



## SAN PEDRO CREEK ESTATES SUBDIVISION

### DESIGN GUIDELINES

#### **Note from ACC:**

**Proposed new text is highlighted in **YELLOW**  
and deleted text is shown in **RED**.**

NOTE: In these Design Guidelines, reference is made to provisions of the San Pedro Creek Estates Subdivision Restrictions. These references are for illustrative purposes only to clarify the scope of the Design Guidelines when they pertain to site development or the design of improvements. Nothing contained in these Design Guidelines is intended to modify or amend the matters controlled by the San Pedro Creek Estates Subdivision Restrictions. Any provision herein that is found to be invalid does not invalidate the entire document.

**PROPOSED 2024**

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## **ACC PROCEDURE FOR CHANGING THE SAN PEDRO CREEK ESTATES DESIGN GUIDELINES**

The purpose of this procedure is to make clear the roles of the ACC and the San Pedro Creek Board of Directors when it becomes necessary to adopt or clarify the San Pedro Creek Estates Design Guidelines.

Section 8.03(b) - Design Guidelines states in part that:

“The Committee may from time to time adopt design guidelines for approval of Improvements. The Committee may grant variances from its Design Guidelines.”

Historically this has meant:

- ACC members, from time to time, initiate and research adoptions or clarifications to the Design Guidelines.
- Recommended adoptions or clarifications are then presented to the SPCE Board for review and comment.
- SPCE Board suggestions and comments are returned to the ACC for review.
- Proposed adoptions or clarifications are published to the SPCE website. Lot owners are notified via an email blast.
- Lot owners are encouraged to review and comment via email to [acc@hoa.sanpedrocreek.org](mailto:acc@hoa.sanpedrocreek.org)
- The ACC Chair or ACC designee will respond to each lot owner who submitted a comment.
- The ACC Chair or ACC designee will compile the lot owner comments/responses and submit them to the SPCE Board.
- The ACC will make a final recommendation for the proposed adoptions or clarifications based on lot owner comments and resubmit them to the SPCE Board.
- The ACC will solicit SPCE Board votes to affirm or deny each of the proposed adoptions or clarifications to the Design Guidelines.
- Design Guideline adoptions or clarifications that receive an affirmative vote from the majority of the SPCE Board are incorporated into the existing Design Guidelines document, published on the SPCE website, and labeled as “Revised” (year of adoption).

## **PREFACE**

The San Pedro Creek Estates Design Guidelines are to help ensure a well–designed ~~master-planned~~ community while giving property owners the flexibility to design a home that suits their lifestyles.

The Design Guidelines apply to the development of a home and all other improvements on a San Pedro Creek Estates lot. The purpose of the Design Guidelines is to enhance the aesthetic experience at San Pedro Creek Estates, promote harmonious residential design, and protect and enhance property values. The Design Guidelines extend to such matters as height, color, massing, and building materials. The Architectural Control Committee (ACC) administers the Design Guidelines. This committee helps the owner and his designer maximize the architectural and living experience at San Pedro Creek Estates. The ACC has the authority to review and approve all improvements built or installed on any lot and to ensure compliance.

The ACC strongly urges owners prior to commencing the design phase of a project to have their architect, designer and/or builder contact an ACC representative, so the owners may gain a complete understanding of the Design Guidelines.

## **I. PHILOSOPHY AND OBJECTIVES**

### **1.1 THE LAND AND THE PEOPLE**

Rather than encourage protection and blending of the natural environment into the landscape of residential developments, history shows that most developments have emphasized expediency and efficiency. The philosophy of the Developer of San Pedro Creek Estates is different. The greatest asset of San Pedro Creek Estates is the land; therefore, the preservation of the land's uniqueness and beauty is of primary concern. The Developer's goal is to apply a common-sense approach that allows a subtle blending of the needs of the people and preservation of the land's uniqueness and beauty.

Bringing people into harmony with the land to create an aesthetically pleasing community is done through applying design guidelines. The Design Guidelines protect the individuality of San Pedro Creek Estates while allowing people an opportunity to live in this exceptional area. The Design Guidelines protect both the property and property values. The goal is not to dominate the land, but to enhance it and blend with it.

The minimum standards set forth in the Design Guidelines have been created after study of the natural environment, including its terrain, vegetation, views, and climate. The Design Guidelines provide direction in the planning, design, and construction of residential structures. The overall philosophy of the Design Guidelines is to encourage innovative use of construction methods and materials with creative individual designs. The residential and accessory structures should not detract from each other or from the natural surroundings. The goal of the Design Guidelines is to insure compatibility, not conformity.

The general philosophy of the San Pedro Creek Estates Developer is to have a consistent theme that matches the overall ambiance. Each lot in San Pedro Creek Estates, however, is unique and can be considered to have its own personality. The lay of the land offers both constraints and opportunities for creativity. In order to take full advantage of those attributes, each area and condition may require different approaches to design and construction within the framework of the Design Guidelines. Special attention to views, terrain, washes, slopes, significant existing vegetation, and other unique features on each lot should be considered when planning the structure. To minimize disruption of the existing environment, each design will need to be individually sited and planned.

The purpose of the ACC is to evaluate each proposed design for appropriateness to the lot and compliance with the Design Guidelines. Each lot and design for that lot will be considered individually with respect to the application of the Design Guidelines. What is appropriate in one situation may not be acceptable in another. Rather than create a visual or physical intrusion into the natural environment, the goal is to create harmony and compatibility in the appearance and character of the residences with the natural attributes of the landscape within San Pedro Creek Estates.



*The ACC strongly recommends the owner retain competent professional services for planning and design. A thorough analysis and understanding of a particular lot and the owner's special needs and the skill to translate these factors into building form, as well as the ability to convey to the ACC the concept and design of a proposed residence or other improvement, are all elements of the design review process. If an owner elects to do his own design or to obtain nonprofessional services, and the result in either case is not approved by the ACC, the ACC may require the owner thereafter to utilize professional design services.*

## **1.2 SAN PEDRO CREEK ESTATES WATER PHILOSOPHY**

Water is a precious natural resource; therefore, San Pedro Creek Estates encourages the conscientious conservation of water. The ACC asks all owners to employ current regional water conservation practices in order to help preserve the land and its resources.

The Design Guidelines require the following in an effort to conserve water consumption:

1. Water-saving toilets
2. Water-restricting shower heads and faucets
3. Water-saving dishwashers (Energy-Star rated, minimum)
4. Water-saving clothes washers (Energy-Star rated, minimum)
5. "Instant" hot water heaters near points of use, or a re-circulating pump
6. Outside irrigation of permitted lawns, gardens, and landscaped lots shall not exceed 2,000 square feet

The Design Guidelines recommend the following to conserve water consumption:

1. Consider rain collection using barrels, dry "stream" beds, and/or cisterns when developing the lots due to climate conditions and trends in the Southwest. Planning ahead to capture roof runoff in a cistern for future irrigation use will provide a clear benefit for landscaping and the water supply.
2. Plant drought-tolerant, indigenous vegetation in the areas immediately outside the building walls that involve high use
3. Install a cover over swimming pools to minimize evaporation as well as reduce maintenance and water heating expense.
4. Install a water meter in new or existing homes to allow the owners to monitor all well water produced on the lot for residential consumption, landscaping, and other uses. The meter should have an indicator of small instantaneous flow for leak detection. An example is the "Badger M25" model or similar.

## **1.3 SAN PEDRO CREEK ESTATES ENERGY CONSERVATION AWARENESS**

Ownership has responsibilities, and all owners of land in San Pedro Creek Estates are

encouraged to use the land and its resources wisely. The community of San Pedro Creek Estates encourages the minimum usage of all nonrenewable energies, encourages the adoption of appropriate passive-energy technologies and the utilization of renewable resources. These technologies include a wide variety of materials, hardware, and systems such as insulation, setback thermostats, and high-efficiency appliances. Most importantly, energy conservation awareness involves an effort to develop habits that advance the best use of resources and minimize waste.

Passive solar applications, or the orientation and design of the residence for maximum winter solar heat gain, will reduce winter heating needs and are encouraged. Active solar applications are also encouraged as energy saving measures but may cause excessive glare and reflection and may require increasing the parapet heights on the flat roof homes to provide adequate screening. Active solar systems, in both new and existing construction, shall be integrated into the structure or landscaping and screened from neighboring lots as much as possible without impairing the function of the system. Refer to section 3.12 for specific guidelines for active solar systems.

## **II. SITE DEVELOPMENT GUIDELINES**

The existing landscape at San Pedro Creek Estates is fragile and may take years to mitigate naturally impacts to its soils and vegetation. Therefore, the ACC has developed regulations intended to provide protection for the land, its vegetation, and natural drainage.

### **2.1 ROADWAYS**

Roadways will, to the extent practical, be winding following the natural terrain. Washes and drainage ways will be left free and unimpeded in their natural state. Natural terrain features such as slopes, ridges, knolls, and rock formations should be carefully considered and, if possible, integrated into the form of development at San Pedro Creek Estates.

### **2.2 SETBACKS**

No improvements, which include fences, gates, and walls, shall be located nearer than 100 feet to any lot line. The only exceptions that will not require prior approval from the ACC will be grading for the driveway and well development. The ACC shall consider the terrain of the lot and the area upon the lot suitable for a home site in considering a variance to this guideline. Temporary items such as construction fencing (section 2.8), when allowed, shall not be located in the setback area whenever possible. Front setbacks for **a main residence at or near the maximum height or for** outbuildings such as barns or garages may be increased to 150 feet when visibility from or proximity to the street or other site conditions dictate. Gates for which setback variances are requested shall be subject to the guidelines as set forth in section 3.2.

Only under extraordinary circumstances will a variance to this guideline be considered. The ACC will rigorously examine any proposed variances at the expense of the applicant, via the process spelled out in section 5.12. The applicant must demonstrate that extraordinary circumstances exist justifying the variance and the variance will not in any respect have material negative impact on another lot (the ACC will have sole discretion in making this determination and assumes no liability from the applicant or the owner of another lot as a result of exercising its discretion). The ACC recognizes that certain lots, due to their shape and/or topography or other site conditions, may require variances to this guideline and will work with owners on a case-by-case basis.

### **2.3 COMBINING LOTS**

If an owner owns two contiguous lots and wants to combine the two lots into a single home site, the owner may do so only with the prior consent of the Homeowners' Association Board of Directors. Once the Board of Directors' approval has been obtained, the ACC will review whether the revised building site impairs views and/or privacy from neighboring lots or Common Areas. Whenever two lots are combined in this manner, the resulting setback for the new larger lot will run one hundred feet inside of and parallel to the new property line, and only one driveway will be allowed for the new lot (San Pedro Creek Estates Subdivision Restrictions section 11.04).

The Plat for any newly configured single lot must be recorded and approved by Sandoval County. All expenses associated with recording the new lot and pursuing any required governmental approvals are the responsibility of the owner.

## 2.4 GENERAL SITE PLANNING RECOMMENDATIONS

Placement, orientation, and design of proposed homes will impact views and privacy between lots. Owners should always take careful consideration for these two factors during the site-planning phase of design. In addition, attention should be given to potential building sites on neighboring lots and how these sites may impact the views and privacy in the future.

Owners should give careful consideration to the daily and seasonal paths of the sun and take advantage of the potential for passive solar heating.

Owners should evaluate the daytime versus nighttime quality of the views and arrange living space to correspond to these differences. Be aware of where other residences' windows may be lit during evening hours.

Whenever possible, position the driveway and garages, so they do not visually dominate the entry to the home, lot or significantly impact the views from living and entertaining areas.

Owners should carefully consider site drainage and building runoff. Avoid unnatural modifications of existing drainage. Minimize disturbance to the native ground cover during and after construction. Avoid soil erosion and consider capturing roof runoff in a cistern for future use.

The Association allows Owners ~~should~~ to plan and create defensible areas space, as defined by local, ~~and~~ county or state fire officials, around all structures and the driveway.

### DEFENSIBLE SPACE

Per the New Mexico Forestry Division, "Defensible space is the area around a dwelling, detached garage, barn, driveway or any other structure where vegetation (fire fuel) has been treated, cleared, reduced, or otherwise modified to slow the spread of wildland fire towards the structure." Defensible space reduces the chance of a fire moving from a structure to other structures and/or the surrounding landscape. Defensible space also provides room for firefighters and emergency personnel to work.

The creation of defensible space requires the establishment of zones in which different treatment techniques are employed. A defensible space plan depends on a variety of factors including, for example, the size and shape of the structure or driveway, materials used in its construction, natural slope of the ground on which the structure or driveway is built, surrounding topography, and sizes and types of existing vegetation.

The SPCE HOA allows for a defensible space plan be created for all new construction and

the driveway. The plan should be developed in accordance with a recognized New Mexican authority such as the La Madera Volunteer Fire Department or the New Mexico Forestry Division.

**For additional information:**

La Madera Volunteer Fire Department (<https://lamaderafire.org/>)  
Tecolote Auxiliary (<https://www.tecoloteauxiliary.org/fire-safety>)

## 2.5 GENERAL SITE REQUIREMENTS

While the natural topography in San Pedro Creek Estates varies considerably from lot to lot, the following general limitations will apply in the absence of special circumstances:

1. Cut-and-fill slopes may not be exposed following completion of construction.
2. Changes to natural grades or existing drainage patterns for surface waters made upon any lot must be approved by the ACC.
3. **From Declaration Section 8.03(b)(15):** “Natural vegetation ~~will~~ **shall** be left undisturbed, except for access to property, clearing of building sites, or establishment of lawns, gardens and landscaped improvements within the immediate vicinity of the dwelling.” **The terms “landscaping” and “landscaped improvements” (Declaration Sections 7.02 and 8.03(b)(15)) are interpreted to include removal or modification of natural/native vegetation to create defensible space around all structures and the driveway on the property.** Even this type of disturbance should be minimized as recovery of ground cover is very slow in this environment and scarring can last for years. For any new home or new outbuilding the contractor or homeowner must provide a proposed site plan overlaid onto an aerial image. The area that will be cleared to make way for structures, roads, parking, utilities and corrals or other horse/livestock facilities shall be clearly indicated.
4. Each residence shall have a septic system for sewage disposal that meets state requirements. **No part of the septic system may be located within the setback.** Portable, self-contained toilet facilities may be used during periods of construction. Garbage and solid waste shall be kept in a covered, waterproof container and shall be stored and disposed of in a manner approved by the Sandoval County Environmental Health Department.
5. Except during a construction period, all utility lines, including but not limited to electrical, telephone, and other communications systems shall be underground, except for access ports and aboveground transformers.
6. No permanent structure shall be placed on or in any easements shown on the Plat with the exception of a mailbox and/or an address identification structure.

## 2.6 SITE DRAINAGE AND GRADING

Site drainage and grading must be done with the goal of minimum disruption to the lot. Surface drainage shall not drain to adjoining lots or Common Areas except as established by

natural drainage patterns or cause a condition that could unnaturally lead to off-site soil erosion on roadways or Common Areas. Excessive cut-and-fill to level for a home site or driveway is prohibited.

Structures, driveways, or any improvement should be designed to integrate with the design objective of all the existing contours of the site as nearly as possible, with minimal excavation. All culverts greater than 24 inches, bridges, or other drainage structures constructed must be finished with headwalls, wing walls, or other devices to prevent the erosion of slopes or soils and/or the exposure of the conduit or any unfinished structure. These structures must be finished in integral-colored concrete, moss rock, stucco of approved color, or other ACC approved materials.

Culverts should be sized to accommodate the maximum storm water flow of the site's bar ditch. On steep sites, culverts must be a minimum of 24 inches in diameter. On many sites, 18 inches in diameter will suffice. Flat sites and sites that slope away from the road clearly will not need culverts under the driveway. Homeowners should specify the size of the proposed culvert on their submitted site plan for ACC approval. It is always the owner's responsibility to maintain the free drainage flow through the entire diameter of the culvert, including both the entrance and exit areas. If the culvert does not have flared ends, the owner must maintain a cleared area at both ends, parallel to the direction of the culvert and within two feet of the culvert's ends. Lack of maintenance invites erosion of the owner's driveway entrance and possible damage to the street. If the culvert is larger than 24 inches, it must be sized by a civil engineer to accommodate the roadway drainage.

Carefully evaluate the erosion potential and safety of the site based upon the percentage and direction of slope, soil type, and vegetation cover. When a change in the drainage direction is necessary within a given-lot, approval is required by the ACC. Avoid right-angle diversions and create a positive drainage in a logical and natural manner. Minimize soil erosion in disturbed areas with the use of plants or other erosion protection methods.

