

La Mesa Architectural Control Committee (ACC) Supplemental Rules

March 2001

With March 16, 2006 Updates

With July 5, 2007 Update

With January 11, 2011 Update (Application Form)

With August 17, 2011 Updates

With September 7, 2011 Updates

With June 19, 2018 Updates

With September 6, 2018 Updates

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Change History

July 14, 1988 (?)	Initial version
March 2001	Major revision to be consistent with November 1998 revision of CC&Rs.
March 16, 2006	Change Section 4.1(o): one outbuilding; maximum 1600 square feet.
July 5, 2007	Change Section 1.3.1 number of ACC members from six to five.
July 17, 2010	Replace application form.
January 11, 2011	Update application form to list ACC members.
August 17, 2011	Content Updates: <ul style="list-style-type: none">• Add CC&Rs Recitals quote to start of document• Recusal and conflict of interest (new text)• Definitions: add Coyote Fence, Landscaping, Rolled Livestock Fencing, Solid Fencing, Vermin Wire, and Yard Art.• Email (new text)• Development plan for a fence or wall (new text)• Driveways (revised text)• Fences and walls (revised text)• Solar equipment (revised text)• Replaced plants list with reference to Xeriscaping document• Grandfather Clause (new text)• Yard Art (new text)• Septic Systems (new text)• Flagpoles, Flags, and Symbols (new text)• Signs (revised text)• Appendix A: Colors (revised text)• Add Attachment 2: Fence pictures
September 7, 2011	Remove requirement that ACC Chair limited to one year
June 19, 2018	Add section restricting short term rentals (Bed & Breakfast or vacation rentals). Explicitly allow white or tan membrane roofs.
September 6, 2018	Content Updates: <ul style="list-style-type: none">• Remove references to specific ACC meetings• Remove section 1.4 Action Without Formal Meeting• Add lighting text from Sandoval County Zoning Ordinance• Add Section 2.2.8 Excess “earth” or “push over” material• Set Compliance Deposit to \$1,000 for new house• Update 4.1(n) to cover antennas and weather stations• Updated Appendix A – Stucco Colors

Note: All updates made since the March 2001 edition are indicated with a vertical change bar in the margin.

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Attachment 1: Application Form

Attachment 2: Examples of Acceptable and Unacceptable Fences

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2. The purpose of these CC&Rs is to carry out and maintain a uniform plan for the improvement, maintenance and use of the Property; to preserve the natural beauty of the Property; to guard against the erection of poorly designed or proportioned Improvements, or the use of unsuitable materials; to encourage and secure the erection and maintenance of well designed, attractive Improvements that are harmonious with their sites and consistent with existing Improvements; and in general, to protect and enhance the environmental quality and economic value of the Property, while protecting the rights of each Association Member to the enjoyment and beneficial use of his or her individually owned property.

La Mesa HOA CC&Rs Recitals¹

1. The ACC and These Supplemental Rules

1.1 These Supplemental Rules

Section 6.6(a) of the "Comprehensive Declaration of Covenants, Conditions and Restrictions" (CC&Rs) requires that the ACC draft and propose procedural and substantive rules necessary to carry out its authority. The La Mesa Homeowners Association (LMHOA) Board of Directors (BoD) reviews and approves rules for inclusion within the Supplemental Rules. This CC&R section further states "The Supplemental Rules shall not expand or alter the restrictions adopted by the Homeowners Association as set forth in these CC&Rs". The BoD must approve the "Supplemental Rules" before they become effective.

In the event of any conflict between the CC&Rs and these Supplemental Rules, the CC&Rs shall take precedence.

In this document the term "shall" is used to specify a requirement and the term "should" expresses a preference or an expectation.

Rules contained within this document are supplemental to the CC&Rs. It is the responsibility of the Property Owner to be familiar with the CC&Rs and these Supplemental Rules.

1.2 The Role of the ACC

1.2.1 Architectural Control Committee Authorization

The Architectural Control Committee (ACC) is described in and authorized by Sections 6.1 through 6.4 of Article VI of the CC&Rs.

1.2.2 ACC Purpose

The ACC oversees the physical development and maintenance of the La Mesa Subdivision, with the goal of ensuring both Property value and enjoyable use of that Property for the Owners.

The ACC makes decisions and takes actions by balancing the rights of individual Property Owners, rights of neighboring Property Owners, and the rights of all Members of the La Mesa

¹ CC&R quote addition approved August 17, 2011

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Homeowners Association (LMHOA). The ACC bases its decisions upon both the rules documented in the CC&Rs and within these Supplemental Rules and strives to achieve equity for all Members of the Community.

