

District 1 Landscape Rules  
Revised by District 1 Council Board 2-12-2020

**Purpose and Notice:**

The purpose of written District 1 Landscape Rules is to assure a vision and standard of landscaping in District 1 and to responsibly and equitably manage the HOA resources for the good of the District 1 owners as a whole. These rules are not designed to give any owner preference over other owners in the district or to adversely restrict owners over others. The basis for administration of Landscape rules are the Condo CC&Rs.<sup>1</sup> These rules will be reviewed each year at the October District Council Board meeting. Manor owners will be notified through email and postings on the LWCA website and bulletin board of any changes to the rules. Copies of these rules will be available in the LWCA Administration Office. New owners will be provided these rules with the Condo CC&Rs and other governing documents through a District 1 orientation. Violations of these rules will be subject to a fine as determined by the Community Manager and the District 1 Standards Committee.

**General:**

Why do we landscape? –for sun/heat protection-producing shade; and for beautification to enhance the property value of our community or to camouflage community eyesores.

How do we prioritize expenditures?– by owner purchase/landscape planting and maintenance; OR through District funding - for repair and maintenance and for landscape enhancement as per design priorities through established District 1 Rules.

Current LWCA Rules and Regulations provide the following: “The placement or removal of grass, trees, shrubbery, or other foliage in the common areas of Districts 1, 3 and 7 (new or replacement) is prohibited without the approval of the Community Manager or designee.”<sup>2</sup> District 1 manor owners may not themselves plant or remove; or arrange for outside services to plant or remove grass, trees, shrubbery or other foliage in the common area without written approval of the Community Manager or designee placed on file with the Landscape Department.

The Community Manager established a process for requesting changes to the common area landscape adjoining a condo. The standards for changes to the landscape will be defined through a District 1 approved tree and plant listing. The cost of changes to the landscape will be established in this process and will be defined as owner paid or District paid based upon the health of the current plants and trees and the budget of the District for trees and shrubs. If an Owner requests certain landscaping in the common areas adjacent to their Unit, the District 1 Council has the authority to specifically require as a condition of planting the requested landscaping that the Owner who requested the landscaping be responsible for maintaining the landscaping. In the event the Owner does not maintain the landscaping, the Owner can be subject to fines, and the landscaping may be removed. Regardless of whether certain landscaping is installed in the common areas at the request of an Owner, the landscaping can always be

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<sup>1</sup> Consolidated and Restated Declaration of Covenants, Conditions and Restrictions Article III. 2. Subject to the provisions of these restrictions, use of the Common Areas shall be in accordance with and subject to limitation and rules as established by the Manager or as determined by the Council. 3. Nothing shall be done or kept in any Unit or in any Common Area which will increase the rate of insurance on any Common Area without the approval of the District 1 Council.

<sup>2</sup> LWCA Rules and Regulations 2-304 G.2. Approved May 2, 2018

removed at the discretion of the District 1 Council.

### **Landscaping:**

**Grass:** The grass within District 1 is Bermuda Grass. This grass is a hearty summer grass that becomes dormant in the winter. During this dormant period the grass will yellow and watering is reduced. Irrigation schedules will be defined by the Landscape Department according to the seasonal needs of the Bermuda Grass considering any drought conditions and the needs for the health of the Bermuda Grass. Trees planted in the grass may be stressed by the reduction of water during the dormant period. The Landscape Department will determine the appropriate needs of trees planted in the grass. Since citrus trees are not allowed to be planted in the grass, citrus trees planted before 5/2/2018 may be subject to adding of a bubbler from the shrub border watering system where practical, if the watering schedule is stressing the tree.

Owners are not allowed to water the grass around their condos with water from the household water supply or by manipulating the landscape water. Owners should contact the Landscape Department in writing, by phone or in person to file a request to review the irrigation to their manor common area. Owners using household water may be subject to fines imposed by Maricopa County or the State of Arizona during drought conditions.

**Shrubs:** Shrubs are only planted in the common area by the Landscape Department. Owners may not plant shrubs in the common area. The Approved Plants listing defines shrubs that can be planted in the District 1 common area. These plants have been selected because of the hardiness in our climate; beautification and the practicality of maintenance.