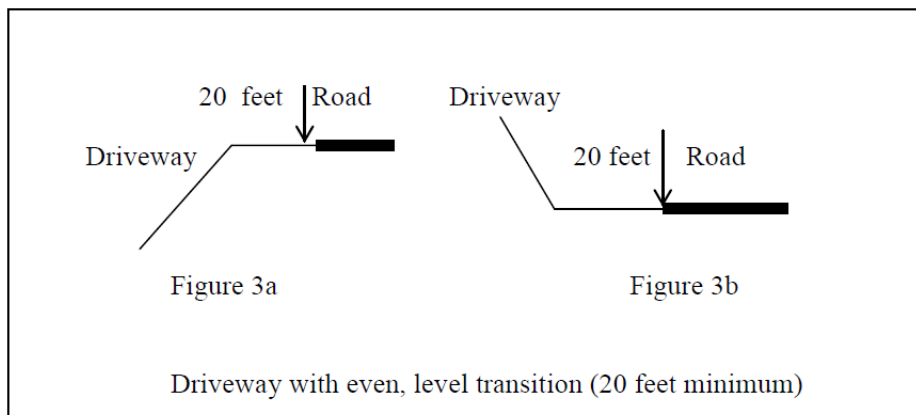
Developing a proper drainage plan will be the responsibility of the owner. The plan must ensure that when the driveway intersects the road all existing road-shoulder drainage patterns are maintained. Any drainage damage that may occur from one lot to other lots, roadways, or Common Areas because of a change in natural conditions will be the responsibility of the owner of the lot that caused the unnatural drainage flow. Approval of a drainage plan by the ACC does not make the ACC liable or responsible to the owner with respect to the adequacy of the engineering, but merely implies compliance with the intent of these Design Guidelines and with design aesthetics. ACC approval does not eliminate or reduce the obligation of the owner to comply with all legal requirements and be responsible for all damages arising from changes in natural conditions.

## **2.7 DRIVEWAYS AND DRIVEWAY ENTRANCES**

The driveway entrance to each home can have a significant visual impact. The Design Guidelines have addressed this issue in order to minimize visual impact. No structure other than

a mailbox (section 2.27) and/or an address identification structure (section 2.13) shall be erected at the driveway entrance or within the setback area. Placement of a driveway within the 100-foot side-setback area may preclude approval for the installation of a gate.

Concurrent with pad preparation, a culvert (culvert size, section 2.6) shall be installed, at the ditch crossing, and the base course and aggregate applied and rolled on the driveway to prevent the transfer of mud/debris onto paved roadways by vehicles during construction. Such aggregate should be laid on the driveway from the road for at least 100 feet along the driveway or to the construction area, whichever is shortest. In addition, the driveway entrance shall be graded to provide a 20-foot-long level transition to the road so the movement of gravel onto the pavement caused by weather and spinning tires will be minimized, thereby reducing road damage (figures 3.a and 3.b). If the road grading does not accommodate a culvert, it may be eliminated with ACC approval; indicate this condition on the Final Submittal site plan. In addition, some conditions may call for a larger culvert and the use of a civil engineer (section 2.6)



The owner shall be responsible for care and maintenance of his or her driveway entrance and culvert on a regular, continuing basis to minimize damage to the common roadways and blockage of the culvert. Such maintenance shall include sweeping to remove gravel and debris at the driveway entrance.

Emergency personnel try their best to respond to calls in a timely manner, often while negotiating difficult terrain. Planning for access by emergency vehicles improves safety for homeowners and their families by providing for a more efficient response by firefighter and other emergency personnel arriving on the scene. This is especially important in this rural, mountainous area. In order for emergency vehicles to safely access your property the driveway must have a clean, dry all-weather surface that is able to provide adequate support for large, heavy vehicles. This may require the drive be graded and 6" of road base be added. Driveways shall be required to have an unobstructed vertical clearance of 13 feet, 6 inches. This may require climbing and/or removing trees and brush to provide the necessary vertical clearance.

Driveway entrances should be located to minimize their visual impact on important natural features of a lot such as large or significant plant materials, washes, or drainage ways;

and to minimize disruption of the existing landscape. Driveways shall be a maximum of 16 feet wide at the property line, and on the property driveways and gates need to have a 12-foot-wide drivable surface with a 2-foot clear zone on each side of the driveway (16-foot overall). This may require the removal of rocks and trees to provide adequate sight distance. Only one driveway entrance from the roadway will be permitted for each lot.

For driveway gate requirements, please see Section 3.2 on Walls and Gates.

Grades must also be considered. Grade of the driveway must not exceed 12% overall (on drives over 150 feet in length, one section is permitted to be a maximum 14%). Sharp turns are also discouraged. The minimum curve on a driveway is a 30-foot radius. The drive may need to be straightened or rerouted around rock outcrops and steep banks to achieve this. Emergency personnel must be able to reverse the direction of their emergency vehicles once they arrive at the house. This is for the safety of emergency personnel as well as for workability since many operations take place from the rear of the emergency vehicle. For driveways, without a cul-de-sac, circular drive (with minimum 30 foot turning radius), or 150 feet or more in drivable length from a road, a turn-around is required. Two turnaround designs, the “Y” and the “Hammerhead” are preferred designs because they provide the necessary turn-around requirements while minimizing site disturbance. Other configurations may be possible, but regardless of the design, they must meet the minimum turning radius of 30 feet. Turnarounds should not exceed 5% in slope. The exact location for a turnaround can be modified to accommodate physical barriers such as rock outcrops, steep drop-offs, and other such features.

Natural gray concrete (no white sand, gravel or aggregate in mix and no white concrete mix or additives permitted), earth tone, colored concrete, stained concrete, exposed aggregate concrete (utilizing integral-coloring), stamped-colored concrete, flagstone, natural gravel or black asphalt are all approved driveway paving materials. Natural gray concrete must be approved by the ACC from a sample or local example. Feature strips of separate materials and special aggregates in exposed aggregate concrete will be reviewed on a case-by-case basis.

No pavement cuts may be made on the private streets without prior written approval by the ACC. All pavement cuts or damages to private streets or roadways must be repaired to the standard as required by the Homeowners’ Association Board of Directors. In the event damage is done to the pavement or Common Areas by the owner or their builder, the full cost of repair or replacement will be borne by the owner.

## **2.8 PERIMETER WALLS, FENCES AND/OR SCREENS**

The location and design of fences and/or walls in San Pedro Creek Estates is critical to the preservation of the natural environment and beauty of the area. Fencing will be allowed only for gardens, safe-area enclosures, small animal-runs, screening, and corrals as defined below. Fences and fence areas shall be restricted in location, size, height, and material based on the intended use. All fences and/or walls will be subject to ACC approval and the following regulations:

1. Perimeter fencing is prohibited; all fences and/or walls shall be subject to the setback



requirements of section 2.2.

2. A sample of all proposed fencing and screening material is required. All fence materials should be dark and of minimal reflectivity, including construction security fencing. - The only permitted wire fencing shall be 3-inch-by-3-inch or 2-inch-by-4-inch welded wire mesh (18 gauge maximum) that will weather to a dark appearance, or 4-inch-by-4-inch field fencing. Wood screens are not permitted. Shiny materials are not allowed on any fence materials, including posts, gates and fence fabric.

3. Fencing and/or walls shall be limited to the following:

**a. Courtyards**

- i. Shall be enclosed with a wall that matches the residence in materials and style
- ii. Shall be contiguous or adjacent to the residence
- iii. Shall be of size, shape, and configuration approved by the ACC
- iv. Solid fences or walls used for any exterior enclosure or screening shall match the residence in materials, color and style.

**b. Safe-areas enclosures (family and/or small animal safety)**

- i. Shall be contiguous or adjacent to the residence
- ii. Maximum height shall be - 6 feet
- iii. Maximum size shall be 20,000 square feet

**c. Corral**

- i. Shall be subject to restrictions set forth in section 2.16
- ii. May not be adjacent to the residence
- iii. May be adjacent to a barn or freestanding
- iv. Maximum height shall be - 6 feet
- v. Maximum size shall be 10,000 square feet
- vi. Shall be subject to approval of location, configuration, and specifications by the ACC

**d. Small-animal run**

- i. Shall be designed to be used primarily by small animals or household pet
- ii. May be contiguous to the residence or freestanding
- iii. Maximum height shall be - 6 feet
- iv. Maximum size shall be 5,000 square feet

**e. Garden**

- i. Shall be used to protect a family garden
- ii. May be contiguous to the residence or freestanding
- iii. Maximum height shall be - 6 feet
- iv. Maximum size shall be 1,000 square feet
- v. Rabbit fence may be used subject to ACC approval

4. Dark-colored vinyl or PVC-coated fence fabric may be allowed, subject to approval by the ACC. The finish of all PVC or vinyl-coated fence posts shall match fence fabric material. Vinyl fencing commonly known as construction barrier fencing shall not be allowed. All construction fencing must conform to setback requirements and be removed promptly upon the conclusion of construction.
5. Black or dark fence fabric/materials/posts/etc. (e.g., ornamental iron, horizontal pipe rail, square tube rail or grid, or anodized metal) may be allowed subject to ACC approval.
6. Non-reflective, dark-colored steel “T-posts” with no accent colors may be allowed subject to ACC approval.
7. Submission Requirements for walls, fences and/or screens:
  - a. Site plan at a scale (e.g., 1 inch = 50 feet, 1 inch = 100 feet, 1 inch = 200 feet) showing property lines, 100-foot setbacks, existing improvements (residence, other major structures, and fence area(s) with associated dimensions.
  - b. Samples of materials, elevations at a scale to describe properly the fence or screen, or photographs, requested by the ACC
  - c. Fencing and screening materials must be submitted for approval by the ACC

## 2.9 WASHES AND/OR NATURAL DRAINAGE

Throughout San Pedro Creek Estates, natural drainage-ways occur frequently and should not be obstructed. Structures and/or other improvements, including septic drain lines and drain fields, should be sited to avoid these washes. All major arroyos on the property shall be maintained in their natural state.

As with any wash or arroyo, improvements designed and constructed to bridge these natural structures are sometimes necessary encouraged. For example, a driveway may need to be built across a wash or arroyo in order to access the residence. In such cases, adequate stormwater flow capabilities must be maintained by the proper placement and size of culverts. If required by the ACC, a backwater flood analysis prepared by a New Mexico licensed civil engineer, ensuring the safety and feasibility of the design, must be submitted and will be subject to review by the ACC (illustration 1).

In general, the surface drainage across a lot must enter and leave the lot in the same locations as before construction of improvements.

## 2.10 TENNIS COURTS AND/OR OTHER SPORT/RECREATIONAL SURFACES

The objective is to create the most inconspicuous tennis court or sport/recreation area, as is reasonably achievable. Tennis or sport courts must meet the approval of the ACC and will do so only when they meet the following criteria:

1. Grading required to create a level-playing surface must achieve a balance of cut to fill. Screening the playing surface from view may require the court be constructed below

- grade to reduce the need for fencing.
2. Combining solid walls and colored fencing may be required. The height of perimeter protection may be limited and must be approved by the ACC. Galvanized or chain link fencing is prohibited.
  3. Landscaping with native shrubs and trees may be required to mitigate the court's visibility from nearby streets, lots and Common Areas.
  4. Lighting tennis courts and other sport/recreation areas is prohibited.
  5. Integrating ramadas, storage rooms, and connecting walkways with the main house and surrounding landscape is required.

The approval of a tennis court or sport court will be made at the sole discretion of the ACC. Even if the design of a tennis or sport court meets all of the above criteria, it may not be approved because the slope conditions, vegetation, or limited area on that particular lot would not allow the above criteria to be met without scarring the landscape excessively or having some other negative impact on the community.

#### 2.11 SWIMMING POOLS/SWIM SPAS/HOT TUBS (POOLS)

The design of any swimming pool shall be done in a manner that will visually connect the pool to the residence by using walls or courtyards. The swimming Pools shall be screened from view from adjacent lots, streets, and Common Areas. All swimming pools shall be constructed according to all applicable county and state regulations. In addition, except for normal maintenance and level control, all pools, with capacity greater than 1500 gallons are to be initially filled from water sources outside of the subdivision. Proof of compliance must be presented to the ACC before a Final Inspection Certification will be issued.

#### 2.12 BASKETBALL HOOPS

The installation of basketball hoops and backboards will be limited and are subject to certain conditions. The ACC will review requests for the installation of each hoop and give special consideration to the privacy of adjacent lots, as well as color and obtrusiveness of its location. If the equipment is allowed, the basketball hoop and backboard must come down when no longer utilized.

#### 2.13 ADDRESS IDENTIFICATION

Individual address identification devices for each residence are required to be installed by the owner. Constructed devices (e.g., identification incorporated into a specialty mailbox) must match the residence in materials, color and style. The only address identification permitted will be the numbering approved by Sandoval County regulations. The La Madera Volunteer Fire Department recommends address numbers be visible in any direction from which an emergency vehicle might approach. The numbers should be a minimum of 3 inches high and a maximum of 18 inches high and of reflective material.

#### 2.14 LIGHTING

Maintaining a natural, undisturbed quality within San Pedro Creek Estates Subdivision extends to the nighttime features of the high desert. The intent of San Pedro Creek Estates Subdivision is to allow for the minimum lighting necessary to provide for safety, security, and the enjoyment of outdoor living, while not competing or interfering with the dramatic nighttime panorama of San Pedro Creek Estates Subdivision.

To accomplish these goals, the ACC has established guidelines for interior and exterior residential lighting. The intent of the guidelines is to allow for flexibility and creativity while allowing the ACC to consider the ultimate acceptability of each installation and its resultant light levels and visual effects on surrounding properties and Common Areas on a case-by-case basis. The lighting requirements are reinforced by the San Pedro Creek Estates Subdivision Restrictions section 3.02 (b) and (h).

The ACC will not approve a lighting design if it is not in strict compliance with these guidelines. However, the ACC recognizes that changes in lighting styles and technologies may occur and will review alternative installations in the field if requested by the owner in writing. In order to avoid excessive costs, it is required that any variations from the approved final design be mocked up for ACC review prior to permanent installation. The ACC accepts no liability for any costs or hardships resulting from lighting installations found to be unacceptable to the ACC.

Weather, vegetation, animals, aging and deterioration, mechanical failure, and even replacement of bulbs can affect the nature of lighting. Therefore, an installation that may be determined acceptable during its initial operation may later be found to be in noncompliance and will thus be required to be brought into compliance.

#### **2.14.1 INTERIOR LIGHTING**

Typically done at the sole discretion of the owner, interior lighting becomes a concern when the light that spills to the exterior causes glare when seen from neighboring properties or Common Areas. In order to avoid this, placement of interior lighting shall minimize spill into exterior areas of the property.

Special care and attention should be given to the aiming and brightness of display lighting and other intense accent lighting as it may be reflected to the exterior, particularly through high windows or skylights. No light sources pointing up or out that are visible through high windows or skylights are allowed. Dark tinting of glass areas or the use of window coverings at doors and windows may be required to reduce light spill from interior spaces that have exceptionally high light levels. Skylights are strongly discouraged on pitched roofs and will only be allowed when approved by the ACC (section 3.10).

#### **2.14.2 EXTERIOR LIGHTING**

Even though light spilling from interior spaces contributes to the lighting of the exterior and should be accounted for in the overall lighting design, “exterior lighting” as used here shall

mean light sources that are located outside the home.

**Note:** In all cases, lamp wattage shall be the minimum required for the intended function.

The ACC considers exterior lighting as serving one of three general purposes as characterized below:

1. Safety lighting: Lighting that is used to illuminate vehicular and pedestrian circulation, and is to be used only when receiving guests or circulating outdoors. Safety lighting that takes the form of solar lighting, which generally stays on all night, will be reviewed on a case-by-case basis, and will only be permitted when the light source complies with the shielding and aiming restrictions listed further in this section. Such fixtures will require spacing along drives and walks so as to minimize the appearance of “runway” lighting and should be spaced no closer than 15 feet apart along the length of a walk or driveway (on one side or alternating sides) Other spacing may be approved by the ACC when site conditions on the lot dictate (e.g., to avoid obstacles or to signal changes in level or direction).
2. Security lighting: Lighting that is intended to provide bright illumination only during emergency situations. It must be circuited and controlled separately from any and all other lights. By its nature, it should be used rarely, and will have different aiming and shielding requirements than other lighting
3. Visual enjoyment lighting: Lighting that is intended to illuminate exterior living areas, such as patios, pool decks, or landscaping behind walls or in private areas, should be illuminated only when these areas are being used. The hours of such use should show consideration of the impact of this lighting on neighboring lots. Lighting for visual enjoyment may often provide for the safety requirement around outdoor living areas; and safety lighting may sometimes contribute to the visual enjoyment of the landscape. However, due to differences in the frequency and duration of use and the objective of minimizing unnecessary lighting, these two different lighting functions must be circuited and controlled separately.
4. Shielding: All light sources (lamps or bulbs) for “Safety” and “Visual Enjoyment” exterior lighting must be completely shielded from view to eliminate glare from any normal standing, sitting, or driving view angles from any neighboring property or Common Area. Lantern type fixtures with an exposed bulb are not permitted. In the case of security or alarm lighting, however, lights should be shielded as much as is possible given the function of the lighting. For example, floodlights often have visible bulbs, but they may have cowls or covers that prevent light spill to the side; aiming of these types of fixtures must be done with consideration of minimizing glare outside of the lot. Particular care must be taken when lighting homes that are visible from lots at lower elevations. Translucent lenses will only be allowed in limited-use areas, such as outdoor dining, and must be frosted or etched sufficiently to obscure the bulb when lit.