The ACC will work with Property Owners and their designees to make the building of, and any future Improvements to, their homes and property¹, as agreeable a process as possible. The ACC and its members are available to you, the Property Owner, to explain rules, and, in general, to provide information. Please feel free to call upon us. However, the ACC is bound by the same CC&Rs as are all who own property in La Mesa, and must work in the best interest of the Community.

1.2.3 ACC Philosophy

The ACC recognizes that La Mesa is a community approaching maturity and that every Property Owner needs freedom of action, within bounds, to make their property their home.

Consequently, the ACC will continue to be involved in Improvements to property, such as the initial development of a property, home additions, guest houses, walls, etc. but it will not pursue a requirement that all changes affecting the appearance of a property will require extensive plans or a lengthy review (see Section 2.3).

Furthermore, the ACC will recommend that the BoD bring action against any Property Owner for not adhering to the requirement to seek approval before making changes. It is the ACC's responsibility to act in accordance with the CC&Rs, ACC Supplemental Rules and the wishes of the Community as expressed through guidance from the LMHOA Board of Directors.

1.3 ACC Members, Officers and Duties

1.3.1 Number of Members

The ACC consists of five² members appointed by the La Mesa Homeowners Association Board of Directors.

1.3.2 ACC Officers

The ACC shall have a single elected officer - the ACC Chair. The ACC Chair shall be elected by the ACC members from among their membership as soon as possible when an ACC chair vacancy occurs.³ ⁴The ACC Chair serves as the focal point for communications between the ACC and Property Owners and between the ACC and the LMHOA Board. The Chair signs all letters conveying ACC decisions reached by majority vote and recorded in the minutes approving or disapproving Development Plans, and signs such other letters as are needed for the ACC to fulfill its obligations. The ACC Chair or designee conducts ACC meetings. The ACC Chair is empowered to appoint ACC members to positions needed to facilitate ACC business, such as members of Compliance Monitoring Teams or positions that assist the ACC Chair with administrative duties. Appointed positions serve at the pleasure of the ACC Chair.

¹ Editorial change approved September 6, 2018

² Change ACC from 6 to 5 members approved on July 5, 2007

³ Remove limitation that ACC Chair shall only serve one year approved on September 7, 2011

⁴ Remove reference to specific ACC meeting approved on September 6, 2018

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1.3.3 Role of ACC Members

All the foregoing notwithstanding, all ACC members are representatives of the ACC and are encouraged to help their neighbors by interpreting the rules, judging whether a Development Plan detail would be favorably received by the ACC, and providing such other help as one neighbor might provide another, within the bounds of the CC&Rs and the ACC Supplemental Rules.

1.3.4 Recusal and conflict of interest¹

If there is an actual or apparent conflict of interest, an ACC or Board of Directors member should not vote on an issue. This may be a situation such as an ACC Application submitted by the member, a complaint is against the member, the member could be or is being paid to perform some of the proposed work, etc. In addition, an individual who serves on both the ACC and the Board of Directors shall not vote on a particular issue in both roles.

1.3.5 Disposition of House Plans, Additions, Changes and Approvals²

The file [specified in CC&R Section 6.4(b), last sentence] will be maintained for a period of three years following the issuance of the Certificate of Compliance. At the end of the three year period the file will be returned to the current property owner. The Certificate of Compliance for each lot will be maintained in a single file, organized by street address, for as long as the ACC and HOA exist.

1.3.6 Filing of ACC "Request for Remodeling or Addition Plan Application" forms and other required documents³

Periodically during the year, the ACC Chair will deliver "Request for Remodeling or Addition Plan Application" forms in addition to any other required forms to the La Mesa HOA Secretary for filing in the hard copy system. The frequency and timing will be determined by the La Mesa HOA Secretary and the ACC Chair.

1.4 ACC Meetings

1.4.1 Frequency and Business Conducted

The ACC will generally meet as needed. The meeting agenda will generally cover approval of minutes of the previous meeting, ratification of actions taken without a formal meeting, report from the Chair, reports from compliance monitoring teams, old business, new business, and establishment of a time and place for the next meeting. An ACC meeting is required for a new home construction or a significant change or addition to a home or property.⁴

¹ Addition of recusal section approved August 17, 2011

² Approved March 16, 2006 as new Section 6.4(b). Made into Section 1.3.4 August 17, 2011 as editorial update.

