

CHAPTER 12 – NATIVE PLANT PRESERVATION, SALVAGE AND LANDSCAPE REGULATIONS

SEC. 12.0 Purpose and Applicability.

- A.** The purpose of this Chapter is to protect and conserve significant natural habitat and its scenic quality by requiring the use of indigenous plants while allowing for the reasonable use of the land.
- B.** These regulations shall apply to all new construction, additions, or grading permits in all zoning districts as permitted by this Ordinance.
 - 1. All plants shall be alive and healthy at the time of planting.
- C.** Site development design shall provide for the maximum possible undisturbed areas on the site. The undisturbed areas shall remain in a natural state and the site design shall allow for contiguous areas both on site and to adjacent sites. Special consideration shall be given to the preservation of washes, other riparian areas and other significant features including, but not limited to, rock out croppings, mesquite bosque and saguaro stands.

SEC. 12.1 Definitions. For the purpose of this chapter the following terms shall have the following definitions:

- A. ZONE A (Native Habitat Corridor):** The area within twelve (12) feet of any property line on a lot or parcel in the Desert Rural Residential Zoning District is required to be left in a natural state.
- B. ZONE B (Natural Buffer Area):** That portion of a lot or parcel which lies outside of the buildable area that must remain as natural desert in accordance with Town regulations. All natural buffer areas must be adequately protected to avoid damage during construction. Landscaping within the **Zone B** is restricted. Clearing of debris and limited trimming are allowed subject to pre and post site inspections by Town staff. Supplemental landscaping may be permitted at the reasonable discretion of the Zoning Administrator only where existing vegetation has been destroyed by grading, such as for installation of utilities or driveway access. This landscaping is the responsibility of the property owner. Work in a **Zone B** area is subject to the prior written approval of the Zoning Administrator. Plans for improving **Zone B** areas must be submitted as a part of the landscape plan requirements.

- C. **ZONE C (Transitional Area):** That part of the buildable area which lies between the **Zone B** area and a wall or improvement which is visible from adjacent properties, streets, or public spaces. Upon completion of construction, this area must be restored using plant materials and densities common to the site. The **Zone A** plant palette (see specific plant list(s) in Section 12.7 of this Chapter) are suitable for **Zone C** areas. However, when using plants from the **Zone C** plant palette, care should be taken to avoid considerable contrast with the **Zone B** area. The **Zone C** area is designed to be a transition between the native plant materials of the **Zone B** area and the **Zone D** areas of the parcel or lot.

- D. **ZONE D (Private Area):** Those portions of the buildable area that are shielded from view from adjacent properties, streets, or public spaces because they are hidden behind walls or structures. **Zone D** areas also include “common areas” for commercial, multiple residence, and single residence zones provided these areas are not visible from adjacent properties, streets, or public spaces because they are hidden behind walls or structures. The Town encourages the use of arid or xeriscape landscapes in this zone. Approved plant materials include those listed in the **Zone A and Zone C** plant palettes (see specific plant list(s) in Section 12.7 of this Chapter); except for those plants listed as prohibited in Section 12.8 of this Chapter.

SEC. 12.2 Native Plant Preservation and Salvage General Requirements.

- A. Saguaro Cactus is a protected species within the Town of Cave Creek. No Saguaro shall be removed or relocated from within the **Zone A or Zone B** areas.
 - 1. Exceptions as necessary for driveway access and utility easement may be allowed subject to prior approval and permitting by the Town. Removal or relocation of Saguaro Cactus, either within the **Zone A** area or on any portion of any lot or parcel within the Town, shall require a permit from the Town. Plants that cannot be relocated on the property may be donated to the Town for public landscaping purposes or may be made available for adoption by the public.

- B. A Native Plant Preservation, Salvage, and Landscape Plan shall be submitted to the Town, for review and approval, for all development within the Town. Protected Native Plants, as defined in Appendix B, shall not be destroyed, mutilated, removed from the premises, or relocated on the premises except in accordance with a Town approved Native Plant Preservation, Salvage, and Landscape Plan and all Arizona Department of Agriculture and Horticulture requirements.

- C.** The preservation and salvage of native plants shall be required as part of any development. The developer, subdivider, property owner, or lot owner shall revegetate any part of the development site that has been disturbed and shall use vegetation, from the appropriate list(s) in Section 12.7 of this Chapter. Revegetation of roadway grading, cut and fill slopes, utility areas, and previously graded areas shall be achieved using indigenous materials transplanted from the buildable area of the site, or brought onto the site provided they are in compliance with the appropriate list(s) in Section 12.7 as well as boulders and natural topping material such as groundcover planting, native “desert pavement” and application of native seed, provided that the seed mixture is a representative mixture of plants found within the site.
- D.** Visible common areas, exposed cut and fill slopes, publicly viewed landscaped areas, landscaping within close proximity of building pads, loading and vehicular access ways, parking and, pedestrian walks and hard surfaced activity areas shall use native plants transplanted from on-site or supplemented plants from the appropriate list(s) in Section 12.7 of this Chapter. If the Native Plant Preservation, Salvage and Mitigation Plan, as approved by the Town, determines that a shortage of salvageable plant material exists on-site then revegetation may be achieved using indigenous plant materials from the appropriate lists in Section 12.7 of this chapter to enhance the project revegetation.
- E.** Graded or disturbed areas that are to be revegetated, according to the approved Native Plant Preservation, Salvage and Mitigation plan, shall be revegetated with the same species and at a similar density present on undisturbed adjacent or nearby sites using plants from the appropriate list(s) in Section 12.7 of this chapter. A temporary irrigation system shall be installed to maintain the revegetation until it has become established.
- F.** Salvaged plants may be maintained in a temporary nursery pending relocation in accordance with the approved landscape plan. All temporary nurseries shall provide automatic drip irrigation systems and fertilizer to promote plant health.

