

Mayo Woodlands Landscape Policy and Agreement

THIS AGREEMENT is made this _____ day of _____, between _____ (The "Purchaser") and CPDC Rochester Development, Inc., as part of the Homesite Selection Agreement as it relates to _____, Rochester, Minnesota; Lot __, Block _____, Phase __, Mayo Woodlands.

Objective. The purpose of the Mayo Woodlands Landscape Policy is to establish a framework that will help homeowners uphold a higher quality standard than is typical in a more conventional development, and to create an outdoor environment that blends home site landscaping with the surrounding preserved and restored natural areas that create enhanced value for Mayo Woodlands residents. By maintaining consistency in landscape quality and character throughout the neighborhood, this Landscape Policy helps ensure protection of the investment values of Mayo Woodlands properties for residents.

Landscape Budget. It is required that the value of the installed residential landscape must be a minimum of 2.5% of the purchase price of your home and lot combined (i.e.: \$500,000 package price = \$12,500 landscape budget). The entire landscape budget is to be allocated solely to trees, shrubs, plant materials and planting accessories (such as topsoil, edging, and mulch). Exceptions to this requirement may be made on some homesites in the Forest section of Mayo Woodlands which may not require the same investment level due to the existence of preserved mature trees.

Landscape Deposit. To ensure quality standards are met and landscaping is installed in a timely manner in accordance with the Mayo Woodlands Lot Purchase Agreement, a \$2,000 refundable Landscape Deposit is due upon signing of the Homesite Selection Agreement or Lot Purchase Agreement, whichever occurs first. This refundable \$2,000 Landscape Deposit is in addition to the \$3,000 lot purchase deposit which is applied to the principal of the lot purchase upon lot closing. Mayo Woodlands reimburses the Landscape Deposit directly to the lot purchaser upon: (1) Completion of the landscape installation according to the approved plan, and (2) Inspection approval by a representative of the Mayo Woodlands Architectural Review Board (ARB).

Once your landscaping is installed please call CPDC Rochester Development, Inc. (CPDC) at 507-529-2900 to schedule an inspection. Within 7 days, an ARB representative visits your property and verifies that the landscape planting substantially conforms to the approved landscape plan. If it does not, the deficiencies are noted and an opportunity given to make corrections before rescheduling another inspection. If the installation is approved, you will receive a Notice of Completion and refund of the Landscape Deposit within 10 working days.

Professional Landscape Design Plan Process. Prior to occupying your home, you must submit the following for review and approval by the ARB.

- a) A professionally designed landscape plan is to be received by the ARB no later than **45 days** in advance of your targeted occupancy date. The dated plan needs to be drawn at an appropriate scale (1" = 10' or 1/8" = 1') with directional North/South arrow. **Two copies** of the plan are required, including the name of the design firm, designer name, telephone, email address and fax number, owners name, Mayo Woodlands address, and lot and block number. Include the approximate projected completion date of installation. If you intend to plant your design in phases, submit two separate drawings:
 1. An overall design
 2. A phase 1 planting design, labeled as such
- b) A bid proposal including a quantity and description of the plant material, container or caliper size, type of mulch,

retaining wall material (show height and length on plan), and turf square yardage. The overall price, including labor cost, must be included in the proposal. Note that installation by an outside contractor is not required; homeowners may personally install their landscapes and calculate their labor hours at competitive rates as part of the 2.5% landscape investment.

Please bring this landscape policy with you when you meet with your landscaper to design your plan. It helps them understand the landscape procedure and saves time.

Architectural Review Board Process. The ARB meets once per week as necessary to review and respond to the submitted plans. In cases where additional on-site review or research may be necessary, the response may take up to one week. When the review is concluded, the written and recorded response is either:

(1) Approved as submitted (2) Not Approved, or (3) Approved with Conditions. Response #2, Not Approved, requires complete re-submittal with the noted issues corrected.

Remedies. If the landscaping is not installed in a timely manner (i.e. within the same growing season as occupancy closing), or requested corrections fail to be made, Mayo Woodlands reserves the right to withhold the Landscape Deposit reimbursement until installation is complete. In the case of late fall/winter occupancy closing (i.e., September to March), landscape installation may be postponed until the following growing season, but not later than July 30.

Overview: Landscaping in The Village. While Village homesites may be significantly larger than is typical in a conventional subdivision, they are relatively more urban in context and closer in proximity to each other than homesites in The Prairie or The Forest. Therefore, in the Village, landscapes should take into account opportunities to create outdoor rooms with some vegetative screening that provides privacy without creating viewshed barriers. Landscapes here should be planned in context with existing adjacent landscaping to allow for a seamless blending within the neighborhood. This intent, however, is not to create uniformity or monotony, but rather a well-appointed neighborhood landscape that is a composite of coordinated textural elements. Areas of yard that abut the prairie open space should reflect the native plant components that will soften the prairie edge and complement the natural look of the native tallgrass area.