³ Add section about filing applications approved September 6, 2018

⁴ Change ACC meetings from scheduled to as needed approved September 6, 2018

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~~1.4 Action Without Formal Meeting~~¹

1.5 Additional Definitions

Cantina - a ramada that includes a grill, or cooking area, and usually has a banco or other sitting space.

Coyote Fence² - A fence constructed of small (1" - 4") round latillas set vertically next to each other so that a coyote or similar sized animal cannot get through it.

Landscaping³ - Plants, rocks, and stonework outside a house. Landscaping does not include human made artifacts.

Neighboring Property - any Lot having a common lot line, or that would have a common lot line except for the intervention of a street, road, right-of-way or easement.

Parapet - is a low wall or railing to protect the edge of a platform, roof, or bridge.

Pilaster - an upright architectural member that is rectangular in plan and is structurally a pier. Architecturally it is treated as a column that usually projects a third of its width or less from the wall.

Portal - is a porch that is covered and supported by corbeled impostes (impostes form the base of an arch; here they are the corbels at the top of the supporting posts).

Ramada - a free standing canopy made of posts and a roof.

Pergola⁴ - a structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters.

Rolled Livestock Fencing⁵ - Single stranded wire fencing, similar to barbed wire, but without the barbs. See also definition of Vermin Wire.

Solid Fencing⁶ - Fencing made with wood or synthetic material pickets arranged so that visibility through the fence is mostly eliminated. Coyote fences and fences with flat pickets are examples of Solid Fences.

Vermin Wire⁷ - Woven Wire, Welded Wire, Poultry Netting, Galvanized Wire Mesh, Field Fence, Page Wire, Sheep Fence, or Poly Wire Fence. This includes things called "horse fencing", "deer fencing", "rabbit fencing", "garden fencing", "chicken wire", "hardware cloth" "landscape fencing", "wire mesh", etc.

¹ Remove section on "Action Without Formal Meeting" approved September 6, 2018

² Addition of Coyote Fence definition addition approved August 17, 2011

³ Addition of Landscaping definition approved August 17, 2011

⁴ Addition of Pergola definition approved September 6, 2018

⁵ Addition of Rolled Livestock Fencing definition approved August 17, 2011

⁶ Addition of Solid Fencing definition approved August 17, 2011

⁷ Addition of Vermin Wire definition approved August 17, 2011

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Yard Art¹ - A human made object that is placed outside a building for decorative purposes.

Examples of Yard Art include, but not limited to:

- sculptures
- decorative ceramic pot, with or without plants
- birdbath, birdfeeder, birdhouse
- decorative house numbers and/or homeowner names
- vegetable items such as a ristra or a carved pumpkin

The following are covered elsewhere, so are NOT considered Yard Art:

- an Improvement (structure, wall, fence, ramada, pergola, etc.), as defined in CC&Rs Section 1.10.
- vehicles (car, truck, trailer, RV, boat, tractor, etc.), machinery, and equipment, as described in CC&Rs Section 5.12
- signs, as covered in CC&Rs Section 5.18
- flagpoles, flags and symbols, such as a cross, menorah, etc. See Section 4.8.6 of this document.

1.6 Email²

Wherever the CC&Rs or these ACC Supplemental Rules call for a letter or written communication, that communication may be by a paper letter, or email. Requirements for a certified letter must still be met by a paper letter sent through the US Postal Service or an equivalent service that provides proof of delivery. Significant HOA and ACC email, including complaints, complaint or violation resolution, Development Plan approvals, Development Plan denials, etc. should be printed and retained in the ACC permanent files. Other email, such as meeting notices, draft agendas, topic discussions, etc. does not need to be retained.

2. The Development Plan

2.1 Authorization

The Development Plan is authorized and described at Sections 3.3 and 6.5 of the CC&Rs. This part of the Supplemental Rules describes its content.

2.2 Elements of a Development Plan

2.2.1 Application

The first element in the Development Plan is the "Request for Development Plan Approval," often called the "Application," It is provided here as Attachment 1.³ It must be filled out as completely as possible.

¹ Addition of Yard Art definition approved August 17, 2011

² Addition of Email section approved August 17, 2011

³ Editorial: Reference to Attachment 2 changed to Attachment 1 August 17, 2011.

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2.2.2 Site Plan

The Site Plan shall:

- Show the location of the Proposed Improvements on the land including dimensions to all lot lines.
- Show location of all utility lines, septic tank, leach field, driveways and any other structures.
- Show any markers as required by Section 2.2.7 "Siting Verification".
- Show any areas within which trees are expected to be moved, damaged or destroyed.
- Show flagging or marking of the site per the requirements of Section 3.2.3 below.
- Show the location of the portable toilet.
- Show the location(s) of covered trash container(s).