5. Aiming: All exterior lights shall be downlights, and lights that may be aimed must be pointed downwards. An exception for up-lights would be those fixtures mounted below a roofed patio area that are aimed upward. The light source of such fixtures must be fully shielded under the roof or eave. Up-lights from such fixtures that cause light spill into the night sky will not be permitted.
6. Downlights: No maximum number of downward directed lights has been determined. However, they must be mounted in an approved fashion, must be aimed within 10 degrees of vertical, and must be shielded to allow for no light above 45 degrees and no visible light source (illustration 4). **Lights placed on an exterior wall above the second story floor level will not be approved except for security lighting used only during emergency situations and downward directed lights for second floor decks.** The ACC reserves the right to reject a downward directed light if it appears excessive, inappropriate, or not in conformance with the lighting philosophy of San Pedro Creek Estates.

The International Dark-sky Association (IDA) recommends using lighting that has a color temperature of no more than 3000 Kelvins. IDA recommends that only warm light sources be used for outdoor lighting. This includes LPS, HPS and low-color-temperature LEDs. The following is **recommended** by the IDA (only the first item in the list is also an SPCE requirement, the remainder are IDA recommendations but not SPCE requirements).

- Always choose fully shielded fixtures that emit no light upward.
- Use “warm-white” or filtered LEDs (CCT ≤ 3000 K; S/P ratio ≤ 1.2) to minimize blue light emission.
- Look for products that are capable of accepting 7-pin controls that can enable to use of dimmers, timers, motion sensors, and networking.
- Consider dimming or turning off lights during overnight hours.
- Avoid the temptation to over-light because of the higher luminous efficiency of LEDs.
- Only light the exact space and in the amount required for particular tasks.
- Select fixtures that have aftermarket shields available if light trespass is an issue in some lighting situations.

## 2.15 SIGNS

**Adopted by the Board from Declaration Section 3.02(c):** No signs whatsoever, including, but **without limitation**, commercial or similar signs, visible from other lots, shall be erected or maintained upon any lot, **except:**

1. **Such signs as may be required by legal proceedings or are useful for such proceedings.** ~~A job identification sign may be posted by the builder during the time of construction of any structure or improvement on the lot. It shall be a maximum~~

~~face area of six square feet. No other signs shall be posted on lots except ACC construction approval sign (section 4.14).~~

2. During the time of construction of any structure or other improvement, job identification signs having a maximum face area of twelve (12) square feet per sign and of the type usually employed by contractors, subcontractors, and tradesmen. ~~Directional, identification and appropriate safety signs may be installed by the developer, builder, Homeowners' Association, or required by law.~~
  - a. Size for these signs is limited to 6 square feet. No other construction signs shall be posted on lots during the time of construction of any structure or improvement, except the ACC construction approval sign (Design Guidelines Section 4.14).
3. Appropriate safety, directional, and identification and safety signs installed by Grantor, the Association, or required by law. ~~Brokerage signs or "For Sale" signs by owner may be placed on the lot for sale. The maximum face area of sign shall be no more than six square feet, and only one sign per lot will be allowed. Directional signs to open houses may be placed for directional purposes only during the times of the open house and shall be removed at the end of each showing. No permanent directional signs to property for sale shall be placed within the subdivision. Real-estate signs must have two posts for firm placement in the ground.~~
4. Customary "for sale" or "for rent" signs.
  - Brokerage signs or "For Sale by Owner" signs may be placed on the lot for sale. The maximum face area of sign shall be no more than 6 square feet and only one sign per lot will be allowed. Directional signs to open houses may be placed for directional purposes only during the times of the open house and shall be removed at the end of each showing. No permanent directional signs to property for sale shall be placed within the subdivision. Brokerage signs must have two posts for firm placement in the ground.
  - Professional association-sponsored signs are granted by approval of the Board of Directors. Homes of Enchantment Parade and Custom Builders Council are examples of professional association signage.
5. Such residential or commercial identification signs as Grantor has the right to maintain, or as are specifically approved by the Board in accordance with the rules adopted by the Board.
  - Small "Security provided by ..." signs are allowed. The sign must be  $\leq 1$  sq ft. Limit is one sign per lot visible from the road, placed alongside the driveway, with the top of the sign not more than 18" off the ground.
  - For driveways at the end of a cul-de-sac or PAE, a single "Private Drive" sign on the owner's property or near the entrance to the driveway is allowed. The sign must be rectangular with no side greater than 18".
  - All signs described in Section 2.17 of the Design Guidelines must have a professional appearance and be made on metal or durable outdoor weather resistant material. Handwritten signs are prohibited.

## 2.16 ANIMALS AND LIVESTOCK

Horses may be kept on lots with the following limitations:

1. Commercial stables or boarding of horses is prohibited.
2. Horses shall be kept within corrals not to exceed 10,000 square feet except when being ridden. Materials and siting should comply with section 2.8.
3. Four horses are the maximum number allowed on any single lot.
4. Horses on any lot shall be subject to applicable zoning provisions and other applicable laws.
5. Barns and outbuildings to accommodate horses and other livestock may be erected subject to all requirements noted in section 3.15. Open structures such as stand-alone “run-in” sheds shall be prohibited.

Dogs, cats, livestock, insects, poultry and other pets in reasonable numbers may be kept, providing they are not kept, raised, or bred for commercial purposes. Household pets must be restrained on a leash or otherwise under the direct control of an individual or restrained by fence or other restraint, when in the subdivision and shall not constitute a nuisance. Sandoval County ordinances must be followed.

Pens, corrals, stables, and other animal enclosures shall not be located nearer than 100 feet to any lot line and shall comply with the Design Guidelines regarding outbuildings (section 3.15) and walls and/or fences (section 2.8).

**ACC Comment:**

**The ACC recommends that the following Sections of the Design Guidelines be removed in their entirety because these Sections are outside the scope and purview of the ACC as referenced in Article 8 of our Declaration. Section 3.02 of our Declaration addresses the Prohibited Uses of our Subdivision and would supersede the Design Guideline Sections listed below.**

~~2.17 — PARKING~~

~~For safety reasons, no on-street parking is permitted on private streets (Restrictions section 3.02 (s)). Sufficient area for two parking spaces for guests shall be provided on the lot.~~

~~No vehicles of any type shall be permanently or semi permanently parked in any portion of the subdivision visible from other lots, streets or Common Area for purposes of repairs, reconstruction, or storage. A vehicle shall be deemed parked for storage if it is not driven out of the subdivision for fifteen consecutive days (Restrictions section 3.02 (k)). (A vehicle shall be deemed semi permanently parked if it is parked persistently and continuously in a visible space, such as on a daily or nightly basis.)~~

~~No trucks of greater than 3/4 ton or other commercial vehicles shall be kept or maintained in the subdivision, except within a standard size garage. Trucks are allowed for the~~



~~limited purpose of building, repairing, or maintaining the subdivision or a dwelling. Trucks are also allowed for moving household goods in or out of the subdivision (Restrictions section 3.02 (l)).~~

## ~~2.18 — FIREARMS~~

~~Refer to section 3.02 (p) of “RESTRICTIONS OF SAN PEDRO CREEK ESTATES SUBDIVISION” for these regulations.~~

## ~~2.19 — MANUFACTURED HOMES, TRAILERS, AND/OR MOTOR HOMES~~

~~No trailer, mobile home, manufactured home, prefabricated structure, motor home, recreational vehicle, camper, or trailer shall be placed on the lot as a residence, single-family dwelling, or guesthouse within the subdivision at any time for any length of time. Nonresidential trailers or portable facilities used by builders exclusively in connection with the construction of any work or improvement permitted by the Design Guidelines for a period not to exceed 90 days are allowed (Restrictions section 3.02 (d)). This restriction shall not apply to construction equipment lock boxes or trailers used solely for securing equipment; such trailers are permitted by section 4.3 until construction is completed.~~

~~No motor home, recreational vehicle, motorcycle, camper, trailer, boat or portable facility or recreational equipment shall be stored within the subdivision at any time, unless enclosed within a garage or completely screened from view from outside the lot. The use of an RV cover will not suffice for screening. This restriction does not preclude the allowable maximum 15-day parking period mentioned in section 2.17, which allows the limited presence of recreational vehicles for loading, unloading, and servicing prior to and following use, or the occasional visit by a guest in such a vehicle.~~

## ~~2.20 — OIL, GAS AND/OR MINERALS~~

~~Refer to section 3.02 (a) of “RESTRICTIONS OF SAN PEDRO CREEK ESTATES SUBDIVISION” for these regulations.~~

## ~~2.21 — COURTESY TO NEIGHBORS~~

~~Refer to section 3.02 (b) of “RESTRICTIONS OF SAN PEDRO CREEK ESTATES SUBDIVISION” for these regulations.~~

## ~~2.22 — COMMERCIAL ACTIVITY~~

~~Refer to section 3.02 (q) of “RESTRICTIONS OF SAN PEDRO CREEK ESTATES SUBDIVISION” for these regulations.~~

## ~~2.23 — INSURANCE CONSIDERATIONS~~

~~Refer to section 3.02 (n) of “RESTRICTIONS OF SAN PEDRO CREEK ESTATES~~

~~SUBDIVISION” for these regulations.~~

## ~~2.24 — SOLID WASTE DISPOSAL~~

~~Refer to section 3.02 (f) of “RESTRICTIONS OF SAN PEDRO CREEK ESTATES SUBDIVISION” for these regulations.~~

## **2.17 OVER-THE-AIR RECEPTION DEVICES FOR VIDEO AND HIGH SPEED INTERNET PURPOSES AS SPECIFIED BY FCC OVER-THE-AIR-RECEPTION DEVICES (“OTARD”) RULE (47 CFR 1.4000)**

**The FCC has enacted a rule restricting the imposition of installation guidelines for Over-the Air Reception Devices. The FCC Rule impacts the information in the SPCE Declaration as follows:**

### Section 1.11 Definitions/Improvements:

Antennas that fall under the OTARD Rule will no longer be considered “Improvements,” since improvements require approval by the ACC, and that is not permitted by the OTARD Rule.

### Section 3.02(i), Prohibited Uses of the Subdivision

Since the OTARD Rule (federal law) supersedes the SPCE Declaration, this section will no longer apply to antennas or receivers that fall under the OTARD Rule.

Receivers (antennas) that fall under the OTARD Rule are those that are less than 1 meter (39.37”) in diameter and are installed, maintained, and used for over-the-air reception from direct broadcast satellites, broadband radio services, fixed wireless services, and television broadcast stations in areas within the Lot Owner’s exclusive use.

The OTARD Rule prohibits most restrictions that:

- unreasonably delay or prevent installation, maintenance or use;
- unreasonably increase the cost of installation, maintenance or use; or
- preclude reception of an acceptable quality signal.

For installing antennas that fall under the OTARD Rule, the ACC offers the following guidelines. Adherence to these guidelines is not expected to cause delay, increase cost, or preclude a quality signal:

- No ACC Submittal Checklist is required before installing an OTARD-compliant antenna.
- Lot Owners should choose a location for their antenna that minimizes the visual impact on neighboring properties.
- Roof-mounted antennas are preferable, provided an acceptable quality signal can be obtained.

- As necessary, the antenna may be mounted on a mast to reach the height required to receive or transmit an acceptable quality signal.
- Masts, conduits and cables visible from the ground level should be painted to match the color of the background material.
- A ground-mounted antenna should not be installed within the 100-foot setback.

For more information see: <https://www.fcc.gov/media/over-air-reception-devices-rule>

~~No exterior antenna or satellite dishes greater than 1 meter (39.37") in diagonal measurement or diameter shall be installed or maintained on any lot or within the subdivision. As necessary, these devices may be mounted on masts to reach a height to receive or transmit an acceptable quality signal. Devices used to mount the equipment should be painted to be reasonably compatible with the color and materials of the home. Homeowners are requested to be sensitive to choose a location for their antenna or satellite dish so that neighbors are not adversely affected.~~

Antennas for AM/FM radio, Digital Audio Radio Services (DARS) signals, amateur (HAM) radio, Citizens Band (CB) radio, and any antennas over 1 meter (37.39") in diagonal measurement or diameter are not protected by FCC Rule limiting local government and homeowner association rules relative to over-the-air video and internet antennas and satellite dishes, and all of them require ACC approval. The ACC will not approve large and visually offensive antennas. Because there are a great many types, styles and sizes of amateur radio antennas it is expected that few, if any, would be approved. Such signaling devices are allowed if maintained entirely under the eaves, or within an enclosed structure, and or not visible from the ground level of adjacent lots.

### 2.17.1 FREESTANDING FLAGPOLES

Freestanding flagpoles less than 20 feet in height and with LRV of less than 40 are allowed when located in the immediate vicinity (e.g., adjacent to garage or front courtyard) of the residence and approved by the ACC. The display of either the American or State flag is permitted from a freestanding flagpole not to exceed 4 feet by 6 feet in dimension. Flags can also be attached from a pole bracket mounted on the residence or suspended from a roof overhang. Flags shall be displayed in accordance with relevant United States and New Mexico code. Any flag deemed offensive by the Board of Directors shall be removed.

### 2.18 COOLING DEVICES AND GENERATORS

The ACC recommends cooling devices be placed on the ground. This location will help the cooling device function more efficiently and reduce cooling costs. Cooling devices placed on the ground shall be screened/hidden from the neighborhood view by a wall that matches the residence in materials, color and style, or by natural screens such as large rocks or **EXISTING** native trees or shrubs (pinon tree, juniper tree, etc.) In the event the cooling device is installed or maintained on the roof or exterior surface of any dwelling, it must be screened or enclosed to the

satisfaction of the ACC. More information is provided in section 3.7 ROOFS. Retrofitting a house to add conditioned air may be accomplished with ductless, HVAC heat-pipes (so-called mini-splits); the outdated option of using exposed rooftop ducting is not permitted. Under no circumstances will mechanical or other equipment be permitted on pitched roofs.

Generators shall be placed on the ground. The unit shall be screened to reduce noise and provide a visual barrier. All screen walls must match the residence in materials, color and style, or by natural screens such as large rocks or **EXISTING** native trees or shrubs (pinon tree, juniper tree, etc.)

**2.19 ELECTRIC METER LOCATED AWAY FROM HOUSE THE PNM ELECTRICAL CONDUIT NEAR ROAD**

~~PNM electric meters located away from the house shall be screened/hidden from the neighborhood view by a wall that matches the residence in materials, color and style, or by natural screens such as large rocks or **EXISTING** native trees or shrubs (pinon tree, juniper tree, etc).~~

PNM electric meter support posts for meters located away from the house shall be painted an earth tone color matching the residence. In keeping with PNM requirements, the paint should not cover any informational or warning labels on the post. Any screening of the meter and post by the homeowner is optional and should take in to account PNM requirements for leaving space around the post. Such screening should be either natural materials such as plants and/or rocks, or if constructed of other materials should have a surface LRV < 40. We also recommend that the meter post be given some protection from vehicles by the placement of bollards or large rocks.

Extra electrical expansion conduit left visible from the roadside near the PNM electric service shall be cut, capped and/or buried by the homeowner for future use. This is an ACC final inspection item that will be verified before the construction deposit is returned.

**2.20 MAILBOXES AND SUPPORTING STRUCTURES; PACKAGE DELIVERY BOXES**

San Pedro Creek Estates residents enjoy the privilege of having mail delivered to their individual lots. We strive for being in conformity with the beautiful scenery around us, using earth tones for mailboxes to blend with the landscape. Owners may install black, - brown, - copper tone or brass tone mailboxes. They are to be mounted on a wooden post, metal pedestal or encased in stone and/or stucco as indicated below in the photos. Mailboxes may not be replicas of animals or objects of art; however, mailbox flags and other decorative items generally accepted as appropriate for all audiences and sized in conformance with USPS specifications are allowed. All mailbox designs must conform to USPS standards and be submitted to the ACC as part of the Final Approval and installation process. Typical mailboxes available at Home Depot, Lowes, etc., do not require ACC approval.

Mailboxes may be used for address identification - and must be in conformance with section 2.13 of these Design Guidelines. Under no circumstances will the approved structure exceed 54 inches in height by 36 inches in width or depth.



**Package Delivery Boxes**

For driveways with driveway gates, package delivery boxes must be installed or placed just in front of the gate and painted to match the color of the gate structure (stucco or metal) behind the box when viewed from the road.

For driveways without driveway gates, the package delivery box must be installed next to a bush or tree that is at least 100 ft back from the property line (out of the setback), and constructed or painted in an earthtone color (tan, brown, dark green or black). Instruction labels displayed on the boxes must not be placed on the side of the box facing the road. The maximum dimensions for the boxes are 50" by 25" by 25".

**2.21 SCREENING OF UTILITY BOXES OR HOOKUPS**

Improvements used to screen utility boxes or hookups must match the residence in materials, color and style, or be natural screens such as large rocks or **EXISTING** native trees or shrubs (pinon tree, juniper tree, etc.) In all cases, screening improvements will require ACC approval and must be part of the Final Submittal.

**2.22 LANDSCAPING /TREES**

The maximum mature height of any trees planted in San Pedro Creek Estates shall be 35 feet.

