

Anasazi Homeowners Association

Architectural Control Committee Rules

ACC ROLE, RESPONSIBILITIES AND DECISIONS

The AHOA CCRs (Covenants, Conditions & Restrictions, as amended) state our subdivisions are intended “to be a unique and cohesive development composed of the homes of the highest quality and elegant appearance”. Further, they are intended to “secure the erection of well designed, attractive Improvements harmonious with their site and consistent with existing Improvements, to preserve natural beauty, enhance environmental quality, and economic value.” To this end, the Architectural Control Committee (ACC), appointed by the AHOA Board of Directors, has the duty to consider and act upon matters of all Improvements, including Developments, Enhancements, Restrictions and other matters outlined in the CCRs.

As part of this duty “the ACC shall have the authority to adopt, amend, add to, replace and rescind, from time to time, procedural and substantive rules to make more definite and certain, and to carry out the purpose” of the CCRs. The following Rules have been adopted to address this objective. The Rules include selected current and past topics requiring definition and intent in keeping with the architectural and environmental character and integrity of the existing subdivisions. But the Rules do not define every matter that could possibly come before the ACC, so not all requirements or potential exceptions are in writing. The CCRs declare a set of requirements for the subdivisions. To the extent the Rules clarify some of the CCRs’ requirements, the ACC acts on the most recent clarifications, interpretations, definitions, requirements and restrictions.

The CCRs provide for the ACC to have “the greatest degree of discretion possible in reviewing, approving and disapproving Plans”, and states its decisions are “final and conclusive”. The CCRs state an ACC decision varying from the CCRs and Rules does not mean the ACC must or will approve a similar exception. Any exception is decided within its own situation. Just because an aesthetic or condition was approved by past ACCs, or is a current trend, does not mean it is appropriate, or that the ACC will approve it. The ACC is not obliged or required to approve colors, materials or other exterior elements because they already exist in the subdivisions. ACC decisions are based on the intentions outlined in the CCRs and the requirements of the ACC Rules. These Rules assist the ACC, Lot owners and builders in achieving the subdivisions’ intent.

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1. DEVELOPMENTS, ENHANCEMENTS AND SUSTAINING RULES DEFINED

The CCRs and Rules address Lot Improvements and continuous requirements and restrictions of the subdivisions. There are three categories of the Rules as described in this section. Rules sections apply to one, two or all of the categories. The Table of Contents identifies which Rules section generally relates to which categories. The ACC makes the final determination of which category applies to which Rule.

DEVELOPMENTS NEW HOUSE CONSTRUCTION, OUTBUILDINGS, REMODELS AND ADDITIONS.

Developments are the first category of Improvements and its Rules apply to: brand new construction of a House structure and/or Outbuilding (as defined in the CCRs), and post-Development Outbuildings, Remodels and Additions that would affect or alter the exterior of any existing house structure or outbuilding, including any construction that would change the square footage of the existing house structure or existing outbuilding, and/or of the Lot. All Developments must be in keeping with the architectural and environmental character and integrity of the existing community. All Developments must be approved in writing by the Architectural Control Committee, prior to commencement. Failure to obtain ACC approval may subject builders and/or Lot owners to a fine and/or stop work order.

ENHANCEMENTS EXTERIOR IMPROVEMENTS, MAINTENANCE, REPAIRS AND ALTERATIONS.

Enhancements are the second category of Improvements: any exterior improvement, maintenance, repair, and alteration not specifically covered under the definition of Developments. Enhancements Rules apply to, but are not limited to, addition of or any changes to:

- walls or roofs
- color of stucco, trim, walls or fences
- exterior lighting
- landscaping
- recreational equipment
- outdoor pools, spas/hot tubs, fireplaces, sculptures
- anything Visible From Neighboring Property (see CCRs Section 1.35 and Rules section 8.19)
- addition, improvement or maintenance of non-permeable surfaces such as patios, walkways, driveways and parking
- any improvements of any kind and type that affects the natural condition of the land or the drainage of surface waters on, across or from the land
- any other alterations not specifically listed here, but which could be construed to alter the exterior appearance of the property or Lot.

Enhancements also include any disturbance of soil or existing established vegetation of unimproved Lots or portions of Lots not approved as part of a Development Plan. All Enhancements must be in keeping with the architectural and environmental character and integrity of the existing community. All Enhancements must be approved in writing by the Architectural Control Committee, prior to commencement. Failure to obtain ACC approval may subject Lot owners to a fine and/or stop work order.

SUSTAINING Rules: ONGOING REQUIREMENTS, RESTRICTIONS and DEFINITIONS.

Sustaining Rules are the third category and continuously apply to all Lots from purchase through sale -- the period of ownership of a Lot, whether developed or occupied or not. These Rules are associated with conditions of daily living and are applicable at all times. All conformance with Sustaining Rules must be in keeping with the architectural and environmental character and integrity of the existing community.

2. DEVELOPMENTS – APPLICATION AND DEVELOPMENT PLAN APPROVAL AND PERMITS

Developments must be consistent with Article VI of the CCRs and comply with both the CCRs and the ACC Rules. Approval of Developments requires that an Application, Development Plan, and required documents and materials be submitted to and approved in writing by the ACC. A nonrefundable Review and Administration fee, and a conditionally refundable Compliance Deposit are required.

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A Development Checklist and Requirements by Milestone is included as Appendix A of these Rules. It details required actions and documents in chronological order and by major milestones for the entire Development process. **READ AND REFER TO APPENDIX A FOR THE FULL SET OF REQUIREMENTS THROUGHOUT THE DEVELOPMENT.**

In the case of Outbuildings, Remodels and Additions, modifications to the Appendix A list may be approved by the ACC.

2.1. SUBMISSION REQUIREMENTS. The application approval process begins with the licensed builder and/or Lot owner submitting the complete Application Package and paying the ACC Review and Administration Fee. All plans and information submitted must be provided to the ACC in both 1 set of full-size paper copies and identical documents in electronic PDF format. The Application and Development Plan must be submitted to the ACC in **ONE COMPLETE PACKAGE**.

ALL documents sent electronically must be available to the ACC indefinitely. No electronic documents will be accepted where ACC access expires.

Notations on any submission that differ from the Rules are not accepted or approved unless the ACC agrees to them in writing. This applies to, but is not limited to, the application, site survey and plan, grading and drainage plan and landscaping plan. Should any submission requirement(s) be missed or excluded in the submission or the ACC review, those requirement(s) are still required, and all Rules must be complied with fully. See Rules Appendix A.

2.1.1. APPLICATION. The Application form must be fully completed and initialed and signed by both the Lot owner and the licensed builder. The ACC Review and Administration fee shall be paid with a cashier's check, is due with the Application form on the day it is submitted and is non-refundable.

2.1.2. DEVELOPMENT PLANS.

A. CONSTRUCTION PLANS. A complete set of construction plans that the licensed builder must submit for a building permit must be submitted with the Application. This set typically includes site plan, floor plan, roof and framing plans, electrical plan, elevations and others. The complete set of plans must include, but is not limited to, the following (B through E below). See Appendix A for the full list.

B. FOUR (4) ELEVATION DRAWINGS shall be submitted which must show elevation height of the structure against the maximum height elevation explained in Rules section 4.3. The drawings must show both natural grade and final grade at the bottom of walls. The drawings must also show locations of air conditioners and other mechanical equipment, whether on the roof or the ground. The elevation drawings must show the natural grade AND final grade at each building wall, especially if the house structure or any outbuilding is to be bermed into a hillside. See CCRs Section 6.4(d) and Rules section 4.3 for maximum height calculation and limitations. See Rules section 4.8 for requirements concerning shielding of AC or mechanical equipment.

C. SITE PLAN prepared by a qualified licensed surveyor

The Site Plan shall depict the position of the entire house structure, any outbuildings and walls on the Lot, and **MUST locate ALL** of the following:

- 1) existing Lot contours
- 2) natural grade elevation at each corner of the house and outbuilding (see Rules section 4.3)
- 3) finished floor elevation
- 4) all floodplain boundaries
- 5) location of utilities and their underground path(s) to the house and any outbuildings
- 6) proposed septic tank and leach field
- 7) all setbacks, including the location of PUE, walking trail and shared private access easements, and existing walking trail, if it is already developed

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- 8) driveway(s), including all materials to be used, and the required "cobbling" of the first 5-10 feet of the driveway during construction
- 9) location of guest parking, if any, and identify number of spaces
- 10) if located on the ground, location of air conditioners and other mechanical equipment
- 11) all walls: retaining walls; portal, courtyard and patio walls; walls around utilities, and any other walls
- 12) location of all vegetation (trees, shrubs, hedges, ground cover or any other plants) proposed to be removed as a result of the Development (See Rules section 7.6)
- 13) portable toilet (during construction)
- 14) dumpster (during construction)
- 15) concrete washout (during construction)
- 16) garbage container(s) (where they must be stored post-Development)

The Site Plan locating the structures and 16 designations shall be submitted as a separate plan, NOT CO-MINGLED on the Grading and Drainage Plan or the Landscape Plan. **The ACC will not accept, nor approve, a Site Plan co-mingled with other Plans.**

D. Site GRADING and DRAINAGE PLAN prepared by a qualified licensed engineer.

The G&D plan must show

- 1) drainage easements or flood plains,
- 2) existing contours of the Lot,
- 3) final contours of the Lot, and
- 4) final floor elevation(s) of the proposed house structure and any outbuildings.

The Plan must also show the licensed builder's calculation of maximum height elevation for the Lot. The ACC will consider the licensed builder's proposed maximum height calculation as a reference and is not final. The ACC will determine the approved average natural grade calculation and final maximum height elevation before the Mandatory meeting and approved elevation will be included in the Development Plan approval. See CCRs Section. 6.4(d) and Rules section 4.3.

The G&D Plan must include a depiction of, and the calculations for, the detention areas to be constructed to intercept and contain all runoff from developed impermeable surfaces. Or, where soils and slope permit, it may alternatively show water harvesting swales to harvest run-off water to apply beneficial water to vegetation or gardens. Based on the Lot, the driveway, the soil, and Developments proposed, the plan needs to include 1) holding ponds, (2) walled courtyard areas to detain runoff, and/or 3) the use of dry wells to reduce the effect of potential increased runoff within and from the Lot.

The G&D Plan must show the location of shared private access easement(s) on or adjacent to the Lot, where private driveway(s) and a shared private access easement crosses a bar ditch, and where culvert(s) or dip section(s) will be installed. (See Rules section 6.2 for driveway crossings).

The G&D Plan must show steps the licensed builder or Lot owner must take before pouring the concrete vertical stem walls to protect surrounding properties from runoff from the impermeable surfaces created during the building process. And the Plan must show such other steps as may thereafter be necessary to permanently provide such protection.

See Rules section 7.8 for further slopes and grading requirements and Rules section 7.10 for further drainage and detention requirements.

The ACC will have the Grading and Drainage Plan reviewed by its consulting engineer. Should any topics require attention, the engineer's notes will be communicated to the licensed builder and Lot owner for discussion. Topics must be resolved and accepted by the consulting engineer prior to Development Plan approval. The Lot owner's or licensed builder's engineer, not the

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consulting engineer, is professionally responsible for the Grading and Drainage plan.

E. LANDSCAPING PLAN. The Plan must show all landscaping materials and actions after the Development is constructed and prior to the Final Inspection. This Plan can be submitted to the ACC for approval at the end of construction but before any commencement of landscaping. See Rules section 4.11 for landscaping requirements and Rules section 7.6 for requirements protecting vegetation.

- 2.1.3. **LICENSE.** A licensed builder must be used to construct a Development in the AHOA. The licensed builder must provide their true, correct and current copy of a valid New Mexico GB 02 or GB 98 contractor license with the Application. All contractor licenses must be maintained as true, correct and current from Application through Final Inspection approval of the Development Plan.

Licensed builders and contractors providing their New Mexico GB 02 or GB 98 contractor license at application must be the business in charge of construction throughout that Development Plan (see Rules section 5.1).

Applications and Development Plans submitted using a New Mexico Homeowner Permit, or any other, or similar, permits that allow a Lot owner to build without a GB 02 or GB 98 license are not approved for construction of Developments in the AHOA.

The ACC shall have the right to consult with a licensed contractor and other licensed construction professionals at Lot owner's expense if and when the ACC, at its sole discretion, decides such expertise is needed.

