 days of its receipt of the Owner's notice of completion, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same.
2. If, upon the expiration of 30 days from the date of such notification by the Design Review Committee, the Owner has failed to remedy non-compliance issues, the Design Review Committee shall notify the Owner, and may take such action to remove the non-complying Improvements as is



provided in the Design Guidelines or the Declaration, including without limitation, injunctive relief or the imposition of a fine.

3. If, after receipt of written notice of completion from the Owner, the Design Review Committee fails to notify the Owner of any failure to comply within the provided period following the Design Review Committee's receipt of the notice of completion, the Improvements shall be deemed to be in accordance with the approved final submittal.
4. After acceptance of the work by the Design Review Committee, any posted construction bond(s) shall be returned to the Owner within 10 calendar days.

4.1.6 Right of Waiver

The Design Review Committee reserves the right to waive or vary any of the procedures or standards set forth herein, at its discretion, for good cause shown, including unusual or exceptional circumstances, weather conditions, health-safety-and-welfare concerns or other factors.

4.1.7 Commencement of Construction

Upon receipt of approval from the Design Review Committee and from Santa Cruz County, and other entities if applicable, the Owner shall satisfy all conditions thereof and commence the construction, reconstruction, refinishing, alterations, or other work pursuant to the approved drawings within one year from the date of such approval.

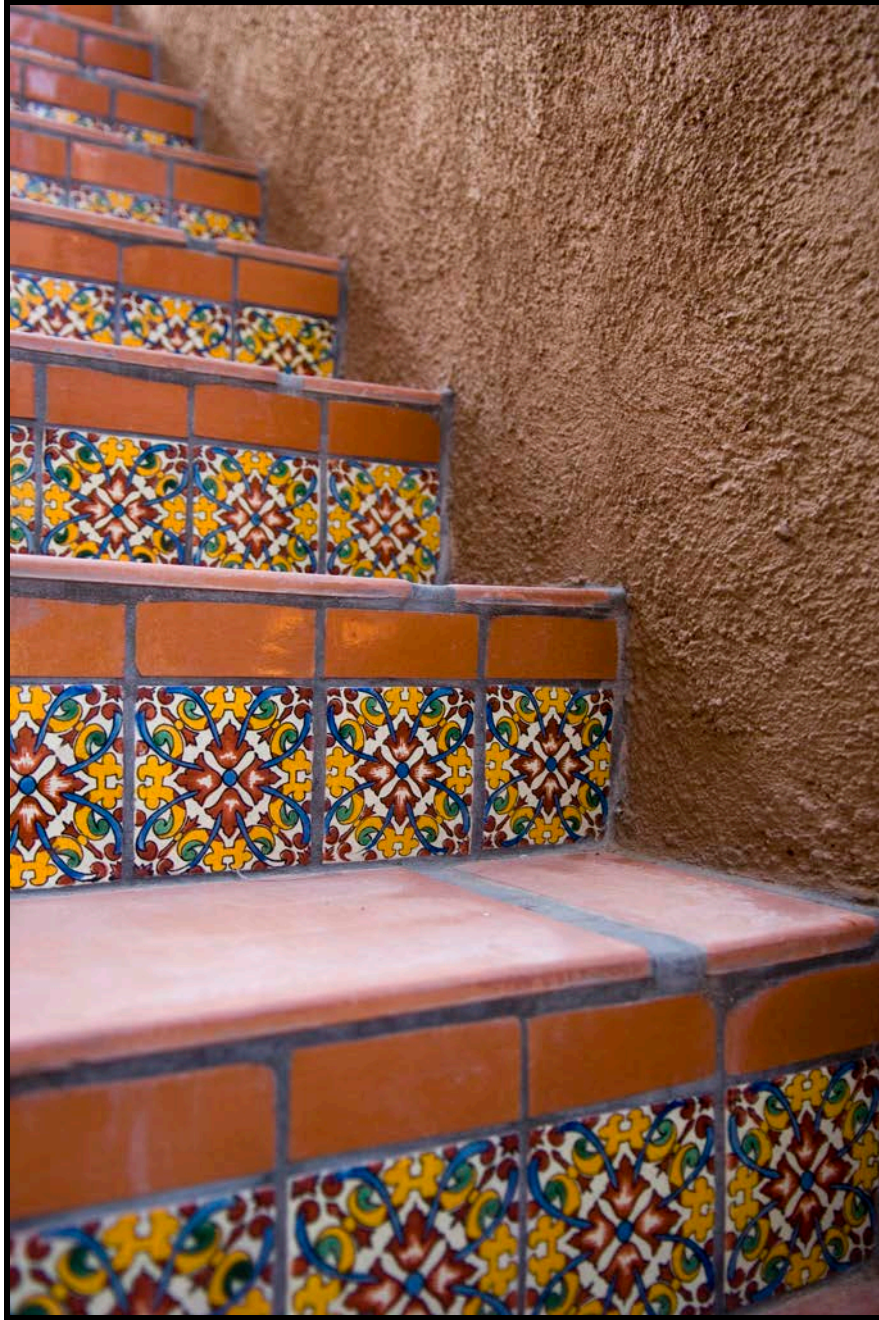
If the Owner shall fail to comply with the previous paragraph, any approval given shall be revoked unless, upon the written request of the Owner made to the Design Review Committee prior to the expiration of said one-year period and upon a finding by the Design Review Committee that there has been no change in circumstances, the time for such commencement is extended in writing by the Design Review Committee.