**2.23 GAS METER LOCATION GUIDELINES AND NATURAL GAS CONNECTIONS**

The Guidelines described in this document have been established to maintain aesthetic continuity and maximize safety for the residents of San Pedro Creek Estates (SPCE). The preferred location for all gas meters should be at the residence or at the existing propane tank. This ensures that the New Mexico Gas Company (NMGC), and not the owner, has responsibility for the residential gas line from NMGC’s street gas line to the residential meter location. This also removes the potential hazard of a gas meter located near the street, where it could be damaged by a car. Also, if in an emergency, the owner or fire department were required to shut off the gas to the residence, it will be easier to quickly do this when the valve is located in a standardized location.

There may be certain site-specific situations when an owner may need to locate the gas meter at a location other than the residence or the existing propane tank. In those situations, the homeowner must contact HOAMCO, who will notify the Architectural Control Committee. The ACC will contact the owner to schedule an on-site meeting to discuss potential alternate locations and the manner in which the meter will be screened from street view. The meter location must be toward the rear of the 10-foot Utility Easement at the street side of each lot and not within the Common Area; this is approximately 20 to 23 feet from the edge of the asphalt. This will provide space for screening of the meter within the lot owner's property. Once an agreement has been reached, the ACC will provide an approval letter to the resident which will document the approval of the alternate meter location. If the owner's chosen gas meter location is one of the two preferred locations, there is no need to obtain an ACC approval.

Boring under the pavement is the preferred option when a natural gas connection is needed on the side of the road opposite the residence. If an obstruction is encountered beneath the pavement during the boring process, the contractor shall try an alternate location(s). In the event multiple attempts result in obstructions, and the pavement must be cut, the property owner is responsible for any and all damages. The ACC must be notified prior to cutting the pavement and shall be given the opportunity to inspect backfill, compaction, and resurfacing to ensure the integrity of the roadway. All utility trenches shall be restored back to the natural grade or appearance when visible from the road.

### **III. ARCHITECTURAL DESIGN STANDARDS**

#### **3.1 ARCHITECTURAL STYLES**

The Architectural Control Committee, in reviewing and approving plans, shall evaluate whether the proposed construction, alteration, installation, etc. will harmonize with the motif and style of the Subdivision and be compatible with the surrounding homes and the character of the Subdivision. The intent of the Architectural Design Standards is to encourage residential designs that blend with the natural topography of the lot, preserve native vegetation and existing site features and utilize designs that draw upon the building traditions of the area. While the Committee encourages creative architectural solutions, all designs must be appropriate for the context of San Pedro Creek Estates and must be one of the five (5) approved designs listed in section 8.03.b1 of the restrictions.

The approved Architectural styles shall be limited by the CC&R's to Southwest Colonial style, Pueblo style, Santa Fe style, Territorial style, and Soft Contemporary Style. The San Pedro Creek definitions and general attributes of these approved styles are identified below. In the use of any style, care should be taken to ensure the design elements used do not overwhelm the design or appear awkward and out of proportion with the home. SPCE has approved five (5) architectural styles. The definitions of each style and the attributes associated with each are discussed in the following sections.

The photos included here are of homes currently in San Pedro Creek Estates.

## 1. Southwest Colonial Style:

The approved Southwest Colonial style specifically excludes Southwest Spanish, California Style, Tuscan, Old World, Mediterranean and other non-New Mexican influenced architecture.

There are currently no known SW Colonial Style homes located in San Pedro Creek Estates.

### Background

As expressed in New Mexico during the 18<sup>th</sup> and early 19<sup>th</sup> centuries colonial style was dictated by the scarcity of materials, enforced self-sufficiency, and the need for strong defense from nomadic Indians in remote, often impoverished outposts. Contiguous and single houses were constructed around an open area, or *plaza*, which was used as defensive space or to corral cattle. Outside walls were windowless for defense. Entry was through a wide, double gate (*zaguán*). Livestock could be corralled in the plaza, gates barred, enclosure defended. There were no structural arches, but occasionally doorways had a shallow arched shape. Windows were small, of mica or barred, and faced inside the plaza. Rarely, there was an occasional *torreón*, or tower, for defensive purposes. Homes were simple by necessity. Very few historic examples exist today.

This style is characterized by:

- Rectangular or L-shaped floor plan
- Horizontal massing
- Predominantly one story
- Interior courtyards
- Thick Stucco wall and chimney finishes
- Flat roofs with a parapet or pitched roofs, both supported by vigas, with latías, and canales for drainage. Roofs are most often slightly tilted down to the east for the water to run off, protecting the adobe from west wind-driven water
- Interior porches, or portales
- No structural arches, but occasionally doorways have a shallow arched shape
- Wood-framed window treatments, often with a wooden lintel across the top

## 2. Pueblo Style:



### Background

Native American pueblos continue to this day, as at Taos and Acoma. Historical examples exist at Chaco Canyon. Modern Pueblo style architecture seeks to create the appearance of traditional adobe construction, though it may use modern materials and techniques.

Pueblo style is characterized by:

- Multi-storied buildings, with the mass broken up by stepped massing like that seen at Taos Pueblo
- Normally one story, some with two story areas, but seldom "complete" two stories
- Flat roofs with canales for drainage
- Some exposed log/tree beams, architectural and or carved/detail wood beams under porches with wooden entry/exit doors
- Thick stuccoed walls colored in earth tones
- Soft, organic lines/corners
- Rounded, sometimes irregular parapets
- Simple courtyard walls
- Entry gates
- Deep set windows and doorways
- Classic wood window treatment as in casement, sash, or pane
- Vigas, latías, nichos and bancos

### **3. Santa Fe Style:**





### Background

In the years around the First World War, tastemakers in the new state re-discovered New Mexico's own unique architectural past. Often termed Santa Fe style, the new revival combined elements of Pueblo Indian and New Mexico's Spanish Colonial traditions.

Santa Fe style is truly indigenous to New Mexico and features:

- Flat roofs with parapet walls
- Normally one story, some with two story areas, but seldom "complete" two stories
- Irregular edges, soft rounded edges and corners
- Stucco surfaces
- Classic wood window treatment as in casement, sash or pane. Windows tend to be larger than in the Pueblo Style to take advantage of light and views
- Some exposed log/tree beams, architectural and or carved/detail wood beams under porches with wooden entry/exit doors
- Vigas extending to the exterior

#### **4. Territorial Style:**

Within this category are homes locally referred to as Northern New Mexican style architecture.



### Background

Territorial style emerged in full after the Civil War with the arrival of the railroad, bringing influences from the East as well as sawmill equipment and decorative elements which could only be transported by railroad, such as metal roofing materials, iron stoves, wooden shutters, and windows. Due to the preciousness of arable land, homes were often built against the hillside, with windows facing out/downhill. Brick and tile kilns were available after 1879.

Territorial style houses are essentially one and two-story pueblo style structures modified by the addition of details such as:

- Sharp, well-defined corners/edges, with flat or pitched roofs. Normally roof line is trimmed with linear –wooden eaves following the roof line
- While these can be one story, higher interior and exterior roof height is "Typical" with a two-story pitched metal roof
- Sharp-cornered walls
- Seldom any exposed beams, or architectural carved or detailed wood beams
- Front verandas
- Window treatments are normally either casement style or simple single pane large windows -with wooden trim
- Cased and shuttered windows, bay windows (Glazed double-hung sash, divided pane)
- Doors and windows set flush with the building surface
- Milled woodwork accents
- Smooth finish stucco

### **5. Soft Contemporary Style:**

**It is important to understand that the approved Soft Contemporary style does not include radical or ultra-modern features.**



### Background

The San Pedro Creek Soft Contemporary Style transforms the existing Southwest Colonial, Pueblo, Santa Fe, and Territorial styles by using more modern lines and materials, incorporating straight edges, larger glass openings, and different stucco colors (although complying with San Pedro Creek LRV requirements). Nonetheless, in San Pedro Creek, awareness of New Mexico’s design traditions and our climate is expected, so that “Contemporary” houses blend well into the landscape and the community, and the Southwest Colonial, Pueblo, Santa Fe or Territorial style remains distinguishable as the underlying style of the contemporized house.

Soft Contemporary houses typically have:

- Unusual window shapes, sizes and placements to take advantage of views, light, and solar rhythms
- Little ornamentation
- Unusual and contrasting mixes of wall materials such as stone or brick, in addition to stucco
- Designs that make the landscape part of their overall look.
- Additional features include geometric shapes and high-tech design elements
- Wide eave overhangs
- Flat or low-pitched roofs with broad, low, front-facing gables
- Exposed support beams and other structural members

## **3.2 BUILDING HEIGHTS**

The terrain of San Pedro Creek Estates is varied and unique, with hilltops, valleys, and other changes in elevation, making uniform applicability of height restrictions for residences both inadvisable and impractical. The Design Guidelines are intended to discourage and/or prevent any residence or other structure that would appear excessive in height when viewed from a street, Common Area, or other lots, and/or that would appear out of character with other residences because of height. Careful planning for development in many areas is also required to prevent excessive scarring of the landscape by grading, or disruption of drainage and subsequent erosion. The crown must be left intact with major existing trees. These considerations will be of particular importance concerning residences to be constructed on lots along or near the top of hills, ridges, mesas, or drainage channels. These areas can be found throughout the subdivision but are primarily located along La Cantera and Prado Vista. All lots should be reviewed in advance of planning any development during the required Pre-Design Site Meeting. -

Building conditions and associated restrictions will fall into one of the following three categories, as determined by site topography and required slopes analysis:

1. Building areas with slopes less than 15 percent (as determined using a certified topographical survey). Building heights may not exceed twenty-six (26) feet on these building sites, as measured from the lowest point of the natural grade at the building perimeter. The building perimeter shall be defined as the point at which any wall, vertical element, structural element or building foundation intersects with the grade (touches the ground) exclusive of courtyard walls. This point is established prior to the start of construction as per section 3.1.1 (sketch A on illustration 2).
2. Building areas with grades consistently over 15 percent (as determined using a certified topographical survey) Buildings should be cut into the site, rather than cutting away the site to form a flat building pad. A sky plane of 19 feet parallel with natural grade cannot be exceeded on these sites (sketch B on illustration 2). Variances may be allowed where designs are stepped into the site using elements such as split-levels (as opposed to traditionally stacked levels).
3. Building sites having slopes greater than 25 percent grade, crowned hilltops, ridgelines, or in specific areas noted in section 3.1 (1)  
Will require design approaches to protect the views of ridgelines. Building sites shall begin on selected sides of a crown, away from the top, and floor elevations may be selected that would retain view corridors across crown tops and through trees. In all cases, the building area shall be set back from any crown or ridgeline, as determined by a certified topographic survey at least 25 feet (sketch C, illustration 2). Where a building site is on a flat-topped ridge or mesa, this 25-foot setback shall be from the top or edge of the slope (sketch D, illustration 2). Tree lines shall not be broken, so structures shall be single-story or split-level and flat-roofed in these areas to stay below the observed tree line on the ridge. The tree line can be considered to be, at most, 10 feet above grade on ridge tops with no significant tree cover and shall be the limiting height for ridgetop construction. Structures below the ridgeline shall also comply with the 19-foot

parallel sky plane rule (number 2 above and sketch B, illustration 2). In these cases, the ACC may require breaks in a building facade so the height of any plane in the facade is not greater than 16 feet (sketch C, illustration 2).

*The unique conditions of steeply sloped, hilltop, or ridgetop sites may require a reduction in overall building heights as set out in section 3.1 (1, 2, 3). Each such site must be reviewed prior to the Preliminary Design Submittal. The ACC shall have the right to require that improvements not be situated on a ridgetop or hilltop in order to ensure the line of the ridgetop or hilltop is not broken, and to prevent excessive scarring of the slopes.*

In all instances, the height restrictions are exclusive of code required height clearances for chimneys, mechanical vents and required mechanical screening. Also, restrictions will apply if a minimum of 50 percent of the building area is over the slope maximum. Decorative roof profiles, including non-functional chimneys, will, however, be held to the same height restrictions for the whole home as determined by the criteria in numbers 1 through 3 above. **Note:** if required mechanical equipment screening appears excessive to the ACC, such equipment may be required to be located on the ground.

At critical times during construction (section 3.1.1), the ACC may require the owner/builder to have a land surveyor currently registered and licensed in New Mexico (surveyor) certify that the finished height of the residence complies with these requirements (at the owner's expense). Should the heights, in any aspect, exceed the guidelines set forth herein, the owner/builder shall immediately bring the residence into full compliance.

*Due to the natural beauty of the Nature Areas and the views to be enjoyed by all owners, the ACC strongly encourages that all homes built along the Nature Areas be of a single-story or split-level construction that follows the natural grade.*

### **3.2.1 BENCHMARK**

The following procedure shall be required in order to ensure compliance by all parties to the height restrictions imposed by the Design Guidelines. The owner/builder shall have at their expense, a surveyor do the following:

1. Along with the Final Design Submittal and prior to any site work being undertaken:
  - a. Establish a benchmark in an undisturbed location within 100 feet of the building area with an unobstructed view of what will become the building area.
  - b. Establish the point elevation of the lowest point of natural grade adjacent to each building perimeter.
2. Prior to the completion of the foundation or wall stems and prior to the start of wall framing, the ACC may require a survey to establish point elevations of a. the bottom of

the footings and b. point elevations of each finished floor to certify compliance with approved plans. If such a survey is required, the ACC will inform the owner in writing; the owner will have 7 days to comply from the completion of that stage of the work. This certification shall be placed on file with the ACC. If this document determines the height, in any aspect, exceed the standards set forth herein, the owner shall immediately bring the residence into full compliance.

3. After completion of the project, the ACC may require a survey to establish the point elevation of the highest parapet and/or the ridge of a pitched roof to certify the finished height of the residence is compliant with all requirements and with approved plans. If such a survey is required, the ACC will inform the owner in writing; the owner will have 7 days from the completion of that stage of the work. This certification shall be placed on file with the ACC. If this document determines the height, in any aspect, exceed the standards set forth herein, the owner/builder shall immediately bring the residence into full compliance.

### **3.3 WALLS and GATES**

Retaining walls and other walls attached to but not directly supporting a building structure shall not exceed eight feet in height, measured from the lowest natural grade adjacent to the wall. Solid fences or walls shall match the residence in materials, color and style. The appearance of such walls at six feet or over in height must be softened by landscaping with trees or large shrubs, or by terracing with rock landscape walls and plantings.

All gates shall be designed to be harmonious with the residence by incorporating architectural elements, colors, and materials used in the home and expressing the same architectural style. After installing a gate, the owner should contact the La Madera Volunteer Fire Department with access information.

Driveway gates shall be located outside the 100-foot setback. A site plan must be provided showing the new gate location. Additionally, the gate design (with dimensions), material and finish color shall be provided. Drawings shall include the gate support structure and mechanical equipment location. All mechanical equipment structure/boxes shall be screened using natural vegetation or a screen wall. All screen walls must match either the residence or gate support structure in materials, color and style. Screening restrictions do not include the keypad or solar panel if used. Gate design drawings must include any planned lighting. All gate-related lighting must be preapproved by the ACC, and must be down-lighting following the IDA “dark sky” standards. (See also Section 2.14.2 on Exterior Lighting.)

### **3.4 BUILDING MASSING**

In order to follow the guiding principle of not dominating the environment, building masses should be predominantly horizontal rather than vertical, yet not create long unbroken elements (F 3). In general, the ACC - requires building breaks in a building façade so that the height of a plane in the façade is not greater than 16 feet, and/or the length of any plane is not greater than 30 feet. In some site-specific circumstances these massing requirements may be

relaxed for facades that are not highly visible from other lots or the streets. A variance request may be required.

### **3.5 BUILDING SIZES**

Refer to section 3.01 (a) of “RESTRICTIONS OF SAN PEDRO CREEK ESTATES SUBDIVISION” for permitted uses.

Improvements and development within the subdivision shall be limited to detached, residential single-family dwellings, having a minimum of 1,800 square feet of heated living area plus associated parking, garages, roads and access ways, landscaped areas, and all public or private service and utility facilities related to such uses, including but not limited to drainage, sewer, gas, water, electric, and communication facilities. Each lot may have, in addition to the main dwelling, outbuildings and/or a guesthouse

These structures shall be subject to the following requirements:

1. The improvements shall be subject to Sandoval County Zoning Ordinances, and plans shall be submitted to the ACC for approval prior to applying for any permits or commencing construction.
2. The guesthouse shall be a minimum of 900 square feet, not larger than 2/3 size of the main dwelling and less than 1800 square feet.
3. The guesthouse shall not be a second single-family dwelling.
4. The guesthouse on each lot may not be constructed prior to the construction of the main dwelling.
5. The guesthouse may be attached or detached but shall be in the same architectural style and similar materials as the residence, and be visually related to it by walls, courtyards, or major landscape elements. Thus, a Pueblo-style residence would have all outbuildings constructed to match materials, colors, and general appearance with parapets and flat roof; likewise for pitched- roof structures.
6. The size and massing of outbuildings, including barns and garages should be subservient to the main residence and guesthouse on the lot. For this reason, outbuildings, including barns and garages, greater than 900 square feet, shall have offsets in height and horizontal planes, breaking the scale and massing of the structure as noted in section 3.3 Also the ACC will consider the proposed scale and density of structures on the lot, and proximity to setbacks. Similar issues will be reviewed for small outbuildings (under 250 square feet). All approvals for outbuildings of any size will be concurrent with the Final Submittal and will require similar drawings and specifications. See section 3.15 for further guidance in the design of all outbuildings.