- 2.1.4. **INSURANCE.** The licensed builder shall submit with the Application and Development Plan proof of insurance (certificate of insurance) related to the Development including:

- 1) Builder's Risk/Course of Construction insurance policy covering the Lot of the Development
- 2) Licensed builder's business commercial liability policy with a minimum of \$1M coverage

The AHOA must be identified as Additional Insured on both Builder's Risk/Course of Construction and licensed builder's liability policies.

The insurance contracts must be active on the date of the Mandatory meeting.

The licensed builder and Lot owner must keep all insurance in effect from the date of Plan approval through, at a minimum, one week after any sale or change of title or, if no sale or title change, through to ACC Final Inspection approval, and confirms this agreement on the Application.

The ACC may require, at its sole discretion, specific coverage provisions in insurance policies, including homeowner's insurance coverage in some situations.

- 2.1.5. **PHYSICAL SAMPLES OF EXTERIOR COLORS AND MATERIALS.** Physical samples of proposed colors and materials, such as stucco, accent and trim must be submitted. See Rules section 4.5 for colors and materials requirements.

- 2.1.6. **EXTERNAL LIGHTING.** A description of the location, number, size and design of all proposed exterior lighting (including decorative, accent, landscape, walkway, driveway and security lighting) must be submitted. See Rules section 4.9 for external lighting requirements.

- 2.1.7. **SOLAR EQUIPMENT.** The submission must include the location of any intended solar equipment. See Rules section 8.8 for solar equipment requirements.

- 2.1.8. **INITIALED COPIES OF AHOA GOVERNING DOCUMENTS.** Two initialed documents must be included in the submission: 1) a copy of the current ACC Rules with the licensed builder and Lot

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owner initials on each page to identify it has been read and agreed, and 2) a copy of the first page of the AHOA CCRs with the licensed builder and Lot owner initials to indicate that document has also been read and agreed.

- 2.1.9. FEES AND DEPOSITS. The ACC Review and Administration Fee shall be a cashier's check and accompany the Application form submission. The Compliance Deposit shall be a cashier's check, submitted prior to Plan approval, but no later than the Mandatory meeting, and will be deposited upon approval of the Plan. See Rules sections 10.1 and 10.2 for fees and deposits.
- 2.2. ACC REVIEW PERIOD. The CCRs state the ACC must act on Development Applications within 30 days (see also exceptions and extensions allowed in CCRs). The ACC identifies the start date for the initial 30-day period to be the date when EVERY SINGLE document or required information (the Application Package) is submitted for Application approval. Partial and piece-meal submissions do not qualify as start dates. If additional or amended submissions are required by the ACC, the deadlines set in CCRs Section 8.12(b) will apply. It is by far the best practice for licensed builders and Lot owners to submit the Application and all other plans and information in one complete package for ACC consideration. The Application submission, including the Development Plans and other required materials, will not be considered accepted until all submission materials have been received by the ACC and in the proper form. If the ACC review includes review by licensed professionals per Rules section 9.3, their review may cause an extension of the review period.
- 2.3. MANDATORY MEETING. Once the submission is complete a Mandatory in-person meeting shall be scheduled by the ACC with the owner of the Lot and the licensed builder to review the Development Plan and Application prior to approval and to discuss requirements and the milestones relevant to the ACC involvement in the construction. See Appendix A Checklist and Requirements by Milestone. The compliance deposit shall be paid with a cashier's check, is due on the day of the Mandatory meeting and is refundable if the project complies with the CCRs and Rules. Should the Application and Development Plan not be approved, the compliance deposit will be returned.

The Mandatory meeting is to be held (if possible) prior to the expiration of the ACC's 30-day review period (or any extension). However, if the licensed builder and/or the Lot owner cannot attend the Mandatory meeting within the 30 days (or any extension), then a reasonable extension of the deadline for the ACC to approve or disapprove the submittal shall be given to enable both the Lot owner and licensed builder to attend the Mandatory meeting in person. Since the Lot owner is ultimately responsible for all activity on his or her Lot, if a Lot owner is out of town, the meeting shall not take place until the Lot owner can be present with the licensed builder. That said, the ACC may on occasion allow a Lot owner to appear by telephone at the meeting if an in-person meeting is simply not feasible.

- 2.4. APPROVAL. During the ACC review process or at the Mandatory meeting additional or amended plans or documents may be required prior to ACC approval. In this case the ACC will issue a Development Plan Advisory in writing describing the further requirements for approval. Until these requirements are met the Application and Development Plan are not considered approved.

The Application and Development Plan shall not be considered finally approved until after the Mandatory meeting occurs and the ACC signs the Development Plan Approval, listing any requirements, including those from the meeting, and any others that must be approved in advance during the course of the construction.

No Commencement of Construction whatsoever shall begin without the Mandatory meeting and Development Plan Approval having occurred, proof of zoning approval filed with the ACC and flagging erected per Rules 7.6. See Rules section 5.2 for Commencement of Construction definition and requirements.

- 2.5. LOT OWNER AND LICENSED BUILDER REPRESENTATION TO ACC. By receiving approval and executing their Application and Development Plan, the Lot owner and licensed builder each represent to the ACC and agree that they have read, understand and are subject to and bound by the Application,

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ACC Rules, as well as the CCRs, and any amendments and additions. They acknowledge and agree that that the CCRs and ACC Rules are designed to help protect and enhance the quality of our subdivisions and promote the health, safety and wellbeing of our residents and that any recurring or deliberate violations would diminish our community and impose a cost on all members.

- 2.6. DEVELOPMENT PLAN DEMONSTRATING DRAINAGE MITIGATION. Upon approval of the Application and Development Plan the Lot owner and licensed builder will be given a form entitled "Development Plan Demonstrating Drainage Mitigation", executed by the ACC.
- 2.7. ZONING APPROVAL AND BUILDING PERMIT. The signed ACC Development Plan Approval and the engineer stamped Grading and Drainage Plan must be submitted to Sandoval County Planning & Zoning and then to the applicable government building permit authority as part of the zoning approval and building permit processes.

The ACC requires proof of zoning approval by Sandoval County prior to the Commencement of Construction (see Rules section 5.2 for when the ACC allows the construction to begin, which may be a more restrictive definition than governmental requirements.) A copy of document(s) showing proof of zoning approval must be filed with the ACC within seven days of its issuance. This date will be used as the Commencement of Construction. Should the documents include no date of approval, the ACC shall use the date the Development Plan was approved as the date of Commencement of Construction. Commencement of Construction without filed proof of zoning approval (and other requirements) may result in a penalty by the ACC, as well as penalties assessed by the applicable governmental authorities.

A copy of the building permit must be filed with the ACC, and posted in a conspicuous place on the Lot, within seven days of its issuance. A valid date of issuance must be on the building permit. Commencement of building, including placement of footings or foundation without a valid building permit obtained and a copy filed with the ACC within seven days, may result in a penalty by the ACC, as well as penalties assessed by the applicable governmental authorities

- 2.8. SWPPP PERMIT. Where such permit is required by law, the SWPPP Permit issued by the EPA through the NMED must be posted on site and a copy must be provided to the ACC prior to Commencement of Construction (see Rules section 5.2). Commencing construction without the required SWPPP Permit may result in a penalty by the ACC, as well as penalties assessed by the applicable governmental authorities. The integrity of the SWPPP Plan must be maintained throughout construction. The ACC may from time to time provide input as to whether the SWPPP Plan is effectively being maintained during construction but shall not be liable for any such input or lack thereof.

3. ENHANCEMENTS - APPLICATION AND ENHANCEMENT PROJECT APPROVAL

Enhancements must be consistent with the CCRs and comply with both the CCRs and the ACC Rules. Approval of Enhancements requires that an application and required documents and materials be submitted to and approved in writing by the ACC in advance of commencement of the project. A conditionally refundable compliance deposit may be required.

Requests for approval shall be submitted in writing to the ACC using the Enhancement Application. The application shall include a description of the project, sketch, drawing and/or photographs and any other pertinent supporting documentation as required by the ACC. Design and Project Implementation requirements apply per the Rules and as indicated in the Table of Contents. The ACC and Lot owner shall discuss and agree in writing to a reasonable time limit on the completion of Enhancements not specifically dictated by the CCRs.

Should an Enhancement be undertaken without ACC approval and are addressed after completion the Design and Project Implementation requirements still apply.

At its discretion, the ACC may apply all or selected requirements and fees of Developments to Enhancement plans if it considers the activity significant enough to trigger those requirements.

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Criteria for completion and Final Inspection requirements of an Enhancement project may vary from those of Developments, at the ACC's discretion.

4. DESIGN REQUIREMENTS

4.1. MINIMUM SQUARE FOOTAGE. At the direction of the AHOA Board of Directors given by approval of a resolution at the July 21, 2016, board meeting:

i. CCRs Section 6.4(b) is hereby clarified as to the minimum square footage of floor space required for all Single-Family Residential Units. Excluding portals, porches (open and closed), patios, garages, carports, balconies or decks, the minimum required floor area is two thousand two hundred (2,200) square feet; and

ii. Any and all Development Plans approved by the ACC prior to the date of this resolution which have a floor area of two thousand square feet or larger but less than two thousand two hundred square feet are considered to have been granted a waiver, and such approval "shall not be deemed to constitute a waiver of or create any right of estoppel against the Committee's right to withhold approval of any similar Development Plan, drawing, specification or matter subsequently submitted for approval" as stated in CCRs Section 8.13

4.2. SETBACKS. Per CCRs Section 6.4(a) "All House Structures are subject to a twenty-five (25) foot setback requirement from any Lot line. Other Structures, including yard walls and fences, are subject to a two-foot setback from the Lot line. The ACC shall have the right to impose additional and/or modified setback requirements from all Lot lines due to topographical or other considerations, at the ACC's discretion, so long as such additional and/or modified setback requirements are in compliance with applicable law." Setback requirements are also visually depicted on the first sheet of each AHOA subdivision plat. The Lot owner and surveyor must be familiar with the AHOA's setback requirements as they are different from (and more restrictive than) those of Sandoval County.

4.3. HEIGHT. The height limitation of a Lot (17 feet from average natural grade) and its calculation are identified in CCRs Section 6.4(d) and further explained in this section.

The 17 feet elevation "marker" is established by averaging the natural grade elevations at a minimum of 4 corners of the proposed structure and adding 17 feet. Natural grade is the elevation of the soil at those 4 (or more) locations prior to any disturbance of the soil for Development, Enhancement or any other Improvement, as identified by a licensed surveyor. This elevation marker is a single elevation number above sea level, for example: elevation 5352.5 feet. That elevation marker or number is the maximum final height for all structures on the Lot, whether the structure(s) are built lower or higher than the natural grade. It includes parapets, roof walls around AC equipment, roof peaks, and any other parts of structures included in the height approval. The 17 feet maximum marker is **NOT a measurement from the final pad or final floor level or from the final grade**, but is a fixed elevation point above sea level that was calculated based on pre-Development natural grade contour elevations identified by a licensed surveyor and approved by the ACC for the Plan. The average natural grade, calculation, and resulting maximum height elevation marker are discussed at the Mandatory meeting. The approved natural grade elevation and maximum final height elevation marker is determined by the ACC (even though the builder is required to identify their calculation in the Plan). The approved elevations are identified in the ACC's Development Plan or Enhancement approval.

The height limitation elevation for the entire Lot shall be calculated from a single location on the Lot. This single elevation is determined by the height elevation marker calculated for the prime structure (the residence) of the Lot. The Lot's maximum height, expressed as maximum topographical elevation, shall apply to all Developments and Enhancements on the Lot. For example, if the maximum height of the prime structure (residence) is calculated at elevation 5,200 feet, then the height of all Developments and Enhancements on the Lot may not exceed 5,200 feet elevation.

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When post-Development construction adds and/or extends structure(s) to the Lot, the height of these structures must not exceed the maximum height of the existing Development, unless the ACC issues a variance.

Chimney flues are excluded from the maximum height marker. However, each flue must not exceed two (2) feet above the maximum height marker.

Height reports are required for all Developments. See Rules section 6.4. In a situation where an Enhancement modifies the height of a Lot structure, a height report prepared by a licensed surveyor is required at the end of framing and prior to Final Approval.

- 4.4. **OUTBUILDINGS AND SHEDS.** All Outbuildings permitted by CCRs (except for storage sheds) shall be limited in external size to no more than 1,000 sq. ft., must match the style of the house and stuccoed to color match the house.

