

DESIGN GUIDELINES

PICACHO MOUNTAIN ESTATE HOMES and CLUSTER VILLAGE HOMES

**FOR ALL NEW RESIDENCES,
MODIFICATIONS and ADDITIONS**



**Revised
June 15, 2018**

Exhibit B

PICACHO MOUNTAIN DESIGN GUIDELINES

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SECTION I

INTRODUCTION

Section 1.1 Introduction.

Picacho Mountain is being developed and presented with the intent to create an upscale community in Las Cruces, with residences thoughtfully designed and constructed to be harmonious with the existing desert environment. Much of the land is intended to remain undisturbed in this community, and walking trails will encourage residents to more fully experience the high desert. The natural arroyos, vegetation and view aspect of each lot contributes greatly to the character of each lot, and the homes should be constructed in a manner that enhances these features without altering the desert's natural character. The intent is for the homes to blend subtly with the natural features of the terrain. These Design Guidelines are an effort to assist homeowners, architects and builders understand, create and sustain a community wide cohesive design scheme that has proven to enhance long term resale values both to individual residences as well as the community as a whole. Particular continuous attention will be paid to the adherence of the Covenants, Conditions, and Restrictions (CC&R's) guidelines referenced herein. This will ensure that both an aesthetically coherent community and a more valuable community will be created.



As a mixed-use, master planned community, Picacho Mountain will include a mix of residential types:

- Estate Homes are single-family detached residences built on lots of one-half (1/2) acre or more.
- Cluster Village Homes are single-family detached residences built on lots of less than one-half (1/2) acre located in village-type settings included in the overall Picacho Mountain Master Plan.

To insure that all Picacho Mountain residences blend with the natural desert colors and character, all residences will be subject to the guidelines contained herein and to those additional unique requirements included in any applicable Supplemental Declarations.

Section 1.2 Design Philosophy.

We are passionately committed to setting the standard for traditional southwest living in our region. Our communities promote harmony with the natural environment, simplicity over opulence, and still manage to carve out a special place of their own. We believe that the desert is a beautiful place, and the more it is left as we found it, the better.

Because good design isn't always as simple as it sounds, we believe in using professional architects and designers. They are best equipped to help you achieve an award-winning home design that:

- Uses traditional, understated southwestern architecture,
- Blends harmoniously into the natural landscape using exterior colors and materials that key on earth tones and other neutral, natural colors from the surrounding desert palette,
- Maximizes views while protecting view corridors of surrounding lots for the benefit of the entire community,
- Is tailored to your site and focuses attention on natural arroyos, elevation changes, open space, and views of the Valley, Picacho Peak, and the Organ and Doña Ana Mountains,
- Minimizes disturbance of the existing desert environment,
- Uses native landscaping as a dominant architectural feature that matures and grows with age and employs re-vegetation wherever disturbance has occurred,
- Possesses proper scale and massing of details in relationship of different components of the building facade and structure, and
- Subtly use Universal Design Standards to insure life-long living convenience.

Section 1.3 Lifestyle Enrichment Committee

The Lifestyle Enrichment Committee (LEC) is formed to ensure that all improvements meet the appropriate Picacho Mountain design criteria, as may be amended from time to time. The Lifestyle Enrichment Committee has all administrative and interpretive authority in the design review process and is referred to herein alternately also as "Reviewer". The LEC at inception is operated by the Declarant and is subsequently operated by a board of directors as allowed by the Declaration of CC&R's for Picacho Mountain.

The design review responsibility of the LEC is:

- 1) To approve or disapprove designs and plans for site planning, construction, landscape, lighting and all other improvements including modifications and additions;
- 2) To ensure compliance of construction to LEC approved plans, including identifying non-compliance and recommending enforcement actions; and
- 3) To maintain and make available to residents the standards and guidelines of the community.

The LEC reserves the right to grant any variance to any proposed improvement that the LEC finds desirable for the overall aesthetics and/or value of the community and its residents as a whole. Such a variance, if granted, does not by virtue of its approval and granting, change the established Design Guidelines or establish a precedent that a similar future variance will be granted.

Section 1.4 Green and Sustainable Building

Although the LEC does not require green or sustainable building practices, the LEC strongly encourages these types of building processes and will work closely with owners and builders who wish to employ progressive techniques to make their homes energy efficient and environmentally friendly. The LEC will make special exceptions on a case-by-case basis for "green" homes that employ water, energy, or environmentally advanced elements within the existing design framework for the community. For example, elements such as water harvesting, gray water irrigation, Low-E glass, low flow toilets, solar panels, Energy Star products, and the use of sustainable materials is recommended and encouraged. We are excited and hopeful to see these practices employed, and the LEC will be as flexible as possible while ensuring the implementation occurs in an aesthetically pleasing manner.

Section 1.5 Solar Plan

Every attempt should be made to minimize the visual impact of solar equipment. To assure compliance with this Design Guidelines for initial or future solar installations, all new Picacho Mountain homes must have a Solar Plan as part of the Final Design Submission. The plan shall be sized to sufficiently power the needs of the home.

For roof-mounting, the plan shall include a percentage of parapet walls at least 24 inches in height so that panels can be hidden at higher, more efficient angles. The optimal solar panel angle for Picacho Mountain is approximately 30 degrees. For ground-mounting, the plan must show that the solar equipment is hidden from view and that it is located within the Building Envelope.

For owners planning to retrofit roof-mounted solar panels on homes completed by August 2013, the panels must be installed such that the highest elements of the panels are level with the existing surrounding parapets. Alternately, the surrounding parapets must be raised such that they are level with the highest elements of the planned panel mounting.

Solar equipment, parapets, walls or other solar screening must conform to building height restrictions as defined in Section 4.2. In all of the above, additional screening may be required as determined by the LEC.

SECTION II

DESIGN REVIEWS

This Design Guidelines establishes design criteria for Picacho Mountain under the power and authority of the Declaration of Covenants, Conditions and Restrictions for Picacho Mountain (CC&R's) as filed by the Declarant. The following design review process and procedures for Picacho Mountain is a condensed version extracted from the CC&R's for ease of reference, however, in case of conflict, the Design Guidelines shall rule.

The Design Review process and procedures described below provide for a coordinated and cooperative collaboration between a lot owner planning to construct a new residence, or a homeowner desiring to modify an existing structure, and the Declarant and Lifestyle Enrichment Committee (LEC) with the intent to insure compliance with the Design Guidelines requirements. Timely submissions of the documents and information described in Section 2.2 below will help insure that the process can be expedited as quickly and easily as possible.

Declarant may, in its sole discretion, grant blanket design approvals for cluster village residential subdivisions where predesigned residential products are being constructed by a single builder or development entity. In that case, the builder/developer must submit all home designs to be built and sold in the subdivision according to the design review process herein described. Builder/Developer will submit typical lot layouts, color palettes, lighting and landscape designs. Any deviation from materials, colors, concepts and designs, must be submitted individually to the LEC for approval. If multiple builders and/or developers build in a cluster village subdivision, each individual residential unit must be submitted to the LEC for approval as per the process set out in Section II herein.

Once approval has been granted for predesigned residential products, builder may permit and commence construction without going through the formal review process. All other requirements of the Design Guidelines shall still apply.

All modifications by individuals purchasing cluster village homes must be submitted to the LEC according to the process set out in these Design Guidelines.

All submissions must include one full paper set and one full set in electronic format (PDF, JPEG, CAD, etc.) mailed or delivered to:

Picacho Mountain Community Association, Inc.

P.O. Box 1305

Fairacres, NM 88033

Telephone: 575-523-2500

email: HOA@picachomountain.com

Section 2.1 Design Review Authorities

(a) Declarant shall have exclusive authority to review and act upon applications for all original construction and all subsequent modifications within the Properties and to administer and enforce architectural controls.

(b) Declarant may, in its sole discretion, designate one or more Persons, including the Lifestyle Enrichment Committee (LEC), from time to time to act on its behalf in reviewing applications for new construction and/or modifications hereunder. Any such delegation shall be subject to:

(i) Declarant's right to revoke such delegation at any time and reassume jurisdiction over the matters previously delegated; and

(ii) Declarant's right to veto any decision of the LEC which Declarant determines, in its sole discretion, to be inappropriate or inadvisable for any reason

(c) Subject to Declarant's rights, the LEC may be assigned jurisdiction over original construction and modifications within the Properties. The Association also may assign to the LEC responsibility for monitoring compliance with and enforcement of Use Restrictions and Board promulgated rules.

(d) Declarant shall have the right, in its sole and absolute discretion, to veto any action taken by the LEC; provided, Declarant's right to veto must be exercised within 10 business days of its receipt of notice of action taken by the LEC. The party submitting the Plans for approval shall not be notified of the LEC's approval or disapproval until after Declarant's right to veto has been exercised or has expired.

(e) The LEC may engage other Persons to assist in the review process; however, the LEC shall remain the "Reviewer." The LEC may establish and charge reasonable fees for review of applications hereunder and may require such fees to be paid in full prior to review of any application. Such fees may include the reasonable costs incurred in having any application reviewed by architects, engineers, or other professionals.

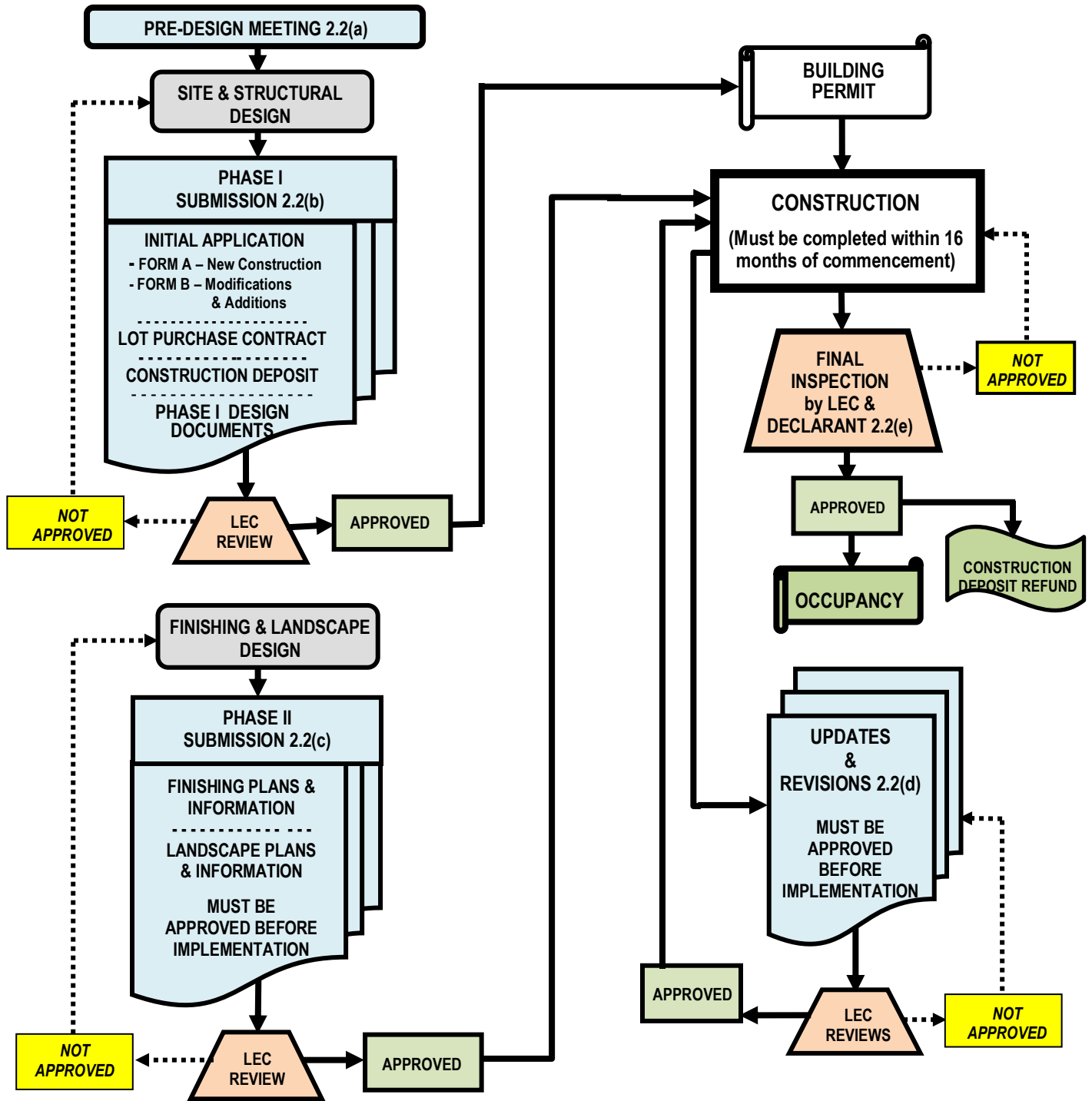
Declarant and the Association may employ architects, engineers, or other Persons as deemed necessary to perform reviews. The Board may include the compensation of such Persons in the Association's annual operating budget.