### **3.6 WALL COLORS**

Exterior wall color shall have a Light Reflectivity Value (LRV) of 40 or less. Generally, darker colors should be used on ridges and more exposed sites. Exterior materials shall be



materials that harmonize with the natural landscape and will withstand climate changes, such as stucco, stabilized adobe, rammed earth, and stone.

Pre-approved stucco colors are available for use in San Pedro Creek Estates. Other colors may be approved by the ACC as appropriate for the application in question. Please contact the Homeowners' Association management company or the architectural control committee for the list of colors. **Note:** the list of approved colors may change over time as manufacturers change their products and specifications.

### 3.7 ACCENT COLORS

In keeping with San Pedro Creek Estates' tradition, accent colors on front doors, garage doors, window frames and sashes, trim, soffits, and other incidental elements are allowed as long as the accent does not overwhelm the building's basic color, does not exceed a Light Reflective Value (LRV) of 40, *or* does not create a visual distraction from the street, adjacent lot, or Common Area as determined by the ACC. An allowance may be made for lighter window and door trim when used in order to match an existing residence frame color. In considering such a case, the ACC will consider aspects such as visual distraction, harmony with the building's basic color, and whether a similar color that meets the LRV might work as well as that proposed.

Colors for exterior artwork and sculpture should also be muted tones chosen to blend rather than contrast with the residence's surroundings.

### 3.8 ROOFS

Since roofs form an important part of the visual environment, they must be **thoughtfully designed and carefully constructed**. Design elements, such as decorative chimneys, and sculpted parapets must be kept to a reasonable height, in proportion with the home, and in the case of functioning chimneys, not exceed the minimum height required by code by more than 12 inches. **For pitched roofs, plumbing vents should be consolidated in the attic with minimal penetrations through the roof on a slope hidden from the street view.**

Roofing colors shall have an LRV of 40 or less. On a flat-roofed home, an LRV of up to 65 is allowed for a "tan" TPO membrane roof. Roofing LRV is not the sole criteria by which a roofing material is assessed; factors such as texture and contrast are also considered, as noted below. Copper or steel roofing must be properly painted, textured, or rusted prior to installation and samples of the finished product shall be provided. On a flat-roof home, white and/or reflective roofing materials, such as gravel, liners, metal panels, membranes, or silver tar **shall not be permitted**. On a pitched-roof home, asphalt shingles **shall not be permitted**. In addition, roofing materials for pitched roofs shall not create an extreme contrast with wall colors. Roof material samples must be submitted to the ACC for approval. All colors not on the ACC pre-approved list must have the LRV measured by the ACC or verifiable documentation of LRV data provided directly by the manufacturer or distributor in the form of officially published information. This verification may be provided via web site, the manufacturer's specifications, or technical materials; verbal or personal representations are not acceptable.

Pre-approved roofing materials are available for use at San Pedro Creek Estates. Other colors may be approved by the ACC as appropriate for the application in question. Please contact



the Homeowners' Association management company or the architectural control committee for the list of colors. **Note:** the list of approved colors may change over time as manufacturers change their products and specifications.

Due to the potential fire hazard, cedar shakes shall not be permitted. Screens or spark arresters must be installed on all chimneys.

No mechanical device shall be installed or maintained on the roof or exterior surface of any structure in a manner that allows the device to be visible from any direction; all such devices shall be screened or enclosed to the satisfaction of the ACC. **In some cases, the device can be painted to match the color of the exterior walls - This is acceptable as long as the ACC has provided its written approval.** Screening devices must be permanent, such as walls, fences, or parapets, as opposed to landscaping, which may change over time. Under no circumstances will mechanical or other equipment be permitted on pitched roofs. Skylights on pitched roofs will be reviewed on a project-by-project basis.

### **3.9 MATERIALS – EXTERIOR SURFACES**

Exterior surfaces must generally be of materials that harmonize with the natural landscape as well as provide an outer skin that will withstand the climate extremes. The use of stabilized adobe block, rammed earth, and stucco are strongly encouraged. In all cases, the choice of material shall avoid extreme contrast in color between adjacent surfaces such as walls and pitched roofing.

Prohibited exterior materials are as follows: mirrored glass, metal siding, panels of any material, opaque glass, vinyl, plastics, reflective materials, reflective exterior artwork and sculpture and other materials that do not convey strength, permanence or durability in appearance or substance.

The use of wood is allowed but requires careful consideration and should be used only as trim or structural materials (such as beams and columns) and will be subject to all color guidelines listed in section 3.5 or 3.6.

### **3.10 BUILDING PROJECTIONS**

All projections from a building including but not limited to chimney caps, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall be visually integrated into the overall design and shall generally match the color of the surfaces from which they project.

### **3.11 SKYLIGHTS, WINDOWS AND/OR GLASS BLOCKS**

Skylights and windows are important sources of natural light and can be positive contributors of passive solar heat. They can, however, also be sources of undesirable reflections and glare, both during the day and at night. Care must be taken in locating, positioning, and sizing of all windows and skylights. Skylights may not be visible from other lots, streets, and

Common Areas. The use of solar tube type skylights is encouraged whenever possible as an alternative to traditional skylights. It is recommended that the surface area of the skylights not exceed 1.5 percent of the roofed square footage of the design.

On flat roofed structures, the parapet walls that enclose the skylight must be at least one foot taller than the highest point on the skylight. Furthermore, active areas of the home that are lit at night shall have translucent or frosted, rather than transparent skylights.

Skylights on pitched-roofs, because of their highly visible nature, shall be reviewed on a project-by-project basis. The ACC's analysis will depend on the impact skylights have on other lots, streets and Common Areas. If allowed, the exterior surfaces of the skylight should be of non-reflective materials, and ideally should be located in rooms that will experience limited nighttime use.

### **3.12 PATIOS AND COURTYARDS**

Patios and courtyards are desirable and shall be designed as an integral part of the residence.

### **3.13 SOLAR APPLICATIONS**

Passive solar applications, or the orientation and design of the residence for maximum winter solar heat gain, will reduce winter heating needs and are encouraged. Active solar applications are also encouraged as energy saving measures but may cause excessive glare and reflection and may require adequate screening. Active solar systems, in both new and existing construction, shall be integrated into the structure or landscaping. For rooftop installations, the IMC conduit leading from the roof and all electric/utility boxes should be painted, if possible, to match the existing color of the mounting wall; the masking of any warning/safety labels is advised. If the solar installation would be visible from an immediately adjacent lot or immediately adjacent road, the perimeter must be screened to at least the maximum height of the solar array (note that the solar array might still be visible from the adjacent lot or road). Parapets, walls, fences or landscaping of approved materials must be used for screening and the design of such screening must be included with the design submittal. Properly screened, ground mounted arrays are preferred. Refer to section 2.14.2 for restrictions regarding solar-powered light fixtures.

Placement of solar panels on pitched roofs is discouraged, all alternatives to rooftop mounting of solar panels must be exhausted before the ACC will consider a pitched roof installation. However, modern solar energy collection panels that perform best attached to pitched roofs may be acceptable on a case-by-case basis if they comply with the following criteria:

- they are installed parallel to the roof
- they are comprised of thin, flat panels
- there are no exposed plumbing and electrical components
- wood and fiberglass frames are not acceptable material
- the panels and frames are low reflectivity, less than 35 light reflectance value

Preferably the solar panel frames on pitched roofs should be designed to blend in with the roof's natural material and color. -

New Mexico has enacted a law addressing the authority of county or municipal entities, or covenants, to prohibit the installation or use of solar collectors (SB 1031 Section 1 amending Chapter 3, Article 18 NMSA 1978). The relevant clause reads as follows:

“A covenant, restriction or condition contained in a deed, contract, security agreement or other instrument, effective after July 1, 1978, affecting the transfer, sale or use of, or an interest in, real property that effectively prohibits the installation or use of a solar collector is void and unenforceable.”

The ACC has worked with numerous residents to achieve solar installations that comply with both the NM Solar Rights Act and the aesthetic considerations of the Design Guidelines. All proposed solar collection installations must be submitted for review, and while no limitations are put on the “installation or use” of collectors (as per the law), the ACC may require visual screening and/or selective placement so as to reduce visual impact, so long as it does not “effectively prohibit the installation or use” of such collectors.

### **3.14 SERVICE YARD**

All aboveground garbage and trash containers, clotheslines, mechanical equipment, and other outdoor maintenance and service facilities must be fully screened from other lots, streets, or Common Areas. Walls or fences of approved materials may be used and must be included with Final Submittal.

All fuel tanks, water tanks, or similar storage facilities shall either be shielded from view by walls or structures, as described above, or shall be located underground with all visible projections screened from view. Use and/or construction shall comply with all applicable codes and ordinances.

### **3.15 RADON GAS PROTECTION**

Since previous residents have found some indication that significant amounts of radon gas are present in the soil of San Pedro Creek Estates, the ACC recommends that each individual lot be tested by a competent professional for the presence of radon gas. If determination is made that a radon gas ventilation system is needed, the design professional should be made aware of this and include it in the design of the residence.

### **3.16 OUTBUILDINGS (GARAGES, SHOPS, SHEDS, BARNES)**

All outbuildings, including but not limited to barns, garages, shops and sheds, must be on-site constructed and of the same style and design as the residence or guesthouse, with respect to such elements as roofline, materials, and architectural style. No prefabricated or portable

structures are allowed.

**Note:** An outbuilding's size and massing should always be subordinate to the main residence.

In addition, outbuildings must be fully enclosed, with doors at openings, which will permit the structure to be closed when not in use. Open structures such as stand-alone “run-in” sheds, shall be prohibited. Translucent, transparent, or white doors shall not be permitted. All of the above structures must be reviewed and obtain approval according to the Design Guidelines.

Any outbuildings, regardless of use, especially those over 900 or under 250 square feet in area, shall require special consideration as per section 3.4 (6) with respect to siting and screening, to ensure compatibility with the primary structure and the overall aesthetic of the built environment in San Pedro Creek Estates.

### **3.16.1 GREENHOUSES AND CHICKEN COOPS**

**Greenhouse materials should not be purchased by the homeowner until final approval is granted by the ACC.**

Greenhouses must cover no more than 250 sq. feet and be no more than 10 ft tall. Building materials must be of substantial quality and the framing/support material color must have an LRV  $\leq 40$ . Greenhouses with plastic or PVC parts, including but not limited to, “windows”, doors and framing will not be approved. Lighting must meet International Dark Sky requirements and be down facing. Lighting should be limited and used only when people are inside. Homeowners are encouraged to utilize water conservation tools whenever possible. Greenhouses are expected to be well-maintained, with any damaged or discolored components quickly replaced with the original quality and color materials. Greenhouses should be used as greenhouses, not as storage units, and any non-greenhouse use will be subject to the SPCE compliance process.

All greenhouse requests must include an ACC application for minor projects, a site map with 100 ft setbacks, existing structures including outbuildings, walls and fences on the property and the location of the proposed greenhouse on the property, along with any proposed screening structures. The ACC will require a site visit to better visualize the placement of the greenhouse and will require the greenhouse to be located to reasonably minimize the visual impact on neighboring properties. Screening to shield the view of the greenhouse may be required if the ACC determines the placement of the greenhouse will detrimentally affect the views of neighboring properties. Only one greenhouse per lot will be approved by the ACC, and the approval is for a specific location and screening conditions.

#### **Chicken Coops**

**Chicken Coop materials should not be purchased by the homeowner until final approval is granted by the ACC.**

Chicken coops typically have an enclosed structure (the “coop”) and an adjacent open fenced area (the “run”), that may or may not have a roof. Chicken coops (not including the “run”)

must have a base area of 30 sq ft or less and a maximum height of 7 ft or less. The coop building materials may include wood or metal but must be of substantial quality and painted to match the colors of existing buildings on the property. Plastic coops will not be approved, though a small plexiglass window is acceptable. Vinyl/PVC roofs must be of substantial quality and have the ribbed structure and appearance of a quality metal roof. The roofing material must be dark, with an LRV of 40 or less. Lighting must meet International Dark Sky requirements and be down facing. Lighting should be limited and used only when people are present in the area of the coop. The “run” must be adjacent to the coop, and can use any materials, colors and dimensions approved for SPCE fencing or walls. A small run may have a roof contiguous and identical in color and materials with the coop roof. Coops and runs are expected to be well-maintained, with any damaged or discolored components quickly replaced with the original quality and color materials. Chicken coops should be used as chicken coops, not as storage units, and any non-chicken-coop use will be subject to the SPCE compliance process.

Chicken coop requests must include an ACC application for minor projects, a site map with 100 ft setbacks, existing structures including outbuildings, walls and fences on the property and the location of the proposed chicken coop including any adjoining fencing for the “run”, along with any proposed screening structures. The ACC will require a site visit to better visualize the placement of the chicken coop and will require the coop to be located to reasonably minimize the impact on neighboring properties. Screening to shield the view of the chicken coop may be required if the ACC determines the placement of the coop will detrimentally affect the views of neighboring properties. Note that rooster crowing may be considered detrimental to the serenity of the community and may be subject to the SPCE compliance process. Only one chicken coop per lot will be approved by the ACC, and the approval is for a specific location and screening conditions.

## Screening

“Screening” is the act of reducing or eliminating the visibility of a structure from outside the owner’s property.

Screening, as the ACC enforces it in practice, does not necessarily mean the absolute elimination of the visibility of the structure.

Screening can be accomplished using a naturally (already) screened location or by adding a screening structure. Natural screening can include preexisting hillsides, trees, structures, etc.

The additional improvement of a screen is something that is judged to be less visually intrusive than the structure being screened (for example a stucco wall around a metal AC unit).

A reasonable and common-sense approach is used to consider a number of factors when making this judgement, including:

- The distance of the viewer (is the structure visible from an adjacent house, lot or road, or only visible from a distant hillside or ridge-top?)
- The amount of the structure that is visible (the entire structure, or just a small part?)

- The extent of the visibility (can the structure be directly seen for a long distance while driving along one of our roads, or can it only be seen-briefly, looking through the trees perpendicular to the road when driving by?)
- Location of the visibility from an adjacent property (visible from the residence, or only visible from a distant corner of the adjacent lot?)

### 3.17 GARAGE OR CARPORT

Each home must include a garage or carport of style and design and location compatible with the home. Carports must share a common wall with the home. Translucent or transparent garage doors are prohibited, with the exception that a few small windows are allowed in the garage doors.

### 3.18 WATER STORAGE TANKS

From Declaration Section 3.02(o): “Propane tanks and water storage tanks must conform to state regulations and be screened from view from the ground floor of other homes and from the Private Streets.”

There are generally four types of water storage tanks in use in SPCE:

- 1) Tanks near the roads, meant for use by the La Madera Volunteer Fire Department (LMVFD) in case of a fire emergency in the community. These tanks are installed and maintained by the LMVFD.
- 2) Tanks owned, installed, and maintained by the homeowner in order to provide an intermediate storage for well water between the well and the residence.
- 3) Temporary tanks installed to provide water to the homeowner in emergency situations until the existing well or pumping system can be repaired or replaced.
- 4) Tanks owned, installed, and maintained by the homeowner for the purpose of capturing rainwater or snowmelt runoff from their residence or outbuildings. These are meant to be used as a supplement to well water, and/or a replacement for well water in an emergency such as a well running dry, well equipment failure, or a prolonged power outage.

Requirements for tanks owned, installed, and maintained by the homeowner are as follows:

- 1) Tanks must be buried below ground and/or screened from view from the ground floor of other homes and from the Private Streets. This screening may consist of the existing buildings and/or landscape, or screening from landscaping or screening walls added at the time the tank is installed.
- 2) Section 3.17 does not apply to “rain barrels” with capacity less than 200 gallons each, used above ground below gutters or canales to collect rainwater or snowmelt coming from residential or outbuilding rooftops. These rain barrels do not require ACC approval.
- 3) Recommended colors for partially buried tanks or above ground rain barrels are tan, brown, dark green or black.

- 4) In case of an emergency outage of well water, a temporary tank may be placed on the property to hold water until the well outage is repaired, at which time the temporary tank should be removed. Such temporary emergency tanks do not require ACC approval.
- 5) Submission Requirements:
  - a) A site plan drawn to scale showing property lines, 100-foot setbacks, existing improvements, and proposed location of the tank.
  - b) Specifications of the tank, its dimensions, color, and depth of burial.
  - c) A description of the existing screening and any additional screening needed, including dimensions, materials, and color. Screen walls are required to match the house wall color.
  - d) Plan for removal or distribution of dirt and rocks excavated for tank burial.