Storage sheds may not exceed 100 sq. ft. If the storage shed is within a fully walled, enclosed portal, garden or courtyard it must be completely concealed by the wall and cannot exceed the height of the wall. If the storage shed is free-standing (outside the fully walled, enclosed portal, garden or courtyard) it must be in close proximity to the house, match the style of the house and stuccoed to color match the house. The entry door(s) must also be painted to color match the house. A free-standing storage shed also must not be Visible From Neighboring Properties or a public street or road.

- 4.5. **COLORS AND MATERIALS.** Colors shall be desert earth tones only. The ACC has examples of many acceptable colors for review, and most are in the moderate or medium tone desert earth colors. Colors with high light reflectivity (white, very light) or extremely low light reflectivity (black, very dark) will not be approved. Selecting desert earth tones of the subdivisions' native environment, especially for the main color (stucco) of the home, is consistent with the design principles outlined in the CCRs.

On the exterior of a home there shall be only three colors:

- 1) one main color (stucco)
- 2) one accent color (stucco or material such as stone or tile)
- 3) one trim color

Window cladding and visible roofing are included within the limitation of three colors.

Canales may match either house stucco or trim color. Garage doors may match the house stucco, trim or accent color with ACC approval. Gutters and downspouts must color match the house stucco.

Proposed color(s) on the exterior necessitate a physical sample of the color(s) and materials being proposed. Color "chips" are not acceptable. All colors are to be submitted on the materials proposed. Physical samples of proposed colors and materials must be submitted for approval in writing to the ACC.

- 4.6. **ROOFS.** A membrane roof, especially if Visible From Neighboring Properties at a higher elevation, must be tan or a darker color. No membrane roofs may be white. Metal roofs are not allowed in the subdivision.
- 4.7. **EXTERIOR METAL AND WIRES.** Metal and other substituted materials, such as plastic, attached to the exterior of the home or walls (such as utility boxes, pipes, etc.) must be painted to color match the house stucco. (Warning, danger, or instruction signs on utility or other boxes must not be painted.) No external bare metals can be Visible From the street or road or Neighboring Properties. Bare metal design elements (such as metal fascia) must be painted to color match the house stucco or trim color. Rusted metal elements (coated or non-coated) are not approved. Physical samples of proposed colors and materials, if required by the ACC, must be submitted for approval. External wiring is not approved. However, if approved as a variance in rare instances, all wires must be in an appropriate conduit and painted to color match the stucco of the home and must not be visible from the street or road.
- 4.8. **SHIELDING OF AC OR MECHANICAL EQUIPMENT.** All AC or mechanical equipment whether on the roof or the ground shall be shielded from view on all sides by a full height, four-sided stucco enclosure

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that matches the stucco on the house. If the equipment is installed on the roof, during framing the builder must ensure that the framing used to conceal the HVAC system is large enough and high enough to conceal the entire system after its installation. When the AC or mechanical equipment are replaced, that equipment must also be shielded from view on all sides by a full height, four-sided stucco enclosure. If the new equipment is different dimensions than the previous equipment, the enclosure must be rebuilt to meet the requirements. A full height solid material gate to access equipment in the enclosure may be approved by the ACC in writing in advance of the enclosure being constructed. Any such gate shall not be a latilla gate and must be painted the same color as the stucco of the enclosure. Physical samples of proposed colors and materials must be submitted for approval in writing to the ACC.

- 4.9. EXTERIOR LIGHTING. All exterior lighting fixtures, including decorative, accent, landscape, walkway, driveway, and security lighting shall be submitted to the ACC for review and approval whether the Lot owner or builder believes it conforms or not. Photographs or brochures of the lighting and specification information must accompany the submission for review and approval. It is strongly recommended that approval be obtained PRIOR TO PURCHASE of any fixtures.

Even if fixtures are rated Dark Sky compliant or Dark Sky friendly the following requirements must be met for approval: No lights may shine upward (sconces must be fully shielded on top unless they are under a covered portal). All lighting must be directed downward and not at any angle that directs the light at neighboring properties or streets or roads. If the ACC deems it necessary, fixtures may require additional shielding to avoid light trespass. Bulbs may not be visible either through glass, frosted glass or decorative cuts in fixtures. Wattage is limited to 60 w or an equivalent of 5% or more light emitted is in a horizontal direction. LED wattage is limited to 7-9 watts.

Except for low voltage lighting, or solar-powered safety lighting, or solar-powered landscape lighting (all of which also must meet the above requirements) no exterior lighting may be on from dusk to dawn. If you need further assistance, consult with the ACC prior to your submission. See Rules section 8.15 for temporary seasonal lighting requirements.

- 4.10. WALLS, FENCES AND GATES. All walls, fences and gates must be submitted for approval in writing and approved by the ACC prior to Commencement of Construction. All must be submitted with a plan or sketch that depicts their placement on the Lot, their height, and a description of the material to be utilized. All walls and fences (including portal, garden, courtyard and landscape) may not exceed 6 feet in height.

The height of retaining walls must be approved by the ACC. If more than four feet of retaining is needed, the retaining wall system must be terraced with a minimum of three feet of horizontal separation between each wall. The terraced area must be landscaped per Rules section 4.11.

Stucco walls are preferred throughout the subdivision and all types of block walls must be covered with stucco. Wall stucco must match the main color of the house. If using regular stucco, the block wall must be wrapped to prevent block seams from showing through when the wall gets wet. If using synthetic stucco, wrap or use a waterproof barrier on both sides of the block wall prior to applying stucco.

Bare concrete walls, bare concrete block walls, and walls made of gabions and railroad ties are not approved. All other non-stucco wall materials must be submitted for approval with physical samples of the proposed wall including, if the ACC requires, multiple samples to show a section of the finished wall. Walls of natural stone, cultured stone, or have the appearance of natural stone are the objective and priority for non-stucco walls. Interlocking man-made blocks and/or walls with identical or nearly identical blocks that form a regular and repeated pattern do not meet the requirement of appearance of natural stone.

Wire fencing (including chain link, mesh, chicken wire, and other wires), coyote, partial coyote, wood panel, split rail, pipe rail and rusted metal (coated or non-coated) fencing are not approved materials in the subdivisions. Metal fencing on top of stucco walls is preferred vs. full height metal fencing.

Gates on the ground shall be metal or wood with the same requirements as fencing above. For example, no coyote or latilla, or rusted metal gates allowed.

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All AC or mechanical equipment whether on the roof or the ground shall be shielded from view on all sides by a full height, four-sided stucco enclosure wall that matches the stucco on the house. See Rules section 4.8. Replacement of equipment that is higher than the previous shielding wall requires extending or replacing the wall to fully shield the replacement equipment (but no higher than required to do so). If a gate on the roof is approved to shield and access AC or mechanical equipment in its four-sided enclosure, it shall be full-height and solid material and shall be color matched to the enclosure stucco. The same requirements as fencing above applies to roof gates.

See Rules section 8.7 for requirements concerning maintenance of walls, fences and gates.

4.11.LANDSCAPING. Any Development or Enhancement that will disturb existing established vegetation (and/or landscaping previously approved by the ACC) must be approved by the ACC. A Landscaping Plan must be submitted and approved prior to any landscaping actions on the Lot. Landscaping must comply with ACC Rules, which supersede any landscaping notations on Engineering, Survey, G&D or any other Plan submissions.

Native plantings must be minimally restored in ALL DISTURBED AREAS (excluding fully walled, enclosed portals and garden or courtyards) for a Development or Enhancement to pass Final Inspection and be considered in compliance. Minimal restoration of all disturbed areas shall include raking disturbed areas smooth, planting, with appropriate irrigation, a native plant (some trees preferred, 5-gallon nursery plants and plants at least 18 inches above the soil are required) for every 100 square feet (10x10) of disturbed area. This means small, near-soil-level plants, including tiny or low grasses, and annuals that will die in the upcoming seasons, are not acceptable and will not be approved. Rock mulch, consisting of gravel, rocks and minimal crusher fine, is an approved restoration method, but requires minimal planting in addition, especially in public areas (seen from public streets or roads). Excessive weeds, especially tumbleweeds, must be removed from all disturbed areas, including slopes, to pass Final Inspection.

Sowing of seed, seed mats of any type and hydroseeding are not allowed. Use of loose straw to cover landscaping is not allowed as the straw may be blown away by the wind.

All plantings must be alive for construction to be considered complete and pass Final Inspection. Dead plantings must be removed prior to the Final Inspection and replaced. If a formal landscape plan has been submitted to and approved by the ACC it must be completed for construction to be considered complete.

See Rules section 4.10 for requirements for walls and fences and gates. These also completely apply to landscaping. Also see Rules section 7.6 for requirements protecting vegetation.

When developing your plan, please keep in mind that we live in the desert. There is a limit of 600 square feet of turf allowed in any plan. Plantings should be adjacent to or relatively close to the perimeter of the home. Also keep in mind that each home is allotted not more than .3826 acre-feet of water per year (approximately 10,300 gallons per month) by the Anasazi Trails Water Cooperative for all uses. See CCRs Section 6.16(a).

When interpreting CCRs Section 7.2 Lot owners must maintain their Lot to keep vegetation from becoming unsightly, especially if Visible from Neighboring Property and streets and roads. Tumbleweeds in particular, which are highly invasive, must be removed as early as possible in their lifecycle so as not to allow their seeds to spread to other Lots.

5. DEVELOPMENTS AND ENHANCEMENTS – OVERALL REQUIREMENTS

5.1. LICENSED BUILDER RESPONSIBLE. If a NM GB 02 or GB 98 license is required with an approved Application and Development or Enhancement Plan, that entity, business and person listed on the license (“the licensed builder”) must be in charge of, and be intimately involved in, day-to-day

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construction throughout the construction or project implementation. The ACC requires the licensed builder to be the primary party responsible for conformance to all Rules, including submission of all documents, from application through obtaining the Final Inspection approval.

The licensed builder must address violations of the CCRs and ACC Rules or other problems raised throughout the entire Plan. Failure of the licensed builder to comply with this requirement will result in a fine and potential exclusion from working in the AHOA, and/or other penalties the ACC, at its sole discretion, may apply. If penalties are applied, they are the responsibility of the licensed builder. If the licensed builder has provided the compliance deposit, the penalty amount will be taken from the deposit.

During the Plan the ACC holds Lot owner also responsible, but only after the licensed builder, if one was required. If the Lot owner or another party has provided the compliance deposit and the licensed builder refuses to cure the violation or to pay the penalty, the party who paid the compliance deposit will be responsible for payment and/or violation removal.

Where the term "builder" is used in these Rules it refers to the licensed builder when a NM GB 02 or GB 98 license is required for Development Plan approval, and a builder without a GB 02 or GB 98 license in other situations.

5.2. NO COMMENCEMENT OF CONSTRUCTION AND BUILDING UNTIL REQUIREMENTS MET.

Before any Development construction commences on a Lot, the Mandatory meeting must have occurred, Development Plan approved by the ACC, proof of zoning approval obtained and a copy filed with the ACC within seven days of issuance, and flagging erected per Rules section 7.6.

In the interim time period between ACC approval and proof of zoning approval, per CCRs Section 6.1: "No construction whatsoever including, without limitation, site preparation, clearing of trees or excavation, shall commence without the prior written approval of the ACC" and, per ACC Rules, the zoning approval obtained and acknowledged by the ACC.

"Construction" shall mean any and all actions taken to execute any Development or Enhancement of a Lot, including deposit or erection of equipment or other materials, and there shall be no disturbance of the soil or vegetation of the Lot AT ALL prior to meeting Commencement requirements.

Allowable exceptions to the Commencement requirements are surveying and placing flags only to identify the boundaries of the Lot, natural grade current contours, and potential placement of a structure or Enhancement, and soil testing. All exceptions must be required to prepare for a Development Site Plan and G&D Plan submission.

Commencement of building, including placement of footings or foundation without a valid building permit obtained and a copy filed with the ACC within seven days, may result in a penalty by the ACC, as well as penalties assessed by the applicable governmental authorities.

Before an Enhancement project commences in any way on a Lot ACC approval must have occurred.

See Rules sections 2.7 and 2.8 for zoning approval, building permit and SWPPP permit requirements.

5.3. CHANGES TO PLAN AFTER PLAN APPROVAL. Once approved, the ACC expects Developments and Enhancements will comply strictly with the approved Plan. However, should changes arise, any and all variance from or changes to the Development Plan or Enhancement projects between the Plan approval and the Final Inspection approval must be submitted to the ACC and approved in advance of the variance or change being initiated.