- G.** Restoration of Native Habitat: The applicant shall restore any native habitat area damaged or destroyed during construction, due to any cause or for any reason to its original natural condition (including plant density). Before commencing the work, the applicant shall provide a cash or performance bond or other security acceptable to the Town to ensure completion of all work necessary to restore the damaged or destroyed native habitat. The amount of the bond or other acceptable security shall be determined by the Zoning Administrator based upon an estimate prepared and submitted by the applicant and reviewed by the Town and shall include an additional ten (10) percent of the estimated amount. The Town shall release the bond or other security upon completion of the restoration to the satisfaction of the Zoning Administrator.
- H.** Revegetation areas shall be limited to those plants listed in Section 12.7 of this Chapter. Exotic species and allergenic species, including but not limited to those listed in Section 12.8 of this Chapter, are prohibited.
- I.** Irrigation of the **Zone B** area is not permitted unless needed to establish restored areas as approved by Town staff. (Native vegetation does not require additional water and irrigating these areas can lead to disease and death of native plants, particularly cactus, and aid in the spread of undesirable plant species or weeds).

SEC. 12.3 Single Residence Landscape Requirements.

- A.** All parcels or lots within the Desert Rural Residential Zoning Districts shall provide, on the lot or parcel, a “Native Habitat Corridor” that shall be twelve (12) feet in width and measured from any and all property lines. The “Native Habitat Corridor” shall be left in an undisturbed natural state, except for approved driveway access. Revegetation of any previously disturbed area within the “Native Habitat Corridor” shall be required and shall only be with plants from the **Zone A** plant palette as listed in Section 12.7 of this Chapter.
- B.** Land disturbance areas shall be limited to the percentage outlined within the Zoning District regulations that govern the specific parcel or lot.
- C.** The entire parcel or lot outside the land disturbance area is not allowed to be disturbed, per zoning district requirements and shall remain in a natural state. Where required, the Native Habitat Corridor is included in the undisturbed area calculations. Revegetation and/or supplemental vegetation of this undisturbed area, with plant materials from the **Zone A** palette as listed in Section 12.7 of this Chapter may be permitted provided a landscape plan is submitted and approved by the Town.

- D. A Native Plant Preservation, Salvage, and Landscape Plan shall be submitted to the Town for review and approval as part of the development/building plan review submittal package.
- E. If a lot has been previously disturbed, Town staff shall choose three (3) 20' x 20' random sample survey plots from the site to be inventoried. The average density, species, and tree size of the plots shall become the minimum standard for the design and revegetation of the required landscape areas. If the existing site has been disturbed to the point of not allowing for sufficient sampling, Town staff shall determine the nearest site that would be representative of the area.
- F. Landscaping within the front yards, visible from a public street or private road, and from adjacent properties shall only use plants from the **Zone A** palette as listed in Section 12.7 of this Chapter.
- G. Landscaping within the **Zone D** areas, as defined in Section 12.1 of this Chapter, may use plants from the **Zone A and Zone C** plant palette as listed in Section 12.7 of this Chapter or other plants; provided the proposed plants are not listed as prohibited (see Section 12.8 of this Chapter).
- H. If trees that have been designated as salvageable can not be accommodated in a revegetation plan, the applicant may allow for such trees to be taken by a Town approved salvage company for reuse elsewhere. The applicant may be required to replace the salvaged trees with a combination of like kind and lesser-sized trees, in a number that reflects the original conditions of the site, as determined by the Zoning Administrator.

SEC. 12.4 Multiple Residence and Commercial Landscape Requirements.