2.2.3 Elevation Drawings

Elevation drawings are required showing all elevations (generally four views - front, rear, and right and left sides). They shall include:

- Elevations of all Improvements with respect to existing and finished grade and showing ground contours to show the siting of the house as it will appear when built. The elevation drawings shall contain dimensions and, if requested by the ACC, topographic information, to show the effect on surrounding Property views.
- All roof-mounted hardware, including but not limited to, stacks and roof-mounted air coolers that are not screened by parapets. Dimensions shall be included.
- Screening for Air Conditioners, Swamp Coolers, Tanks and equipment.
- Courtyard walls and gates.

2.2.4 Building Plan

"Building Plan" refers to the plan view of the structure and shall include:

- The location of air coolers and ducting.
- Any required screening designed to obscure coolers, tanks and equipment or any other hardware.
- Any other exterior details that will be visible from the road or any other Lot, e.g., corbels, posts, portals, parapets, decking, walkways, etc.
- All courtyard walls, arches, and gates.
- A delineation of heated and unheated space (square footage) within any building.
- All drainage and culverts required per site conditions.¹
- Utilities, both temporary and permanent, location, trenching, and other aspects of installation.

2.2.5 Lighting

The Development Plan shall indicate the location, color, and type of all external lighting. The planned time setting for motion-sensing light fixtures shall be indicated.

¹ Editorial addition approved September 6, 2018

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¹Note that the Sandoval County Zoning Ordinance (10-11-18.7A) has explicit lighting requirements for the CD-WP West Placitas Community District (which includes the La Mesa Subdivision):

5. Outdoor light fixtures shall comply with the following:
 - a. Fixtures shall be shielded such that light rays emitted by the fixture are projected at 45 degrees from a point on the fixture where light is emitted.
 - b. Where used for security purposes, or to illuminate walkways, equipment yards and parking lots, only shielded outdoor light fixtures shall be utilized.
 - c. Fixtures shall be required to have all light focused downward.
 - d. Exterior lighting shall be shielded in such a manner so that it does not shine onto any adjoining residential properties.
 - e. Outdoor light fixtures shall be limited to sixteen (16) feet in height.

2.2.6 Landscaping and Restoration Plans

The Landscaping Plan shall be submitted as a part of the Development Plan and shall show the locations of all trees and large shrubs to be planted and any landscaping to be located outside of courtyard walls. In addition, a Restoration Plan shall be submitted that indicates the restoration to be made at the completion of construction. The Restoration Plan shall describe how areas damaged during construction will be repaired.

2.2.7 Siting Verification

When Improvements are to be within five (5) feet of, or within, any setback, the ACC requires a siting verification. The methodology for verifying the siting of the Improvement must be specified in the Development Plan. As a minimum, it must address notification to the ACC by the Property Owner or Contractor at pertinent development stages (e.g. surveyor marking of foundation location, stem wall form construction) and the means by which the ACC may verify setbacks. The minimum required and suggested methodology is to provide a surveyed reference line as described in Section 3.2.3.

2.2.8 Excess "earth" or "push over" material²

Excess landfill material from site construction may be used when needed to establish a site, building, wall foundation or path. It may also be used inside a courtyard wall. "Push over" material should not cover native landscaping just for material disposal. Such material should be removed from the property.

¹ Add text from Sandoval County Zoning Ordinance approved September 6, 2018

² New section on excess earth approved September 6, 2018

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2.3 Development Plan Content

2.3.1 For Improvements on an Unimproved Lot:

- A completed application form
- Site plan, showing location of portable toilet and covered trash container
- Elevations - front, rear, both sides
- Building plan showing location of key building elements and all details, including lighting and equipment
- Landscape Plan, including plans for site restoration

2.3.2 For Improvements on an Improved Lot

- A completed application form those items listed below which are relevant to the project
- Site plan - show addition in relation to existing structures and showing location of portable toilet and covered trash container if required
- Elevations - front, rear, both sides (show addition in relation to existing structures)
- Building plan showing location of key building elements and all details, including lighting and equipment
- Plans for restoration, if needed

2.3.3 For Other Improvements (landscaping)

- A completed application form for landscaping not exempted from "any requirement for further ACC approval" by CC&R Section 4.2.
- Sketches (or a landscape plan) to show what is to be done.