The Owner shall, in any event, complete the construction, reconstruction, refinishing, or alteration of the foundation and all exterior surfaces (including the roof, exterior walls, windows, and doors) of any Improvement on his/her Lot within one year after commencing construction thereof

except when, and for so long as, such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, or natural calamities.

If the Owner fails to comply with the previous paragraph, the Design Review Committee may notify the Association of such failure and the Association, at its option, may either complete the exterior, in accordance with the approved drawings or remove the Improvement, and the Owner shall reimburse the Association for all expenses incurred in connection therewith.





Section 5. Construction Regulations

5.0 CONSTRUCTION REGULATIONS

To assure that the natural landscape of Morning Star is not unduly damaged during construction, the following construction regulations should be made a part of the construction contract documents for each Residence or other Improvements on a Lot. All Builders and Owners shall be bound by these regulations and any violations by a Builder shall be deemed to be violation by the Lot Owner.

To guarantee that these regulations are adhered to, the Builder may, at the sole discretion of the Design Review Committee, be required to post a compliance bond in the amount of \$5,000.00 prior to beginning construction. Such bond will be released to the Builder upon final inspection and approval of construction activities.

5.1 COMPLIANCE

5.1.1 Pre-Construction Conference

Prior to commencing construction, the Builder is **required** to meet with a representative of the Design Review Committee to review construction procedures and to coordinate construction activities.

5.1.2 Occupational Safety and Health Act (OSHA) Compliance

All applicable OSHA regulations and Guidelines must be strictly observed.

5.1.3 Construction Trailers, Portable Field Offices, etc.

Any Owner or Builder who desires to bring a construction trailer, field office, or the like to Morning Star shall first apply for and obtain written approval from the Design Review Committee. To obtain such approval he/she shall submit a copy of the site plan with proposed locations of the construction trailer or field office, portable toilet, and trash receptacles noted thereon. Such temporary Structures must be within the approved Building Envelope and shall be removed upon completion of construction.

5.1.4 Protection of Natural Areas

A. Fencing the Building Envelope

Prior to the start of any construction activity (except native plant salvage), including all grading, trenching, materials and equipment delivery and construction staking, the Owner must have the Building Envelope fenced using snow fence or similar, 4 feet in height, staked and anchored such that it shall remain in place during the entire construction period to keep debris within the Lot.

No construction activity shall occur outside the fenced Building Envelope, including vehicular access, parking by subcontractors and workers, placement of a construction trailer, temporary facilities, materials, and equipment storage, washing and cleaning, and all other aspects of construction.