Section 2.2 Design Review Process

- In order to assure that all Picacho Mountain residents enjoy the benefits of living in a well-designed environment the drawings, documents, and related design and construction information for each proposed residence (or modifications and/or additions to any residence) must be submitted for review and approval by the Declarant and LEC.
- Except as otherwise specifically provided in the Design Guidelines, no activities shall commence on any portion of any of the Properties until the required applications and documentation has been submitted to, and approved by, the Declarant. Commencement of activities prior to written approval of the Declarant or his designee shall cause an assessment of thirty dollars (\$30.00) per day payable by the Owner to the Picacho Mountain Homeowners Association for each day, or portion thereof, for the period between commencement of such non-approved activities on any portion of the Properties and the date of the Declarant's approvals.
- Applications and documents shall be in the form required by the Declarant and shall include information required under this Design Guidelines including plans and specifications showing site layout, structural design, exterior elevations, exterior materials and colors, solar equipment, landscaping, drainage, exterior lighting, irrigation, and other features of the proposed construction, as applicable.
- The Declarant may require the submission and approval of such additional information as may be reasonably necessary to consider any application.
- In reviewing each Application and Submission the Reviewer may consider any factors deemed relevant including, without limitation, harmony of external design with surrounding structures and environment. Decisions may be based on purely aesthetic considerations. Each Owner acknowledges that determination as to such matters is purely subjective and opinions may vary as to the desirability and/or attractiveness of particular designs and improvements.
- The Declarant shall have the sole discretion to make final, conclusive, and binding determinations on matters of aesthetic judgment and such determinations shall not be subject to review so long as they have been made in good faith and in accordance with the procedures set forth herein.
- For each Submission the Declarant may:
 - i. Approve the submission with or without conditions, or
 - ii. Approve a portion of the submission and disapprove other portions, or
 - iii. Disapprove the entire submission.
- As part of any approval the Declarant may require that construction commence in accordance with approved plans within a specified time period. If construction does not commence within the required period such approval shall be deemed withdrawn and it shall be necessary for the Owner to reapply for approval before commencing any subsequent project activities.
- Approval by the Declarant shall not constitute approval or, or waiver of reviews and approvals by, Doña Ana County or any other municipality or governmental agency or entity having jurisdiction over architectural or construction matters.
- The Declarant shall, upon completion of the review of each submission, notify the applicant in writing of the determination of the Reviewer within twenty (20) business days after receipt of the required applications, documents and related information.

An outline of the Design Review Process is shown below. Additional information regarding each phase of the process is described in the following subsections 2.2 (a) through 2.2 (f).

DESIGN REVIEW PROCESS OVERVIEW



2.2(a) PRE-DESIGN MEETING

To initiate the review and approval process prior to preparing any designs and drawings for a proposed residence (or modification or addition to a residence) it is recommended that the Owner, together with other members of the project team (architect, landscape architect, civil/structural engineer, general contractor, etc.) meet with the LEC to discuss the proposed project and to explore and resolve any questions regarding the Picacho Mountain design requirements.

This informal review is to offer guidance to the project team including providing them with a Site Plan for the lot where the proposed residence will be built. The Site Plan shows the pad location, pad elevation, maximum disturbed area, existing contours, curbs, existing elevations, corner locations, and street and legal names.

Any questions regarding the interpretation of the Design Guidelines requirements as well as the current policies and procedures may also be obtained at this time. Items discussed during this meeting are not binding on the Declarant or LEC, nor do they constitute formal approval of the project parameters.

2.2(b) PHASE I SUBMISSION – Initial Application and Phase I Design Documents.

• Initial Applications

- A copy of “FORM A - Initial Application for New Residence” is included on pages 10 & 11.
- A copy of “FORM B – Initial Application for Modifications and Additions” is included on pages 13 & 14.

Complete the relevant FORM A or FORM B and submit it, along with the required Phase I Design Documents as listed either:

- a) in Section 2.2(b)1 on page 12 of the Design Guidelines for a New Residence, or
- b) at the bottom of Page 2 of FORM B for Modification and Additions.

Please insure that all necessary documents and information are submitted to the Reviewer in a complete fashion. This will greatly assist in making the review and approval processes as efficient as possible.

• Construction Deposit for New Residence

In accordance with Section 4.3.a of the CC&Rs a deposit shall be paid by the Applicant when submitting an Application for Design Review for New Residence (FORM A). The deposit shall be five percent (5%) of the gross purchase price of the Lot. A valid copy of the Lot purchase contract must be submitted with the Application.

Construction deposit funds shall be maintained in an Escrow Account by the Association. Escrowed funds may be used by the Association to remedy any violations of the CC&Rs and Design Guidelines. The entire Construction Deposit, or such portion that remains after the use of funds by the Association to remedy violations, will be refunded after Final Inspection if there are no outstanding violations or non-compliance issues. Deposit will be refunded if the Applicant withdraws the Application and does not commence construction on the Lot or after all observed issues have been addressed to the Association's satisfaction. Furthermore, pursuant to Section 2.2(e) herein, the construction deposit may be forfeited, in whole or in part, if identified issues are not remedied in a timely manner.

• Phase I Design Documents

All of the plans and documents listed above related to the Initial Application Forms are to be submitted in the proper scale as listed and should be printed on 24" x 36" sheets (at a minimum). Larger sheets may be required in order to include all necessary dimensions, notes, etc. for large residences.

All plans and documents and related information must be submitted in digital file format (PDF, JPEG, etc.) along with the printed materials. Digital files should be saved at the highest quality possible. Submit digital files on a single CD/DVD for each review.

Picacho Mountain Homeowners Association
Application for Design Review
for New Residence

Application for Lot #: _____ Application Fee Paid - \$100 non-refundable: _____

Date Received: _____ Construction Deposit - per Section 2.2 (b): _____

In order to maximize conformance with the Designs Guidelines requirements and to minimize potential non-compliance and redesign efforts this completed application for new construction, along with the Phase I Design Documents listed in Section 2.2 (b)1 on page 12 of the Design Guidelines and a copy of the Lot purchase contract, must be reviewed and approved by the Declarant.

Applications must be submitted along with the Phase I Design Documents detailing the intended construction with one full paper set and one full set in electronic format (PDF, JPEG, CAD, etc.) to:

Picacho Mountain Community Association, Inc.
P.O. Box 1305
Fairacres, NM 88033

Phone: 575-523-2500

e-mail: HOA@picachomountain.com

Name of Applicant (Owner): _____

Property Address: _____

Neighborhood (i.e. Las Estancias): _____ Lot # _____

Style of Home/Exterior Elevation Description: _____

Mailing Address (required): _____

Phone # (Daytime): _____ (Evening): _____

E-mail Address (required): _____

Indicate Largest Dimensions of Proposed Residence (Height, Width, and Length):

Maximum Overall Height _____ Maximum Overall Width _____ Maximum Overall Length _____

Indicate Square Footages: Air Conditioned _____ Covered Patio _____ Garage/Mechanical _____

Licensed Contractor performing the work: _____

Licensed Contractor New Mexico License #: _____

Licensed Contractor performing work contact phone #: _____

Estimated Beginning Date: _____ Estimated Completion Date: _____



I submit this application and attachments for review and approval and certify that all the information contained here and in the attachments is accurate to the proposed plans. I understand and acknowledge that no work may commence prior to approval and that I will be liable for all costs necessary to bring any nonconforming work into compliance. I understand that as part of the review process the Declarant or designee may contact my surrounding neighbors regarding this project. I agree to maintain the improvement if approved. I understand that the project must commence within one calendar year from the date of approval of the Phase I Design Documents or the approval shall expire. I will comply with all city, county and state laws and will obtain all necessary permits prior to start of construction if necessary.