### **Trees other than Citrus Trees:**

Tree Replacement<sup>3</sup>

**Purpose:** As many of the trees, in District 1 are aging, prone to damage from high winds and/or need to be replaced for safety reasons it behooves the District to adapt a policy for the replacement of any tree removed by a new tree.

**Policy:** Any tree that the Landscape Department deems necessary to remove, for whatever reason, may be replaced within a reasonable time of removal, considering consultation with the manor owner adjacent to the common area and the practical placement of a replacement tree, provided however, that the District 1 Council will have the sole authority to determine whether to remove and/or replace a tree in the common area. Trees in the common area, including citrus, that become a health and safety hazard are subject to removal.

The replacement tree will be planted in the proximity of the removed tree taking into consideration water lines, closeness to buildings, size of area where the tree was removed and sidewalks.

The type of tree replaced will be dependent upon the location of the tree considering proximity to

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<sup>3</sup> District 1 Council Approved Tree Replacement Policy November 10, 2010

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a lake or irrigation needs of such tree as determined by the Landscape Department. Citrus trees will not be replaced with a citrus tree when planted in the grass of the common area. The Landscape Department will provide a list of approved and/or prohibited trees to the District.

Replacement trees will be no less than 15 gallon container and the type of tree will be determined by the Landscape Department. Owners may request a larger tree for an additional cost.

A separate line item will be included in the District's operating budget for tree replacement and the budgeted amount will be estimated by the Landscape Department. Actual charges to this line item will be limited to the cost of replacing the tree, not the cost of removing the old tree.

In the event of a budgeted shortfall in the tree replacement line item, funds within the annual budget will be reallocated to cover said shortfall.

Trees planted in the limited common area patio<sup>4</sup> of a manor, as shown on the Plat Plan of the Restated Condo CC&R, are the responsibility of the manor owner. The Landscape Department does not care for trees or plantings within that limited common area patio of a manor.

Approved by District Council vote at the District Council Meeting on November 10, 2010. Revised at the District Council Meeting on 11/14/2018.

### **Citrus Trees**<sup>5</sup>

Citrus trees planted in the District 1 Common Area are a part of the general ownership of District 1 Manor Owners.

Beyond trimming a citrus tree that is touching the stucco of a manor or to assure a mower path, the Landscape Department does not fertilize or prune citrus trees as part of the basic service paid for by the District 1 Direct Service Fee. If an existing citrus tree is watered only through the grass sprinkler system, the Landscape Department will add a bubbler to the tree so that it is watered with the shrub watering cycle.

The care of a citrus tree, in the Common Area, including (1) picking up fruit off the ground, (2) fertilizing, (3) trimming and (4) harvesting of ripe fruit are the responsibility of the adjacent condo owners. If the adjacent condo owners no longer wishes to maintain the citrus tree, they can request that the Landscape Department remove the tree, which will be done at no cost to the manor owner.

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<sup>4</sup> Limited Common Areas: Include areas designed on a plat plan as balcony, patio, carport, storage area, parking space or walkways. (See Exhibit D1-D5 of the Restated Condo CC&R's)

<sup>5</sup> Citrus Trees - In June 1995, the District Council, at the request of the Landscape Director, set a policy that new or replacement citrus trees can no longer be planted as they need different care than that provided by lawn sprinkling and the district fertilizing schedule. This policy revision reaffirms that policy.

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Residents are prohibited from using ladders to trim or clear fruit from citrus trees. If a citrus tree in the Common Area becomes too large to clear ripe fruit, without the aid of ladders, the tree will be subject to removal.

The following annual schedule will apply to District 1 Citrus Trees:

- After March 1<sup>st</sup> of each year, ripe fruit may be picked by any District 1 Manor Owner.
  - The “picker” should knock on the adjacent manor door, identify themselves to include their manor number, and ask to pick the fruit.
- In late March, each year, District 1 will sponsor a “Pick Day” conducted by employees and volunteers for the benefit of owners that are unable to pick the fruit themselves.
  - The adjacent manor owner will need to fill out a request to be included in the “Pick Day”.
- After July 1<sup>st</sup>, each year<sup>6</sup>, the Landscape Department will arrange for the removal of all ripe citrus fruit in the Common Area. The adjacent Condo Owner may be assessed the cost of the removal.