5.4. CHANGES TO CONTACT INFORMATION. It shall be the Lot owner and builder's responsibility to inform the ACC, in writing, of any contact information changes after submission of the Application. Being able to communicate with both the Lot owner and builder throughout the Application and Development and Enhancement process and during construction is critical. The Lot owner and builder must both

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ensure that the ACC continues to have current contact information for each of them.

- 5.5. **TIMELY RESPONSE TO ACC COMMUNICATIONS.** Builder and Lot owner must be diligent in responding to any ACC communication. This means acknowledging receipt of, or responding to, all notices within 72 hours of time/date of communication whether by email or US Mail. If a substantive response cannot be provided within 72 hours, as a courtesy an explanation/commitment of when such response will be forthcoming should be provided to the ACC with the acknowledgment.

6. DEVELOPMENTS – CRITICAL CHECKPOINTS

- 6.1. **CHECKLIST AND REQUIREMENTS BY MILESTONE.** A Development Checklist and Requirements by Milestone is included as Appendix A of these Rules. It details required actions and documents in chronological order and by major milestones for the entire Development process. **READ AND REFER TO APPENDIX A FOR THE FULL SET OF REQUIREMENTS THROUGHOUT THE DEVELOPMENT.**
- 6.2. **DRIVEWAY CROSSINGS.** The driveway crossing must be established at the onset of construction. A cobbled dip shall be established and maintained throughout construction. If a cobbled dip, 4-8” cobble must be installed and maintained on the first 5-10 feet of the driveway and it must be installed as soon initial grading is done. If the grader caused dirt to contaminate the public street or roadway, it must be cleaned up before cobble is laid. All cobbles must be installed and maintained so their use will not damage the Association’s walking path during construction, if a walking path is present. See Rules section 7.13 for responsibility for damage to Association walking paths.

If a dip section is required by the G&D engineer, it shall be paved concrete installed prior to Final Inspection. When a culvert is utilized a full sized, permanent culvert must be installed as part of the initial site preparation. A culvert shall not be less than 18 inches in diameter unless recommended by the licensed builder’s drainage engineer and approved by the ACC. Depending upon the crossing, a larger culvert may be required. Culverts shall have flared end sections and may be required by the ACC, depending on turning radius required to enter the driveway, to extend up to five feet beyond each side of the driveway.

- 6.3. **FIRST IMPROVEMENT LOCATION REPORT (ILR).** Prior to pouring the concrete vertical stem walls an ILR must be performed by a licensed surveyor and a copy of that survey **MUST BE** submitted, reviewed and agreed by the ACC in writing prior to the pour. This is required whether the licensed builder is deploying “monopour”, “footer/stem/pad”, pre-fabrication trenches, or other pour procedures. Some may call this ILR report a “Forms Survey” and it validates placement of the house footings or foundation are identical to the ACC approved Development Plan. The surveyor must be familiar with the AHOA’s setback requirements as they are different from (and more restrictive than) those of Sandoval County. See CCRs Section 6.4(a) and Rules section 4.2. A penalty may be assessed, and/or a stop work order issued, for failing to provide the report to the ACC and gain approval before pouring the concrete vertical stem walls.

- 6.4. **HEIGHT REPORTS.** Height reports of the structure are required twice during the construction

The first height report is required at or near the end of framing that identifies the height of the structure(s) at the highest point (see Rules section 4.3), measured against the maximum height elevation marker approved for the Plan. The report must be prepared by a licensed surveyor after all lumber, including parapets, roof peaks, roof walls around HVAC equipment, and any other structures included in the height requirement are installed. Chimney flues are excluded from the maximum height elevation marker but cannot exceed two (2) feet above the marker.

The second height report is required at the end of construction (as-built) and prior to Final Inspection. This report may be included in the final as-built ILR and must identify the final height of the structure(s) at the highest point, measured against the maximum height elevation marker approved for the Plan. (see Rules section 4.3). The report must be prepared by a licensed surveyor.

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Failure to submit height reports will result in a fine. Exceeding the height limitation approved for the Plan will require removal of all parts of the structure above the maximum height elevation approved.

- 6.5. FINAL (As-Built) IMPROVEMENT LOCATION REPORT (ILR) CERTIFICATION. At the end of construction and prior to the Final Inspection an updated ILR certification must be performed and signed by a licensed surveyor confirming as-built permanent improvements comply with the approved Development Plan, and a copy is submitted to the ACC for review and acknowledgement. The purpose of the second ILR is to locate all approved, completed, and permanent improvements on the Lot, such as walls, fences, gates, driveway, guest parking, patios/portals, outbuildings and so on that are not included within the house footings or foundation, as well as certifying the location of the home and its height.
- 6.6. TIME LIMITS ON COMPLETION OF NEW HOME CONSTRUCTION. The time allotted to complete a house (or outbuilding, remodel or addition) is 18 months. A single 6-month extension may be granted at the time of the initial Application or at any time thereafter but within the initial 18 months, if requested by the Lot owner or licensed builder. The licensed builder must apply for this extension in writing and obtain ACC approval. No further extensions will be granted. To determine the 18-month completion period, the ACC will utilize the date of the issuance of zoning approval as the date of Commencement of Construction. Should the zoning approval be presented to the ACC with no date of issuance the ACC shall use the date of the Development Plan approval as the date of Commencement of Construction.
- 6.7. WHEN A DEVELOPMENT IS CONSIDERED COMPLETE. A Development is considered complete when the improvements detailed in the approved Plan are completed, a copy of the Certificate of Occupancy, a Grading and Drainage Compliance Certificate prepared by a licensed engineer, and a final Improvement Location Report (ILR) and final Height Report prepared by a licensed surveyor have been received by the ACC, and all the actions and documents stipulated under the Final Inspection milestone in Appendix A are completed to the ACC's satisfaction.
- 6.8. FINAL INSPECTION AND RESPONSIBILITY FOR REQUIREMENTS AND MITIGATIONS. Development Final Inspection major requirements, documents and actions are listed in Appendix A under the Final Inspection milestone and must be completed to the ACC's satisfaction. Once ALL the items required by the Development Plan have been completed, the licensed builder will call the ACC for a Final Inspection. The Final Inspection should be performed in a timely manner and within a month or less after Plan completion. Per CCRs Section 4.6 the ACC may enter upon any Lot for the purpose of inspection and the ACC may exercise this right if the Final Inspection is not called for, or not called in a timely manner. Improvements made after, in addition to, or outside the approved Plan will be addressed separately by the ACC and not included in the Final Inspection.

During the Final Inspection, compliance requirements or mitigations to be addressed prior to Final Inspection approval may be identified by the ACC. In this case the ACC will issue an ACC Final Inspection Advisory in writing describing the further requirements for approval. Compliance requirements or mitigations identified in the Advisory are the responsibility of the licensed builder (See Rules section 5.1). If any item is not in compliance, the Plan fails Final Inspection, is not given Final Inspection Approval, and the compliance deposit or remaining portion thereof is not released until compliance is achieved. Forfeiture of the compliance deposit is not an option to absolve the licensed builder from the responsibility to bring the Development into compliance. Failure to achieve Final Inspection Approval keeps active the compliance requirement until it is satisfied by the licensed builder and current or subsequent Lot owners. The licensed builder who fails to obtain Final Inspection Approval will be denied approval to construct in the AHOA subdivisions until the Final Inspection Approval is obtained. The AHOA reserves the right to file a lien of non-compliance against a property.

Once Final Inspection Approval is provided, the party who provided the compliance deposit may request return of the compliance deposit or the remaining portion. The refund will be processed to the issuer of the original compliance deposit check received when the Application and Development or Enhancement Plan was approved.

Criteria for completion and Final Inspection requirements of an Outbuilding, Remodel and Addition may

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vary from those listed in Appendix A, at the ACC's discretion. Any compliance requirements or mitigations identified as a result of the Final Inspection are the responsibility of the licensed builder who received approval for the Plan.

7. PLAN CONSTRUCTION / PROJECT IMPLEMENTATION REQUIREMENTS

7.1. ALLOWABLE HOURS OF OPERATION. On Monday through Friday construction or projects shall not begin prior to 7:00 AM nor continue after 6:00 PM. On Saturday construction or projects shall not begin prior to 8:00 AM nor continue after 5:00 PM. No construction or project implementation is permitted on Sunday. All times are Mountain time.

7.2. SANITATION. A portable toilet shall be placed at the site when the grader arrives or when Development Plan construction commences. The toilet must remain on site and fully functioning through the duration of construction. Penalties may be imposed for the lack of a portable toilet or its lack of function.

For Enhancements sanitation facilities must be provided for workers – either the Lot owner's facilities must be available for use, or a portable toilet placed on the Lot before and during project implementation.

7.3. DUMPSTER. For Developments an adequate construction dumpster shall be placed on the site for detention and collection of trash and construction debris prior to the delivery of framing materials. Dumpster contents must not extend beyond the rim of the dumpster and, if necessary (due to windy conditions), must be covered with a lid or tarp, unless the entire construction area is fenced. No food waste shall be put in the dumpster (it shall instead be removed from the site each day). A wire enclosure is not an acceptable substitute. Penalties may be associated with an unkempt construction site.

For Enhancements trash and debris must be hauled away every day at the end of the day, or a dumpster must be placed on the Lot like Developments.

7.4. WASHOUT. Builders shall establish and build a concrete washout location on the Lot for use during construction. The washout shall be shown on the Development Plan and developed at the onset of construction, including excavation. When concrete is being used in an Enhancement project the same requirement applies. Failure to have workers use the washout will result in a fine. The builder is responsible for concrete cleanup if the wash is done on a street, road, or anywhere else other than in the established washout. If cement is deposited anywhere on any street or road by the cement delivery company the builder is responsible for having it repaired or rectified within one week. Concrete washout materials must be removed prior to the Final Inspection.

For Enhancements, if substantial concrete is being used for the project (such as a patio or driveway) a washout must be established and used per Development requirements.

7.5. FENCING. The ACC reserves the right to require a chain link fence around any construction site to remain in place until prior to Final Inspection, when it must be removed.

7.6. PROTECTING VEGETATION. All vegetation not included within the footprint of the structure(s) or other improvement being constructed or installed shall be protected during a Development or Enhancement. Vegetation shall be protected by means of flagging barriers to prevent workers, subcontractors and others from parking on or running over areas that are not directly affected by the construction of the home. The builder must protect and flag any roadside areas adjacent to, across from or near the construction site. Both sides of the street or road where construction and worker's vehicles may park must be flagged before Commencement of Construction and remain in place until just before the Final Inspection (See Rules section 5.2). The ACC may require additional protection at its discretion to prevent damage to delicate plant life. Trees outside the construction footprint shall not be removed without approval from the ACC.

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7.7. PARKING DURING PLAN CONSTRUCTION AND PROJECT IMPLEMENTATION. Parking of all construction and worker's vehicles should be off-street only if the parking is on excavated soil and NOT on any vegetation. If this is not possible, then parking shall be along the least used street or road adjacent to the Lot on which the construction is taking place and on one side of such street or road only so as not to impede the flow of traffic or create a potentially unsafe condition. Parking on the street or road must be with ALL tires on the street or road pavement to protect and conserve adjacent vegetation. Cars shall not park (or drive) on areas (boulevards) between the street or road and a paved walking path, nor park (or drive) on the walking path. Both sides of the street or road where construction and worker's vehicles may park must be flagged. See Rules section 7.13 for damage to streets, roads and walking paths, Rules section 7.14 for damage to other properties, and Rules section 8.5 for requirements on parking, storage and driving of vehicles on Lots.

7.8. SLOPES AND GRADING. The ACC prefers placement of Developments and Enhancements so no slopes are disturbed or excavated. However, it is recognized that some Developments or Enhancements may require slope disturbance.

All disturbed slopes and slope mitigations of a Development Plan or Enhancement project must be approved by the ACC in writing and in advance of the slope being disturbed. A Grading and Drainage Plan prepared by a licensed engineer and approved at Development or Enhancement Plan approval shall be followed. All slopes approved to be disturbed must not exceed 3:1. If any disturbed slope exceeds 3:1 it is required that retaining wall(s) must be installed to return the slope to 3:1. In the event the ACC approves in advance that a slope cannot be returned to 3:1, both retaining walls and erosion control rock must be installed. Erosion control rock shall be a minimum of 4 inches in diameter and installed to the bottom of the disturbed slope. Erosion control mats, blankets and pads are not allowed. The ACC may, at its sole discretion, approve a disturbed slope mitigation varying from the above if it fulfills erosion objectives and is more appropriate in that situation. See Rules section 4.10 for requirements for walls, which also applies to retaining walls.