Owner Print Name: _____

Owner Signature: _____ Date: _____

Contractor's Acknowledgement of receiving and reading the Design Guidelines

Contractor Print Name _____

Contractor Signature: _____ Date _____

**NOTE: Attach all Phase I Design Documents listed in
Section 2.2 (b)1 on Page 12 of the Design Guidelines**

2.2(b)1 Phase I Design Documents

Topographic Survey of Lot and Surroundings (1/20 scale)

- ___ Vicinity of site map
- ___ Adjacent lot numbers
- ___ 10' contours of entire lot
- ___ Property boundary lines
- ___ Easements
- ___ Set back lines from property boundary lines for: dimensioned building(s), roof overhangs, pools, patios

Site Plan (1/20 scale with North designation)

- ___ Existing and proposed grades (on plan)
- ___ Proposed finished floor elevation
- ___ Proposed Building Envelope with the Maximum Disturbed Area (clearly delineated on related documents and drawings)
- ___ Proposed schematic site design concept with drives, walks, patios, pools, etc.
NOTE: The building site must be within the allowable disturbed area of the lot per Section 3.1
- ___ Utility Line Locations
- ___ Proposed location of Retaining and Stem Walls (these walls must be constructed before pad is poured)
- ___ Proposed locations, sections and details of all yard, garden and other landscape walls
- ___ Collection pond locations, shapes and pond calculations (recommended pond shapes are more oval/organic than square)
- ___ Proposed grading and drainage details

Storm Water Pollution Prevention Plan (SWPPP)

Floor Plan (1/4" Scale)

- ___ Proposed Floor Plan with rooms designated by name
- ___ Room dimensions
- ___ Location(s) of exterior HVAC unit(s) with required screening

Exterior Elevations (1/4" Scale)

- ___ Four (4) proposed elevations identified as North, South, East, and West
- ___ Entry Doors, Garage Doors, Courtyard & Garden Gates, Columns, Ornamental Work, Exterior Trim
- ___ Special Features: Skylights, Solar Panels, Exterior Lighting Locations, etc.
- ___ Items Evident on Exterior: Chimney conceal shrouds, Louvers, Vents, Roof Drains, Gutter Outlets, Access Openings, Utility Meter Boxes, Electrical Fixtures, Flashing, Tile or Masonry Feature Strips, etc.
- ___ Maximum Height of Finished Structure

Roof Plan (1/4" Scale)

- ___ Skylight sizes and locations
- ___ Solar panel locations, sizes and directional orientation with section views of surrounding parapets
- ___ Gutters, Roof Drains, Scuppers or Canales, Flashings, & Related Sheet Metal (not over HVAC unit)
- ___ Roof Slopes and Water Flow with Directional Arrows
- ___ All Roofing Materials and Colors

Foundation and Framing Details (1/4" Scale)

- ___ All Slab Elevations (verify elevation with nearest benchmark at front of curb)
- ___ References and Details Required for Construction of Foundation and Installation of Concrete
- ___ Framing Details

Electrical Plan (1/4" Scale)

Miscellaneous Details

- ___ Windows and window frames: materials, colors, and glass selections
- ___ Building Sections, HVAC, Plumbing, Exterior Soffits locations and details
- ___ Chimney conceal shrouds and other vents should be painted a color similar to the house
- ___ Any Additional Plans Necessary for Completion of the Project

Picacho Mountain Homeowners Association
Application for Design Review for
Modifications or Additions to Residence

Application for Lot #: _____ Application Fee Paid: _____

Date Received: _____ Fee Received By: _____

In order to maximize conformance with the Design Guidelines requirements and to minimize potential non-compliance and redesign efforts this application for modifications and/or other additions, along with the Schematic Design Documents listed below on page 2 of this Application, must be reviewed and approved by the Declarant.

Applications must be submitted with the Schematic Design Documents listed below detailing the intended construction with one full paper set and one full set in electronic format (PDF, JPEG, CAD, etc.) to:

Picacho Mountain Community Association, Inc.
P.O. Box 1305
Fairacres, NM 88033

Phone: 575-523-2500

e-mail: HOA@picachomountain.com

Name of Applicant (Owner): _____

Property Address: _____

Neighborhood (i.e. Las Estancias): _____ Lot # _____

Mailing Address (if different from above): _____

Phone # (Daytime): _____ (Evening): _____

E-mail: _____

Reason(s) for Design Review Application (please check all that apply);

- Checkboxes for: Addition to House, Ancillary Building, Shade Structure (Awning, Canopy), Add Pool or Spa, Add Fireplace/BBQ, Revise Landscape/Hardscape, Add/Expand Patio, Add/Modify Patio Cover, Add Ramada or Gazebo, Recreation/Play Equipment, Security Screens or Coverings (Doors, Windows), Exterior Paint Color(s), OTHER (explain):

Indicate Largest Dimensions of Modification or Addition (Height, Width, and Length):

Maximum Overall Height _____ Maximum Overall Width _____ Maximum Overall Length _____

Licensed Contractor performing the work: _____

Licensed Contractor New Mexico License #: _____

Licensed Contractor performing work contact phone #: _____

Estimated Beginning Date: _____ Estimated Completion Date: _____



I submit this application and attachments for review and approval and certify that all the information contained here and in the attachments is accurate to the proposed plans. I understand and acknowledge that no work may commence prior to approval and that I will be liable for all costs necessary to bring any nonconforming work into compliance. I understand that as part of the review process the Declarant or designee may contact my surrounding neighbors regarding this project. I agree to maintain the improvement if approved. I understand that the project must commence within ninety (90) days from the date of approval of the Schematic Design Documents or the approval shall expire. I understand that all work must be completed within one-hundred-eighty (180) day after commencement unless otherwise approved. I will comply with all city, county and state laws and will obtain all necessary permits prior to start of construction if necessary.

Owner Print Name: _____

Owner Signature: _____ Date: _____

Contractor's Acknowledgement of receiving and reading the Design Guidelines;

Contractor Print Name _____

Contractor Signature: _____ Date _____

Schematic Design Documents (as applicable):

Photos of Existing Residence

Topographic Data (1/20 scale with North designation)

- ____ Location(s) of modifications or additions relative to property boundary lines, set back lines, and easements
- ____ Proposed revisions to finished floor elevation(s)
- ____ Proposed additional Maximum Disturbed Area

Site Plan (1/20 scale with North designation)

- ____ Proposed schematic site design concept with drives, walks, patios, pools, etc.
NOTE: The building site must be within the allowable disturbed area of the lot per Section 3.1
- ____ Additional or revised utility locations
- ____ Revisions to existing landscape
- ____ Revisions to collection ponds and pond calculations

Updated Floor Plan (1/4" Scale) - Illustrate modifications or additions

Exterior Elevations of Modification or Addition (1/8" or 1/4" Scale) - Illustrate modifications or additions

Samples and Descriptions of Proposed Exterior Materials and Colors

Product brochures, specifications and descriptions of proposed equipment, lighting and other exterior feature



After the LEC and Declarant have approved the Initial Submission and the Construction Deposit has been made to the Association the Owner or Owner's Agent may submit the documents, drawings and related information to the county for a building permit. Once the applicable building permit has been issued, based on the documents, drawings and information approved by the Declarant, and a copy of the building permit has been provided to the Declarant, construction may commence.

2.2 (c) Phase II Submission

Prior to beginning exterior finishing and landscaping all of the drawings, documents and related information necessary to describe and define these elements of the project must be submitted for review and approval. The Phase II Submission will be reviewed for compliance with the previously approved Phase I Design submittals as well as Design Guidelines requirements. All plans and information must be submitted in a PDF format as well as printed copies.

At the discretion of the LEC, the documents and information required to be submitted for modification and addition projects may not need to include all of the documents and information included in this Section.

2.2. (c)i Finishing Plans and Information - Submission of material samples, photos, specifications, and detailed descriptions of the products, materials, sizes and colors of all proposed exterior finish items are required (refer to Section 4.5). Minimum requirements include information illustrating, describing and specifying the following:

- Exterior Materials: Stucco, Stone, Other
- Exterior Colors: Primary and Secondary Paint Colors and Paint Manufacturer
- Exterior Doors: Materials & Colors
- Accent Trim: Materials & Colors
- Driveway: Materials & Colors
- Exterior Lighting: Fixture Descriptions, Locations & Finishes/Colors

2.2 (c) ii Landscape Plans and Information – Minimum working drawing requirement include;

Plant List

- A complete list of the proposed plants for the landscaping plan (from the Picacho Mountain approved plant list - must include common and botanical names, sizes, locations and quantities)

Landscape Plan (Planting & Hardscape - 1/8" to 1/20 Scale)

- Show and Describe all Hardscape (Material, Color, and Finish)
- Drainage Plan

Pool, Spa, and Fountain Plans and Details

- Plans, Sections, and Details for All Water Features on Lot
- Pertinent Electrical Details.

Landscape Lighting

- Locations of all Landscape Lighting and Features
- Directional arrows indicating lights patterns and aim
- Examples of all Fixtures Used (photo copy)
- Exterior Lighting on Home, Screens, Yard and Garden Walls, etc. on Elevation Views

After the LEC and Declarant have approved the Phase II Submission implementation of the finishing and landscaping may commence.

2.2 (d) REVISIONS AND UPDATES

- Revisions and updates to the previously submitted and approved Phase I and Phase II Submission documents and information may be submitted subsequent to obtaining a building permit and commencing construction. However, all revisions and updates must be reviewed and approved prior to implementation. Submission of revisions and updates to these plans must be submitted no later than six (6) months after the date on which the Phase I Submission notice of approval is given.

- The revision and update submissions will be reviewed for compliance with the previously approved submissions as well as the Design Guide requirements. The submission documents must include complete symbol and abbreviation legends. All documents must be submitted in a PDF format as well as printed copies.
- Once construction has commenced it must be diligently pursued to completion. The date of issuance of the building permit shall be considered as the date on which construction has commenced. All work shall be completed within sixteen (16) months of commencement of construction unless otherwise specified in the notices of approval or in this Design Guide, or unless the Declarant grants an extension in writing. If approved work is not completed within the required time it will be considered nonconforming and will be subject to enforcement action by the Association, Declarant, or any aggrieved Owner.
- Notwithstanding the above, landscaping shall be installed, as approved, in the front yard of a Lot, and on any portion of a Lot that is required to be landscaped that is visible from a street, other Lots or Parcels, or the Common Areas, within sixteen (16) months from the date of commencement of construction. The Declarant's decision as to which portions of a lot are affected by this requirement is final.

2.2 (e) FINAL INSPECTION

- The Owner shall provide written notification to the Declarant upon substantial completion of the residence (or modifications and/or additions) for which approval was previously given. Within a reasonable time the Declarant shall notify the Owner of the date and time at which a Final Inspection of the project will take place. The Owner and/or his agent shall have the opportunity to attend the inspection.
- A report of the results of this inspection will be issued within ten (10) business days after the inspection noting any deficiencies, violations or unapproved variations from the approved submissions. If the inspection indicates that the project is deemed to comply with all approved submissions and the Design Guidelines, and the policies, restrictions and regulations in effect, the Declarant shall issue a written final approval
- If the Owner has failed to remedy any non-compliance within thirty (30) calendar days from the date that the Final Inspection report is issued the Declarant shall notify the Owner and may take such action to complete or remove or remedy the non-complying elements as is permitted in this Design Guidelines and the Declaration of Covenants, Conditions and Restrictions for Picacho Mountain and to retain all, or a portion of, any of the Construction Deposit. Declarant or authorized designees shall be allowed to make any number of observations and/or site visits to discuss or review the progress related to remedying any non-conformance.

2.2 (f) NOTICES OF APPROVAL

- Notices shall be deemed to have been given at the time the envelope containing the written determination of the response is deposited with the U. S. Postal Service. Personal delivery of such written notice shall, however, be sufficient and shall be deemed to have been given at the time of delivery to the applicant.
- EMAIL NOTIFICATION: Whenever possible, notification will also be emailed to the applicant, but formalized notice shall only be deemed to have been given via the methods described above. Email notifications are for information purposes only and do not qualify as formalized notification as required for approval.
- In the event that the Reviewer fails to respond in the timelines specified above, approval shall be deemed to have been given, subject to Declarant's right to veto.
- No approval shall be deemed to have been given to any applications or plans that violate any provision of the Declaration.
- No approval, whether expressly granted or deemed granted, shall be inconsistent with the Design Guidelines unless a written variance has been granted.

Section 2.3 No Waiver of Future Approvals.