- A. **General Landscape Requirements:** The following requirements shall apply to all development/building projects within the Multiple Residence and Commercial Zoning Districts. Additional requirements for specific frontage landscape or streetscape shall be per Section 12.4.B or C below.
 - 1. Surface areas, including all side and rear yard areas, of any development project that are not required to remain in a natural state or designated for buildings, drives, parking or permitted outside storage, shall be landscaped. Landscaping within the side and rear yard area shall include trees, shrubs, and ground covers as follows:

- a. The landscape plant palette shall comply with the **Zone A and Zone C** plant palettes as listed in Section 12.7 of this Chapter and inorganic materials as approved by the Zoning Administrator.
 - b. There shall be planted within the side and rear yard areas two (2) trees for every forty (40) feet of lineal side and rear yard. Fifteen (15) gallon trees are the minimum acceptable size.
 - c. There shall be a mixture of shrubs and ground covers in sufficient numbers to cover fifty (50) percent of the required landscape space at plant maturity. The plant palette shall comply with the appropriate plant list, as identified in the **Zone A or Zone C** areas given the specific location on the site. One-half (1/2) of the required plants shall be five (5) gallon in size and the remainder may be one (1) gallon in size.
 - d. If a seed mixture is used to supplement landscape areas, the seed mixture shall match the adjacent area in palette, density and ratios. The seed mixture shall supplement and shall not act as a substitute for the required plant material. Seed mixes shall include only indigenous plant species and be free of noxious weeds.
2. A Native Plant Preservation, Salvage, and Landscape Plan shall be submitted to the Town, for review and approval as part of the development/building plan review submittal package (see Section 12.5 of this Chapter for submittal requirements). All landscaping shall be installed per approved plans and prior to the issuance of a Certificate of Occupancy or a final inspection.
 3. The undisturbed areas shall remain in a natural state. Revegetation and/or supplemental vegetation of this undisturbed area is allowed pursuant to a Native Plant Preservation, Salvage, and Landscape Plan, and shall include only those plant materials found in the Zone A palette as listed in Section 12.7 of this Chapter.
 4. The minimum percentage of each parcel that shall be left undisturbed is as follows:

Undisturbed Area and Landscape Area Percentages

Total Area	Parcel/Lot	Min. Required Undisturbed Area	Min. Required Landscaped plus Undisturbed Area
0 – 0.99 acre		0%	25%
1 – 1.99 acre		15%	30%
2 acres and larger		20%	35%

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5. Irrigation: Underground drip irrigation is required for all landscape areas. Spray irrigation is prohibited. Mature trees that have been transplanted may require irrigation for three (3) to five (5) years or until established. The watering schedule should be decreased over a two to three year period to condition the plant to nature’s irregular watering schedule. Other small plant materials should be irrigated for a year or until established.

6. Maintenance: All required landscaping shall be properly watered and maintained in a healthy condition.

7. If for any reason a tree dies during the initial two (2) years after planting, the tree shall be replaced by a tree of like kind and size within thirty (30) days.

8. Financial Security. Prior to building permit issuance the applicant shall provide a cash or performance bond or other security in an amount and form acceptable to the Town to ensure completion of all work required by this Chapter. In the event that the applicant fails to complete all of the work required by this chapter within a reasonable time, as determined by the Zoning Administrator, the Town may use the bond or other security to do, or contract to do, the necessary work. Under no circumstances shall a Certificate of Occupancy be issued until all work required by this chapter has been completed to the satisfaction of the Zoning Administrator.

B. Streetscape within the Town Core: The following requirements shall apply to all properties fronting on Cave Creek Road within the Town Core area.

1. All areas in the streetscape requiring revegetation shall be landscaped with native plants from the **Zone A** plant palette as listed in Section 12.7 of this Chapter.

2. A landscape easement is to be provided with a minimum width of twenty-five (25) feet of space between the edge of existing right-of-way improvements and the nearest on-site structure or hard surface, not including points of ingress and egress. In any case, no private property owner shall be required to provide more than fifteen (15) feet in width of streetscape.
3. The private property owner shall maintain all frontage landscaping, including the landscaping within the adjacent right-of-way.
4. A ten (10) foot wide path of approved material or composites, meandering where possible through mature existing vegetation, for pedestrian and equestrian use. The path material shall match or be compatible with adjacent properties.
5. Maximum preservation of existing vegetation along with additional landscape plantings, consistent with the **Zone A** plant palette and contouring shall buffer the path users from both the roadway traffic, and proposed on-site improvements. The plan may provide path users with access to various points on the site.
6. Provision for streetscape hardscape elements per parcel as determined by Town staff, depending on the scope of the project and the amount of street frontage. These elements shall include one or more of the following:
 - a. Benches and sitting areas
 - b. Shade structures
 - c. Bike racks
 - d. Other hardscape elements such as, but not limited to, lighting and drinking fountains, trash receptacles, etc.
 - e. Hitching posts and watering troughs
7. When existing physical conditions prevent the compliance with these standards, the Zoning Administrator may modify streetscape standards.
8. There shall be two (2) trees for every forty (40) feet of street frontage to be located within the streetscape. One-half of the trees in the streetscape shall be a minimum of twenty-four (24) inches boxed and the rest a minimum of fifteen (15) gallon size.