The initial site clearing and grading shall include grading all disturbed areas to within 5% of the anticipated final grade and completing all drainage and grading that the approved Grading and Drainage Plan requires at that time. This shall include on-site water detention and erosion control, driveway, drainage crossing and courtyards. All runoff from all disturbed soil and impermeable surfaces on the Lot shall be detained on the Lot throughout construction. See Rules section 7.10 for further requirements of on-site detention of runoff during construction.

If a slope is not approved to be disturbed on a Development Plan or Enhancement project it must not be excavated or disturbed in any way. When grading near, on or adjacent to any slope, soil must be back-dragged away from the slope edge and, in no event, should soil be pushed over the slope edge.

Soils stripped or excavated by grading must be hauled off site or utilized in disturbed soil landscaping areas. When grading, when there is bare disturbed soil on the site, and when temporary mounds of soil are retained for future use, the ACC requires the use of water to dampen down loose soil to eliminate or reduce blowing dust. See Rules section 7.9 for use of water resources during construction.

7.9. USE OF WATER RESOURCES DURING CONSTRUCTION. During construction water MAY NOT be used from any source other than the meter located at the Lot owner's lot, or from a truck bringing water in from outside of the subdivisions covered by the CCRs. No water from neighboring lots may be used even with the permission of another Lot owner. Unauthorized use of water may be considered theft, punishable by law. To have a meter installed, please call the Anasazi Water Coop.

7.10.ON-SITE DETENTION OF RUNOFF DURING CONSTRUCTION. All runoff from all disturbed soil and impermeable surfaces on the Lot shall be detained on the Lot throughout construction. It is the responsibility of the builder and Lot owner to comply with the submitted Grading and Drainage Plan regarding protection of surrounding properties from runoff from the impermeable surfaces to be created during construction. See Rules section 7.8 for requirements on Slopes and Grading.

7.11.SOIL COMPACTION. The ACC recommends that Lot owners require their builders to provide results of

Lot owner's initials _____

Licensed Builder's initials _____

compaction tests related to their home construction prior to the pouring of any concrete. The ACC does not monitor and is not liable for the performance of this or any other testing.

7.12.BAR DITCHES. Bar ditches adjacent to the Lot shall be maintained and restored, if necessary, throughout the completion of construction. See Rules section 8.2 on requirements on responsibility for drainage crossings and bar ditches.

7.13.DAMAGE TO STREETS, ROADWAYS AND WALKING PATHS. Damage to a street or roadway or creation of a hazardous condition adjacent to a Lot under construction, whether on a public roadway or a shared private access easement, shall be the responsibility of the Development Plan licensed builder or, if resulting from an Enhancement project, the Lot owner. The damage must be repaired or rectified in a timely manner, to the ACC's satisfaction, and completed prior to Final Inspection approval. Penalties may be charged for street or roadway damage.

Damage to the Association's walking paths caused as a result of construction shall be the responsibility of the Development Plan licensed builder or, if resulting from an Enhancement project, the Lot owner. There is no parking or driving on walking paths or on adjacent vegetation/landscaping and doing so can result in damage. At the AHOA's discretion, the AHOA may elect to fix the damage. If performed by the AHOA, such damage repair will be done at the licensed builder's or Lot owner's expense. If damage repair is done by the licensed builder or Lot owner, it must be repaired or rectified in a timely manner, to the ACC's satisfaction, and completed prior to Final Inspection approval. Penalties may be charged for damage to the Association's walking paths. See Rules sections 6.2, 7.6 and 7.7 for use of cobbles adjacent to walking paths and protecting vegetation and parking during construction.

7.14.DAMAGE TO OTHER PROPERTIES DURING PLAN CONSTRUCTION and PROJECT IMPLEMENTATION. Any damage to other AHOA Lots or personal property due to Plan or project construction is the responsibility of the builder or Lot owner of the application. The damage must be repaired, replaced or mitigated by the builder and at their expense. Failure to address damage to other properties will result in using the compliance deposit to achieve the repair, replacement or mitigation. Per CCRs Section 8.9(b): the ACC has the right to spend all or a portion of the compliance deposit or issue fines, without recourse, to fix the damage, or damage not addressed in a timely manner.

7.15.STOP WORK NOTICE. The ACC reserves the right and has the authority to issue a stop work notice (also called red tagging), especially if a violation is serious or urgent, or if a written violation notice from the ACC is not rectified within the stated time frame. If a situation is likely to cause immediate harm to persons, property or the environment, or animals are involved, or is considered a serious infraction by the ACC, the ACC may issue an immediate notice to stop work until the situation has been corrected. Work must cease immediately upon issuance of a Stop Work order. Failure to stop work will result in a penalty and appropriate authorities may be called by the ACC to force the work to stop. See CCRs Section 8.2 for assessments and liens, and Rules section 10.3.1 for violation types.

8. SUSTAINING RULES - REQUIREMENTS, RESTRICTIONS AND DEFINITIONS

8.1. LOT OWNERS REQUIRED TO PROVIDE CURRENT, ACCURATE CONTACT INFORMATION. Lot owners are required to provide current and accurate and all contact information, including mailing addresses, phone numbers and email addresses, to the AHOA. This requires Lot owners to not only forward to the AHOA their own information, but also their renter's information, within one week of a change. This information is necessary for the AHOA, ACC and the management company to contact Lot owners for both emergencies and AHOA communications. The AHOA will use all such contact information only for the official use of the AHOA and will not be distributed. Lot owners shall send any missing or updated contact information to the AHOA management company.

The Lot owner is not absolved of responsibility for violations, penalties or fines when communications are sent to the most recent contact information on record with the AHOA and ACC. This applies even if the Lot owner fails to inform the AHOA of current, accurate contact information, denies receipt of a

Lot owner's initials _____

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communication, or claims another contact address or contact information is more appropriate or correct. This requirement also applies to builders (See Rules section 5.4).

8.2. LOT OWNER RESPONSIBLE FOR TERRAIN MANAGEMENT. The Lot owner shall be responsible for maintaining the drainage crossing in a functioning manner, clear of sediment and debris, in perpetuity.

The Lot owner shall be required to maintain and restore bar ditches in perpetuity, at all times keeping the bar ditches between the bottom of a slope and the street or roadway open for receiving runoff without regard to whether or not the slope and bar ditch is on the county right of way.

Lot owners shall recognize that improvements made on county right of way may be removed or damaged by the County in performance of its roadway maintenance obligations. Pursuant to Section 4.4 of the Anasazi Homeowners Association "Conditions, Covenants, and Restrictions", each Lot owner has granted an easement to the Declarant, the ACC, the Homeowners Association, or Sandoval County to maintain all slopes so as to protect and maintain the drainage of the roadway adjacent to that Lot. If performed by the ACC or AHOA, such maintenance will be done at the Lot owner's expense.

Lot owners have granted a walking trail easement to the Anasazi Homeowners Association. Should the Association exercise its right to build a walking trail in the easement, Lot owners shall recognize that improvements made in the easement may be damaged, and must be removed and/or relocated, including detention ponds. This includes improvements previously approved by the ACC. If performed by the ACC or AHOA such removal or relocation will be done at the Lot owner's expense.

8.3. LOT OWNER RESPONSIBLE FOR SLOPES AND WATER DETENTION. Lot owners shall, at all times, do what is necessary to protect and maintain grading and slopes on their Lot to prevent erosion and runoff from impermeable surfaces. The Lot owner shall be required to detain all post-Development water from the Lot's impermeable surfaces on the Lot. The Lot owner shall be responsible to maintain the ability of detention ponds, slopes and related drainage systems to detain all post-Development water on their Lot. This shall include, but not be limited to, retaining and augmenting gravel and rock to reduce erosion, removing silt and other build-up that can reduce the capacity of detention ponds, and further improving systems to appropriately detain all post-Development water from the impermeable surfaces on the Lot. Erosion control methods that are not approved include, but are not limited to, erosion protection mats, blankets and pads. The AHOA and ACC are not responsible for monitoring, maintaining, or managing the Lot owner's responsibilities in regard to slopes and water detention, nor are they liable if the Lot owner fails to perform. See Rules section 4.11 Landscaping, and Rules section 7.8 Slopes and Grading.

8.4. ADDITION OF NON-PERMEABLE SURFACES. A non-permeable surface added to any Lot, for instance, increasing a patio area, adding a roof overhang or paving a driveway that was not previously paved, requires written permission of the ACC prior to commencement of such activity. The submission for permission shall include a viable plan for detention of runoff from the new surfaces and might in some cases require that such a plan be prepared by a licensed engineer.

8.5. PARKING, STORAGE AND DRIVING VEHICLES ON LOTS.

In addition to the stipulations in CCRs Sections 7.11 through 7.16:

To reduce unsightly appearance, maintain the aesthetic appeal of the neighborhood and preserve property values, extended parking on Lots shall be curtailed anywhere on Lots, and is prohibited on undeveloped or unimproved parts of Lots.

Parking refers to parking and/or storage of any operable or inoperable motor vehicle, trailer, RV, truck, boat or similar conveyance on any improved or unimproved portion of a Lot, except inside the Lot's enclosed garage; designated and approved walled trailer storage attached to the house with wall height sufficient to hide the trailer from view of roads, streets or Visible From Neighboring Properties; or on designated and approved guest parking.

Lot owner's initials _____

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Extended parking means recurring and/or overnight parking continuously, or chronically, on the property of the Lot. Extended parking on the Lot's private driveway is particularly obnoxious. A driveway is a driveway, not a parking lot. Occasional, infrequent, driveway parking is permitted. If the need arises for temporary and limited long-term driveway parking, ACC approval is required in advance.

The driveway is the approved, improved portion of the Lot accessed from a shared private access easement or dedicated street or roadway and leads to the home's garage, including any approved temporary guest parking areas.

When interpreting CCRs Section 7.9, driving, storage, parking, including extended parking, of any number and type of motor vehicles, trailers, or any other conveyance on the undeveloped or unimproved part(s) of the Lot is prohibited and is seen as an Obnoxious or Offensive activity. Placing gravel, crusher fine or similar materials on undeveloped portion(s) of the Lot is a violation of these Rules concerning protecting vegetation, and does not mean it is Improved for parking, unless an Application including the request for parking use was submitted and approved by the ACC in advance of the commencement of the placement of materials.

Guest parking shall be temporary and only in designated and approved parking spaces on the improved portion of the Lot. Guest parking shall not be used for extended parking or storage by guests or others.

Shared private access easements shall be used for access (enter or exit only) and not used for parking.

Except for temporary daytime parking during on-going construction or maintenance, commercial vehicles of any type and tonnage may not be parked or stored anywhere on a Lot. Commercial vehicles include, but are not limited to, vehicles designed, built or equipped with features specifically for business use, and vehicles visibly carrying equipment used for commercial purposes (such as ladders, tools, toolboxes, materials used in trade professions, etc.).

See Rules section 7.7 for parking requirements during construction, Rules section 8.6 for RV parking, and Rules sections 8.21 and 8.22 for parking requirements during public and temporary private events.

- 8.6. RECREATIONAL VEHICLES. In addition to the stipulations in CCRs Section 7.11 parking of recreational vehicles, boats and trailers shall not exceed 3 days each during loading or unloading. These vehicles may only be parked in the driveway of the Lot owner's home and on no other portion of the Lot. If RV parking is needed for a longer time, ACC approval is required.
- 8.7. MAINTENANCE OF WALLS, FENCES AND GATES. Walls, fences and gates, including gates shielding AC or mechanical equipment, must be maintained and in good repair. If they are in disrepair, the Lot owner must repair or replace them after receiving approval from the ACC. See Rules section 4.10 for requirements on walls, fences and gates.
- 8.8. SOLAR EQUIPMENT. The location of any solar equipment must be approved by the ACC. Solar panels must be on the roof of the house and not mounted on the ground, on other structures located on the ground, or on the sides of structures. Panels must be located in the portion of the house roof least Visible From Neighboring Properties and public streets or roads. Prewire through the structure is preferred. However, if external wires are approved, they must be in an appropriate conduit and painted to color match the stucco of the home and must not be visible from the street or road.
- 8.9. SATELLITE DISHES. The location of any satellite dishes must be approved by the ACC. Satellite dishes must be located on the roof of the house and not mounted on the ground, on other structures on the ground, or on the sides of structures. The dishes must be located on the portion of the house roof least Visible From Neighboring Properties and public streets or roads that still allows their function. Prewire through the structure is preferred. However, if external wires are approved, they must be in an appropriate conduit and painted to color match the stucco of the home and must not be visible from the street or road.