- Each Owner acknowledges that the Persons reviewing applications under this Article will change from time to time and that opinions on aesthetic matters, as well as interpretation and application of the Design Guidelines, may vary accordingly.
- Each Owner acknowledges that it may not always be possible to identify objectionable features until work is completed, in which case it may be unreasonable to require changes to the improvements involved, but the Declarant may refuse to approve similar proposals in the future.
- Approval of applications or plans, or in connection with any other matter requiring approval, shall not constitute binding precedent in any other matter nor an estoppel or waiver of the right to withhold approval as to any similar applications, plans, or other matters subsequently or additionally submitted for approval.

Section 2.4 Variances.

- The Declarant may authorize variances from compliance with any of its standards and procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require attention.
- Such variances may only be granted when unique circumstances dictate and no variance shall:
 - (a) be effective unless in writing;
 - (b) be contrary to this Declaration; or
 - (c) prevent the Reviewer from denying a variance in other circumstances.
- For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance. Notwithstanding the above, the LEC may not authorize variances without the written consent of the Declarant during the Class "B" Control Period.

Section 2.5 Limitation of Liability.

- The standards and procedures in this Article are intended as a mechanism for maintaining and enhancing the overall aesthetics of the Properties; they do not create any duty to any Person.
 - (i) Neither the Declarant nor the Reviewer shall bear any responsibility for ensuring:
 - (a) structural integrity or soundness of approved construction or modifications;
 - (b) compliance with building codes and other governmental requirements;
 - (c) that all Dwelling Units are of comparable quality, value, size, or design; or
 - (d) that improvements will be aesthetically pleasing or otherwise acceptable to other Owners.
 - Declarant, the Reviewer, the Association, the Board, any committee, or any member of any of the foregoing shall not be held liable for any claim whatsoever arising out of construction on, or modifications to, any Lot or Parcel. In all matters, the Reviewer shall be defended and indemnified by the Association.
 - (ii) Both Lot Owner and his Contractor as well as all subcontractors, consultants, agents, employees, agree to hold Declarant, the Reviewer, the Association, the Board, any committee, or any member of any of the foregoing shall not be held liable for any claim whatsoever arising out of any unsafe construction practice whether leading to injury or fire on any Lot or Parcel. In all safety matters, the Declarant, et al shall be defended and indemnified by the Lot Owner et al.
 - (iii) Lot Owner and his Contractor as well as all subcontractors, consultants, agents, and employees agree to hold Declarant, the Reviewer, the Association, the Board, any committee of the Association, and/or any member of any of the foregoing not liable for any claim whatsoever arising out of damages caused by a fire for any reason. In any matter of fire or damage to any structure, landscape foliage, etc. the Declarant, et al shall be defended and indemnified by the Lot Owner et al.

Section 2.6 Enforcement.

- Any construction, alteration, or other work done in violation of this Article or the Design Guidelines shall be deemed to be nonconforming.
- Furthermore, Declarant, or the Association, shall have the authority to require any Owner or Owner's agents or contractors to cease and desist in constructing or altering any improvements on any Lot or Parcel, where such actions have not first been reviewed and approved, or which constitute a violation of this Declaration, the Design Guidelines, or the Declaration of Covenants, Conditions and Restrictions for Picacho Mountain (CC&Rs).
- Upon occurrence of violation(s) a Notice of Nonconformance shall be sent to the Owner via first class US Mail by the Declarant or the Association. The Notice shall inform the Owner of the nonconformance items and the time frame for cure and shall be considered the sole document required to inform the Owner of such nonconformance. The Owner shall respond to such Notice within fifteen (15) calendar days of the date of mailing of the Notice to identify cures to the nonconformance. Should Owner not respond within fifteen (15) calendar days to such Notice the Declarant or Association shall conclude that the Owner agrees with the statement of nonconformance as described in the Notice and will implement the cure(s) within the time frame stated in the Notice.
- Upon written Notice of Nonconformance from the Association or Declarant, Owners shall, at their own cost and expense and within such reasonable time frame as set forth in such written Notice, cure the nonconformance to the satisfaction of the requester or restore the Lot or Parcel to substantially the same condition as existed prior to the nonconforming work.
- Should an Owner fail to cure as required, the Association, Declarant, or their designees shall have the right, but not the obligation, to affect any or all of the following remedies and the exercise of any one remedy shall not prevent the Association or Declarant from exercising any other remedy available to it, whether listed below of at law or in equity:
 - garnishment of the Construction Deposit held in escrow by the Association,
 - levying fines against the Owner's property to be paid to the Association based on the time period elapsed from the end of the time frame stated in the Notice and the time at which the nonconformance is cured,
 - take actions judged commensurate with the nonconformance that are in the best interests of the Declarant and Association including, but not limited to, assessing additional fines, filing liens, pursuing lien foreclosure, etc.,
 - enter the Lot or Parcel, remove the violation, and restore the property to substantially the same condition as previously existed.
 - All costs incurred by the Declarant or Association related to curing nonconformance may be assessed against the Lot or Parcel and collected as a Special Assessment.
- Upon re-occurrences of any cured nonconformance conditions the Declarant or Association may take actions in addition to the foregoing judged to be appropriate for the circumstances.
- All approvals granted hereunder shall be deemed conditioned upon completion of all elements of the approved work and all work previously approved with respect to the same Lot or Parcel, unless approval to modify any application has been obtained. In the event that any Person fails to commence, and diligently pursue to completion, all approved work by the deadline set forth in the approval, Declarant, or the Association, shall be authorized, after notice to the Owner of the Lot or Parcel including opportunity to be heard, to enter upon the Lot or Parcel and remove or complete any incomplete work and to assess all costs incurred against the Lot or Parcel and the Owner thereof as a Special Assessment unless otherwise prohibited in this Declaration.
- All acts by any contractor, subcontractor, agent, employee, or invitee of an Owner shall be deemed as an act done by or on behalf of such Owner. Any contractor, subcontractor, agent, employee, or other invitee of an Owner who fails to comply with the terms and provisions of this Article and the Design Guidelines may be excluded from the Properties, after being provided with notice and an opportunity to be heard. In such event, neither Declarant nor the Association, their officers and directors, shall be held liable to any Person for exercising the rights granted by this paragraph.
- In addition to the foregoing, the Association and Declarant shall have the authority and standing, but not the obligation, to pursue all legal and equitable remedies available to enforce the provisions of this Article and the decisions of the Reviewer including retention of all, or a portion of, the Construction Deposit.



Section 3.1 Building Location and Allowable Disturbed Area.

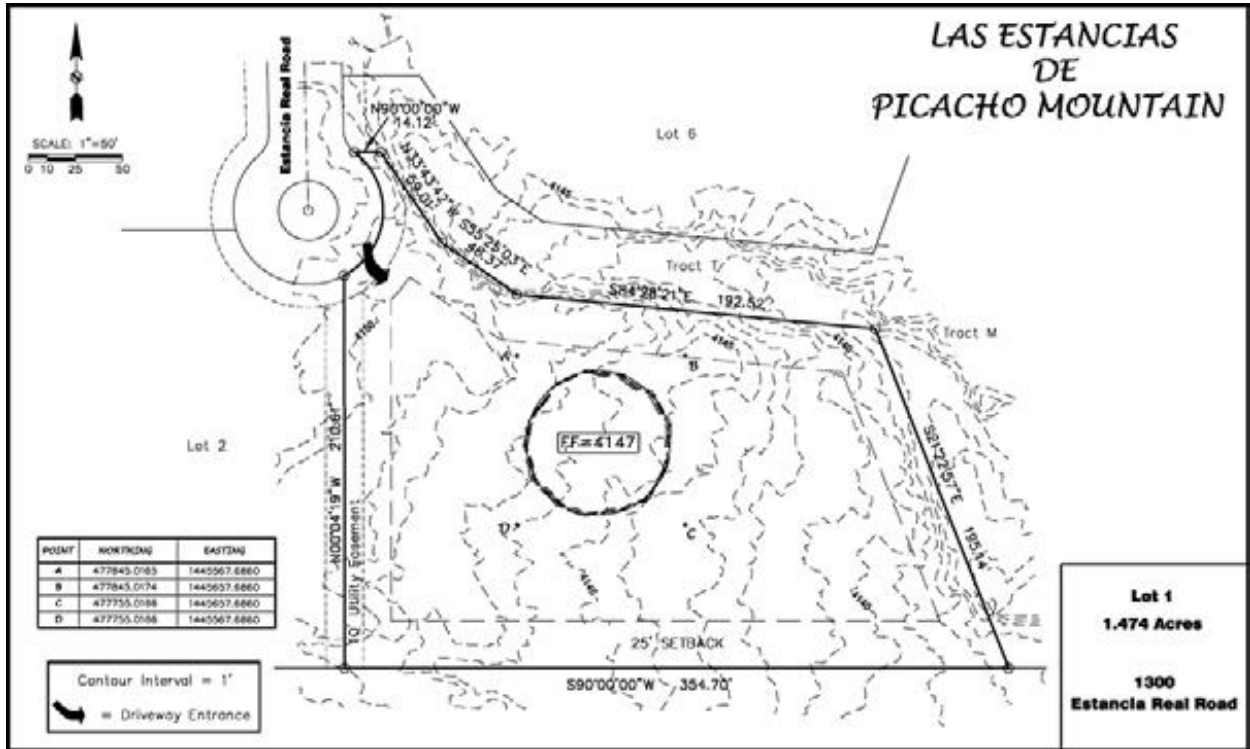
No structure shall be located on any Lot that violates the setback requirements of the Uniform Development Code (UDC) ordinances of the County of Doña Ana and/or other applicable authorities.

3.1.1 Building Envelope. All buildings and structures will be built within an allowable disturbed area of the lot, at the elevations recorded on the plat map, unless otherwise approved in writing or already accordingly adjusted by the Lifestyle Enrichment Committee. This maximum disturbed area is designated the "Building Envelope". The ***approximate*** location/size of the building envelope will be 10' out from the building pad, driveway, and other approved structures. This 10' dimension will vary according to site topography and other construction requirements. The exact location of the building envelope will be decided by the LEC.