9. There shall be a mixture of shrubs and ground covers at a minimum density of thirty-five (35) plants per one thousand (1,000) square feet. The plant palette shall be in accordance with the **Zone A** plant palette as listed in Section 12.7 of this Chapter. One-half of the shrubs in the streetscape shall be a minimum of five (5) gallon and the rest a minimum of one (1) gallon size.
10. Parking shall be designed around existing vegetation.
11. It is recommended that planting areas be designed using undisturbed vegetation rather than creating planting islands within the parking lot. A minimum of one (1) tree and two (2) shrubs for every eight (8) required parking spaces, or portion thereof, shall be planted to provide shade. Fifteen (15) gallon trees are the minimum acceptable size.
 - a. Retention areas, whenever feasible, shall be designed to replicate natural basins. Contouring should be in a free form, natural layout. Basins shall be designed to hold no more than three (3) feet of water.

C. Streetscape outside of the Town Core: For all other properties, not fronting on Cave Creek Road or those located outside of the Town Core Area, the following streetscape requirements are as follows:

1. All areas that are highly visible from the right-of-way and adjacent properties are limited to using plants from the **Zone A and Zone C** plant palettes as listed in Section 12.7 of this Chapter.
2. Frontage landscape requirements shall be two (2) trees for every forty (40) feet of street frontage. Fifteen (15) gallon trees are the minimum acceptable size.
3. A minimum of one (1) tree and two (2) shrubs for every eight (8) required parking spaces shall be planted within the interior of the parking lot. Fifteen (15) gallon trees are the minimum acceptable size.
4. It is recommended that planting areas be designed using undisturbed vegetation rather than creating planting islands within the parking lot.

5. There shall be a mixture of shrubs and ground covers at a density of thirty-five (35) plants per one thousand (1,000) square feet. The plant palette shall be in accordance with the **Zone A** plant palette as listed in Section 12.7 of this Chapter. One-half of the shrubs in the streetscape shall be a minimum of five (5) gallon and the rest a minimum of one (1) gallon size.

SEC. 12.5 Native Plant Preservation, Salvage, and Landscape Plan Submittal Requirements.

- A. At the time of preliminary plat submittal, a Native Plant Inventory and Salvage Plan, prepared by a Town approved desert plant salvage specialist, shall be submitted to the Planning Department.
- B. At the time of preliminary plat or development/building plan submittal a Native Plant Preservation, Salvage and Landscape Plan, shall be submitted to the Planning Department.
- C. Native Plant Preservation, Salvage and Landscape Plans shall specify the proposed treatment of all protected native plants (the minimum being 2 inch caliper or greater native trees, all healthy cacti and specimen shrubs) which are being disturbed due to development.
- D. A Native Plant Preservation, Salvage and Landscape Plan shall at a minimum contain the following:
 1. An aerial photograph and an acetate overlay of the preliminary plat or development/building plan (minimum scale of 1"= 20') showing the location of all protected native plants within the proposed project.
 2. Designate on the aerial photograph, or development/building plan, the following:
 - a. Existing native plants to remain in place.
 - b. Existing native plants to be relocated to other locations on the site.
 - c. Existing native plants to be removed from the site and replanted elsewhere.
 - d. Existing native plants to be destroyed.
 - e. Location of on-site temporary holding nursery.

3. Provide the inventory information and criteria used to determine which plants and groups of plants will be preserved in place, transplanted or destroyed. Common criteria include, but are not limited to: health, vigor, bedrock depth, slope and the density of surrounding vegetation.
4. All landscaped areas shall be landscaped subject to the **Zone A** and **Zone C** plant palettes as listed in Section 12.7 of this Chapter. If a lot has been previously disturbed, Town staff shall choose three (3) 20' x 20' random sample survey plots from the site to be inventoried. The average density, species, and tree size of the plots shall become the minimum standard for the design and re-vegetation of the required landscape areas. If the existing site has been disturbed to the point of not allowing for sufficient sampling, Town staff shall determine the nearest site that would be representative of the area.
5. The landscape plan shall identify and quantify the undisturbed areas and the additional landscaped areas as a percentage of the total site area.

SEC. 12.6 Construction Standards.

- A.** No person shall destroy, mutilate, box, remove from the premises or relocate to another place on the premises any protected native plant without first obtaining a native plant permit from the Town and any necessary permits required by State and County.
- B.** A native plant permit may be issued by the Town prior to recordation of the final plat or issuance of a building permit provided the Native Plant Preservation, Salvage, and Landscape Plan has been approved and a bond has been submitted to the Town, which places the Town in an assured position to do or to contract to be done the necessary work to finish, restore and revegetate in accordance with the approved Native Plant Preservation, Salvage and Landscape Plan. The minimum acceptable bond shall be in a dollar amount equal to one hundred (100) percent of the cost of the salvage project. The bond shall be in a form that is deemed appropriate by the Town.