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- 8.10. POOLS AND SPAS. Pools and spas shall be submitted for approval to the ACC. If approved, they shall remain covered when not in use to minimize evaporation.
- 8.11. OBJECTS OF ART, SCULPTURES, OUTDOOR FIREPLACES, FIRE PITS, HOT TUBS AND SIMILAR OBJECTS. Objects of art, sculpture, fireplaces, fire pits, hot tubs and similar objects on the exterior of the home or on the Lot shall be submitted with their proposed placement and approved in writing by the ACC. Objects within fully walled, enclosed portals and garden and courtyards do not need ACC approval if they do not exceed the height of the enclosure wall. See Rules section 8.25 for restrictions on open burning.
- 8.12. RECREATIONAL EQUIPMENT. Recreational equipment or courts of any kind that will be Visible From Neighboring Property (see Rules section 8.19) shall be submitted in writing for ACC approval. Basketball hoops of a portable nature shall only be allowed by exception. Above ground trampolines are prohibited
- 8.13. GARBAGE CONTAINERS. In addition to the stipulations in CCRs Section 7.10: residential garbage containers can be put at the driveway entrance within 12 hours before scheduled pickup by commercial waste removal companies. Containers must be removed from the pickup location and re-stored in the home's garbage enclosures within 24 hours after garbage containers are emptied. Garbage containers must be stored so they are not Visible from Neighboring Property (see Rules section 8.19) or from the street or road.
- 8.14. SIGNS. "For Sale" signs permitted under CCRs Section 6.10 are restricted to those advertising the sale of the property on which such signs are sited, must not exceed 6 square feet, and one sign may be placed.
- Builder's advertising signs during the course of construction, or to sell and build on the Lot on which such signs are sited, must not exceed 6 square feet, may place one sign, and which must be removed prior to the Development Final Inspection.
- Signs advertising public, infrequent Placitas-wide events (e.g. Studio Tour, Garden Tour, Parade of Homes) must not exceed 6 square feet, must be temporary (not be placed for more than 10 days) and approved in writing by the ACC in advance of placement. See Rules section 8.22 for full requirements related to these events.
- Signs advertising sales at private residences or Lots (e.g. garage or estate sales, pottery or art sales, or similar events) are not allowed in the subdivisions.
- Signs or similar objects demonstrating, showing or indicating support or lack of support for candidates in political elections, or for political or other views, issues or proposals, are not allowed in the subdivisions if they are Visible From Neighboring Properties or streets or roads. See CCRs Section 1.35 and Rules section 8.19.
- The ACC has pre-approved use of the small signs provided by home security service companies.
- 8.15. TEMPORARY SEASONAL LIGHTING. The ACC allows temporary seasonal decorative lighting outdoors beginning on the Thanksgiving public holiday and must be removed within one week after New Year's Day. Lighting for other holidays is allowed with ACC prior approval. The lighting may be unshielded if it is of very low wattage and intended to minimize light pollution. The total amount of overall light emitted must be respectful of neighbors and the community, and not excessive or otherwise create a nuisance. See Rules section 4.9 for permanent lighting requirements.
- 8.16. RO SYSTEMS NOT REQUIRED. Applying the discretion permitted the ACC under CCRs Section 8.15, the requirement in the CCRs Section 6.16(a) stating that "each Lot Owner shall install a reverse osmosis

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point of use water treatment system” will not be enforced on Lot Owners as it is considered an artifact predating the installation of the current capabilities of the water system.

8.17. HOUSEHOLD PETS.

Regarding Noise: the following definitions will be used when interpreting CCRs Section 7.1:

No pet shall make an unreasonable amount of noise, especially beyond the time period stipulated in “unreasonable amount of noise” below.

“Unreasonable amount of noise” shall mean that amount of noise that continues for any period of time beyond that amount of time necessary to alert the persons in the home or responsible for the noise or pet (Lot owner, renter, agent or other occupant of the home who is a permanent resident of the home) to investigate the cause of the disturbance and to cause the noise or the pet to cease the disturbance, such as a dog to cease barking.

“Enclosed area” shall mean that portion of the Lot owner’s Lot that is surrounded by a wall, conforming in all respects to Section 7.17 of the Anasazi Trails Subdivision Comprehensive Declaration of Covenants, Conditions and Restrictions, or invisible fencing or similar and to which a household pet is restricted. If a household pet creates an unreasonable amount of noise when contained in the enclosed area, a household pet shall not have access to this or any other outdoor area of the Lot owner’s property when the Lot owner, renter, agent or other occupant of the home who is a permanent resident of the home is not at home.

Regarding Animals At-Large: in the interest of safety of people, animals and sanitation, the following are requirements on household pets, especially dogs.

Sandoval County Animal Control ordinance requires all dogs must be under the owner's control when off the owner's premises, and no animal, including domestic dogs, can run at-large on streets, sidewalks, public property, or private property (without that owner's permission). The County Sheriff and Animal Control officers are officials that enforce Animal Control regulations. Sandoval County regulations apply at all times to everyone present within the County, including within the AHOA.

Section 7.1 of the CCRs requires 1) no domestic pets will be allowed on a Property, other than on the Lot of its Owner, unless confined to a leash or under voice control, 2) no animal shall be allowed to run at-large, and all animals shall be kept within an enclosed area which must be clean, sanitary and reasonably free of refuse, insects and waste at all times, 3) the ACC is to determine if animals are a nuisance or allowed to be at-large, which decision of the ACC in such matters is final, conclusive and shall be enforced as other restrictions.

All animals, including domestic dogs, are NOT allowed to be at-large within the AHOA. Dogs at-large are considered a nuisance both in terms of potential menace to others and waste sanitation. The only exception is a dog may be at-large on the Lot owner's property, or on private property of other Lot owners, but only with the *written permission* of that other Lot owner. This means all dogs must be on a leash at all times within the boundaries of the AHOA when they are off the Lot owner's property.

The arroyos within the AHOA are *private property* of the Lot owners adjoining the arroyo. All arroyos are private, not public, property. Developed walking trails, recreational facilities (such as the tennis court), as well as entrances and ramadas, are owned by the AHOA and not public property. Roads or streets (and their associated easement) in the AHOA are owned by Sandoval County and are public property. The ACC Rules and/or Sandoval County ordinance applies to all of the AHOA – all Lots, roads and common areas.

Voice control has proven insufficient to eliminate dog attacks on dogs and people. The Sandoval County ordinance prohibits dogs at-large regardless of whether they are under voice control.

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Lot owners are encouraged to call the Sandoval County Sheriff or Animal Control officers for enforcement if there is a complaint of a dog (or other animal) at-large.

These ACC requirements apply to all animals, whether owned by Lot owners, renters, agents, guests or other occupants of a home. Others, who may be members of other HOAs, and visitors who are not guests of Lot owners, are subject to Sandoval County ordinances.

8.18. UNMANNED FLYING AIRCRAFT OR SYSTEMS. The operation and use of unmanned flying aircraft or systems in ways that intrude on the privacy of members is not allowed. Such operation and use constitute, at a minimum, a violation of CCRs Section 7.9 (prohibiting nuisances, and obnoxious or offensive activities), and may result in fines, in addition to any other penalties prescribed by state or federal law.

8.19. VISIBLE FROM NEIGHBORING PROPERTY. CCRs Section 1.35. "Visible From Neighboring Property" shall mean that with respect to any given House Structure or Other Structure or other object, that such House Structure or Other Structure or object is or would be visible to a person six (6) feet tall, standing on any part of a neighboring property. A neighboring property shall be any Lot from which a person can view another Lot or a structure or object on that Lot with the naked eye. In instances where roof equipment is visible from above, no additional requirements will be imposed so long as equipment is shielded from view on all four sides. Solar equipment and satellite dishes are excepted from the shielding requirement.

8.20. HOME OCCUPATION AND USE. The CCRs and ACC Rules limit homes in Anasazi Trails and Anasazi Meadows to single-family residential use. The following definition will be used when interpreting CCRs Sections 3.5 and 7.8:

"home occupation" shall mean a non-residential use of a home clearly incidental to the use of the home as a single family residence, which use is conducted by a Lot owner or other occupant of the home who is a permanent resident of the home and who has an occupation or business customarily recognized by zoning ordinances as an acceptable home occupation, which for example would include but may not be limited to professionals such as architects, engineers, lawyers, artists, authors or writers and the like. In no event will a business that is frequented by and open to the general public be considered a home occupation. Specifically, this precludes any business that advertises to the public (e.g. internet solicitation) offering overnight use of one or more room(s) at the residence, such as a Bed and Breakfast. Artists or others with home occupations who open their studios or homes during daylight hours to the general public once or twice year, or otherwise for infrequent special events, are:

- (a) encouraged by our Articles of Incorporation (Article II Section 3) and
- (b) permitted to do so under the CCRs and these ACC Rules when approved at the sole discretion of the ACC, and
- (c) their doing so shall not transform their home occupation into a business categorized as frequented by and open to the general public.

This definition also prohibits use or rental of the home for purposes such as for movie and TV productions, photography shoots or similar entertainment, business, commercial and non-commercial uses, which are considered non-residential and incidental to the use of the home as a single family residence. See also CCRs Sections 3.5 and 7.8, and Rules section 8.22.

8.21. TEMPORARY, PRIVATE EVENTS. Temporary, private celebratory events, such as weddings and large parties, may be held on Lots with ACC approval and the following minimum requirements: 1) must be hosted by and actively managed by the adult Lot owner, 2) are private, by-invitation only and not open to the public, 3) involve no more than 100 participants, 4) are held within an 8 hour period only, 5) all activities cease by midnight, 6) noise levels shall not be offensive, 7) natural vegetation on the Lot and next to roadways are protected and not disturbed, 8) traffic and parking is managed per ACC requirements, 9) neighbors impacted are notified at least 10 days in advance, 10) all evidence of the temporary event is removed within 2 days after the event, 11) does not become a nuisance, obnoxious

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or offensive activity, 12) must be approved in advance by the ACC, potentially with additional requirements, a minimum of one month prior to the event. The protection of natural vegetation next to roadways means ALL tires of all vehicles must be on the paved road or street, not off the pavement. The ACC requires vehicles shall be parked on only one side of streets or roads to allow traffic to flow. Flagging and signs marking the parking requirements is recommended, as is assigning person(s) to help manage traffic. The ACC may require a compliance deposit, which is refundable if no violations occur. The events of this section do not include garage, tag and estate sales, or similar events, which are not allowed.

8.22.PUBLIC PLACITAS-WIDE EVENTS. Temporary and infrequent Placitas-wide public events that are held at a private residence, such as the Garden Tour, Studio Tour and Parade of Homes, may be held on Lots with ACC approval and the following minimum requirements: 1) must be hosted by and actively managed by the adult Lot owner, 2) noise levels shall not be offensive, 3) natural vegetation on the Lot and next to roadways are protected and not disturbed, 4) traffic and parking is managed per ACC requirements, 5) all evidence of the temporary event is removed within 2 days after the event, 6) does not become a nuisance, obnoxious or offensive activity, 7) must be approved in advance by the ACC. The protection of natural vegetation next to roadways means ALL tires of all vehicles must be on the paved road or street, not off the pavement. The ACC requires vehicles shall be parked on only one side of streets or roads to allow traffic to flow. Flagging and signs marking the parking requirements is recommended, as is assigning person(s) to help manage traffic. The events of this section do not include garage, tag and estate sales, pottery or art sales, or similar events, which are not allowed.

See Rules section 8.14 for signs advertising these events, and Rules section 8.20 for home occupation and use requirements and restrictions.

8.23.SHARED PRIVATE ACCESS EASEMENTS. CCRs Section 5.2 governs the maintenance and repair of Shared Private Access Easements. The ACC's role in actions regarding these easements is limited to review and approval of material proposed to be placed on the driving surface of the easement and, potentially, edging proposed, if any. All other actions are governed by the CCRs and the responsibility of the Lot owners sharing the easement.

8.24.CONFORMANCE AND NOTICE OF PROPERTY RENTAL. Rental of a property as permitted in CCRs Section 3.5 and 7.8 must be in conformance with the definition of Single-Family Residential Use (CCR Sections 1.27 and 3.1 part A). Long term (1 year or more) rental for single family residential use is allowed, but properties cannot be rented for short terms, such as daily or weekly, or monthly, as such short terms are not considered to be "residential use." See Rules section 8.20.