Requirements for tanks installed for use by the La Madera Volunteer Fire Department (LMVFD) are as follows:

- 1) The lot owner's approval is required for tanks placed on a private lot.
- 2) Tanks must be buried below the existing ground level.
- 3) Location, design, and installation of the tanks must be approved by both the ACC and the LMVFD
- 4) Tanks are to be filled from water sources outside the subdivision.
- 5) The LMVFD must provide a written agreement to:
  - a) Initially fill the tank.
  - b) Monitor the water level on a regular basis.
  - c) Keep the tank filled to an acceptable level.
  - d) Maintain the tank and any related plumbing.
  - e) Distribute or remove excess fill or rocks only under specifications approved by the ACC.
- 6) A variance is required for the tank to be located within the setback area at the edge of the homeowner's property in order to provide the LMVFD easy access to the tank from the paved road in case of an emergency.
- 7) Owners must grant LMVFD the right to access their property for purposes of inspection, maintaining water level, and removal of water as the La Madera Volunteer Fire Department deems necessary.
- 8) Submission Requirements:
  - a) A site plan drawn to scale showing property lines, 100-foot setbacks, existing improvements and proposed location of the buried tanks.
  - b) Specifications of the tank to be buried, together with specifications of any above surface plumbing, hydrants, and other aboveground hardware.
  - c) Plan for removal or distribution of dirt and rocks excavated for tank burial.
  - d) Plan for the re-vegetation of the tank area and any area where excess fill is distributed.
  - e) All written agreements between the owner and the LMVFD.
  - f) There shall be no charge to the owner for approvals, variance, or inspection of the tank submission and installation so long as the submission and installation is only for the

tank installation. If the owner applies for any variation to the requirements of this section, or if the owner does not install the tank under specifications approved by the ACC, the owner will be charged all fees and outside charges for submission, inspections, variances, and enforcement as set forth in the Design Guidelines and/or the Restrictions of the subdivision.

~~The ACC recognizes it is desirable to have water storage tanks located within San Pedro Creek Estates to be used primarily for the storage of water to be available to the La Madera Volunteer Fire Department as a reserve water source for fighting fires in the subdivision and surrounding areas. While it is desirable to have water tanks located within the subdivision for added fire protection, the installation of large water tanks above ground would be contrary to the overall design criteria for the subdivision. Installation of water storage tanks shall be encouraged, but only under the following requirements:~~

- ~~1. Tanks must be buried below the existing ground level.~~
- ~~2. Location, design, and installation of the tanks shall be approved by the ACC.~~
- ~~3. Location of the tanks should be approved (but not required) by the La Madera Volunteer Fire Department.~~
- ~~4. Tanks are to be filled from water sources outside the subdivision.~~
- ~~5. An agreement should be obtained (but not required) between the owner and the La Madera Volunteer Fire Department whereby the La Madera Volunteer Fire Department shall:
  - ~~a) Initially fill the tank.~~
  - ~~b) Monitor the water level on a regular basis.~~
  - ~~c) Keep the tank filled to an acceptable level so long as the owner is not using the water for any other purpose.~~
  - ~~d) Owners grant the right to enter their property for purposes of inspection, maintaining water level, and removal of water as the La Madera Volunteer Fire Department sees fit.~~~~
- ~~6. Excess fill or rocks distribution or removal is only under specifications approved by the ACC.~~
- ~~7. The ACC may grant a variance for the tank to be located within the setback area if all of the requirements of section 5.12 are met in the design and installation of the tank, together with the agreement described in number 5 above.~~

Submission Requirements:

- ~~1. A site plan drawn to scale showing property lines, 100-foot setbacks, existing improvements and proposed location of the buried tanks~~
- ~~2. Specifications of the tank to be buried, together with specifications of any above-surface plumbing, hydrants, and other aboveground hardware.~~
- ~~3. Plan for removal or distribution of excess fill material~~
- ~~4. Plan for the re-vegetation of the tank area and any area where excess fill is distributed.~~
- ~~5. Site approval and other written agreements (if any) between the owner and the La Madera Volunteer Fire Department~~
- ~~6. There shall be no charge to the owner for approvals, variance, or inspection of~~



~~the tank submission and installation so long as the submission and installation is only for the tank installation. If the owner applies for any variation to the requirements of section 3.16, or if the owner does not install the tank under specifications approved by the ACC, the owner will be charged all fees and outside charges for submission, inspections, variances, and enforcement as set forth in the Design Guidelines and/or the Restrictions of the subdivision.~~

## **IV. CONSTRUCTION GUIDELINES**

### **4.1 CONSTRUCTION REGULATIONS**

The following construction guidelines are included in the Design Guidelines in order to assure the natural desert landscape of San Pedro Creek Estates is not damaged during construction. Owner(s) shall sign a Plan Review Agreement to affirm they have read the Design Guidelines and understand the requirements therein.

An ACC representative will monitor building sites during construction. Any non-compliant conditions will be noted and the lot owner will be sent a letter explaining the non-compliant conditions.

### **4.2 PRE-CONSTRUCTION CONFERENCE**

Prior to commencing construction, the builder must meet with the ACC representative to review construction procedures and coordinate construction activities.

*Note: No construction shall commence before receipt of the construction deposit as described in section 5.8 from the owner or builder.*

**Sandoval County will check for written proof that the owner has received Final Approval from the ACC prior to issuing a Construction Permit from its offices.**

### **4.3 OCCUPATIONAL SAFETY AND HEALTH ACT COMPLIANCE (OSHA)**

All applicable OSHA regulations and laws must be strictly observed.

### **4.4 CONSTRUCTION TRAILERS, PORTABLE FACILITIES AND/OR FENCING**

An owner or builder may bring onto the lot nonresidential trailers and portable facilities for a period not to exceed 90 days to be used by the builder exclusively in connection with the construction of any improvements permitted by the Design Guidelines. Trailers shall be stored in a screened location (such as a garage, walled or wooded area) whenever possible. If the trailer must be left in a visible location for longer than 90 days, the builder shall notify the ACC in writing.

This restriction shall not apply to construction equipment lock boxes or trailers used solely for securing equipment; such temporary structures shall be removed upon completion of construction.

As stated in section 2.8, no chain link or vinyl fencing commonly known as construction barrier fencing shall be allowed. Any construction fencing erected must conform to setback requirements, and the fencing must be removed promptly upon the completion of construction.

#### **4.5 CONSTRUCTION DEBRIS AND TRASH REMOVAL DURING CONSTRUCTION**

Builders shall **control and** clean up all trash and debris on the construction site. ~~at the end of each day.~~ Trash and debris shall be removed from each construction site frequently and shall not be permitted to accumulate. Lightweight materials, packaging, and other items shall be covered or weighted down to prevent being blown off the construction site. Builders are prohibited from dumping, burying, or burning trash anywhere in San Pedro Creek Estates. During the construction period, each construction site and the route to and from the construction site shall be kept neat and clean. Unsightly dirt, mud, rock, ~~wood~~ **tree and brush** trimmings, or other debris produced by clearing or construction on the construction site or route thereto, shall be promptly removed or collected and stored neatly, and the general area cleaned up to the condition existing prior to the activity. All materials must either be removed or stored within 30 days of finishing such clearing or construction. A Final Inspection Certificate will not be issued nor the construction deposit returned until all debris and trash has been removed from the build site.

If the ACC determines that trash is not being picked up and the site kept clean in a timely fashion, the builder and owners will be notified by email. If the site is not cleaned up within one week after such notification, the trash cleanup may be contracted to a third party and the cost charged against the owner's construction deposit.

#### **4.6 SANITARY FACILITIES**

Each builder shall be responsible for providing adequate sanitary facilities for his construction workers.

#### **4.7 VEHICLES AND/OR PARKING AREAS**

Construction crews shall not park on, or otherwise use, other lots or any Common Areas. All vehicles and machinery shall be parked on the build-site. No vehicles shall be parked in a manner that will impede or obstruct traffic.

Each builder shall be responsible for its subcontractors and suppliers obeying the speed limits posted within the subdivision. Adhering to the speed limits shall be a condition included in the contract between the builder and its subcontractors/suppliers. Repeat offenders may be denied future access to San Pedro Creek Estates by the ACC.

#### **4.8 PROTECTION OF LANDSCAPING MATERIALS**

Builders are advised that the native plant, grasses, top soil and other natural features in San Pedro Creek Estates shall be protected during construction. Workers servicing the build site should be restricted to a limited parking area on or adjacent to the driveway.

#### **4.9 EXCAVATION MATERIALS**

Excess excavation materials may be disposed of on the site or lot in which builders are working. In no event, are the excavation materials to be disposed of in Common Areas or other lots. However, as stated in section 2.5(1), cut-and-fill slopes may not be left exposed, and any distribution of such materials on site must be done in a manner sensitive to the overall design philosophy of the subdivision, especially with respect to preserving the landscape and natural site conditions.

#### **4.10 BLASTING**

Applicable governmental regulations concerning blasting must be observed. If any blasting is to occur, the owner or builder are responsible for notifying the Homeowners' Association management company at least 10 days prior to the blasting date. The management company will notify the adjacent owners and provide an announcement to be posted on the Creek website at least seven days prior to the proposed activity. The ACC and San Pedro Creek Estates shall have no liability for any damages caused by the blasting.

#### **4.11 RESTORATION AND/OR REPAIR OF PROPERTY DAMAGES**

Damage and scarring to any lot or Common Area, including but not limited to roads, driveways, concrete curbs, gutters, utilities, and/or vegetation resulting from construction operations, will not be permitted. If any damage occurs, it is the owner's responsibility to repair and/or restore promptly. All expenses incurred are the responsibility of the owner. The ACC will notify the owner in writing when such damage has been observed and will therein describe the repair or restoration required to bring the conditions to an acceptable state. If required repairs or restoration has not taken place within the period of time stipulated in the written notification of such damage, the Board of Directors will undertake the repair or restoration using funds from the owner's construction deposit.

#### **4.12 MISCELLANEOUS AND GENERAL PRACTICES**

All owners will be responsible for the conduct and behavior of their agents, representatives, builders, and subcontractors while on the premises of San Pedro Creek Estates.

The following practices are prohibited:

1. Changing oil on any vehicle or equipment on the site itself or at any other location within San Pedro Creek Estates
2. Allowing subcontractors to clean their equipment anywhere but the lot on which they are working.
3. Removing rocks, plant material, topsoil, or similar items from location of others within San Pedro Creek Estates
4. Discharging of firearms within San Pedro Creek Estates
5. Disposing of flammable material carelessly
6. Smoking and/or open fires of any kind on construction sites or anywhere within the subdivision

7. Catering trucks using horns to announce arrival.
8. The following practices are required:
  - a. At least one 10-pound, ABC-rated, dry-chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
  - b. At the times when construction personnel are in San Pedro Creek Estates, they shall adhere to the pet regulations set-forth in the San Pedro Creek Estates' Restrictions section 3.02 (g).

#### 4.13 CONSTRUCTION ACCESS

The only approved construction access during the time a residence or other improvement is under construction will be over the main driveway for the lot unless the ACC approves an alternate access point. In no event shall more than one construction access be permitted onto any lot.

**Note:** the driveway should be cut and the culvert installed concurrent with pad preparation. The base course and aggregate should be applied and rolled to prevent the transfer of mud/debris onto paved roadways by vehicles during construction. Such aggregate should be laid on the driveway ~~for at least 100 feet from the road or~~ to the construction area, ~~whichever is shortest.~~ Failure to prepare the driveway in this manner may result in road damage, for which the owner will be held responsible, as noted in Sections 4.10 and 2.7. The SPCE Roads Committee, in consultation with the ACC, may determine there is excessive mud or gravel tracked onto the asphalt roadway, although there may be no road damage. In that case, the builder and owner will be notified by email. If such debris is not cleaned off in a timely manner to the satisfaction of the Roads Committee, the cleanup may be contracted out to a third party and the resulting costs deducted from the owner's construction deposit.

**Note:** the driveway should be cut and the culvert installed concurrent with pad preparation. The base course and aggregate should be applied and rolled to prevent the transfer of mud/debris onto paved roadways by vehicles during construction. Such aggregate should be laid on the driveway for at least 100 feet from the road or to the construction area, whichever is shortest. Failure to prepare the driveway in this manner may result in road damage, for which the owner will be held responsible, as noted in sections 4.10 and 2.7.

#### 4.14 DUST AND/OR NOISE

The builder shall be responsible for controlling dust and noise. The loud playing of radios and other audio equipment on construction sites at San Pedro Creek Estates is not permitted.

#### 4.15 CONSTRUCTION SIGNAGE

Temporary construction signs shall be limited to one sign per lot, not to exceed six square feet of total surface area.

In an effort to maintain the residential character of San Pedro Creek Estates, the ACC will require all construction signs to meet the following criteria:

1. Signs shall be single-faced, panel type, with a maximum area of six square feet. No additional signs may be attached to the main sign or be suspended below it.
2. Construction signs shall contain only the following information:
  - Builder's name
  - Architect's name
  - Owner's name or name of house (ie.Desert Wind)
  - One phone number
3. Information such as "For Sale", "Available" or similar language may not appear on any construction sign. Any additional signage from sources other than the builder is prohibited.
4. Colors of sign backgrounds should be muted earth tones, which harmonize with the desert colors rather than sharply contrast with them. Letter colors should relate harmoniously with the background colors while providing sufficient contrast to enable the sign to be read from approximately 20 feet away.
5. Construction signs must be removed at the time the house is substantially complete or when the ACC directs the sign to be removed.

#### **4.16 DAILY OPERATION**

Daily working hours for each construction site shall be from 7 a.m. until 7 p.m. on weekdays, and 9 a.m. until 6 p.m. on weekends, unless other hours are designated in writing by the ACC. If circumstances beyond the builder's reasonable control require extending these hours at any time, the builder must notify the Homeowners' Association management company prior to such activity in order to obtain an extension. Any extension given in such circumstances will be limited to a specific date.

#### **4.17 CONSTRUCTION SCHEDULE**

All buildings and structures are to be completed within twelve (12) months from the start of construction. Should an owner need to extend this timeframe, due to circumstances beyond the owner's reasonable control, they shall notify the ACC in writing, and must demonstrate they are diligently continuing to pursue completion of their projects.

## V. REVIEW AND APPROVAL PROCESS

### 5.1 PURPOSE, AUTHORITY AND ORGANIZATION

The ACC was created to oversee the overall residential development of San Pedro Creek Estates in accordance with the Design Guidelines. All improvements, alterations, grading, or repairs that in any way alter the exterior appearance of any property or structure within the subdivision from its natural or prior improved state shall be reviewed by the ACC prior to work commencing for compliance with the Design Guidelines. No work on such improvements or alterations shall commence without prior written approval of the ACC. Maintenance or repairs that do not materially alter the color or appearance of pre-existing structures shall not require written ACC approval.

In order to assist each owner in the planning and designing of a residence, and to ensure sensitivity to the unique constraints and opportunities of the lot, a design review process administered by the ACC has been established. This process provides an opportunity for the owner to draw upon expertise and knowledge, which has been acquired during the planning and development of San Pedro Creek Estates. The ACC is charged with the responsibility of maintaining the standards set forth in the Design Guidelines. As provided in the Design Guidelines, the ACC has the authority to issue all formal approvals or disapprovals of projects and ensure compliance with the Design Guidelines. Each residence and improvement must meet the criteria of the Design Guidelines.

The ACC will review designs only after determining if all information necessary to do so has been received. After adequate time for review, the ACC will take one of the following actions:

- Approval
- Approval with stipulations
- Disapproval

Final action will be taken by the ACC, which will inform the applicant in writing of its action.

*The ACC recommends that owners retain competent, experienced professional services for planning and design. A thorough analysis and understanding of a particular lot and the owner's special needs, and the skill to translate this into building form, as well as the ability to convey the concept and design of a proposed residence or other improvement to the ACC, are all elements critical to the design and review process. If an owner elects to do his own design or to obtain non-professional services, and the result in either case is not approved by the ACC, the ACC has the right to require the owner thereafter to utilize professional design services. If a submittal is rejected more than twice, an additional review fee will be charged.*

## 5.2 THE REVIEW PROCESS IN GENERAL

The design review process was developed to provide adequate checkpoints in an effort to minimize time and money spent on residential designs that do not adhere to the Design Guidelines or to the overall philosophy of San Pedro Creek Estates. An attempt has been made to streamline this process and eliminate excessive delays. Nevertheless, each owner is responsible for complying with the Design Guidelines as well as all the rules and regulations of any governmental authority.

The ACC will conduct reviews of projects during its monthly meetings or at such other times, as they deem appropriate. Owners have the right to attend the ACC meeting(s) when their plan is being reviewed. Owners may invite their architect/builder to attend the ACC meeting(s) when the owners' plan is under review. Owners shall notify the ACC prior to the meeting they and/or their architect/builder plan to attend. The ACC will respond in writing no later than 30 working days after a submittal is deemed complete. Results of a review will not be discussed over the telephone. Any responses an owner may wish to make in reference to issues contained in the ACC response following the review of submittals should be addressed to the ACC in writing.