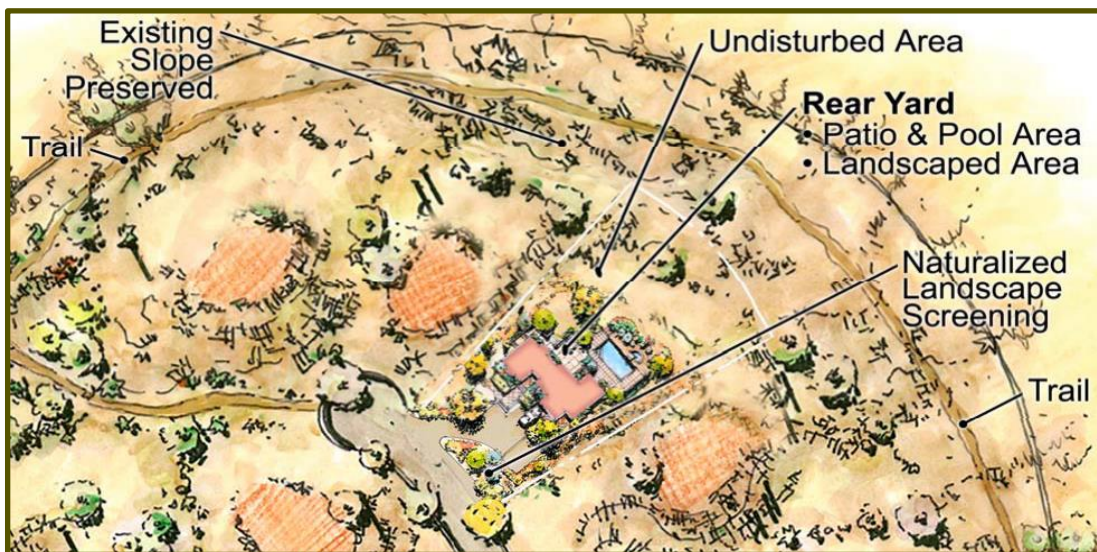
The building envelope approved by the LEC will be staked with standard 3' high SILT fencing or otherwise clearly marked before any construction begins. All construction, construction traffic, material movement, and disturbance to the site will be done inside the building envelope. Any unapproved work done outside the building envelope makes the owner/builder liable to replace/repair any damage that the LEC believes is necessary to return the land to the original condition. This includes but is not limited to replacing vegetation and wildlife. This will be a non-negotiated assessment from the LEC.

All of the building envelope markers shall remain in place until Final Approval of the project by the LEC.

3.1.2 Site Plan. The site plan Picacho Mountain provides contains four (4) specific points determined by Picacho Mountain as the general area for the residence pad. These points are field locatable, and they should be placed and verified when the builder has the pad area surveyed and staked. Any pad built higher than the allowed pad elevation must be remedied to allowable height prior to the slab being poured. The finished floor elevation will be determined as the pad elevation plus 4 inches.



3.1.3 Allowable Disturbed Area. No more than two-thirds (2/3) of any lot area is to be disturbed by any construction activities related to the driveway or residence (includes building pad, patios, yards, pools, casitas, ponds, etc.). All requests for an increased Allowable Disturbed Area will be considered on a case by case basis and any decision will not be considered as setting a precedent. The image below shows a typical lot situated on a lot within its maximum area of disturbance.



The pads are built in an organically shaped manner that fits the house onto existing topography, and does not use large amounts of grading to force the construction of the pad. The topography should be considered when locating the house site. For example, sites with hilly topography may not be suitable for large yards, as all grading must remain within the Building Envelope. Note the diagonal driveway that does not go straight to the home. This provides an effect of the home being surrounded by landscape and natural desert, instead of a wide paved corridor from the street to the house.

Due to the smaller size of Cluster Village residence sites, it will be necessary to grade the entire home site. No disturbance outside the individual site is allowed other than subdivision site work for the installation of infrastructure and common area amenities.

Disturbed Area Illustration 1:



Disturbed Area Illustration 2:



3.1.4 Typical Slab Construction. The monolithic turn down slab is the typical slab construction method. This method involves building the pad through cutting, filling, grading, and compaction.

Because we hope to maintain as much natural landscape as possible, and because of the unique elevation changes present on many of our lots, this method does not prove effective in many circumstances.

When the pad elevation is more than +/- 3ft of the existing grades, grading to achieve the desired pad elevation will destroy too much of the native vegetation and landscape.

Section 3.2 Setbacks.

The setbacks requirements for the Picacho Mountain Estate Homes are:

- (a) All structures will maintain a minimum separation of twenty (20) feet from overhang to overhang.
- (b) 25' front and rear setbacks, 10' side setbacks.

The setback requirements for the Cluster Village Homes will be as required by the County of Dona Ana UDC and/or any applicable authorities.

SECTION IV

ARCHITECTURAL REQUIREMENTS



Section 4.1 Architectural Styles

Generally accepted southwest architectural styles may be used. These styles are described as Pueblo/Santa Fe style, Territorial style, Spanish or Spanish Colonial style, Mission style, and Contemporary Southwestern style. There are distinctive characteristics of each of these styles, and it is the intent of this Design Guidelines to maintain a single architectural style throughout the construction of any home. Each home may be different, but each home should be consistent with a single architectural style. The intent is for homes to blend seamlessly with the natural surroundings by using a muted color palette, organic textures and a single architectural style.

4.1.1 Pueblo / Santa Fe Style



Pueblo homes have many of these features:

- Flat roof with no overhang
- Massive, round-edged walls made with adobe or adobe-like material
- Rounded parapets with spouts in the parapets to direct rainwater
- Stepped levels
- Vigas (heavy timbers) extending through walls serve as main roof support beams
- Latillas (poles) placed above vigas in angled pattern
- Deep, simple window and door openings
- Kiva “beehive” corner fireplace
- Bancos (benches) that protrude from walls
- Nichos (niches) carved out of wall for display purposes
- Brick, wood, or flagstone floors

Several variations of Pueblo style exist. Some of these are:

- Pueblo Revival: Spanish influenced design with porches held up with zapatas (posts), enclosed patios, heavy wooden doors, and elaborate corbels
- Pueblo Deco: Combines Pueblo Revival with Art Deco architecture. These homes are decorated with geometric patterns and Native American designs
- Santa Fe Style: This type of Pueblo became the standard in New Mexico after it was defined by the Santa Fe Historic Zoning Ordinance of 1957
- Contemporary Pueblo: These are stripped down, un-ornamented Pueblos without posts, beams, or vigas
- Territorial Pueblo: Windows are framed with straight wooden moldings

4.1.2 Territorial Style



Southwestern Territorial homes have many of these features:

- Flat roofs with parapets above the walls
- Corners are square instead of round
- Smooth plaster or stucco walls
- Sturdy vigas supporting the ceiling structures
- Coping at the tops of the walls
- Milled woodwork, such as pedimented lintels above window frames
- Painted wood trim at the doors and windows
- Turned wood posts to support the porches (portales)

Due to the blending of styles that is common in the Southwest today, true Territorial-style architecture may be difficult to find. However, the features found in this style home are often found blended with other types of architecture.

4.1.3 Spanish / Spanish Colonial Style



Spanish inspired houses usually have these features:

- Low-pitched roof
- Roof tiles (*please see Sec 4.4 for details on how much of the roof may be tiled*)
- Little or no overhanging eaves
- Stucco siding
- Arches, especially above doors, porch entries and main windows

Some Spanish inspired homes have:

- Asymmetrical shape w/cross gables and side wings
- Flat roof and parapets - or a hipped roof
- Carved doors
- Spiral columns and pilasters
- Courtyards
- Carved stonework or cast ornaments
- Patterned tile floors and wall surfaces

4.1.4 Mission Style



Spanish Mission style houses have many of these features:

- Smooth stucco siding
- Roof parapets
- Large square pillars with twisted columns
- Arcaded entry porch
- Round or quatrefoil windows
- Roof tiles (*please see Sec 4.4 for details on how much of the roof may be tiled*)
- The front door is often rounded with wrought iron hardware
- Arched dormers and elaborate arches
- Decorative work such as patterned tile work, stone carvings, or elaborate grillwork

4.1.5 Southwest Contemporary Style



The Southwest Contemporary architecture is more difficult to define because it is still emerging.

It can be loosely described as a clean, sharp, modern interpretation of Pueblo / Santa Fe influences.



Section 4.2 Size of Residences.

The floor plan areas of all residences shall be exclusive of the area of attached garages, porches, servant’s quarters, guest houses, or other appurtenances or appendages that require exiting the main residence in order to gain access.

No Estate Home residence with a floor plan area of less than Two Thousand Four Hundred (2,400) square feet shall be erected on any Lot.

No Cluster Village Home single-family residence with floor a plan area of less than One Thousand Four Hundred (1,400) square feet shall be erected on any Lot.

Except as herein provided, no residential structure erected on any Lot shall have more than one (1) story, nor exceed twenty (20) feet in height as measured from the finished floor elevation recorded on the original LEC pad elevation sheet (which identifies the original planned pad elevation of each lot) to the top of the highest point of the roof. Not more than one half (1/2) of the residence by square footage shall reach the 20 feet height and the remainder of the home may not exceed sixteen (16) feet in height.

Two-story or multi-level homes may be approved only when the topographical features of the lot are such that a two-story or multi-level home may be constructed without intrusion into view corridors of residences of neighboring lots. Those lots which are known to have such topography may be further identified by lot number by the association. Those identified lots will be the only lots upon which it is permissible to build two-story or multi-level homes, subject to the approval of the Lifestyle Enrichment Committee.

The height of any addition to an existing structure will not be higher than the highest roofline of the original construction.

Example of varying roofline heights



Section 4.3 Building Pads and Driveways.

Building pads and driveways shall be constructed within the areas so designated on the site plan. Any proposed changes must be submitted to the Lifestyle Enrichment Committee in writing with appropriate drawings of proposed changes of locations and/or elevations.

- No driveway that causes more than one entrance from the street will be permitted. This ensures that as much desert is protected as possible. In the event that the site presents a unique opportunity to use a circle drive, obtaining a variance from the LEC is always an option.
- Regardless of the type of material chosen to complete the majority of the driveway, at least the first twenty (20) feet of the entry, starting at the curb, must be concrete in order to prevent as much silt as possible from running onto the streets.
- While it is not required, the use of muted natural color pigmented concrete or earth-tone brick pavers for driveways is encouraged.

Building pads must be built upon within 30 days of completion and must provide retaining walls or other approved methods to eliminate erosion of pad into native landscape. Pads and driveways shall be protected during construction to prohibit erosion of silt on to the streets, into the native landscape, or into the natural arroyos.

Driveway Detail with proper design (Entry paved, drainage solutions, re-vegetation, materials, etc.)



Driveway Detail with poor erosion control



Section 4.4 Roof Design.

Roofs shall be designed and constructed in the southwest style using southwest design materials approved by the Lifestyle Enrichment Committee and with low pitch or flat style, in no instance exceeding a maximum pitch of 5 vertical rise over 12 horizontal run. Parapet walls must be constructed at least 12 inches taller than the roof surface in closest proximity. No roof area greater than 1500 sq. ft. shall be permitted without a parapet wall separating that roof area from adjacent roof area. False parapet walls may be used to break up the roof plane, however when any end of a parapet wall is exposed to public view so that the cross section width is evident, that end must be built to a minimum width of twelve (12) inches.

Neither metal roofs nor cement tile will be permitted unless so approved by specific variance issued by the LEC. Working with these materials requires special aesthetic attention and will be approved on a case-by-case method only. Consideration for the materials will take place only during Schematic Design or Design Development review per the variance procedures listed in this document.

All roofs shall have a low light reflectance value. No roof shall cover more than 30% of the square footage of the home with tile. Tiled areas of roof may not be comprised of a traditional one-color terra-cotta effect. All tiled areas of roof must have a variegated or mottled color effect. No tiles are allowed to have a shiny or glossy finish. No machines, equipment, fixtures or furnishings of any nature (except solar energy collection panels that are hidden from view) shall be permitted on any roof, to include evaporative coolers and/or air conditioners. Skylights shall blend into the overall roof design and color scheme, and must not be mirrored or overly reflective as determined by the Lifestyle Enrichment Committee. Chimneys must be enclosed, and all sheet metal vents and vent piping must be painted to match the home and concealed from view to the extent allowed by local code.