All rented properties are required to have a signed lease agreement between the Lot owner and the renter(s). It is the Lot owner's responsibility to notify the AHOA, using the ACC form, of any such property rental within fourteen (14) days of the effective date of such a rental agreement in order that the AHOA can maintain an accurate record of those in residence within our subdivision. Timely filing of the form will also allow the Lot owner to designate the renters of the property to be permitted use of the AHOA's tennis court. Renters must conform to the CCRs and ACC Rules.

8.25.OPEN BURNING AND SETTING OFF FIREWORKS. Open burning and fireworks are inherently dangerous in our dry, high wind, desert HOA. They are potentially hazardous to all properties, people, animals, and the environment, not only in our HOA, but all adjoining and beyond. They can carry a heavy burden of liability, should people be harmed, and properties damaged as a result. Both Sandoval County and the State of New Mexico regulate open burns and fireworks. In the Anasazi HOA, open burning and setting off fireworks are considered Obnoxious Activities under CCRs Section 7.9 as they are detrimental to other Property and their occupants. Obnoxious Activities are not permitted on any Lot at any time. In rare and unusual circumstances, the ACC may approve an open burn, but express and written permission of the ACC must be obtained at least 30 days in advance of the burning. In addition, a valid and approved Sandoval County open burning permit must be submitted to the ACC prior to approval. Fines will result from violation of this section, as well as the action will be reported to authorities.

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8.26. DISCHARGE OF FIREARMS. Per Section 7.4 of the CCRs, discharge of firearms or other explosives is expressly prohibited within the Anasazi HOA at any and all times. Also, under N.M. state law, Section 30-7-4(A)(4), discharging a firearm within 50 yards of any residential dwelling is illegal and constitutes a misdemeanor. Fines will result from violation of this section, as well as the action will be reported to authorities.

9. ACC ADMINISTRATION, PROCEDURES AND RESERVATION

9.1. ACC RULES and CCRs EFFECTIVE DATES. The ACC Rules are effective upon the date of the document and thereafter for all Lots and Lot owners in the Anasazi Trails and Anasazi Meadows subdivisions. If a Rule or a policy is clarified and dated on a later date, the later date applies for all Lots and Lot owners. ACC Rules effective after the date of a Development Plan or Enhancement approval do not exempt Lot owners from any ACC requirements or variances included in that approval or in an unapproved Final Inspection.

The Anasazi Comprehensive Declaration of Covenants, Conditions and Restrictions were recorded on 3-6-2003 and amended on 4-8-2004. All subdivision Lots and Lot Owners are required to comply with the terms in these documents, since these terms became effective upon their recording and amendment dates, and Lot Owners are required to comply with the CCRs upon the transfer of title of their property.

9.2. ACC DECISIONS APPLY TO CURRENT AND SUBSEQUENT LOT OWNERS. All decisions of the ACC related to a Lot, including those approved and those not approved and/or denied, apply to the current Lot owner and all subsequent Lot owners.

9.3. ACC RESERVATION REGARDING PROFESSIONALS. The ACC reserves the right to consultation and advice from any professionals in making their decisions. The ACC also reserves the right to identify acceptable licensed professionals for use related to specific actions, plans and reports, including, but not limited to, engineering, surveying and other construction professionals. Should the ACC adopt lists of licensed professionals required for use, the ACC will only accept reports, documents, data and information from these sources.

9.4. ACC MAY EXCLUDE PARTIES FROM WORKING IN THE AHOA. The ACC may exclude from working in the AHOA any builder, contractor, or subcontractor, or any agent, employee or other invitee of a Lot owner for failure to comply with the CCRs and ACC Rules. The ACC may also exclude parties whose behavior has adversely impacted the Association, or ACC or Board members, or their responsibilities. The ACC shall notify such parties of their exclusion in writing.

9.5. ACC DECISION MAJORITY. ACC decisions, including any and all variances from covenants, conditions, and/or restrictions as stated in the "Anasazi Trails Subdivision Comprehensive Declaration of Covenants, Conditions & Restrictions" filed with Sandoval County on March 6, 2003, must be in writing and signed by two (2) of the three (3) permanent members of the Architectural Control Committee (ACC). The alternate member may act in the place of a permanent member, if two permanent members are not available. In the event that two ACC members (or alternate) are not available, the President of the Anasazi Homeowners Association may act in the place of an ACC permanent member.

9.6. ACC MAY EXTEND A DEADLINE. The ACC reserves the right to extend any deadline with a grace period based on individual circumstances.

9.7. ACC EMAIL COMMUNICATIONS ACCEPTABLE. When interpreting the AHOA CCRs and ACC Rules, any approval, written notice or other communication from the ACC or AHOA may be sent via email. Violation notices explained in Rules section 10.3.2. will be sent as described.

9.8. ACC DOCUMENTS RECEIVED ELECTRONICALLY AVAILABLE INDEFINITELY. All documents sent

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electronically to the ACC must be available to the ACC indefinitely. No electronic documents will be accepted where ACC access expires.

9.9. ALL ACC MEMBERS INCLUDED IN ALL COMMUNICATIONS WITH THE ACC. Any and all communications pertaining to the ACC and/or its requirements and responsibilities must be communicated to all ACC members. No members may be blocked, nor intentionally excluded, from such communications.

10. FEES, DEPOSITS, VIOLATIONS AND ENFORCEMENT

Fees, deposits, violations and enforcement are subject to change from time to time by the ACC. The ACC, at its sole discretion, may require or adjust a fee or deposit in the case of a special situation. Until further notice the following schedules of fees, deposits, violations and enforcement are in effect.

10.1.FEES. Fees cover AHOA costs for review and administration of Developments and, if needed, Enhancements. The following fees are subject to change in accordance with CCRs Section 8.9(b).

10.1.1.Developments Review and Administration Fee (non-refundable) – Development of a New House, Outbuilding, Remodel and Addition - \$1,500 made payable to the Anasazi Homeowners Association. The ACC Review and Administration fee shall be paid with a cashier's check, is due with the Application on the day it is submitted and is non-refundable.

10.1.2.Enhancements Review and Administration Fee (non-refundable) – Enhancement - If an Enhancement Fee is required at the sole discretion of the ACC, it shall not exceed \$750 and be payable by personal check to the Anasazi Homeowners Association prior to Enhancement approval.

10.2.DEPOSITS. Money shall be held on deposit to assure compliance with the CCRs and ACC Rules. Penalties for non-compliance shall be levied against the deposit and may exceed the monies on deposit, in which case a lien of non-compliance may be filed against the property by the ACC. The ACC reserves the right to adjust these deposit amounts when, at its sole discretion and in accordance with CCRs Section 8.15, it determines that a variance from these amounts is warranted. Deposits are refundable, minus fees or penalties, if the ACC approves the Development or Enhancement and it complies with CCRs and Rules.

10.2.1.Developments Compliance Deposit (refundable, if compliance) – Development of a New House, Outbuilding, Remodel and Addition - \$7,500. Check shall be made payable to the Anasazi Homeowners Association. The Compliance Deposit shall be paid with a cashier's check, is due prior to Plan approval but no later than the Mandatory meeting, will be deposited upon Approval of the Plan, and is refundable if the project complies with the CCRs and Rules. Should the Application and Development Plan not be approved, the compliance deposit will be returned.

10.2.2.Enhancements Compliance Deposit (refundable, if compliance) – If an Enhancement compliance deposit is required, it will be in an amount determined by the ACC at its sole discretion. Personal checks made payable to the Anasazi Homeowners Association are accepted as compliance deposits for Enhancements on the date of approval. The deposit is refundable if the project complies with the CCRs and Rules.

10.3.VIOLATIONS AND ENFORCEMENT.

Violations are any infraction of the Association CCRs as amended, ACC Rules, and Bylaws of the Anasazi Homeowners Association. Every act (commission or omission) where the provisions in these documents are violated is considered a nuisance detrimental to the peace of the community, its natural environment or economic value, and detracts from the beneficial operation and administration of the

Lot owner's initials _____

Licensed Builder's initials _____

Anasazi HOA. As such, fines and penalties may be enforced for all violations, whether relief is sought or not. The amount and type of any fine and/or penalty is set and imposed by the ACC, at its sole discretion. These Rules set forth the general policies and practices of how the ACC intends to handle violations and enforcement. However, there are many types and even unusual and unique violations, so the ACC may deviate from these policies and practices at its sole discretion

10.3.1. VIOLATION TYPES AND TIME PERIOD TO CURE.

Urgent violations are those where damage or injury to persons, property or the environment is imminent, or where animals are involved, or where serious incidents or situations may cause immediate harm, or where the violation is so serious the ACC must require it to cease immediately. This includes violations with stop work orders. Urgent violations are required to be cured within one (1) calendar day or less. The ACC may take such action as it deems necessary to compel cessation of the violation including, but not limited to, a stop work order and/or notification to applicable government authorities.

Defective Performance violations are those where actions (commission or omission) do not meet the requirements and standards of the CCRs or ACC Rules. Defective Performance violations are required to be cured within 30 calendar days. If requested and deemed appropriate, the ACC may authorize a limited extension.

Other violations are those which do not meet the definitions of Urgent or Defective Performance and are required to be cured within 30 calendar days.

The time period for curing violations begins on the day of Notice.

10.3.2. NOTICES OF VIOLATION.

Urgent violations will be notified in-person and/or by phone, and by email. No courtesy notification will be sent. If curing is not immediate, the Final (and only) Notice of Violation will be sent and will include the immediate fine and/or other penalty imposed. Such violations are not subject to CCRs Section 10.9(b).

Defective Performance violations and Other violations will be notified by email, or USPS first class mail, at the sole discretion of the ACC, except for a CCRs Section 10.9(b) notice, which shall be notified as described below and in the CCRs Section. Notices for Defective Performance and Other violations are as follows:

The First Notice of Violation shall be a courtesy notice with a description of the violation, requirement it is be cured within 30 days, and explain that only one more Notice will be sent prior to enforcement action. If the violator requests an extension for curing the violation the ACC may issue a limited delay of the Final Notice of Violation. However, that deadline is final. If the violation is not cured at the end of 30 days, or any extension, the Final Notice of Violation shall be issued.

The Final Notice of Violation shall be issued if the violation is not cured at the end of 30 days, or any extension, of the First Notice. The Final Notice of Violation shall describe the violation, proposed enforcement action, and CCRs Section 10.9(b) notification. The CCRs Section 10.9(b) part of the Final Notice requires it shall be sent US Mail, postage prepaid, certified, return receipt requested. It shall also be sent by email.

All Notices of Violation will be communicated to the Lot owner contact information (See Rules section 8.1) and, if an application was submitted, the contact information listed on the Application, or to a change to this contact, if properly submitted to the ACC (See Rules section 5.4).

10.3.3. ENFORCEMENT.

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The Final Notice of Violation shall include a fine or penalty proposed to be imposed against the compliance deposit, if any, and/or Lot owner's account, depending on if the violation is part of a Development. If the violator gives notice of a CCRs Section 10.9(b) hearing the fine or penalty will be suspended until the hearing has been held and the results communicated. If the violator does not give a CCRs Section 10.9(b) notice, the fine or penalty will be imposed after 30 days from the date of the Final Notice.

Uncured and non-curable violations, recurring violations and deliberate violations may incur escalating fines or penalties, and are subject to recovery by a collections agency, and property liens.

If the violator has an outstanding compliance deposit, fines and penalties will be taken from the deposit. If the fines exceed the amount of the compliance deposit a new compliance deposit in the amount of the preceding one is required, and the excess fines shall be taken from that deposit.

If the violator has no outstanding compliance deposit, fines and penalties will be levied against the Lot owner's account.

The builder or Lot owner is not absolved of responsibility for violations, penalties or fines when communications are sent to the most recent contact information on record with the AHOA and ACC. This applies even if the builder or Lot owner fails to inform the AHOA of current, accurate contact information, denies receipt of a communication, or claims another contact address or contact information is more appropriate or correct.

10.3.4.IMPACT OF ENFORCEMENT FINE. Imposition of an enforcement fine does not relieve the builder or Lot owner of responsibility to correct the violation.

10.3.5.COLLECTION OF ENFORCEMENT FINES. All enforcement fines shall be collected in the same manner as any other assessment or monetary penalty pursuant to the AHOA CCRs as amended.

10.3.6.RECURRING VIOLATIONS DEFINED. A "recurring violation" is a type of violation that is cured but occurs again in the future. (Examples include, but are not limited to weeds, unauthorized parking of vehicles, trash cans not put away within the required time frame, etc.) If a recurrence of the same violation occurs within six (6) months of the original violation the violation enforcement process will start with the Lot owner being sent a First Notice of Violation. However, the ACC may vary from this procedure depending on the circumstances.