B. Debris and Trash Removal

Builders shall clean up all trash and debris on the construction site at the end of each day, either by placement in an on-site container or hauling away. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight material, packaging, and other items shall be covered or weighted down to prevent them from being blown off the construction site.

Builders are prohibited from dumping, burying, or burning trash anywhere on Morning Star. During the construction period, each construction site shall be kept neat and clean, and shall be properly supervised to prevent it from becoming a public eyesore or affecting other Lots or any open space. Unightly dirt, mud, or debris resulting from activity on each construction site shall be promptly removed and the general area cleaned up.

C. Sanitary Facilities

Each Builder shall be responsible for providing adequate sanitary facilities for workers. Portable toilets or similar temporary toilet facilities shall be located only within the Building Envelope or in areas approved by the Design Review Committee.



D. Vehicles and Parking Areas

Construction crews shall not park on, or otherwise use, other Lots or any open space. Private and construction vehicles and machinery shall be parked only within the Building Envelope or in areas designated by the Design Review Committee. All vehicles shall be parked so as not to inhibit traffic.

E. Conservation of Plants and Natural Features

Builders must be advised that the Lots and open spaces of Morning Star contain valuable native plants and other natural features that must be absolutely protected during construction.

5.1.5 Excavation Materials

Excess excavation materials must be hauled away from the Lot and Morning Star.

5.1.6 Blasting

If any blasting is to occur, the Design Review Committee must be informed far enough in advance to allow it to make such investigation as it deems necessary to confirm that all appropriate protective measures have been taken prior to the blasting. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the Design Review Committee. Applicable governmental regulations concerning blasting must be observed.

5.1.7 Restoration or Repair of Other Property Damages

Damage and scarring to other property resulting from construction operations, including, but not limited to, open space, other Lots, roads, driveways, and/or other Improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored, promptly at the expense of the Builder out of the compliance bond.

5.1.8 Construction Access

The only approved construction access during the time a Residence or other Improvement is under construction will be over the approved driveway for the Lot unless the Design Review Committee approves an alternative access point. In no event shall more than one construction access in addition

to the approved driveway be permitted onto any Lot.

The project should obtain a project gate code for front gate access from the Association Secretary. This code can be shared with workers and subcontractors as necessary. If use of the construction gate at the front entrance is required, contact the Secretary to arrange access.

5.1.9 Dust and Noise Control

The Builder shall be responsible for controlling dust and noise, including without limitation music, from the construction site.

5.1.10 Construction Signage

Temporary construction signs shall be limited to one sign per site not to exceed six square feet of total surface area. The sign shall be free standing and its design and its location within the Building Envelope shall be subject to approval by the Design Review Committee.

5.1.11 Daily Working Hours

Daily working hours for each construction site shall be from 30 minutes before sunrise to 30 minutes after sunset unless other hours are designated in writing by the Design Review Committee.

5.1.12 Miscellaneous and General Practices

All Owners will be responsible for the conduct and behavior of their agents, representatives, delivery-persons, Builders, and subcontractors while on any part of Morning Star.

A. Prohibited Practices

1. Changing oil on any vehicle or equipment on the site itself or at any other location within Morning Star.
2. Allowing concrete suppliers, plasterers, painters, or any other subcontractor to clean their equipment on the site or at any location at Morning Star.
3. Removing any rocks, plant material, topsoil, or similar items from any property of others within Morning Star, including other construction sites, and from outside the Building Envelope.



4. Hunting or shooting.
5. Using disposal methods other than those approved by the Design Review Committee.
6. Discarding of cigarettes and other flammable material. At least one 10-pound dry chemical fire extinguisher shall be present and available on the construction site at all times.
7. Careless treatment or removal of any desert plant materials not previously approved for removal by the Design Review Committee.
8. No pets, particularly dogs, may be brought into Morning Star by construction personnel. In the event of any violation hereof, the Design Review Committee, the Association, or Developer shall have the right to contact County authorities to impound the animals, to refuse to permit the Builder or subcontractor involved to continue work on the project, or to take such other action as may be permitted by law or the Design Guidelines.