Although the ACC will ensure all submittals comply with all aspects of the Design Guidelines, the following aspects of the design are critical:

1. Perimeter 100-foot setback requirement
2. Building sizes, heights, and massing, including all outbuildings, and relationship to the required site topographical survey data
3. Exterior elevations of residences and other structures to establish and maintain a high level of aesthetic quality
4. Exterior paint and material colors, as well as color usage and distribution
5. Exterior lighting

In some circumstances, there may be site conditions or other elements outside of the reasonable control of the owner that might cause conflicts or problems in complying with some guidelines or would create some hazard or other detriment to the community if strict adherence to the guidelines were followed. In such case, an application for a variance may be made according to the procedure outlined in section 5.12

**Note:** projects may be planned in phases as long as all phases are shown on the Final Submittal, and each phase is completed without leaving the structure looking unfinished. Any revisions to phases already approved will require an additional submittal and review by the ACC.

## 5.3 THE REVIEW PROCESS AND DRAWING SUBMITTALS

In general, the design review process is divided into five phases:

1. The Pre-Design Meeting/Site Visit



2. The Preliminary Submittal/Review
3. The Final Submittal/Approval
4. The Construction Deposit and Process
5. The Final Inspection

All required forms and applications for proper and complete submittals are available from the Homeowners' Association management company. These forms and instructions for submittal are supplemental to the procedure outlined below and will contain the current information about fees and contacts. Similar procedures are followed for additions and minor modifications.

### **5.3.1 PRE-DESIGN MEETING/SITE VISIT**

To initiate the review process, and prior to preparing any detailed drawings for an improvement, the owner and/or his architect shall be required to meet with an ACC representative at a Pre-Design Meeting/Site Visit to review the home site, discuss the proposed residence, explore and resolve any questions regarding building requirements, interpretation of the Design Guidelines or the design review process. Solar applications should be considered during this process. This informal meeting is to offer guidance prior to the initiation of preliminary design. For owners or designers unfamiliar with the East Mountain climate, it is also an opportunity to discuss how the summer sun, winter snows, and intense rainstorm runoff should be considered when developing the property. An appointment for the Pre-Design Meeting should be made at least one week in advance. It is most productive when a preliminary concept for the home and site plan or topographical survey can be discussed at the site visit.

### **5.3.2 PRELIMINARY SUBMITTAL**

Preliminary drawings, including all of the exhibits outlined below, must be submitted to the ACC after the Pre-Design Meeting.

#### **Preliminary Submittals shall include:**

(a) A stamped, certified topographical survey showing 1-foot contours and slopes analysis of all areas between 15 percent and 25 percent, and over 25 percent, done by a surveyor. A slopes analysis determines the degree of slope based on the topographic data collected by the surveyor.

A site plan at a scale of 1 inch=100 feet or 1 inch=200 feet on a 24-by-36-inch or a 30-by-42-inch sheet showing the locations of all improvements and areas in relation to the 100-foot setback requirements, the residence, and all other buildings or major structures, driveway, parking areas, patios, pools, walls, proposed utility service facilities and routes, site grading, including existing and proposed contours at one-foot intervals, and elevations of all building floors, patios, and terraces, shown in relation to site contour elevations.

(c) Roof plan and floor plans at 1/8 inch=1 foot or 1/4 inch=1 foot. Roof plans should show areas of flat and sloped roofs and all skylights including sizes, roof mounted equipment such as air conditioning units, or solar collectors.

(d) Exterior elevations of all sides of all structures, at the same scale as the floor plans,

with both existing and proposed grade lines shown and all exterior materials and general colors indicated. Elevations (heights) of all parapets and roof ridgelines shall be shown.

- (e) A Design Review Fee as noted in the Plan Review Agreement, including gross receipts tax, must accompany the submittal. In the case of an addition to an existing home or other structure, the Design Review Fee may be reduced. Checks should be made out to San Pedro Creek Estates Homeowners' Association.
- (f) Any other drawings, materials, or samples requested by the ACC, especially with respect to materials and colors not already on the approved color list (section 3.6). Official printed material from the manufacturer will be required to establish LRV data.

**Note:** each owner submitting drawings for approval to the ACC shall be responsible for the accuracy of all information therein.

### **5.3.2.1 Accessory Improvements**

All accessory improvements contemplated on the lot must be shown on the Preliminary or Final Submittal, including, but not limited to outbuildings, ramadas, walls, trellises, terraces, and other constructed landscape features. Refer to 1.11 of the CC&R's.

### **5.3.2.2 Preliminary Staking**

To assist the ACC in its evaluation of the submittal, the owner shall, if requested, provide preliminary staking at the locations of the corners of the residence or major improvement and at such other locations as the ACC may request.

## **5.4 PRELIMINARY REVIEW**

The Preliminary Submittal packet will be deemed complete on receipt of any additional materials, information or staking requested in writing by the ACC, including any site visits required to evaluate site conditions. The ACC will then review the submittal for compliance to the Design Guidelines.

## **5.5 FINAL SUBMITTAL**

A Final submittal includes any additional requests from the ACC's Preliminary review (such as additional product samples, information or clarification and/or site review) with the combination of documentation as described below.

### **5.5.1 Final Submittals shall include:**

- 5.5.1.1** Complete construction documents for the residence including all data noted in section 3.1.1 (1, 2, 3) and building sections as required to illustrate the building and all improvements, when slopes are above 15 percent.

- 5.5.1.2 Samples of all exterior materials and colors, if different from the approved color list, window and glass specifications, and accent items, including manufacturer LRV data
- 5.5.1.3 Notification of any changes from the Preliminary Submittal.
- 5.5.1.4 An approximate time schedule indicating approximate dates for starting and completion of construction, and anticipated occupancy date
- 5.5.1.5 Establishment of the benchmark and point of lowest natural grade at each building's perimeter for review by the ACC

## 5.6 FINAL APPROVAL

Upon receipt of a complete Final Submittal, the ACC will review the submittal for compliance to the Design Guidelines and to any Preliminary review stipulations. Upon determining the required submittals have been received and are in a form acceptable to the ACC, the ACC will provide a written response to the owner. Final Approval is also contingent on adherence to the requirements regarding the Construction Deposit as set forth in section 5.8. Final Approval of the plans by the ACC does not relieve the applicant from total responsibility for compliance with the Design Guidelines and the requirements of all other approval agencies.

**Note:** all approvals are valid for 18 months, during which construction must start. If construction on any phase is delayed longer than 18 months from the date of the Final Approval, the owner must contact the ACC in order to submit the project for review to confirm compliance with the current Design Guidelines whether or not during this delay changes to the originally approved plans have been made. A new Plan Review will be required as appropriate and as per the current Fee Schedule. Projects may be planned in phases as long as all phases are shown on the Final Submittal, and each phase is completed without leaving the structure looking unfinished.

**Sandoval County may require written proof that the ACC has given Final Approval to a project prior to issuing a Construction Permit from their offices.**

## 5.7 ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES

Any changes to the approved drawings before or during the construction of an improvement must first be submitted in writing for approval by the ACC. If such changes are substantial, a new full Final Submittal may be required, as specified above.

## 5.8 RE-SUBMITTAL OF DRAWINGS

In the event of disapproval by the ACC of either a Preliminary or Final Submittal, any re-submission of drawings must follow the same procedure as the original submittal. In the event of two disapprovals, another full review fee must be remitted with the third submittal.

## 5.9 CONSTRUCTION DEPOSIT

### 5.9.1 NEW CONSTRUCTION

After an owner receives Final Approval for construction of a primary residence or major project from the ACC, but prior to the posting of a Construction Approval sign and the start of construction, the owner shall provide a cash construction deposit to the Homeowners' Association. This represents an assurance of the owner's intent to comply with the provisions of the Design Guidelines throughout the duration of the construction process. The amount of the construction deposit shall be set by the Homeowners' Association Board of Directors and shall be subject to change as conditions warrant; the current fee information is available at the Homeowners' Association management company and the Creek website. If the ACC determines at any time during the course of construction, that the project does not comply with the approved plans and the Design Guidelines, or the construction has caused damage to Homeowners' Association property, the ACC shall provide the owner with written notice of the non-compliance or damage and a date by which corrections stipulated therein must be performed. If the corrections are not performed by the date fixed by the ACC, the Homeowners' Association Board of Directors may order all construction activity on the lot to cease and the construction deposit shall not be returned until the project is compliant. For damage to Homeowners' Association property, the Association is entitled to draw upon the construction deposit to pay the cost of performing all necessary repairs. Damages in excess of the paid construction deposit will be charged to the owner as an assessment.

Upon issuance of a Final Inspection Certificate, pursuant to section 5.10, the balance of the paid construction deposit held by the Homeowners' Association shall be released to the owner.

## **5.9.2 MODIFICATIONS**

Prior to any addition, secondary construction, or remodel projects which add to or alter the foundation footprint of the home or other structures in any way, the owner shall pay to the Homeowners' Association a construction deposit. This represents an assurance of the owner's intent to comply with the provisions of the Design Guidelines throughout the duration of the construction process. If the ACC determines at any time during the course of construction, that the project does not comply with the approved plans and the Design Guidelines, or the construction has caused damage to Homeowners' Association property, the ACC shall provide the owner with written notice of the non-compliance or damage and a date by which corrections stipulated therein must be performed. The amount of the construction deposit shall be set by the Homeowners' Association Board of Directors and shall be subject to change as conditions warrant; the current fee information is available at the Homeowners' Association management company and the Creek website. This refundable fee will be used to repair roads or other damages to Association's property that occurs as a result of construction vehicles and work activities in connection with the project. Damages in excess of the construction deposit will be charged to the owner as an assessment.

Upon issuance of a Final Inspection Certificate, pursuant to section 5.10, the balance of the paid construction deposit held by the Homeowners' Association shall be released to the owner.

### **5.9.3 WORK IN PROGRESS - OBSERVATION**

The ACC will observe all work in progress and give notice of non-compliance, if found. Absence of such inspection and notification during the construction period does not constitute either approval by the ACC of work in progress or compliance with the Design Guidelines.

### **5.10 FINAL INSPECTION**

#### **5.10.1 NOTICE OF COMPLETION**

Upon completion of any residence or other improvement for which Final Approval was given by the ACC, the owner shall give written notice of completion to the ACC.

#### **5.10.2 FINAL INSPECTION REVIEW**

Within such reasonable time as the ACC may determine, but in no case exceeding 30 days from receipt of such written notice of completion, the ACC will inspect the residence and/or improvements. If it is found that such work was not done in strict compliance with the approved Final Submittal including variance(s) and the Design Guidelines, the ACC shall notify the owner in writing of such non-compliance within 30 days of its receipt of the owner's notice of completion, specifying in reasonable detail the particulars of non-compliance, and shall require the owner to remedy the same. If the owner does not correct those items that are in non-compliance, the ACC will not issue a Final Inspection Certificate.

#### **5.10.3 NOTICE OF FINAL INSPECTION NONCOMPLIANCE**

If upon the expiration of 30 days from the date of such notification by the ACC, the owner shall have failed to remedy such noncompliance, the ACC shall notify the owner in writing that the ACC may take such action to remedy this noncompliance as is provided for in the Design Guidelines or the Restrictions, but without limitation or injunctive relief.

**Note:** In the event the project is not brought into compliance, the ACC will not approve or allow any future additions, modifications, or improvements to the property, even if previously approved. The ACC will notify the Board of Directors and the Homeowners' Association management company of this failure to comply, and this information will be available to any interested parties.

### **5.11 NON-WAIVER**

Any approval by the ACC of any documents submitted requiring approval under the Design Guidelines or the Restrictions shall not be deemed to constitute a waiver by the ACC to withhold approval of any subsequent documents submitted for approval. The ACC may disapprove an item shown on the Final Submittal even though it may have been evident and

could have been, but was not, disapproved at the Preliminary Submittal. Furthermore, should the ACC overlook or not be aware of any item of noncompliance at any time during the review process, construction process or during the Final Inspection, the ACC in no way relieves the owner from compliance with the Design Guidelines and all other applicable codes, ordinances, and laws.

## **5.12 REQUEST FOR VARIANCE**

When natural conditions or circumstances beyond the owner's reasonable control prevent moving forward with a regulated project within San Pedro Creek Estates (SPCE), the lot owner may apply to the Architectural Control Committee (ACC) for a variance from any provision of the Design Guidelines subject to the jurisdiction of the ACC.

The ACC strives to be consistent, uniform and non-biased in its decision-making process. Variances are considered to be exceptions and are granted infrequently due to special circumstances. Each owner in the Home Owner's Association (HOA) has agreed to restrict its land use in return for the assurance that the use of all properties in SPCE will be similarly restricted. The rationale is that such mutual restriction will maintain and enhance total community welfare. The HOA endeavors to have clear, written architectural criteria and guidelines. The ACC will state in writing its findings of why the variance is being granted or denied. If the approval is granted with conditions, those conditions are provided in writing. An approved variance will not become a precedent for other lots within SPCE, as it is approved only because of special conditions associated with the lot for which the variance was approved.

A thorough analysis of the variance application may require a site visit to ascertain the nature of the claim, and other information, such as topographical survey information.

### **VARIANCE STEPS**

1. The applicant must answer all questions on the SPCE Variance Application Form and submit the completed form to HOAMCO.
2. The variance application will be discussed at the next scheduled ACC meeting. In urgent situations, contact the ACC or HOAMCO to request special accommodations.
3. The ACC will judge the variance application considering the Evaluation points listed below. The application must demonstrate to the satisfaction of the ACC that granting of such a variance would not create a detriment to other lots or the community as a whole, and that granting of the variance will result in more of a benefit to the community than would occur with strict adherence to the Design Guidelines.
4. HOAMCO will send a notification to the adjacent property owners, and/or affected property owners determined by the ACC, via email and US mail for comment. The notified property owners are given 2 weeks to respond via email, written communication, or by telephone.
5. After reviewing all comments received from notified property owners, or if notified property owners do not respond, the ACC will vote on the variance application. A majority vote is required. In the case of the tie vote, the application is denied.
6. The applicant and all notified property owners will receive a variance approval or disapproval notice. A written report and copy of the original application will be sent to the

BOD describing the decision and rationale. An approved variance will expire within 1-year from the date of approval if not implemented.

7. When a variance application is denied by the ACC, the applicant has 30-calendar days to request in writing that the variance application be heard by an independent SPCE ad-hoc committee. The ad-hoc committee will be appointed by the SPCE President and approved by SPCE Board of Directors. This committee shall consist of three SPCE homeowners, two of which shall be members of the Board of Directors. An ACC member will brief the ad-hoc committee on the variance application and answer any questions, but will not participate in discussions or voting to ensure an independent review and decision. The ad-hoc committee shall use the Variance Evaluation Items to review the variance application. The decision by the ad-hoc committee is final.

## **VARIANCE EVALUATION**

The variance application will be evaluated based on the following:

1. The Design Guidelines would deprive the applicant of rights commonly enjoyed by the other owners in SPCE.  
Example: A variance is granted for a gate to be installed within the 100' setback due to a turnaround circle driveway located in front of the residence and on the edge of the setback. Placing the gate outside the 100' setback would require the gate to be located within the circle driveway and prevent the use of the circle driveway.
2. The need for a variance is the result of special conditions and circumstances not caused by the applicant and the hardship is not self-imposed or self-created.  
Example: A variance is granted because the only buildable location on the lot encroaches the 100' setback due to extreme terrains such as cliffs, deep arroyos, etc.
3. The variance is the minimum departure from the Design Guidelines necessary to permit reasonable use of the lot or structure.  
Example: A variance is granted for a structure to be built within the 100' setback due to a lot constraint. The approved distance from lot line shall be as near to the 100' setback boundary as possible.
4. The variance shall have minimal visual impact to views from adjacent lots and adjacent streets.  
Example: A variance is granted for a piece of colorful art to be placed outside the house, or within a courtyard, that doesn't meet the Design Guidelines and is not visible from the street or neighbors.
5. The variance shall not be a method of avoiding additional project costs.  
Example: A new gate is approved. During the gate installation, very large rocks become an obstacle while excavating for the structural posts. A variance is denied to relocate the gate within the 100' setback to avoid the rocks.
6. The applicant would suffer a hardship if the requested variance were denied.  
Example: A variance is granted for an emergency roof repair to avoid additional damages. An alternative product is approved because the matching material that meets the Design Guidelines is not immediately available.

The Architectural Control Committee will consider all of the above, along with judgement regarding

adverse effects on the community, in order to decide whether or not to grant the variance.

I certify that I am familiar with the procedural requirements for a variance within the Design Guidelines of San Pedro Creek Estates.

Applicant's (Lot Owner's) Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# SAN PEDRO CREEK ESTATES VARIANCE APPLICATION

A. Lot Owner: \_\_\_\_\_ Phone (home or cell): \_\_\_\_\_ Email: \_\_\_\_\_

B. Address (Street, City, State, ZIP): \_\_\_\_\_

A. Lot Owner (if different): \_\_\_\_\_ Phone (home or cell): \_\_\_\_\_ Email: \_\_\_\_\_

D. Location of Project: Street \_\_\_\_\_ Phase: \_\_\_\_\_ Lot: \_\_\_\_\_

E. Attach a site plan, drawn to scale, to include property lines, 100-foot setbacks, existing improvements and proposed improvements requested in this variance application.