Roof-top color shall be the same color as the major surface color of the primary residence. This application of color may be of a lighter tone, but the color tone used in this application must compliment the major surface color. The terrain of Picacho Mountain has a west to east sloping characteristic, and it is the intent of this roof-top coloration requirement to protect the natural desert colors, and to prevent the occurrence of views filled with white or other nonconforming colored rooftops.

Roof Design Illustrated 1

(Slope, Coloring, Mechanical Considerations, Parapet Height, Etc.)



Roof Design Illustrated 2

(Slope, Coloring, Mechanical Considerations, Parapet Height, Etc.)



Section 4.5 Exterior Surface Materials.

Exterior surface materials shall be such that they blend with the natural desert environment and landscape. Masonry, stucco, stone/rock veneer, and adobe are acceptable exterior surface materials. The colors of these materials shall be natural in character, and subdued in general appearance to blend with the natural desert colors. A palette of approved colors will be provided by the LEC.

Wood accents, and exposed wood structural beams are permitted, so long as wood is not used to cover large surfaces such as wood siding. Exterior walls must be finished down to finish grade with the exterior surface material, to eliminate view of unfinished foundation walls. Windows and doors may not be mirrored and frames must be of a color that blends with or accents the color scheme of the entire home. In addition, garages and garage doors must be located such that they are not a major visual impact from the street. Though not required, side entry garages are encouraged.

Exterior Example 1



Exterior Example 2



Example of Wood Details



Section 4.6 Residence Buildings and Garages.

No building or other structure shall be built, placed, constructed, reconstructed, or altered on any Lot other than a single-family residence, and no structure will be occupied or used until the exterior construction thereof is completed. Detached accessory buildings or structures including but not limited to guesthouses, casitas, pool houses, cabanas, garages, and etcetera, must appear as integral to the primary residence structure, and attached by a common wall. In accordance with the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) for Picacho Mountain, Exhibit C - Initial Use Restrictions, Section 2.1 - Residence Buildings and Garages each single-family residence situated on a Lot shall have an enclosed, attached garage for not less than two (2) nor more than four (4) automobiles.

No garage shall have more than one (1) story. Space for parking one (1) RV may be incorporated into a garage in addition to the allocated automobile spaces, however, such space must be designed so that the additional height and size of the garage does not become a major design element of the residence as viewed from the street directly in front of the center of the lot's street frontage. The suggested design for the RV garage is a design that incorporates a low driveway that allows the roofline to be the same height as the home. No carport shall be built, placed, constructed or reconstructed on any Lot.

No garage shall ever be changed, altered, reconstructed or otherwise converted for any purpose inconsistent with the garaging of automobiles if such change reduces the total number of garage spaces to less than two. All Owners, their families, tenants and contract purchasers shall, to the greatest extent practicable, utilize such garages for the garaging of vehicles belonging to them.

Section 4.7 Septic Tanks.

No privy, cesspool, or septic tank shall be placed or maintained upon or in any Lot or other portion of the Properties without express written consent of Declarant, or as allowed by the filed final plat.

Section 4.8 Access.

No driveways or roadways may be constructed on any Lot to provide access to any adjoining Lot or other portion of the Properties unless the express written consent of the Lifestyle Enrichment Committee has been obtained.

Section 4.9 Chimneys and Exterior Fireplaces.

All fireplace flues, smoke stacks, and spark arrestors must be completely enclosed and concealed from public view in finished chimneys of materials architecturally compatible with the principal finish material of the exterior walls of the dwelling. Bare manufactured fireplace flue caps are not acceptable finish materials. No material causing a foul, noxious, or objectionable odor may be burned. Material producing burning ash, flying embers, or other cause of spread of fire may not be burned. No material which produces an ash residue outside of the fireplace itself may be burned. Gas burning installations are preferred. All chimneys must be capped with a spark arrestor that will not allow sparks and burning detritus that is a one-half inch (1/2") or greater sphere to pass through. Typically, a five-eighths inch (5/8") size spark arrestor will meet this requirement as it will not allow passage of 1/2" spherical material. All installations must meet local fire code.

Examples of Chimney Details



Section 4.10 Window Treatment.

No aluminum foil, reflective film or similar treatment shall be placed on windows or glass doors. This does not preclude the use of architectural windows that have UV coatings or other special coatings and features so long as those features do not create glare or coloration inconsistent with the approved color palette provided for the Neighborhood. All windows visible to the street shall require window treatments, this includes garage windows. Awnings, canopies or sunscreens must be approved by the LEC prior to installation, and must be complimentary to the style and appearance of the primary residence.

Section 4.11 Air-conditioning.

All air-conditioning apparatus must be installed on the ground, along the side or back of the home in a manner that conceals such apparatus. No air-conditioning apparatus shall be installed on the ground in front of a residence. No air-conditioning apparatus or any evaporative cooler shall be attached to any wall or window of a residence. Any air conditioning apparatus or evaporative cooler must be concealed from public view as viewed from the street.

Section 4.12 Walls, Fences and Hedges.

Walls and fences must be of stucco, ornamental iron, rock or masonry construction, or combination thereof. Stucco for fences and walls is the preferred construction material, as stucco blends into the desert more readily than rock wall, and appears more natural in character. Walls and fences must blend with the exterior color of the residence, and of a color approved for use within the Picacho Mountain community. Walls erected for the purpose of screening views may not exceed six (6) feet in height and whenever possible, would consist of the lower half solid and the upper half open (wrought iron) picket style. Lot perimeter walls are not permitted except on Cluster Village lots of ¼ acre or less. No chain link fences will be permitted.



Ownership of any wall, fence or hedge erected by Declarant as a protective screening on any Lot shall pass with title to such Lot and it shall be the Owners responsibility to maintain thereafter and evermore. In the event of default on the part of the Owner or occupant of any Lot in maintaining said protective screening and such failure continuing after ten (10) days' written notice thereof, Declarant or its successors or assigns may, at its option, without liability to the Owner or occupant in trespass or otherwise, enter upon said Lot and cause said protective screening to be repaired or maintained or to do any other thing necessary to secure compliance with this Declaration or any Supplemental Declaration, so as to place said protective screening in a satisfactory condition, and may charge the Owner or occupant of such Lot for the cost of such work. The Owner or occupant, as the case may be, agrees by the purchase or occupancy of such Lot to pay such statement immediately upon receipt thereof. Side walls must be within the property line or may be centered on the property line of the adjoining Lots, as mutually agreed by the owners of the adjoining lots.

Wall, Fence, and Hedge Details (Include Illustration of Heights/Types in Elevation Format)



Wall, Fence, and Hedge Details (continued)



Section 4.13 Sporting Activities (Courts, Goals, Ramps, Etc.).

The sounds of a basketball bouncing on a hard surface, tennis rackets volleying back and forth, or skateboards chattering up a ramp are loud and common complaints from residents in upscale neighborhoods. In order to protect those residents who wish to experience an upscale neighborhood in a naturally quiet desert setting, basketball goals, skateboard ramps, or any other outdoor sporting equipment or accessories may not be installed without the prior approval of the LEC.

Section 4.14 Ornamentation (Including Street Numbers).

Exterior ornamentation such as artwork, sculpture and etcetera shall not be visible from the street or from a neighboring lot, or cause a nuisance as determined solely by the LEC. This does not prohibit displaying the house address on stone in the front yard. The LEC reserves the sole right to approve the way that the house address is displayed in front of the residence, and will adhere to the overall design philosophy in such determination.

As a guide, please refer to the following examples of street numbering designs:



SECTION V CONSTRUCTION REQUIREMENTS

Note the preservation of natural landscape around the house and the stem wall construction.



Section 5.1 Minimum Construction Standards

The Lifestyle Enrichment Committee reserves the right to modify this Design Guidelines in the future as required.

- (a) **LEC Approval of plans** must be received by owner in writing from the LEC prior to any work commencing on any lot. Plans should be submitted to the LEC for approval *prior* to submittal to local government authorities. The prior approval of plans by the LEC will minimize time and effort spent in the case of changes required by the LEC. The LEC will meet with the owner/builder before construction begins to insure that there is a good understanding of the Design Guidelines, its philosophy and several items that have been historically flagged as probable issues.
- (b) **All appropriate government approval** of plans must be received by owner and/or builder in writing prior to any work commencing on any lot and a copy of such approval must be submitted to the LEC. Local government approvals do not imply LEC approval.
- (c) **Permitted plans** are required to be kept on site at all times once construction begins, and the LEC reserves the right to inspect these plans and insure that they are in compliance and agreement with the set the LEC was presented during Final Submission Document review. Periodic inspections by the LEC or Reviewer, including but not limited to, verification of disturbed areas, verification of slab location and construction, and verification of finished floor elevation, may take place at the discretion of the LEC, any time after construction has commenced.
- (d) **Material storage** must be within the LEC approved buildable pad area of the lot. No materials may be stored on streets or neighboring lots.
- (e) **Trash** receptacles/dumpsters must be provided as needed for debris and trash removal. All trash and debris must be removed from the jobsite at the end of each day by the owner or contractor. Dirt, mud and sand that collects in the street due to the work on the improvement must be removed at the end of each day. Failure to clean the job site may result in a fine of one-hundred dollars (\$100.00) per occurrence. Failure to clean the site within 48 hours after being notified of the failure, the LEC may hire services to clean the area, and the cost may be charged to the owner of the lot.

- (f) **Sanitation facilities** shall be provided and maintained by the owner or builder for workers. Portable facilities locations and length of use must be approved by the LEC, to minimize odor and visual impact to the neighborhood.
- (g) **Construction parking** shall not block traffic on streets. Vehicles must be parked in a manner that does not disturb landscaping. Overnight parking of construction vehicles and/or equipment is prohibited.
- (h) **Hours of construction** shall be from 7 AM to 6 PM on Weekdays and from 8 AM to 6 PM on Saturdays. No construction will be allowed on Sundays except with prior written approval of the Declarant.
- (i) **Construction signage** will consist of a Picacho Mountain Standard Sign that will be used on all constructions sites. This signage will be supplied by Picacho Mountain.
- (j) **Property damage** caused by construction activity must be repaired at the expense of the owner of the lot on which the construction activity which caused the damage is occurring.
- (k) **Prohibited conduct** of contractors, sub-contractors, builders and their agents or employees include the following expressly prohibited activities that are offensive as determined solely by the LEC:
 - a) Vehicular access of or transport over any undeveloped area of Picacho Mountain
 - b) Vehicular access of or transport over any common area, trail or pathway
 - c) Removal of any plant, rock or soil from any property in Picacho Mountain, including any other lot, common area, or undeveloped area
 - d) Children or minors may not be on the work site
 - e) Pets may not be brought to the work site
 - f) Having an open fire
 - g) Use of alcohol or drugs
 - h) Use of profane language
 - i) Having loud music/radios
 - j) Speeding vehicular traffic
- (l) **Exterior construction** of the primary residential structure, garage, porches, and any other buildings appurtenances or appendages of every kind and character on any Lot and all landscaping in front yards and side yards abutting streets shall be subject to the following construction time table:

Construction Timeline:

Pad Site Dirt Work ---May not begin until lot owner is ready to undertake all construction needed to complete the residence, and must be complete within two (2) months from start of pad site dirt work. This work shall include any planned retaining walls.