- C.** All protected native plants, as listed in Section 12.7 of this Chapter, are required to be inventoried and all plants shall be tagged and numbered to correspond to the salvage report submitted with the Native Plant, Salvage and Landscape Plan. Tags shall be color-coded according to the following schedule so that the status of each plant affected by the development proposal may be easily identified:
1. White Survey Ribbon - plants proposed to remain in place.
 2. Red Survey Ribbon - salvaged plants proposed for relocation.
 3. Blue Survey Ribbon - plants to be destroyed.
- D.** The required tags are to be affixed in a visible location on the plant. Once affixed, the tags shall not be removed until the plants are removed or relocated in compliance with the native plant permit and the Native Plant Preservation, Salvage and Landscape Plan.
- E.** To protect the **Zone B** areas of a lot from damage due to construction operations, a chain link fence at least six (6) feet high shall be installed to completely enclose the buildable area. The fence shall follow the alignment of the **Zone B** area line. There shall be a single entrance to the construction site, which shall be located at the driveway entrance. The fence shall be maintained and remain intact until the completion of construction. Construction limits are encouraged to be no larger than necessary to carry out construction and storage activities. All parties involved in the improvement of a lot or parcel shall be made aware of these construction limits and their significance. It shall be the owner's responsibility to maintain these construction limits throughout the construction process. In the event of a violation of the above, Town staff shall require such lot to be restored to its state existing immediately prior to such violation. If the violation involves damage, removal or destruction of protected plants, Town staff shall require such plant materials to be replaced with either a similar plant in type and size or with such other plant as Town staff deems appropriate. The owner of such lot shall reimburse Town staff for all expenses incurred in performing the owner's obligations under this paragraph.

SEC. 12.7 Plant Lists.

A. Protected Native Plants: All plants on the following list shall be inventoried and documented on the salvage report provided with the Native Plant Preservation, Salvage and Landscape Plan. Plants listed with an asterisk shall be inventoried and salvaged only if deemed of specimen value by Town staff.

PROTECTED NATIVE PLANTS (inventory required)	
Plant Type & Salvage Notes	Plant Name
<p><u>Trees:</u> (2"+ combined caliper @ natural grade must be inventoried)</p>	<p>Blue Palo Verde (<i>Cercidium floridum</i>) Crucifixion Thorn (<i>Holacantha emoryi</i>) Desert Hackberry (<i>Celtis pallida</i>) Desert Willow (<i>Chilopsis linearis</i>) Foothills Palo Verde (<i>Cercidium microphyllum</i>) Ironwood (<i>Olneya tesota</i>) Mesquite – Native (<i>Prosopis juliflora</i>)</p>
<p><u>Shrubs:</u> (No inventory unless of specimen value or requested by staff. Identification of gross numbers may be sufficient rather than individual tagging.)</p>	<p>Brittle Bush (<i>Encelia farinose</i>) Buckwheat (<i>Eriogonum fasciculatum</i>) Bursage (<i>Ambrosia deltoidea</i>, <i>A. ambrosioides</i>) Cat Claw (<i>Acacia greggii</i>) Chuparosa (<i>Justicia californica</i>) Creosote Bush (<i>Larrea tridentata</i>) Desert Hackberry (<i>Celtis pallida</i>) Desert Honeysuckle (<i>Anisacanthus thurberi</i>) Desert Spoon (<i>Dasyliiron wheeleri</i>) Fairy Duster (<i>Calliandra eriophylla</i>) Four-winged Saltbush (<i>Atriplex</i>) Greythorn (<i>Ziziphus obtusifolia</i>) Hop bush (<i>Dodonaea</i>) Jojoba (<i>Simmondsia chinensis</i>) Milkweed (<i>Ascleptia subulata</i>) Morman Tea (<i>Ephedra trifurca</i>) Rock Pea (<i>Lotus rigidus</i>) Tomatillo squawberry (<i>Lycium</i>, 3 species)</p>
<p><u>Cacti & Succulents:</u> (All healthy cacti & succulents listed shall be inventoried. Plants under six (6) feet in height do not require a tag. A gross number of each is sufficient.)</p>	<p>Agave Barrel Cactus (<i>Ferocactus wislizeni</i>) Colla/Chain fruit, jumping (<i>Opuntia fulgida</i>) Cholla/Christmas (<i>Opuntia leptocaulis</i>) Cholla/Pencil Hedgehog (<i>Echinocereus engelmannii</i>) Ocotillo (<i>Fouquieria splendens</i>) Pincushion, fishhook (<i>Mammillaria microcarpa</i>) Prickly Pear (<i>Opuntia phaeacantha</i>) Saguaro (<i>Carnegiea gigantean</i>) Yucca – Soap tree (<i>Yucca elata</i>) Yucca – Banana (<i>Yucca baccata</i>)</p>

TABLE 18

B. ZONE A - Plant List: Plants on the following list may be planted anywhere. However, only the plants listed below shall be planted within the “Native Habitat Corridors” and “Natural Buffer Area”.