Overview: Landscaping in The Prairie. With a bit more spacing between homes on these roomier homesites, landscaping in The Prairie area offers an excellent opportunity to employ natural landscaping techniques and materials. Again, views from adjoining parcels and outward from your property are to be considered when placing vertical elements such as trees or built structures such as arbors. Where space is adequate, active play areas should be appropriately sized and strategically located to avoid negative impacts on neighboring properties. North-side Prairie homesites are adjacent to the Mayo Woods while south-side homesites back up to an off-site woodlot. Landscaping with native trees, shrubs, wildflowers, grasses and sedges in the wooded areas will help to create a buffer that will protect the edge habitat of the woods and provide additional shelter and food for birds and woodland wildlife that may otherwise be harmfully impacted. As elsewhere in Mayo Woodlands, intentional natural landscaping and sensitive, well-designed yardscapes will create an aesthetically pleasing, comfortable atmosphere in which to live.

Overview: Landscaping in The Forest. Some of the most striking homesites in Mayo Woodlands are located in The Forest area of the property. Here is where the mature hardwoods of Mayo Woods creep into the neighborhood environment and offer exceptional value to homeowners. To maximize this value, every effort must be made to protect and preserve the decades-old native trees. The siting of each new home will be critical to the preservation of the wooded character of this property. Depending on the individual homesite, homes will be located to avoid removal of trees to the maximum degree possible, and special protection methods will be employed to protect damage to roots and trunks from the construction process. Because existing trees and woodland vegetation will be preserved as much as possible, the need and importance of introducing new landscaping trees, shrubs and plants may not be pronounced in The Forest as in The Prairie or The Village. Thus, some relaxation of the landscaping investment level may be appropriate, depending on the homesite. However, because of the elevated importance of ecological impacts, the appropriate selection of native woodland plants, trees and shrubs assumes greater significance.

Removal of large natural hardwood trees in The Forest must also be carefully planned and implemented. To minimize tree loss and damage to adjacent preserved trees, Mayo Woodlands strongly recommends consultation with a local professional tree care firm, Maier Forest and Tree, LLC, 507-286-8733. No trees over 8" in diameter may be removed during the active development phase without ARB approval. Subsequent to the active development phase, removal of trees over 8" diameter must be approved by the Mayo Woodlands Association.

Plant Materials. The following list of plant materials are to be considered as the minimum size of plantings acceptable. Your landscape budget must be applied to these materials, so you will want to share this information with your professional landscaper to facilitate the ARB approval process. These requirements pertain to your initial landscape installation, and must be adhered to in order to properly receive your escrowed landscape allowance.

a. Tree Size-

Deciduous Overstory (shade tree)	2 ½" caliper
Deciduous Overstory (clump)	8-10' height
Deciduous Ornamental	2" caliper
Deciduous Ornamental (clump)	6' height
Evergreen Trees	6' height
Upright Evergreen shrubs	4' height

b.) Shrub Size-

	<u>Pot Size</u>	<u>Height/Spread</u>
Small Deciduous shrubs (spireas, etc.)	#2	15"
Medium Deciduous shrubs (dwarf lilac)	#3	18"
Large Deciduous Shrubs (euonymus, etc.)	#5	24"
Evergreen shrubs (junipers, etc.)	#5	24"
Perennials	#1 (quart)	varies

Landscape Requirements:

NOTE: Exceptions to Requirements #1-4 below may be made for homesites in The Forest neighborhood due to the existence of preserved mature natural trees.

1. A minimum of two (2) ornamental trees are required to be installed in the front yard or front foundation area. (Birch may be considered in the ornamental category.) This minimum may not apply to wooded homesites.
2. A minimum of three (3) additional trees (shade, ornamental, or evergreen) are required to be installed in the backyard and/or side yard. At least 1 (one) of the additional trees planted must be a deciduous shade tree and the balance may be a combination of shade trees, evergreens, and/or ornamentals. On homesites adjacent to the restored prairie in common open space areas, flammable (evergreen) or sensitive trees, plants and landscape materials should not be placed adjacent to the prairie. Prescribed burns may be conducted in the prairie every 2-3 years as part of the ecological management plan. (Because of size, homesites in The Prairie may require more trees, whereas, few or none may be required in The Forest, due to existing mature trees.)
3. Corner home sites require one additional shade tree positioned in the side yard in both The Village and The Prairie, but not in The Forest.
4. A minimum of twenty (20) shrubs (deciduous or evergreen) are required to be planted in the front or side yard areas. Additional plantings of ornamental color (annuals or perennials) are encouraged, but not required. If installed, these herbaceous plant materials are not counted as meeting the minimum number of shrubs.
5. Gardens and plantings located adjacent to natural areas (woodlands, prairie or wetlands) must be planted with native plant material as buffers to the natural areas. The size of these buffer zones may vary depending on lot location and homeowner preference. Species diversity is encouraged to improve the ecological health and wildlife habitat of the native landscapes. In addition to buffer zones, homeowners are encouraged, but not required, to use native plant materials throughout their property. Again, the goal is to create a seamless blend of native plant landscapes with the common open space and connections between native landscaping in rear, side and front yard areas. Turf grass such as Kentucky bluegrass, or no-mow fescue, should be appropriately sized and positioned in relation to livable space, areas of active play, picnic recreation, etc. The installation of native plant rain gardens is also

encouraged for the management of storm water runoff. Maintenance of native plantings is the responsibility of the homeowner, as is usual with all privately owned landscaped elements. (See attached plant list for approved native plant materials.)