F. Specify the section of the Design Guidelines from which a variance is sought:  
\_\_\_\_\_  
\_\_\_\_\_

G. Description of the proposed project:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

H. Describe why you are requesting a variance:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

J. Additional notes or comments:  
\_\_\_\_\_  
\_\_\_\_\_

I. Include photos if applicable.

### **5.13 RIGHT OF ENTRY FOR PROPERTY INSPECTION**

During the construction process and within reasonable hours, members of the ACC, the Board of Directors, the Community Association Manager or the Architectural Consultant (if contracted for a specific project) shall have the right to enter upon and inspect any lot and the improvements thereon. Reasonable notice will be provided to the owner prior to property access who will forward, as necessary, the site visit intentions to the appropriate builder and contractors. Any issues noted will be provided to the owner for further discussion and resolution with the builder and contractors.

### **PLAN REVIEW PROCESS CHECKLIST**

(Refer to the Preliminary/Final Approval Submittal Checklist, available from the San Pedro Creek Estates Web site, for elaboration of the items below)

Pre-Design Meeting/Site

Visit Variance request (section 5.12)

Preliminary Submittal:

- Site Plan
- Architectural Style
- Certified topographical survey with 1-foot to 2-foot contours with slopes analysis
- Exterior elevations
- Roof plan and floor plans
- Heights and grades
- Address Identification and/or Mailbox

Preliminary Review

Final Submittal:

- Complete construction documents
- Time schedule for construction
- Samples of all exterior materials, colors, and glass specifications, with applicable LRV data
- Exterior lighting plan and lighting fixture cuts

Final Approval by the ACC

Construction phase:

- Obtain building permit
- Builder must meet with an ACC representative prior to commencement of construction
- Construction Deposit shall be paid

- Meet with ACC representatives as requested during construction

Final inspection review by the ACC and Final Inspection Certificate:

- Request final inspection review when construction has been completed and Certificate of Occupancy has been issued
- Final inspection certificate will be issued upon completion of construction and all required inspections
- Balance of Construction Deposit shall be refunded

## ~~VARIANCE PROCESS AND REQUIREMENT CHECKLIST (section 5.12)~~

### ~~I. General Considerations:~~

- ~~1. In certain projects, the ACC will consider the application of standards at variance with the Design Guidelines.~~
- ~~2. Variance request will be considered when the community at large will benefit.~~
- ~~3. The consideration and granting of a variance will be a rare occurrence and based on unusual circumstances or site conditions.~~
- ~~4. Variances shall not be viewed as a convenient method of avoiding property development costs.~~

### ~~II. Submittal to the ACC for consideration:~~

- ~~1. Applicant must present a written request 30 calendar days before a regularly scheduled meeting.~~
- ~~2. Reviewing of a request for variance adds additional time to the plan review process~~

### ~~III. Notification of neighbors subsequent to submittal:~~

- ~~1. The ACC shall send notices via certified mail to all neighbors who own property abutting the property of the applicant.~~
- ~~2. No response from notified neighbor will indicate the letter has been received, read, and there are no objections to the variance request.~~

### ~~IV. ACC Meeting:~~

- ~~1. Applicant and interested community members may be present for the ACC meeting during the variance request discussion. Persons in attendance shall be provided time to speak on the issue.~~
- ~~2. Any correspondence received on the issue shall be read and attached to the minutes.~~
- ~~3. The ACC shall consider the application and will render a decision.~~
- ~~4. If more information is needed, the decision will be tabled until the next regularly scheduled meeting.~~
- ~~5. Letter will be sent via certified mail to the applicant stating the ACC decision and a~~

~~brief explanation.~~

## 5.14 NON-COMPLIANCE RESOLUTION PROCESS

The ACC can only grant a Final Inspection Certificate when there are no compliance problems associated with the construction project. Granting of a Final Inspection Certificate notifies the Homeowner's Association when a project is complete and in full compliance with the Design Guidelines. This allows for the full amount of the Construction Deposit to be returned to the homeowner.

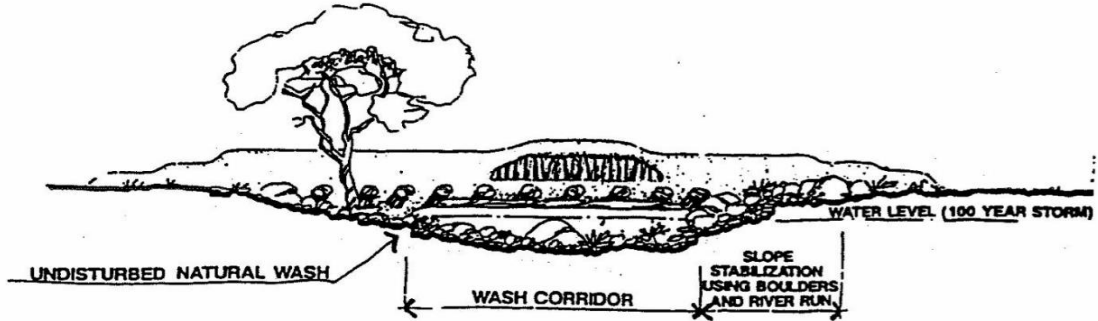
In the event there is a report of an alleged construction deposit compliance problem, the following will apply:

- D) Investigation of a submitted construction deposit compliance problem
  - A) Community manager investigates construction deposit compliance problem
  - B) Community manager responds in writing to all parties involved in the alleged construction deposit compliance problem (in writing) when required.
  
- II) Notice of construction deposit compliance problem
  - A) Property owner with a compliance problem is sent an initial letter by certified mail or carrier service
    - 1) Correct within 10 days
    - 2) Contact community manager if necessary
      - (a) to request additional information and/or time
      - (b) to discuss special circumstance
      - (c) to rebut
  
- III) No action within 10 days
  - A) Community manager verifies the construction deposit compliance problem still exists
  - B) 2nd letter is sent by certified mail or carrier service
    - 1) Correct within 5 days
    - 2) Contact community manager if necessary
      - (a) to request additional information and/or time
      - (b) to discuss special circumstance
      - (c) to rebut
  
- IV) No or inadequate response within 5 days
  - A) 3rd and final letter sent certified mail or carrier service
    - 1) Note owner's failure to respond to two previous letters
    - 2) Contact community manager within 48 hours,
      - (a) to request additional information and/or time
      - (b) to discuss special circumstance
      - (c) to rebut
    - 3) Notice of non-compliance will be sent to the community manager for the HOA in writing via email. Community manager will notify the Board of Directors.

V) The HOA has the right to employ services to correct the issue using the owner's construction deposit and may order all construction activity on the lot to cease.

**ILLUSTRATION #1 – Undisturbed Natural Wash**

**ILLUSTRATION # 1**

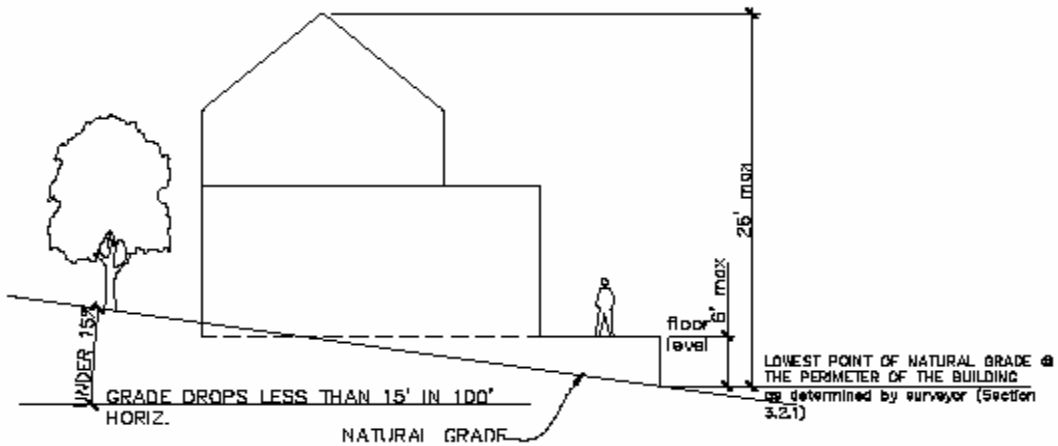


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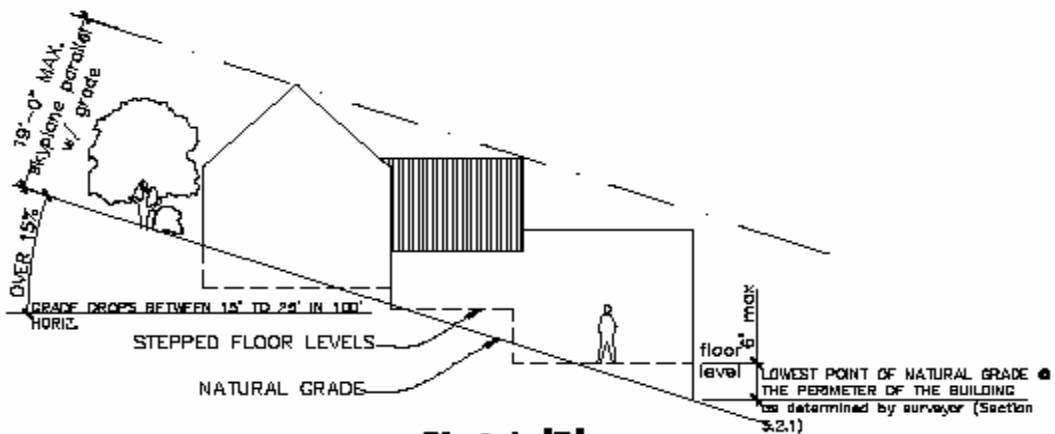
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**ILLUSTRATION #2 – Height of Structure Determined by Slope of Building Site**

**ILLUSTRATION #2**  
**Height of structure as determined by**  
**slope of building site**

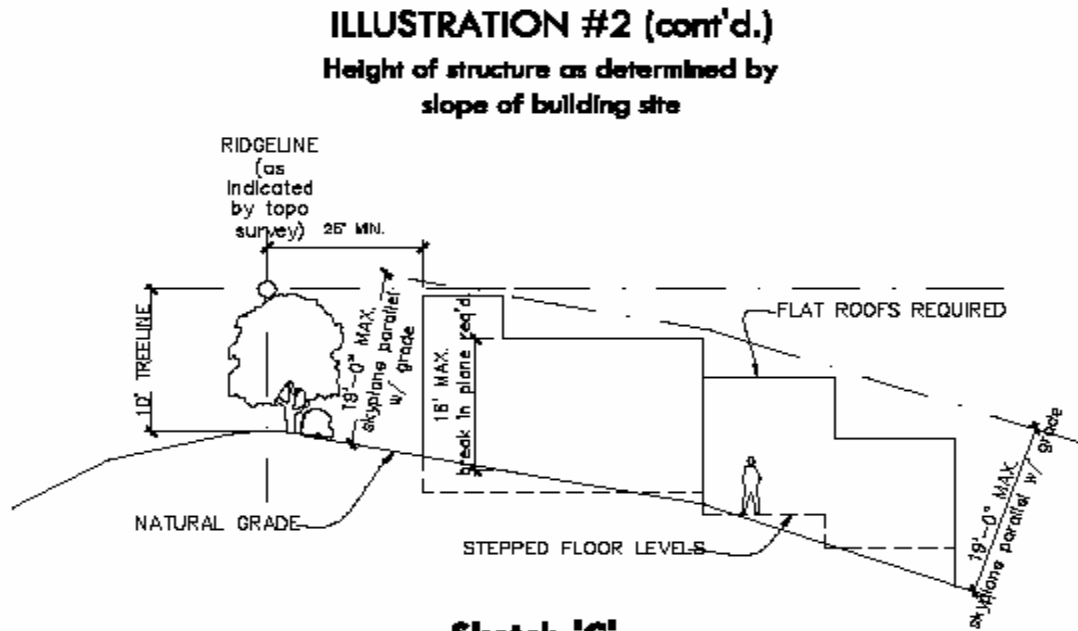


**Sketch 'A'**  
**Site slopes under 15%**

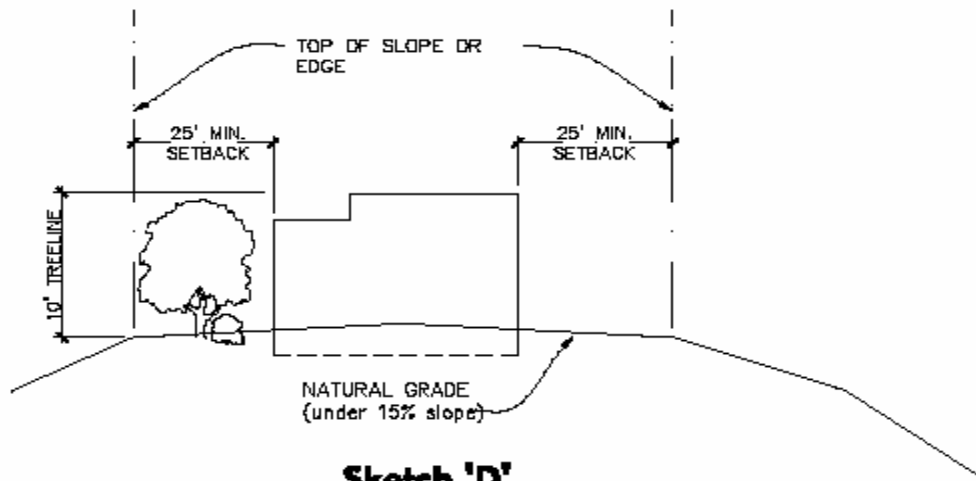


**Sketch 'B'**  
**Site slopes between 15% and 25%**

**ILLUSTRATION #2 Continued – Height of Structure Determined by Slope of Building Site**



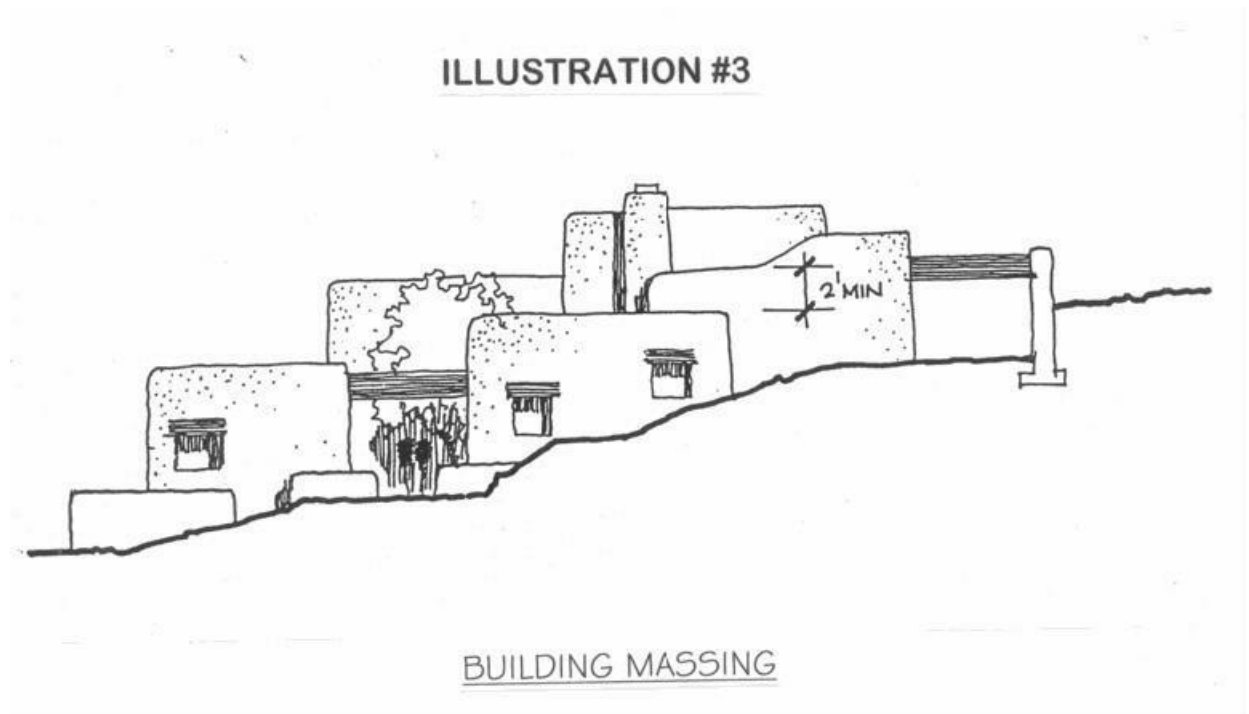
**Sketch 'C'**  
**'Ridgeline' or 'Crowned Hill' condition**



**Sketch 'D'**  
**'Flat-topped' or 'Mesa' condition**



**ILLUSTRATION #3 – BUILDING MASSING**



**ILLUSTRATION #4 – EXTERIOR DOWNLIGHT FIXTURE**