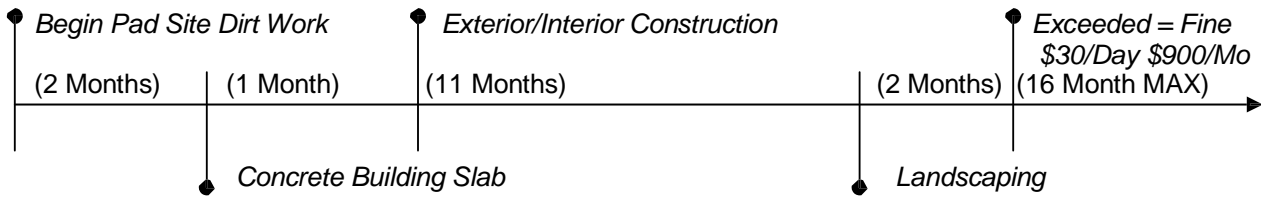
Concrete Building Slab--Must be complete within three (3) months from start of work on Pad Site Dirt Work.

Exterior/Interior Construction----Must be finished within Fourteen (14) months from the start of work on Pad Site Dirt Work.

Landscaping-----Must be complete within sixteen (16) months from the start of work on Pad Site Dirt Work.

Exceeded Timetable---Any Owner of any lot that is being improved shall be assessed thirty dollars (\$30.00) per day payable to the Picacho Mountain Homeowners Association for each day or portion thereof that exceeds the construction timetable set forth in this Section 5.1 (l).

Graphic Timeline Representation:



- (m) **No window or wall-type air conditioners** shall be permitted to be used, placed or maintained on or in any building in any part of the Properties.
- (n) **Approval of landscaping** must be given by the LEC before landscaping shall be done in the front of any newly constructed residential structure. Such landscaping is to be done in/around the driveway area and on the front of the Lot as viewed from the street at the time the residential structure is being completed and before occupancy. Please refer to section 6 for details concerning landscaping design and to Section 2.2 for landscaping plan submittal and review procedures.
- (o) **Exterior antennas, aerials, satellite dishes, or solar collectors** or other apparatus for reception of solar energy, television, radio, satellite or other signals of any kind shall not be placed, allowed, or maintained upon any portion of any Lot which is visible from any street, common area or other Lot unless it is impossible to receive signals from another location on the lot that is concealed from public view. In that event, the receiving device may be placed in a visible location as approved by the Lifestyle Enrichment Committee. The Lifestyle Enrichment Committee may require as much screening as possible while not substantially interfering with reception.

No satellite dishes shall be permitted which are larger than one (1) meter in diameter. No broadcast antenna mast may exceed the height of the center ridge of the roofline, or exceed the height of the parapet wall. No exterior antennas, aerials, satellite dishes or other apparatus which transmit television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon any portion of any Lot without prior approval by the LEC. This subpart shall be interpreted to be as restrictive as possible while not violating the Telecommunication Act of 1996, as may be amended from time to time.

The use of solar energy collection is encouraged; however, the placement of these panels must be such that they do not negatively impact the visual aesthetics of the home and/or neighborhood, as solely determined by the LEC.

Refer to Section 1.5 above for more details regarding solar panel installation.

- (p) **Utilities (Gas, Water, & Electricity)** shall be run from stub out to house in the least destructive manner possible. Anywhere possible, the utilities should follow the shortest possible path to the home without undue destruction of the natural environment. In either case, anywhere visible destruction occurs, the LEC reserves the right to enforce mandatory re-vegetation of the natural landscape at the expense of the site's owner.

Section 5.2 Pad Construction.

It is recommended that each lot have a soils boring performed and a geotechnical engineering report provided prior to construction of the pad. The recommendation of the engineer should be followed, and each pad built to the recommended specification. Such borings and reports in the Las Cruces area may be obtained from several companies who perform this service. This may add a small cost to the overall construction budget; however the long term benefit and assurance of having an engineered house pad in this sandy desert environment should be considered. Additionally, please refer to subsections 3.1.2 through 3.1.4 for details on recommended foundation/pad designs that help minimize the negative impact on the desert landscape surrounding the proposed home.

**General Notes**

Picacho Mountain encourages each lot owner to engage the service of a qualified landscape architect or designer. The quality of mature landscaping can add many thousands of dollars to the value of a home, and is a major element of any neighborhood. The time and effort spent in this area will reward the owner both during residence and at resale.

Please note that even though you may choose not to enlist the assistance of a landscape architect or designer, a detailed landscaping plan and plant list will still be required per the requirements noted in Section 2.2.

Section 6.1 Landscape Plant and Tree Height.

Trees and plants used in landscaping may not exceed the height of the primary residence.

Section 6.2 Grass.

It is the intention of this section to keep those areas of the Properties visible to the street as natural as possible, and to that end, grass may not be used for lawns or landscaping on front yards, or any street frontage. Artificial grass or natural grass of approved types may be used in areas of backyards not visible from the street at the vantage point directly in front of the center of the home.

Section 6.3 Plants.

All plants used for landscaping must be approved by the LEC and included in the Approved Plant List. It is the intent of this section to limit invasive, destructive, high water use, or otherwise undesirable plants.

Section 6.4 Minimum Planting Requirement.

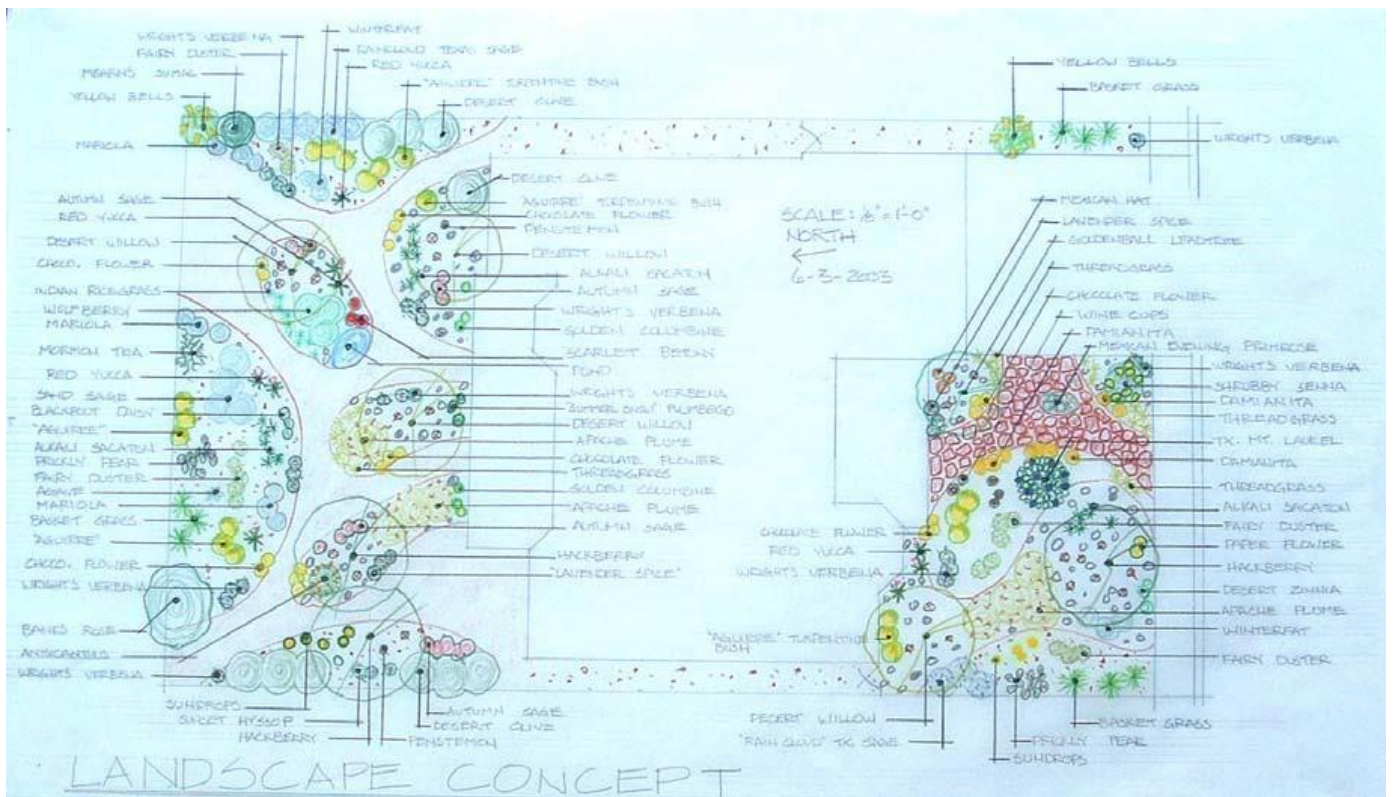
Each Estate Home lot owner shall plant a minimum of:

- (a) three (3) specimen trees of a minimum of 2" caliper in the landscape area in front of the primary residence;
- (b) Other landscape plants, including shrubs, grass, perennials, succulents and additional trees, must be planted at a density to cover at least 65% of the landscaped area at plant maturity or three years, whichever comes first. The landscape plan should reflect the mature plant sizes. It is recommended that larger container size plant be used in order to obtain a mature look as quickly as possible.

Each Custer Village Home conform with the Landscape Requirements in accordance with applicable Supplemental Declarations on record with Doña Ana County.

Section 6.5 Sample Landscaping Plan Illustrating Requirements.

The following sample illustrates what to expect from a landscaping plan as well as the execution of the aforementioned planting requirements as well as Section 2.2 requirements:



SECTION VII

DRAINAGE REQUIREMENTS



Section 7.1 Lot Site Runoff.

Lot site work and hardscape design shall provide for on-site retention of runoff created by roof drains, patios, driveways and any other design feature that may create runoff. Landscape swales and other design features shall not be constructed in a manner that could lead to soil erosion, or divert runoff to neighboring lots unless they are part of existing arroyos as defined on the site plan. Runoff shall be mitigated as much as possible on grades and slopes by the use of natural desert wildflowers and plants and rock mulches if necessary. Obstruction or re-direction of drainage following the initial location and installation of drainage swales, storm sewers, drainage channels or structures is expressly prohibited.