6. If a sinkhole is located on the lot, the sinkhole and a 25-foot buffer around the sinkhole must be vegetated with native plant materials as appropriate to the natural areas nearest to the sinkhole (i.e., woodlands, prairie, etc.) Depending on the location and characteristics of individual sinkholes, one or more of the management options prescribed by engineering plans may be required.
7. Edging is required if rock mulch is employed. It is not required with organic mulches. Edging, if used, may be PVC, brick, stone, wood or steel and should be selected to complement the style of the home and plantings.
8. Landscape mulches - listed are acceptable mulches. Other products may be submitted for consideration by the ARB:

Rock Mulch - Sizes from ¾" to 1½" diameter - trap rock, crushed limestone, brick chips, or granite chips. ARB may also consider alternatives if proposed.

Organic Mulch - All products to be carefully screened for small twigs and leaves - shredded cedar, shredded cypress, shredded hardwood mulch (stained may be acceptable, depending on color surroundings.) Wood chips are not acceptable.

Yard Coverage. All portions of the lot not otherwise surfaced must be sodded or seeded. Exceptions to sodded or hydro-seeded areas would be planting beds, decks, gardens, play areas and pavements. Vegetable gardens and playground equipment must be located in the rear yard. Play equipment must be colored to match exterior walls or trim, or natural colors. Vegetable gardens must be separated sufficiently from natural vegetation areas in the common open space. These uses are allowed if carefully positioned and screened from adjoining views with architectural or vegetative screens.

Uses which are severely restricted include, but are not limited to: sport courts, tennis courts and hockey rinks. Trampolines are only permitted if they are partially buried into the ground. Swimming pools are excluded by homeowner covenant. Hot tubs are allowed and must be fully screened from view of neighboring properties with architectural or vegetative screening. Basketball hoops, either permanent or portable, may be located in front yards. The installation of permanent basketball hoops requires ARB approval.

Irrigation Systems and Retaining Walls. Irrigation systems and retaining walls are allowed and encouraged, but are not counted in meeting the minimum landscape budget.

Grading Plan. Be aware that your "as built" landscaped grades must meet the grading plan approved on your certificate of survey in drainage swale locations. If you are bringing in black dirt, you must coordinate your sub-grade with your builder and landscape contractor accordingly. As black dirt is added, you increase the finish elevation on your lot, often changing the drainage pattern. This has potential to cause drainage problems for you and/or your neighbor.

Septic drainfield components (if any) should be blended into overall grades using 4:1 maximum slopes.

Exterior Lighting. Fixtures are permitted on the exterior of buildings when submitted and approved by ARB. Yard lights or lawn lighting should have "candle" or low light bulbs. The ARB also must approve these fixtures. Eighteen-inch (18") satellite dishes are strongly encouraged to be placed only in effective but sheltered side or rear yards, and must also be ARB approved.

Fencing. All types of fencings must honor the architectural style of the home. Fencing style and placement must be approved by the ARB. Full (6-foot) privacy fences are discouraged; front-yard picket fences are encouraged in the Village. Galvanized chain link fencing is not permitted in *Mayo Woodlands*, however vinyl-dipped chain link fencing may be allowed for a pet kennel located adjacent to the home or outbuilding which should be screened from view with either architectural or vegetative screening. If fencing is added after occupancy, a design must be submitted to the ARB for approval prior to installation. Again,

as related to fence placement, remember that prescribed burns may be conducted in prairie areas and could endanger combustible types of fencing.

Retaining Walls. Suitable materials for retaining walls include: natural fieldstone or limestone boulders, stacked natural ledge stone, tumbled granite slab stones, dressed limestone, and manufactured products which exhibit the characteristics of natural stone (i.e., cultured stone, tumbled concrete products with varying sizes). Be prepared to submit samples, if requested by ARB.

Mailboxes. Mailboxes and paper holders are provided by Mayo Woodlands. No other mailboxes or paper holders are acceptable.

Trash and recycling receptacles. These must be stored within an accessory building or residence.

Recreational vehicles. RVs, campers, camper trailers and boats must be stored within an accessory building. All other recreational vehicles, such as canoes, kayaks, etc., must be screened structurally or vegetatively from adjacent lots and streets.

THE PURCHASER FULLY UNDERSTANDS the Landscape Policy as outlined above and in signing below agrees to adhere to the policy in full.

PURCHASER Date: _____

PURCHASER Date: _____