Citrus trees planted in a manor’s Limited Common Area are the responsibility of the Manor Owner for trimming and removal of fruit. Removal of all ripe fruit is required by July 1<sup>st</sup>.

Effective May 2, 2018, the Landscape Department will not plant citrus trees in the Common Area, even if a Citrus Tree is removed. Citrus trees planted prior to this date will be subject to relocation out of the grass, if feasible.

Citrus Trees planted prior to May 2, 2018, either by the Landscape Department or by a Manor Owner without coordination with the Landscape Department, will be evaluated, on a case-by-case basis for possible removal based upon the tree’s viability and the ability of the adjacent Manor Owner to maintain the health of the tree and to remove ripe fruit by the July 1<sup>st</sup> deadline.

Revised at the District Council Meeting on 11/14/2018. Revised 2/12/2020

### Landscaping of Cul-de-Sacs

From January, 2013 to March 31, 2020 – District 1 had taken on the responsibility for the conversion and cost of conversion of the cul-de-sacs to zeroscape. With the 2020 budget year beginning April 1, 2020, the responsibility moved to the LWCA community to align with all other districts in the community and the past practice of the district involvement in the landscaping decision will no longer use a review or decision making process within the district but rather be at the discretion of the LWCA Board.

Approved by the District Council on February 2/12/2020 meeting

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**Irrigation:**

The landscape irrigation for District 1 is from well and reclaimed water supplied through the Lakes and well sources owned by Global Water Resources-Turner Ranches. Household water is provided through City of Mesa and is not to be used for landscape purposes of the common area. During drought conditions, there may be water restrictions by city/county or state of landscape water to preserve the water table of this resource.

The Landscape Department will produce an irrigation schedule for the various seasons of a year. Lawn sprinklers and shrub border bubblers are at times on different watering schedules. Owners may not water outside of their limited common area with household water or manipulate the controllers for the landscape water under the control of the Landscape Department.

**Manor Landscape Files:**

An electronic manor landscape file is maintained by the Landscape Department which includes history of landscape issues of the manor and special instructions on plant care to be available to new owners. Files are developed from Landscape Request forms filed with the Landscape Department or forms developed through phone calls and electronic communication.

**Red Ribbon Program for Shrubs and Trees:**

If you wish to do your own shrub or tree trimming in the common area, this must be coordinated with Landscape and kept on file for future reference in the event there is a sale of the property.

You may tie a red ribbon to the shrub or tree and with this notation, the LW crews will not touch the shrub or tree. However, you need to be careful that what you do does not interfere with sidewalk access, mowing or other landscape crew duties. When you no longer wish to or are unable to do this trimming maintenance of the shrubs or trees, you must notify Landscape and the maintenance of these plants will return to a basic schedule. However, District 1 has the sole authority to determine if a shrub or tree is not being maintained or trimmed in accordance with District 1's standards, and in that event, District 1 has the sole authority and discretion to assume trimming and maintenance responsibility for the tree or shrub.

A red ribbon cannot be used to prevent the mowing of common area grass, removing a dead tree or shrub or preventing bringing shrubs or trees to the standards of the district.

The Rules were adopted at the District Council Meeting on 11/14/2018.

**Filing a Claim for Damage to a Manor caused by Storms, Shrub Trimming, Tree Trimming or Tree Removal**

If a manor is damaged from a storm; irrigation water from sprinklers/bubblers; shrub trimming; tree trimming or tree removal the Owner must contact the Landscape Department to inform them of the issue. The Landscape Department will review the claim and forward the information to

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the Community Manager for resolution. The Community Manager will review the information and determine the appropriate resolution of the claim which could include the Facilities Department repairing the damage. The Owner should not contact the Facilities Department directly for repair of the manor as this will only delay resolution of the claim.

Approved by District 1 Council: 2/2/2020