B. Miscellaneous Practices

1. The Owner will be given a project-specific code to operate the main entrance gate. The Owner should provide this code to the Builder and others for their use during construction. If access to Morning Star via the construction gate is required, it should be discussed in advance with the Ranch Manager. Under no circumstances should the construction gate be left open after working hours.
2. Any welding or other activity creating sparks shall be actively overseen by a second individual with a live water hose unless the activity is well removed from any vegetation.

5.1.13 Duration of Construction

Construction traffic, noise, dust and other impacts are disruptive to the community and the time of construction must be kept to a reasonable minimum.

Prior to final approval of the construction plans by the Design Review Committee, the Owner and the Design Review Committee shall agree on a binding duration of construction (including any demolition, tear-down, site preparation, etc.) based on the magnitude and complexity of the work. All

construction must then be completed within the pre-agreed period of construction, and monetary penalties may be levied against the Owner if construction extends beyond that period.

Once construction activity begins, it shall continue without break on a week-to-week basis customary to the Arizona construction industry, until all construction is completed and approved. Breaks in construction activity exceeding one (1) week may incur monetary penalties, except when construction is stopped by unforeseeable weather conditions or other conditions beyond the expectation and control of the Owner, to the satisfaction of the Design Review Committee.

5.2 UTILITY CONNECTION

The process and requirements for connecting to Morning Star Ranch utilities (water, electric, telephone) and working within the road system is currently in preparation as Appendix D. On completion, these procedures will be incorporated as section 5.2. If guidance is required in the interim, contact a member of the Design Review Committee.



APPENDIX A DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases, when used in the Community Design Guidelines, shall have the following specific meanings. Capitalized terms used but not defined herein shall have the meanings specified in the Declaration.

1. "Architect" means a person appropriately licensed to practice architecture or Landscape Architecture in Arizona.
2. "Association" means the Morning Star Community Association, as defined in the Declaration.
3. "Builder" means a licensed general contractor engaged by an Owner for the purpose of constructing any Improvement on the Owner's Lot. The Builder and Owner may be the same person or entity.
4. "Building Envelope" means that portion of a Lot, as described in [Section 2.1.2](#) which encompasses the maximum allowable developable area of the Lot, including all buildings, Structures, site Improvements, ground disturbance, grading and other construction activity.
5. "County" means the County of Santa Cruz, a political subdivision of the State of Arizona.
6. "Declaration" means the Declaration of Covenants, Conditions, and Restrictions for Morning Star, as amended from time to time.
7. "Developer" means Morning Star Development, L.L.C., or its successor in interest pursuant to the Declaration.
8. "Excavation" means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of earth, rock or other substance to a depth of more than 12 inches below the natural surface of the land, or any grading of the surface.
9. "Fill" means any addition of earth, rock or other materials to the surface of the land, which increases the natural elevation of such surface.
10. "Guest House" means a Structure separate from the main Residence, having sleeping facilities for one or more guests.
11. "Guest Suite" means a Structure separate from the main Residence, having sleeping facilities for one or more guests.
12. "Improvement" means any changes, alterations, or additions to a Lot, including any Excavation, Fill, Residence or buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, swimming pools, equestrian facilities, courtyards, hedges, poles, signs, and any Structure or other Improvement of any type or kind.
13. "Lot" means one of the Lots shown on the survey of record for Morning Star.
14. "Natural Area" means that portion of a Lot lying outside of the Building Envelope and community roads, which must remain undisturbed.
15. "Owner" means the Owner (as defined in the Declaration) of a Lot. For the purposes herein, the Owner may act through its designated agent, provided that such agent is authorized in writing or by law to act in such capacity.
16. "Design Guidelines" means the restrictions, procedures and regulations relating to Morning Star and set forth here, as adopted and enforced by the Design Review Committee, and as amended from time to time by it.
17. "Design Review Committee" or "Committee" means the Community Design Review Committee established pursuant to the Declaration.