10.3.7.OTHER REMEDIES. At any time, the Board may decide to pursue any other remedy available under law or at equity that is allowed under the Governing Documents.

11. ACC STIPULATION

THE ABOVE RULES ARE NOT EXHAUSTIVE AND THE ACC RESERVES THE RIGHT TO IMPOSE FINES (AND/OR TO ISSUE A STOP WORK ORDER IF DEEMED APPROPRIATE TO THE SITUATION) FOR ANY OTHER ACTIVITY OR VIOLATION THAT THE ACC IN GOOD FAITH DETERMINES IS IN VIOLATION OF AN APPLICATION TO THE ACC, THE CCRS AND/OR THE ACC RULES, AFTER NOTICE, A CURE PERIOD AND THE OPPORTUNITY TO BE HEARD PURSUANT TO SECTION 10.9 OF THE CCRS, EXCEPT WHERE THERE IS A LIKELIHOOD OF IMMEDIATE HARM OR DAMAGE TO PERSONS OR PROPERTY, OR THE ENVIRONMENT, OR WHERE ANIMALS ARE INVOLVED, IN WHICH CASE FINES MAY BE IMPOSED AND OTHER ACTIONS MAY BE TAKEN IMMEDIATELY.

FURTHER, THE ACC DOES NOT WAIVE ITS RIGHTS UNDER 10.9 OF THE CCRS TO FILE A LAWSUIT FOR DAMAGES OR INJUNCTIVE RELIEF, OR BOTH, OR TO PROCEED WITH SELF HELP, IN ADDRESSING VIOLATIONS OF AN APPLICATION TO THE ACC, THE CCRS AND/OR THE ACC RULES.

Lot owner's initials _____

Licensed Builder's initials _____

ACC Rules APPENDIX A

DEVELOPMENTS: CHECKLIST AND REQUIREMENTS BY MILESTONE*

1. Plan Approval

A. Submission of Application

From Licensed Builder and Lot owner:

The following are to be submitted to the ACC in ONE package, in both 1 large scale paper copy and an identical PDF digital copy.

- Complete Application signed by Licensed Builder and Lot owner
- Set of Development Plans
 - Topographical Site Plan, prepared by licensed surveyor
 - proposed structure(s)
 - 16 locations sited, per Rules section 2.1.2
 - separate plan, NOT co-mingled with G&D or Landscaping plans
 - includes builder estimate of maximum height elevation for Lot
 - Grading and Drainage Plan prepared by a licensed engineer (per Rules section 2.1.2)
 - Construction plans
 - 4 Elevations
 - Foundation Plan
 - Floor Plan
 - Roof Plan
 - Framing Plan
 - Electrical Plan
- Landscaping Plan (to be submitted after construction & prior to beginning landscaping)
- GB 02 or GB 98 Builder's License
- Insurance
 - Builder's Risk/Course of Construction Insurance policy
 - Business/Commercial policy with \$1M liability
 - Both policies must certify insurance coverage for the specific Lot and list the Anasazi Homeowner's Association as also insured
- Physical samples of Exterior colors and materials
- Exterior Lighting pictures and specs
- Solar equipment location, if any
- Initialed and dated copy of the current ACC Rules (all pages) – Lot owner and Builder
- Initialed and dated copy (cover sheet ok) of AHOA CCRs (3-6-03) and Amendment to CCRs (10-27-04)
- Cashier's check for Review and Administration Fee (due when Application form is submitted)

B. Mandatory meeting

From ACC:

- Results of the ACC review, agreements, revised Submission documents reflecting required changes, ACC maximum height elevation requirement
- Review of requirements that must be approved in advance during the course of the construction
- Reminder of requirements not to be overlooked

From Licensed Builder or Lot owner:

- Compliance Deposit (due at Mandatory meeting, deposited upon Plan approval)

C. After Mandatory Meeting

From ACC:

- ACC Advisory indicating requirements to be met before approval (if needed)
- ACC Development Plan Approval with signatures, date of approval, special notes and requirements from the meeting that must be approved in advance during the course of the construction.
- ACC signed copy of Lot Development Plan Demonstrating Drainage Mitigation.
- ACC, builder and Lot owner signed copy of Stucco and Colors Agreement

MILESTONE ONE – Plan Approved

Lot owner's initials _____

Licensed Builder's initials _____

No Commencement of Construction and Building Until Requirements Met. (Rules section 5.2)

Before any Development construction commences on a Lot, the Mandatory meeting must have occurred, Development Plan approved by the ACC, proof of zoning approval obtained and a copy filed with the ACC within seven days of issuance, and flagging erected per Rules section 7.6.

In the interim time period between ACC approval and proof of zoning approval, per CCR Section 6.1: “No construction whatsoever including, without limitation, site preparation, clearing of trees or excavation, shall commence without the prior written approval of the ACC” and, per ACC Rules, the zoning approval obtained and acknowledged by the ACC.

“Construction” shall mean any and all actions taken to execute any Development of a Lot, including deposit or erection of equipment or other material, and there shall be no disturbance of the soil or vegetation of the Lot AT ALL prior to meeting Commencement requirements.

Allowable exceptions to the Commencement requirements are surveying and placing flags only to identify the boundaries of the Lot, natural grade current contours, and potential placement of a structure, and soil testing. All exceptions must be required to prepare for a Development Site Plan and G&D Plan submission.

2. Zoning Approval and Flagging (Required BEFORE Commencement of Construction)

From Licensed Builder:

- Copy of Zoning approval – submitted to the ACC within 7 days of issuance
- Flagging installed on the site, along and across the street or roadway adjacent to the construction and anywhere else as directed by the ACC

From the ACC after Receipt of the zoning approval:

- ACC acknowledgement in writing that construction can begin

MILESTONE TWO – Approved to Begin Initial Site Development

No Commencement of Construction and Building Until Requirements Met. (Rules section 5.2)

Commencement of building, including placement of footings or foundation without a valid building permit obtained and a copy filed with the ACC within seven days, may result in a penalty by the ACC, as well as penalties assessed by the applicable governmental authorities.

3. Initial Site Development

A. Licensed Builder required actions

- Copy of Building Permit – submitted to the ACC within 7 days of issuance. A valid date of issuance must be on the Permit.
- Copy of SWPPP Permit (if applicable)
- SWPPP Permit (if required) posted at the site
- Building Permit posted at the site
- Portable toilet is placed on property when grader arrives or construction commences. Toilet must remain on site and operable through the duration of construction
- Recommend, but do not require, security fencing to prevent theft
- 4-8” cobble installed on first 5-10 feet of driveway or temporary Lot access. Must be installed as

Lot owner’s initials _____

Licensed Builder’s initials _____

soon initial grading is done. If grader caused dirt to contaminate the street or roadway, it must be cleaned up before cobble is laid. See Rules section 7.13 regarding damage to streets, roads and walking paths

- Site graded to within 5% of final grade, inclusive of on-site water detention and erosion protection, driveway, drainage crossing and courtyards.
- Temporary detention ponding completed
- Cement washout is completed and maintained for duration of construction. Builder is responsible for cement clean up if wash is done on street or road, and if cement is deposited anywhere on streets or roads by the cement delivery company.
- No disturbed slopes to exceed 3:1
- Corners of structure staked
- Forms set for concrete vertical stem walls, and concrete pad, if monopour
- Once forms are set for concrete vertical stem walls (all concrete if monopour), an ILR (also called a Forms Survey) prepared by a licensed surveyor

B. Prior to Pouring the Concrete Forms or Vertical Stem Walls

From Licensed Builder:

- Improvement Location Report (ILR) (also called a Forms Survey) prepared by licensed surveyor

From the ACC after receipt of ILR:

- ACC acknowledgment in writing of ILR and approval for the concrete forms or vertical stem walls to be poured

MILESTONE THREE – Approved to Pour Concrete and Begin Building

4. Lot Development

A. Licensed Builder required actions

- Dumpster placed on site prior to delivery of framing materials. Dumpster must be emptied when trash is visible above the rim. Dumpster must remain on site through the duration of construction.
- Driveway entrance culvert at least 18 inches wide extending up to 5 feet past each side of driveway
- Any mechanical equipment on the roof or on the ground is screened from view by an enclosure that is full height on all four sides. Framing is the time to assure this to avoid a costly error
- Retaining wall(s) installed, stabilization of disturbed slopes with erosion control rock

B. From Licensed Builder:

- Submit Height report at end framing See Rules section 6.4
- Submit any changes to approved Plan for ACC approval
- Submit any required documents agreed during Review Meeting
- Submit any documents/samples required for requested Plan changes
- Submit Landscaping Plan – approval required prior to commencement of landscaping

C. From ACC (if applicable):

- ACC approval in writing of any requirements from the Plan meeting and/or Plan changes that must be approved in advance

D. From Licensed Builder prior to Final Inspection:

- Grading and Drainage Compliance Certificate prepared by a licensed engineer
- Final (as-built) Improvement Location Report (ILR) prepared by licensed surveyor
- Final Height report prepared by licensed surveyor
- Certificate of Occupancy
- Request ACC Final Inspection

MILESTONE FOUR – Construction Complete and Ready for Final Inspection

Lot owner's initials _____

Licensed Builder's initials _____

5. Final Inspection

A. Minimum ACC Final Inspection checklist

- Certificate of Occupancy
- Grading and Drainage Compliance Certificate prepared by a licensed engineer, stamped, dated and signed
- Final (as-built) Improvement Location Report (ILR) prepared by licensed surveyor, stamped, dated and signed
- Final Height report prepared by licensed surveyor
- Full height, 4-sided stuccoed enclosure of AC and other equipment
- All walls stuccoed to color match house, unless exceptions approved
- All external piping or other attached items are painted to color match the house
- Approved external lighting (and solar equipment, if any) adheres to ACC Rules
- Driveway with adequate culvert crossing (with end caps) or dip section, if required
- Approved erosion control of slopes and detention ponds installed and functioning
- Bar ditch restored or reshaped if necessary
- Repairs to adjacent streets, roadways or shared private access easement(s) complete, if damaged or disturbed
- Approved landscaping complete (including restoration of disturbed areas per ACC Rules)
- Dumpsters, portable toilets, concrete washout and materials, and temporary fencing removed
- All other visible signs of construction removed
- Job site clean and in order
- Other (as needed)

B. *From ACC after Final Inspection:*

- Final Inspection Advisory indicating requirements needed for approval (if needed)
- Final Inspection Approval in writing

C. *From the Party who paid the compliance deposit, after receipt of Final Inspection Approval:*

- Request refund of compliance deposit, less penalties, if any, from the ACC

D. *From the ACC after receipt of refund request:*

- Compliance deposit refund processed and sent to payee

MILESTONE FIVE – Final Inspection Approved and Deposit Refunded

*In the case of Outbuildings, Remodels and Additions, modifications to the Appendix A list may be approved by the ACC.

Lot owner's initials _____

Licensed Builder's initials _____

ACC RULES APPENDIX B FORMS, DOCUMENTS AND CONTACTS

Forms for Lot Owner Use – Developments and Enhancements

ACC Forms are available at corderandcompany.com/anasazi or www.anasazihoa.com

- AHOA ACC Development Plan Application
- AHOA ACC Developments: Checklist and Requirements by Milestone (Rules Appendix A)
- AHOA ACC Enhancement Application
- AHOA Owner-Tenant Registration Form

AHOA and ACC Governing Documents

AHOA and ACC Governing Documents are available at corderandcompany.com/anasazi or www.anasazihoa.com

- Anasazi Trails Subdivision Comprehensive Declaration of Covenants, Conditions & Restrictions filed with Sandoval County March 6, 2003
- Amendment to Anasazi Trails Subdivision Comprehensive Declaration of Covenants, Conditions and Restrictions filed with Sandoval County October 27, 2004
- Bylaws of the Anasazi Homeowners Association
- AHOA ACC Rules June 1, 2024

Contacts

ACC forms and the ACC email address are available at corderandcompany.com/anasazi. Physical forms and other materials are to be dropped off at the front desk of La Puerta Real Estate marked "AHOA ACC". Notify the ACC via email that the materials are at the La Puerta office.

Contact the ACC with questions, comments, complaints and other actions via the ACC email address or via the AHOA Association Manager at Associations@corderandcompany.com or phone at 505-896-7700.

Corder and Company
2207 Golf Course Rd SE
Rio Rancho, NM 87124

Lot owner's initials _____

Licensed Builder's initials _____