ZONE A - PLANT LIST	
Plant Type	Plant Name
<u>Trees:</u>	Desert Hackberry (<i>Cetis pallida</i>) Desert Willow (<i>Chilopsis linearis</i>) Mesquite – Native (<i>Prosopis juliflora</i>) Ironwood (<i>Olneya tesota</i>) Blue Palo Verde (<i>Cercidium floridum</i>) Foothills Palo Verde (<i>C. microphyllum</i>) Crucifixion Thorn (<i>Holacantha emoryi</i>)
<u>Shrubs:</u>	Brittle Bush (<i>Encelia farinose</i>) Bursage (<i>Ambrosia deltoidea</i>) Canyon Ragweed (<i>Ambrosia ambrosioides</i>) Cat Claw, devils-claw (<i>Acacia greggii</i>) Cheese Weed (<i>Hymenoclea salsola</i>) Chuparosa (<i>Justicia californica</i>) Creosote Bush (<i>Larrea tridentata</i>) Desert Buckwheat (<i>Eriogonum fasciculatum</i>) Desert Honeysuckle (<i>Anisacanthus thurberi</i>) Desert Lavender (<i>Hyptis emoryi</i>) Desert Rock Pea (<i>Lotus rigidus</i>) Fairy Duster (<i>Calliandra eriophylla</i>) Feather Dalea (<i>Dalea formosa</i>) Flat-top buckwheat brush (<i>Eriogonum fasciculatum</i>) Four-winged Saltbush (<i>Atriplex</i>) Golden Eye (<i>Viguiera deltoidea</i>) Grey-thorn (<i>Ziziphus obtusifolia</i>) Hackberry (<i>Celtis pallida</i>) Hop Bush (<i>Dodonaea</i>) Jojoba (<i>Simmondsia chinensis</i>) Lycium (<i>Lycium andersonii</i>) Milkweed (<i>Ascleptia subulata</i>) Mormon Tea (<i>Ephedra trifurca</i>) Ratany (<i>Krameria parifolia</i>) Turpentine Bush (<i>Haplopappus laricifolius</i>) Wolf-berry (<i>Lycium fremontii</i>)

TABLE 19

TABLE 19 (Continued)

ZONE A - PLANT LIST (cont.)	
Plant Type	Plant Name
<u>Cacti & Yucca:</u>	Barrel Cactus, fishhook (Ferocactus wislizeni) Colla/Chain fruit, jumping (Opuntia fulgida) Cholla/Christmas (Opuntia leptocaulis) Cholla/Teddybear (Opuntia bigelovii) Cholla/Staghorn (Opuntia acanthocarpa) Hedgehog (Echinocereus engelmannii) Ocotillo (Fouquieria splendens) Pincushion, fishhook (Mammillaria microcarpa) Prickly Pear (Opuntia phaeacantha) Saguaro (Carnegiea gigantean) Yucca – Soaptree, Spanish bayonet (Yucca elata) Yucca – Banana, Blue (Yucca baccata)
<u>Wildflowers & Groundcovers</u>	Desert, sand verbena (Abronia villosa) Prickle poppy (Argemone plicantha) Desert Marigold (Baileya multiradiata) Dyssodia (Dyssodia porophylloides) Spreading fleabane (Engeron divergens) Lupine (Lupinus spariflorus) Blackfoot daisy (Melampodium leucanthum) Owl clover (Orthocarpus purpurascens) Desert bell (Phacelia campanularia) Paperflower, paper daisy (Psilostrophe cooperi) Desert chicory (Rafinesquia neomexicana) Bladder sage (Salazaria mexicana) Globe mallow, desert (Sphaeralcea ambigua) Native verbena (Verbena gooddingii) Desert Zinna, golden (Zinnia grandiflora)

- C. ZONE C - Plant Lists:** Plants on the following list may only be planted within the “Transitional Area” and “Private Area” landscape areas. Plants on this list are not suitable for revegetating natural areas or native habitat areas.

TABLE 20

ZONE C - PLANT LIST	
Plant Type	Plant Name
<u>Trees:</u>	Netleaf hackberry (Celtis reticulata) Chilian Mesquite (Prosopis chilensis) Palo brea, Sonoran (Cercidium praecox) Palo banco (Lysiloma candida) Fern-of-the-desert (Lysiloma thornberi)
<u>Shrubs:</u>	Fern acacia, white-ball (Acacia angustissima) Leather leaf acacia (Acacia craspedocarpa) White brush (Aloisia lycioides) Century plants, spanish bayonets (Agave species) Desert milkweed (Asclepia subulata) Four-wing salt-bush (Atriplex canescens) Desert-holly (Atriplex hymenelytra) Quail-brush (Atriplex lentiformis) Old man salt-bush (Atriplex nummularia) Desert salt bush (Atriplex polycarpa) Red barberry (Berberis haematocarpa) Woolly butterfly , lilac (Buddleja marrubifolia) Elephant-tree (Bursera microphylla) Elephant-tree (Bursera fagaroides) Yellow bird-of-paradise (Caesalpinia gilliesii) Mexican bird-of-paradise (C. pulcherrima) Fairy duster (Calliandra californica) Fairy duster, false-mesquite (C. eriophylla) Fairy duster (C penninsularis) Crucifixion Thorn (Canotia holacantha) Texas cassia (Cassia biflora) New Zealand cassia (C. candoleana) (C. circinnata) (C. goldmanni) (C. leptophylla) Green feathery cassia (C. nemophylla) Silver cassia (C. philodinea) (C. purpussiae) Sturts cassia (C. sturtii) Shrubby cassia (C. wislizeni)