2.3.4 For Improvements/Maintenance Not Needing ACC Notification ¹

The following Improvements and maintenance activities do not require ACC approval. Because the ACC is frequently asked by neighbors who see activity, "What is going on?", property owners are requested to notify the ACC about such Improvements.

- Repainting or re-stuccoing the structures to the existing color (Maintenance)
- Landscaping as specified in CC&R Section 4.2 "Trees, Shrubs and Landscaping"
- Re-roof without changing color and appearance (Note that changing the appearance of a roof, such as replacing a tar and gravel roof with a membrane must be approved by the ACC in writing.)
- Replacement of a septic tank, drain field, or related facility.

2.3.5 For Improvements that include a Fence or Wall – Require ACC Approval²

- A completed application form
- A site plan, showing the proposed run of the wall or fence relative to property lines, setbacks, and all existing and proposed buildings on the property

¹ Revised section heading and text approved August 17, 2011

² Addition of fence development plan section approved August 17, 2011

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- Visual material to clearly show the proposed appearance, such as an elevation drawing, a sketch, a photo of a similar fence or wall, copy of an advertisement, brochure, web page, etc.
- Information showing specific colors, textures, and other visible features

Note that the pictures of fences shown in Attachment 2 are only examples. Each application for a fence will be considered on a case-by-case basis.

2.4 Other Matters

2.4.1 *Subdividing a Lot*

The following Rule is supplemental to CC&R section 9.12 "Further Subdivision".

In response to a request to subdivide a Lot, the ACC will consider a number of things affecting the Lot and Subdivision such as, access, appropriateness of any building site(s), and impact upon neighboring Lots.

3. Making Improvements to the Property

3.1 Obtaining Approval of the Development Plan

3.1.1 *Preliminary Plans*

The Property Owner should submit a Preliminary Plan for consideration to answer any questions or address any uncertainties that the Property Owner has before submitting a formal Development Plan. This may be especially useful when waivers to CC&R or ACC Supplemental requirements might be needed. This may save the Property Owner both time and expense. The ACC will help provide resolution.

3.1.2 *Submitting a Request for Development Plan Approval*

Submission of the Request for Development Plan Approval to the ACC shall be in the name of the Property Owner and delivered to the ACC Chair or sent by registered mail or email to:

La Mesa Homeowners Association	OR
Attention: Architectural Control Committee	Hand deliver to any ACC member
5 Calle Cienega	Phone numbers are listed in the
Placitas, NM 87043	La Mesa Directory

OR acc@lamesahoa.org¹

The ACC's primary contact is with the Property Owner. However, in many instances, Property Owners have desired that the general contractor interface with the ACC for many or all matters relating to development. In those cases, the ACC will deal directly with the contractor, but all correspondence will be addressed to the Property Owner, with copies to the Contractor as appropriate.

¹ Add ACC email address approved September 6, 2018

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The submittal to request Development Plan Approval shall consist of the following: 1) two copies of the Development Plan; 2) A \$200 non-refundable Submission Fee, if applicable; 3) The Compliance Deposit.

3.1.3 Fees and Deposits

The \$200 Submission Fee shall be paid by check, payable to "La Mesa Homeowners Association." This is a one-time fee and is paid for each Lot at the time of initial development of that Lot.

Compliance Deposits for the initial development of a Lot (as defined in CC&R 3.4(c)) are as required by CC&R section 6.4(b).

The required Compliance Deposit¹ for any development subsequent to the initial development of a Lot will be determined by the ACC. The ACC will take into consideration the development size, access to the development site (location on the Lot) and, primarily, the damage to the La Mesa subdivision if the project is not completed in compliance with the approved Development Plan. The Compliance Deposit will be \$1,000 for a new house.²

3.1.4 ACC Review of the Development Plan

The ACC shall review the Development Plan in accordance with CC&R section 6.5(b).

The following is a supplement to CC&R 6.11 (b). "ACC Meetings and Voting".

Once the ACC members are satisfied that they understand the Development Plan and the request for approval being made by the applicant, the applicant may, if in attendance, be asked to leave, if the ACC deems necessary, while the members reach a decision and vote.³

3.1.5 On-site Assessment

As a part of the Development Plan review, the ACC will visit the Lot to make an on-site assessment, including a siting review. This will generally take place within a week of the ACC meeting at which the Development Plan was considered. The Property Owner or designee is requested to attend to answer any questions the ACC may have regarding siting of the structures on the Lot.⁴

The outline and location of any Improvements on the Lot shall be temporarily identified by the applicant "on the ground" (stakes, string, flags, chalk, etc.) prior to the On-site Assessment and prior to Development Plan approval.