18. "Residence" means any building or buildings, including any garage or other accessory building, used for residential purposes, constructed on a Lot, and any Improvements constructed in connection therewith. "Residence" shall mean a single-family Residence.

19. "Structure" means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something located on the ground and includes a Residence.

APPENDIX B

BASIS OF DESIGN REVIEW REQUIREMENTS AND DESIGN REVIEW COMMITTEE

The basis for the Design Review requirements in this document is Section 10 of the Declaration of Covenants, Conditions and Restrictions for Morning Star Ranch, Santa Cruz County, Arizona, date of recordation 2/18/97. The establishment and powers of the Design Review Committee are also contained in Section 10.

APPENDIX C

SUBMITTAL INFORMATION

MORNING STAR APPROVAL CHECKLIST

APPROVAL CHECKLIST- All Submittals Must Be Complete

PRE-DESIGN MEETING: (Owner, Architect, and Design Review Committee)

PRELIMINARY SUBMITTAL: (Application requested at this meeting)

- Site plan.
- Survey of Lot.
- De-vegetation and Re-vegetation landscape plans; show Natural Area and utility runs.
- Roof plan and floor plans.
- Exterior elevations.
- Location of construction trailers, field office, dumpster, etc.
- Posting Lot for other Owner inspection of submittals.
- Preliminary approval from Design Review Committee.
- Completed design review application and check list.

FINAL SUBMITTAL:

- Complete construction documents.
- Time schedule for construction, utility hook-up, and landscape.
- Hydrology report.
- Samples of all exterior materials, colors, and glass specifications as required by the Committee.
- Exterior lighting plan for home and exterior lighting fixture tear sheets; all exterior lighting must be low intensity.
- Final Landscape Plan, consisting of planting plan, plant list, landscape lighting and irrigation plan with materials list, proposed treatment of all ground surfaces (rock), and specifications.
- Final approval by Design Review Committee.
- Final approval must be given prior to applying for a County building permit.
- Upon completion of the above steps, a copy of working drawings approved by the Design Review Committee must be submitted to the County.

NOTE: If the County makes any changes to the plans approved by the Design Review Committee, you must submit these changes to the Committee for approval.

PRE-CONSTRUCTION MEETING:

-Builder must meet with a representative of the Design Review Committee prior to construction.
-Approval from the Committee must be obtained prior to bringing in any construction trailer, field office, etc.

-Natural Area to be staked and cordoned off with ribbon fence.

FINAL INSPECTION BY DESIGN REVIEW COMMITTEE:

- Certificate of Occupancy from the County.
- Final inspection by Design Review Committee.
- Bond released.

CONTACT FOR FEE INFORMATION AND SUBMITTALS:

Morning Star Ranch Design Review
c/o Russell Palmer
P.O. Box 8010
Tumacacori, AZ 85640

520 275-5454 rptubac@gmail.com



DESIGN REVIEW APPLICATION AND CHECKLIST

Owner: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Architect: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Landscape Architect:

Address: _____

Phone: _____

Fax: _____

Email: _____

Civil Engineer: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

SITE INFORMATION:

Lot No. _____
Proposed Building Envelope Size: _____

Has Building Envelope been staked for review?

Proposed Finished Floor Elevation: _____

Width of Driveway: _____

Proposed Driveway Material:

RESIDENCE INFORMATION:

SIZE:
Total Under Roof: _____
Livable: _____
Garage: _____
Guest House: _____

Maximum Building Height: _____

Exterior Wall Material and Finish (Type):

PROPOSED PAINT COLOR
(Main color of exterior walls):

Brand/Name:

Light Reflective Value: _____

(Accent color):

Brand/Name:

Light Reflective Value: _____

GARAGE DOORS:

Brand:

Material:

Color/Finish:

EXTERIOR WINDOWS:

Brand:

Material:

Color/Finish:

Do the plans include a window detail (explain)?

Owner's signature

Date

Please mail a copy to:
Morning Star Ranch Design Review Committee
c/o Russell Palmer
P.O. Box 8010
Tumacacori, AZ 85640

520 275-5454 rptubac@gmail.com