TABLE 20 (Continued)

ZONE C PLANT LIST (cont.)	
Plant Type	Plant Name
Shrubs:	Mountain mahogany (<i>Cercocarpus montanus</i>) Sturts desert pea (<i>Cliaanthus formosus</i>) Cordia (<i>Cordia parviflora</i>) Indigo bush (<i>Dalea bicolor</i>) (Feather dalea <i>Dalea formosa</i>) Gregg dalea (<i>Dalea pulchra</i>) Smoke-tree, smoke-thorn (<i>Dalea spinosa</i>) Indigo-bush (<i>Dalea wislizeni</i>) Desert spoon <i>Dasyliron wheeleri</i> Kidney-wood (<i>Eysenhardtia polystachya</i>) Apache-plume (<i>Fallugia paradoxa</i>) Desert Olive (<i>Forestiera neomexicana</i>) Red Yucca (<i>Hesperaloe funifera</i>) Coral yucca (<i>Hesperaloe parviflora</i>) Limber bush, sangre-de-christo (<i>Jatropha cardiophylla</i>) Firecracker bush (<i>Justicia candicans</i>) Desert Honeysuckle (<i>Justicia ghiesbreghtiana</i>) Golden lead ball tree (<i>Laucaena retusa</i>) Texas sage, ranger (<i>Leucophyllum rutescens</i>) Chihuahuan sage (<i>Leucophyllum laevigatum</i>) Anderson thornbush (<i>Lycium andersonii</i>) Thornbush (<i>Lycium brevipes</i>) Gutta percha mayten (<i>Mattenus phyllanthioides</i>) Wait-a-minute, wait-a-bit (<i>Mimosa biuncifera</i>) Velvet pod mimosa (<i>Mimosa dysocarpa</i>) Bigelow nolina (<i>Nolina bigelovii</i>) Bear-grass, sacahuista (<i>Nolina microcarpa</i>) Beardtongue (<i>Penstemon</i> species)

TABLE 20 (Continued)

ZONE C – PLANT LIST (cont.)	
Plant Type	Plant Name
Shrubs:	Coffee-berry (<i>Rhamnus californica</i>) Red-berry buck-thorn (<i>Rhamnus crocea</i>) (<i>Ruellia californica</i>) (<i>Ruellia pernninsularis</i>) Mealy cup sage (<i>Salvia farinacea</i>) Texas red salvia (<i>Salvia greggii</i>) Blue sage (<i>Salvia chamyoriodes</i>) Willow-leaf groundsel (<i>Senecio salignus</i>) Arizona sophor (<i>Sophora arizonica</i>) Mescal bean, Texas mountain laurel (<i>Sophora secundifolia</i>) Arizona yellow bells, trumpet bush (<i>Tecoma stans</i>) (<i>Tetracoccus hallii</i>) Arizona rosewood (<i>Vauquelinia californica</i>) Golden eye (<i>Viguiera tomentosa</i>) Spanish bayonet, soap weed, datil (<i>Yucca</i> species) Hummingbird trumpet (<i>Zauschneria latifolia</i>)

SEC. 12.8 Prohibited Plants. The following shall not be planted in any zoning district within the Town of Cave Creek.

- A.** Any species of tree or shrub whose mature height may reasonably be expected to exceed twenty (20) feet, with the exception of those indigenous species, listed in Section 12.7, which may naturally exceed twenty (20) feet and which are required to be indicated on the salvage report.
- B.** All Palms (Palmae).
- C.** All Pines (Pinus), Cypress (Cupressus), False Cypress (Chamaecyparis), Juniper or Cedar (Juniperus).
- D.** Olive trees (Olea europaea).
- E.** Mulberry trees (Morus).
- F.** Oleanders (Nerium oleander) and Thevetia (Thevetia species).
- G.** Fountain Grass (Pennisetum setaceum).
- H.** Citrus; except for within the “private area” of the single residence zoning districts.
- I.** Grass, except for bear and deer grass; except for within the “private area” of the single residence zoning districts.
- J.** Mexican Palo Verde (Parkinsonia aculeata).
- K.** Desert Broom (Buccharis sarothroides).
- L.** Salt Cedar (Tamarix chinensis)

SEC. 12.9 TREE REPLACEMENT TABLE

In the event that a tree or group of trees whose health or habitat value is significant but due to site conditions cannot be salvaged, the following procedure shall be followed:

1. All attempts shall be made by the applicant to relocate, reroute, or eliminate any structure or roadway that would impact these trees.
2. In the event that #1 cannot be carried out in full, for documentation purposes the applicant shall provide a minimum of five (5) photographs that show the entire area.