- The ACC will review the siting of the proposed Improvement
- The On-Site Assessment will consider the preservation of trees, drainage and views from Neighboring Property. The ACC will make decisions relative to the siting of Improvements by balancing the rights of the individual Property Owner, rights of neighboring Property Owners, and the rights of all Members of the LMHOA.

¹ Editorial change to add "Compliance Deposit", August 17, 2011

² Change Compliance Deposit to \$1,000 approved September 6, 2018

³ Editorial: Reference to Attachment 4 removed August 17, 2011, since it is no longer available.

⁴ Editorial: Reference to Attachment 5 removed August 17, 2011, since it is no longer available.

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- The Site Plan and Elevation drawings of the Development Plan will be available to owners of adjacent properties for review and comment. The ACC will attempt to contact neighbors whose views might be affected by the proposed Improvement. Comments will be reviewed and considered by the ACC.
- The Property Owner or designee must implement siting changes as required by the ACC.

3.1.6 Waivers

The ACC is empowered to waive only the setback provisions of Article IV, and then only for fences or walls. The request for a waiver should accompany the "Preliminary Plans" or the "Request for Development Plan Approval" as a letter to the ACC. It will be considered in conjunction with the Development Plan. However, additional time may be required if neighbors object to granting the waiver. Discussion with the neighbors before submitting the request will help speed consideration by the ACC.

3.1.7 Waivers and Substantive Changes

Section 6.5(b) of the CC&Rs requires that the ACC either approve or disapprove a Development Plan within 30 days, with certain specified extensions. Given this requirement, it is not feasible for the ACC to consider substantive changes to the Development Plan during the review process. These will be treated as a new Development Plan. Therefore, if a substantive change is requested during the review process, the Development Plan will be disapproved. The changed Development Plan may be resubmitted with no additional review fee.

3.1.8 Notification of ACC Decision

Generally the Property Owner will be notified of an ACC decision by telephone or email (with a request to acknowledge receipt)¹ within a very few days of the decision being made. This will be followed up by a written notification - generally a letter sent by first-class mail to the Property Owner or email. Note that the CC&Rs specify certified mail, return receipt requested, for disapproval.

3.1.9 Right of Appeal

In certain circumstances the Applicant has the right to appeal an adverse decision of the ACC as per CC&Rs Section 6.9.

3.2 Construction

3.2.1 Start of Construction

Refer to CC&R section 6.4(b)

3.2.2 Disturbance of Neighboring Property

There shall be no disturbance of Neighboring Property. Any disturbance that does occur shall be repaired to the approval of the neighboring Property Owner(s). The ACC may act to protect the Lot of an absentee Property Owner.

¹ Add that email is acceptable approved September 6, 2018

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3.2.3 Flagging & Marking

Construction area flagging: There shall be flagging and roping off of the areas within which all construction activity will occur in order to keep construction vehicles and workers from destroying the natural vegetation. The ACC, at its discretion, may require the Property Owner to replace trees or shrubs that are substantially damaged or removed if those trees were not approved for removal.

The ACC may require flagging of Lot lines at its discretion.

Siting Verification Marking: When Improvements are to be within five feet of, or within, any property line setback, the Property Owner/Builder shall provide surveyed markers that allow verification by the ACC both prior to and following any and all foundation installation. A survey certificate, showing the location of the survey markers, signed by a licensed surveyor shall be submitted to the ACC. No foundation work shall be undertaken until written approval has been received from the ACC. Generally, surveyed markers that define the property line adjacent to the closest approach to the proposed Improvement will suffice. The location and method of installing markers shall be defined in the Development Plan and shall be in collaboration with and approved by the ACC prior to Development Plan Approval.

The ACC, at its discretion, may require that a survey of the completed foundation be submitted to the ACC for approval prior to the start of framing. In general, this requirement will be imposed when the setback cannot be determined independently with the resources available to the ACC.

3.2.4 Trash, Construction Waste and Garbage

The following is supplemental to CC&R section 5.11.

The ACC suggests a separate covered barrel for lunch trash. The enclosure(s) may be delayed until a suitable site is created but not later than the arrival, at the Lot, of building materials. If, during construction, trash is not properly contained, the ACC may have the trash removed from the property. The cost of removal will be deducted from the Compliance Deposit. The final compliance review will include a survey of Neighboring Property to ensure construction debris has been removed.

3.2.5 Sanitation

Builder shall install and maintain a Portable Toilet. Installation shall be prior to the regular presence of workers at the site.