Drainage Details



Drainage Details (continued)

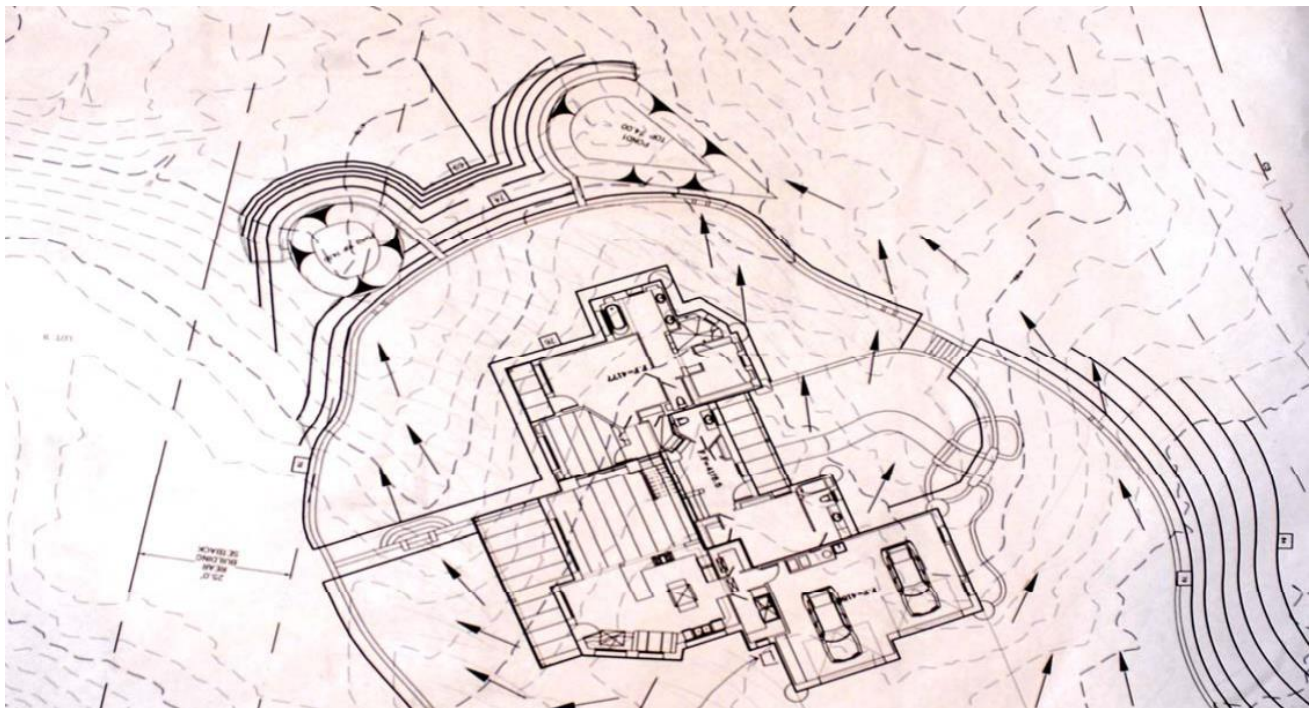


Materials used to slow runoff and stabilize slopes must incorporate multiple colors of multiple sized materials. No slope or grade shall be covered in one size or one color material. The placement of stabilization material should imitate the features of the natural terrain as closely as possible.

It is the responsibility of the owner and or builder of each lot during construction to abide by the EPA NPDES (including a Storm Water Pollution Prevention Plan) program as it pertains to individual lot construction.

Furthermore, any silt that washes into the streets as a result of improper site runoff control will be the responsibility of that site's owner to clean or repair. In the event that the silt is not properly removed, the LEC may exercise the right to clean or repair the problem and bill the site owner accordingly. Please refer to your covenants for more details in this area.

Drainage Plan Example



Note: Calculations for ponding areas and channels need to be shown.

SECTION VIII

LIGHTING REQUIREMENTS



Section 8.1 Lighting.

It is the intent to preserve the natural desert nighttime environment, and exterior lighting and landscape lighting should be used in a low or negligible impact manner. For purposes of this Section the lumen value (brightness) of any fixture shall be considered as the sum of the rated lumen values of each light source within each fixture.

To this end, exterior lighting shall be limited as follows:

- a) Exterior building mounted lighting fixtures may be installed for security, area or general illumination, provided such light is directed downward and away from adjacent lots, public areas, and streets.
- b) No exposed bulbs or bulbs under clear or lightly tinted protective fixtures shall be permitted.
- c) Lighting seen from the street shall be muted, and reflected or cast downward, not causing a bright spot that can impair night vision.
- d) No high power area floodlights will be permitted, and no fixture with a total lumen value greater than 450 shall be used in any exterior application unless the fixture is a fully shielded dark sky fixture. A maximum total lumen value of 1,200 is permitted for a fully shielded dark sky fixture.
- e) No light may be mounted on a pole or post.
- f) Limited subdued lighting may be used to reflect against the home as accent lighting, upon review and approval by the LEC in each location.

Exterior lighting requirements for Cluster Village Homes shall conform with applicable Supplemental Declarations on record with Doña Ana County.

Exterior Lighting Examples



Section 8.2 Security Lighting

Security lighting is discouraged; including motion detector activated lighting, and may be allowed only when the following standards are satisfied:

- a) Security lighting is prohibited on any residence elevation facing a street.
- b) Security lighting fixtures may not exceed the lumen value of 1,200 per location.
- c) If on a switch, security lighting may not be left on past midnight, and if on a motion detector activation system, the lighting may not remain lit for more than twenty (20) minutes.
- d) Security lighting may not be used for general illumination.
- e) Security lights must be shielded by a hood or shield that extends at least one (1) foot beyond the face of the lamp.
- f) If problems with security lights occur, the LEC and the Association reserves the right to demand that the fixtures be disconnected, and in the case of non-compliance to cause the lights to be disconnected and the cost assessed to the homeowner.

Section 8.3 Landscape Lighting Landscape lighting may be used sparingly in accordance with the following:

- a) Landscape lighting directed upward shall not be permitted due to the close proximity to the airport and restrictions required to conform with the UDC. The only exception to this, as an example, would be on approval by the LEC to accent trees or major plants by a single shielded or hooded lighting fixture.
- b) Each landscape lighting fixture must not exceed 450 lumens in any single installation, and be directed downward onto the ground (except as otherwise provided for in this Section), vegetation and other ground features, not onto any reflective surface, or any other surface that may produce a glare.
- c) All wiring for fixtures must be buried below grade
- d) Colored light bulbs, lens or reflectors are not permitted.

Landscape Lighting Examples



SECTION IX

SIGNAGE REQUIREMENTS

9.1 Lot Sale Signs

Signs for sale of a lot are to be consistent with the original Picacho Mountain lot sale signs as shown in the example below. Only one (1) sign per lot is allowed. No element of the sign may be closer to any street than five feet from the outside edge of the curb bordering the lot.

Conforming Lot Sale Sign Example



9.2 House Sale Signs

Signs for sale of a house should be consistent with signage and orientations currently used by local realtors but not more than six (6) square feet in area. Only one (1) sign per lot is allowed on the lot on which the house is located and no additional signage at other locations is allowed except for temporary special events (i.e. open house, etc.)

9.3 Builder's Signs

During the construction period builders may display one (1) sign of a design and material approved by the LEC that is not more than six (6) square feet in area on the lot on which the residential structure is to be constructed. No element of the sign may be closer to any street than five feet from the outside edge of the curb bordering the lot. Builder signs must be removed when construction is completed and a certificate of occupancy has been issued.

9.4 Construction Signs

Refer to Section 5.1 (i) above.

9.5 Other Signs

No other types of signs are allowed at other locations (i.e. street corners) except for temporary special events.

SECTION X AIRPORT CONSIDERATION

Airport Consideration Restriction.

The Picacho Mountain subdivision and all of the neighborhoods therein are in the Airport Operations District and are subject to the Flyover easement serving Las Cruces International Airport:

The Declarant hereby reserves to itself and for the benefit of the City of Las Cruces, New Mexico, Doña Ana County, New Mexico, the Las Cruces International Airport, and the general public at large, a perpetual easement for the free and unobstructed passage of aircraft and the unrestricted right of flight over and above the Property above a height of thirty-five (35) feet from the surface of the Property. Each Owner, by accepting title to a Lot subject to this Declaration, agrees that no structure will be constructed or erected on any Lot at a height in excess of thirty-five (35) feet above the elevation of the Lot unless any structure or improvements in excess of thirty-five (35) feet have first been approved by the LEC and any applicable governmental authorities.

In addition, each Owner, by accepting title to any Property subject to this Declaration, hereby waives and relinquishes any and all loss, liability, damage, actions, suits, proceedings, demands and claims (hereinafter collectively "Causes of Action") against Declarant, the City of Las Cruces, New Mexico, Doña Ana County, New Mexico, the Las Cruces International Airport and all organizations, entities and/or political subdivisions with responsibility for operating the same for any Causes of Action arising out of or relating in any way to the operation of aircraft over and above the Property and the ingress and egress of such aircraft to and from the Las Cruces International Airport.

By accepting any deed to any Lot or portion thereof, each Owner accepts such deed with full knowledge of the foregoing easement, disclaimer and release, the proximity of the Property to the Las Cruces International Airport, and all restrictions imposed by applicable laws, rules and regulations on the use of the Property by virtue of its proximity to the Las Cruces International Airport, or otherwise.

SECTION XI GLOSSARY and KEY TERMINOLOGY

- Architectural Guidelines. As outlined herein – to be used as an architecture guide.
- Design Guidelines. This document.
- Declarer/Declarant. Master Developer and Owner’s Representative for Picacho Mountain.
- LEC - Life Enrichment Committee. Committee appointed by Declarer/Declarant and formed to ensure that all design, improvements and construction meets the design criteria as established herein.
- Reviewer. Appointed by LEC and has administrative and interpretive authority both in the design review process and during construction to completion.
- Declaration of Covenants. Covenants Conditions and Restrictions or CC&Rs. Overall community guidelines that are a deed restriction on all property located within the confines of the Picacho Mountain community. Attached and/or available upon request.
- Design Review Process. The meetings, applications and submissions described in Section 2.2 that enables collaboration between the Owner and the Declarant and LEC in designing and constructing residences at Picacho Mountain compliant with the Design Guidelines.
- General Contractor. Licensed New Mexico contractor holding a GB98 general contractors license and who is responsible for building any improvement in Picacho Mountain.
- Notice of Approval. Formal written notification from the Declarant to applicant of the determination of the Reviewer regarding any Application or Submission as noted in Section 2.2 and Section 2.2 (f). Such Notice is required prior to commencing construction.
- Non-Conformance/Non-Compliance. Any work done in violation of this Design Guidelines, CC&Rs, and/or the applicable local and county codes and laws. Refer to Section 2.2 (e) and Section 2.6 for potential remedies and penalties.
- Owner. The buyer of the lot.
- Site Requirements. In order to maintain the overall community theme Picacho Mountain focuses a great deal of attention on the details of very specific guidelines. Section IV-Architectural Requirements is included in this Design Guidelines to emphasize the importance of architectural consistency to collectively achieve the desired end result . . . a beautiful coherent community.
- Uniform Development Code (UDC). Rules and regulations applying to unincorporated areas of Dona Ana County pertaining to all aspects of the planning, platting, zoning and subdivision of land, including but not limited to allowable and prohibited uses of land, design and construction standards, application procedures, reviewing agencies, etc., in accordance with the Joint Powers Agreement between the City of Las Cruces and the County of Dona Ana approved December 28, 2016.