In addition, the area shall be re-vegetated with trees of species and densities directly proportionate to the existing site according to the following scale:

Number of Trees Affected	Percentage of Trees to be Replaced by Like Size and Kind
0 - 5	100
5 - 10	90
10 - 20	80
20 - 30	70
30 - 40	60
40 - 50	55
50 or more	50

TABLE 21

SEC. 12.10 SIZE AND DENSITY TABLE

Of the remaining trees to be replaced to gain the required densities, the following replacement scale shall be applied:

SIZE AND NUMBER OF REPLACEMENT TREES

Caliper in Inches	15 gal.	24"	30"	36"	42"	48"	54"	60"	66"	72"	78"
1.0 - 2.0	2 or	1									
1.5 - 4.0	3 or	2 or	1								
2.5 - 5.5	7 or	4 or	3 or	1							
4.0 - 7.5	10 or	5 or	4 or	2 or	1						
6.0 - 9.5		6 or	5 or	4 or	3 or	1					
8.0 - 10.5			5 or	4 or	4 or	3 or	1				
10.0 - 13.5				7 or	5 or	5 or	2 or	1			
12.0 - 15.5					6 or	5 or	2 or	1 or	1		
14.0 - 17.5					7 or	6 or	2 or	2 or	1 or	1	
16.0 - 20.5					8 or	7 or	2 or	2 or	1 or	1 or	1

TABLE 22

Saguaros, Ocotillos and any other specimen cacti shall be replaced with a plant of equal size.

LANDSCAPE ZONES

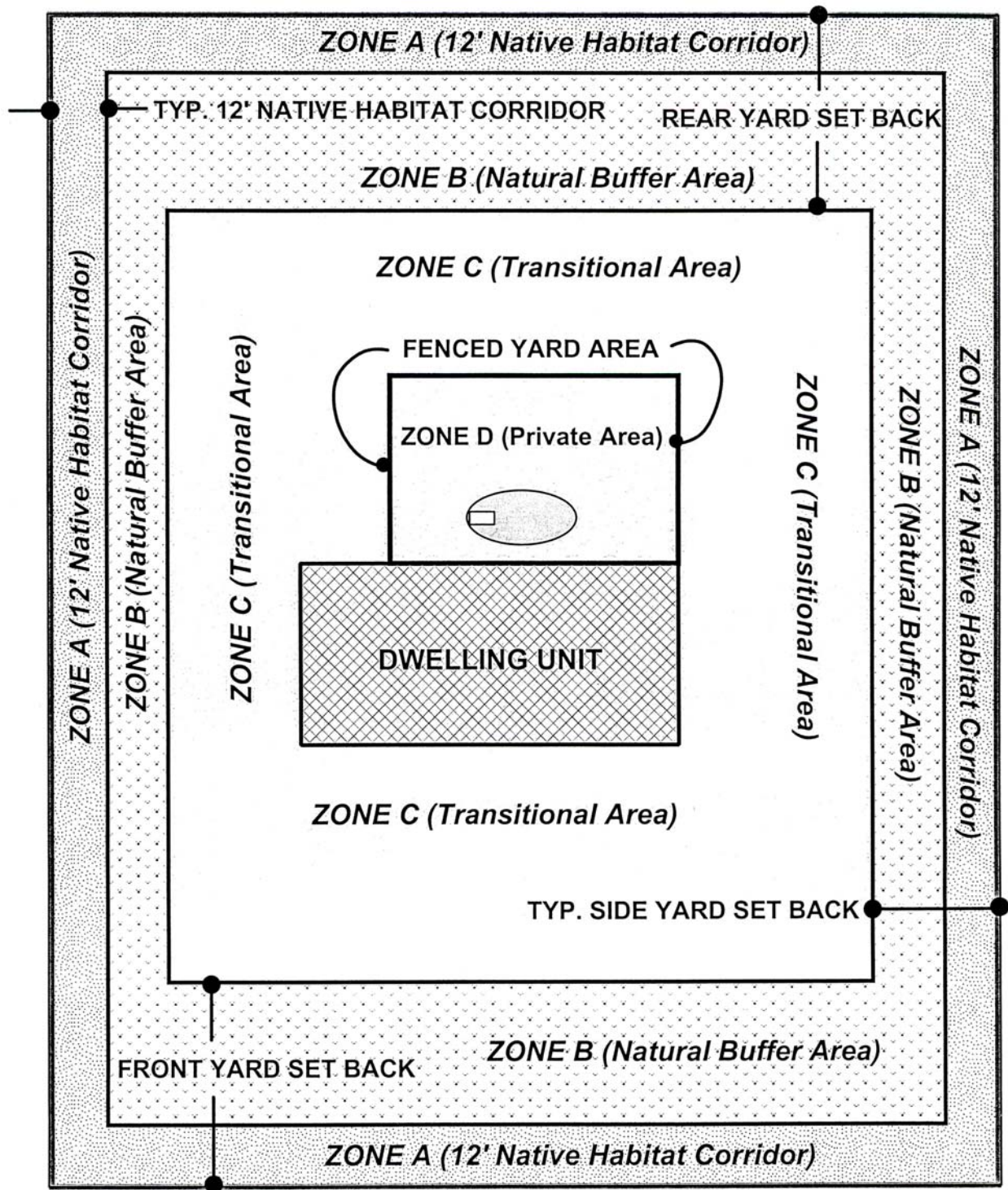


EXHIBIT 3