3.2.6 Signs

During construction, cautionary signs may be used if approved by the ACC Chair. These signs will be approved only where warranted and only for a limited period of time. Use of such signs for a period of time exceeding two months will require approval (or affirmation) in writing by the ACC. All signs shall be no larger than 24" x 36."

3.2.7 Time for Construction

The following is supplemental to CC&R section 3.4(a).

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The intent of this rule is to ensure that a lingering partial development of a Property does not detract from the community. An extension may be granted when requested by the Property Owner.

3.3 Compliance Monitoring

3.3.1 Compliance Monitoring Team

- ACC Compliance Monitoring Team Appointment: At the time of Development Plan approval, the ACC will assign a team (usually two members) to the development project to monitor compliance with the Development Plan. In general, the team will not include owners or residents of Neighboring Property.
- Team Member Replacement: A Property Owner may request the replacement of a team member by a written request to the ACC. A cause need not but may be stated. The Property Owner may also request a meeting with the ACC Chair or the Committee. The ACC will review the request and may replace the team member.
- Appeal: If the ACC does not replace the team member, the Property Owner may appeal to the Homeowners Association Board of Directors.

3.3.2 Compliance Monitoring

- The assigned ACC team will visit the construction site periodically, based on the pace of construction, to inspect the Property and the Improvement exterior to determine if the Improvements and construction activity are in compliance with the Development Plan as approved by the ACC. To that end, the Property Owner must provide access to the Property. If the Structure is occupied, the ACC team member should call for an appointment to enter the Property.
- ACC members are not to interfere with construction and are to be concerned only with inspection external to the house.
- ACC team should note compliance problems on a visitation record,¹ which may be brought to ACC meetings for discussion and filed with the ACC records for that Property. Should action be required, the ACC will send a letter describing the problem to the Property Owner, with copies to the builder and the LMHOA Board President.

3.3.3 Compliance Violations

- The Property Owner will receive notification of failures to comply with ACC Rules, and/or CC&R provisions by certified mail return receipt requested, with copies to the builder by first-class mail.
- After the letter for the first infraction, the ACC may charge any subsequent infractions against the Compliance Deposit. The amount to be withheld will depend upon the severity of the infraction and/or the number of prior infractions.
- Any violations of the CC&Rs and the ACC Rules can and will result in a withholding of a portion or all of the Compliance Deposit. Expenses and any legal fees incurred to enforce

¹ Editorial: Reference to Attachment 6 removed August 17, 2011, since it is no longer available.

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compliance shall be against the Compliance Deposit. When the Compliance Deposit is depleted, additional charges may result in a lien on the Property.

3.4 Return of Compliance Deposit

Section 3.4.1 through 3.4.6 is supplemental to CC&R section 6.4 and 6.9

3.4.1 *Responsible Parties*

It is the responsibility of the Property Owner to ensure that the CC&Rs and the ACC Supplemental Rules are adhered to and that the Development Plan is fully and faithfully implemented. If, for any reason, the responsibility for the execution of a Development Plan, or a portion thereof, is changed from the party submitting the Compliance Deposit the Compliance Deposit will not be returned until alternative arrangements, satisfactory to the ACC, are made.

A change in responsibility may occur for many reasons. Two examples are; 1) a contractor is released from a project by a Property Owner and the contractor had submitted a Compliance Deposit for the Property Owner, and 2) sale of a partially completed development.

3.4.2 *Notification of Completion*

The Property Owner or Builder submitting a Compliance Deposit is responsible for notifying the ACC when construction is completed.

3.4.3 *Compliance Review*

The assigned ACC team will meet with the Property Owner or designee upon completion of construction.¹ The ACC team shall address any issues of non-compliance found at that time and seek their correction.

3.4.4 *Determination of Compliance*

Determination of compliance is a critical issue in that non-compliance may cause a Property Owner the loss of Compliance Deposit, voting privileges, legal or other actions in accordance with the CC&Rs.

Non-compliance may occur because the Property Owner: 1) commenced construction of an Improvement without an approved Development Plan; 2) deviated from the approved Development Plan; 3) did not complete construction within the time specified in the CC&Rs or these Supplemental Rules; or 4) did not ensure proper control of the construction site and environs. Compliance is an ongoing process. A Compliance Deposit that is forfeited for violations in accordance with CC&R 6.4(c) and 6.9 will not be refunded upon a final determination of compliance at the end of the project. Compliance may be achieved as follows:

1. If construction has commenced without an approved Development Plan
 - Filing a Development Plan, meeting the requirements of the CC&Rs and Supplemental Rules and receiving written approval from the ACC. Construction shall cease until

¹ Editorial: Reference to Attachment 7 removed August 17, 2011, since it is no longer available.

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Development Plan is approved. This compliance will be achieved once the written approval has been granted.

- Restoring the property to its original condition. This compliance will be achieved when the restoration is complete.
2. If there has been a deviation from an approved Development Plan
 - Requesting an amendment to the Development Plan and receiving written approval from the ACC. This compliance will be achieved once the written approval has been granted.
 - Restoring the Improvement to agree with the Development Plan. This compliance will be achieved when the restoration is complete.
 3. If the time limit for completion has been exceeded
 - Completing the approved construction, modification or alteration. This compliance would be achieved upon completion.
 - Requesting an extension from the ACC stating the reason for the delays. An extension may be provided based upon the impact of the delay on the Community. Compliance will be achieved when written approval is given.
 4. If there has been inadequate site control, this compliance will be achieved upon whichever of the following is appropriate:
 - Removal of all trash or debris
 - Restoration of damaged vegetation
 - Exercising better control over work crew behavior

3.4.5 Restoration

The following is supplemental to CC&R section 4.2(a).

The ACC will consider the requirement for restoration to have been met when the Restoration Plan submitted as part of the Development Plan is complete. This means that all materials are in place and any areas that are required to be seeded as part of that plan have one month's growth. Refer to CC&R section 4.2(a).

3.4.6 Release of Compliance Deposit

The following is supplemental to CC&R section 6.4(c) and 4.2(a).

The ACC will release the Compliance Deposit when it deems that compliance is complete. A transmittal letter will accompany the compliance refund. The check for the Compliance Deposit, less any funds withheld for compliance violations and/or funds expended to enforce compliance, will be mailed to the person who signed the Compliance Deposit check.

Full compliance requires that any restoration required by the Development Plan be complete prior to the release of the full Compliance Deposit. However, a partial release may be made when all construction is complete except for restoration that has been delayed by weather or other circumstances beyond the control of the homeowner. In this situation a minimum of \$50 will be withheld, in addition to any funds forfeited for violations enumerated above. Additional sums may be withheld dependent upon the extent of the required restoration.

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3.5 Certificate of Compliance¹

The following is supplemental to CC&R section 9.14.

A Certificate of Compliance will be issued concurrent with release of the Compliance Deposit, with no action required on the part of the Property Owner. Property Owners making Improvements that do not require a Compliance Deposit may submit to the ACC a written request for a Certificate of Compliance.²

4. Requirements

Rules contained within this document are supplemental to the CC&Rs. It is the responsibility of the Property Owner to be familiar with the CC&Rs and this document.

The following supplemental requirements are numbered as the CC&R Section 4 requirements are numbered for ease in cross-referencing. CC&R sections for which a supplemental rule does not exist are omitted from this document. Those requirements not directly related to a CC&R section, but that are within the authority of the ACC to designate, are listed in Section 4.8.

4.1 Requirements for structures

4.1(b) Locating Structures and Improvements; Height Limitations

Building height is measured from the highest point of the original grade under the footprint of the Structure to the highest point of the Structure, excluding chimneys, but including parapets and enclosures to screen equipment. Buildings that are not higher than 14 feet will generally be approved. Buildings higher than 17 feet will be approved only in settings that minimize the visual impact of the structure. The ACC recommends multi-level (one story) plans on hillside Lots to minimize the visual effect.

4.1(e) Exterior Color Schemes and Materials

Appendix A contains approved colors and color schemes.

4.1(f) Private Waste Disposal Systems

The preferred location is alongside the driveway to reduce damage to vegetation during construction. No leach lines may drain into arroyos.

4.1(g) Roofing Materials

Roofing materials, especially on lower roofs without parapets such as on some portals, should conform to the color of the Structure. Roofing materials may include roofing tiles when used as an accent. Roofing materials used on pitched roofs shall have a flat or matte finish and shall

¹ Editorial correction to change "Certificate of Completion" to "Certificate of Compliance", August 17, 2011

² Editorial: Reference to Attachment 3 removed August 17, 2011, since a different format is used.

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coordinate with the color of the Structure or its trim. White or tan/stucco colored membrane-type roofing material may be used on flat roofs with parapets.¹

4.1(h) Driveways²

1. The ACC recommends not paving driveways that have any significant slope, particularly if they empty onto an unpaved street or road. Such driveways have a tendency to channel and drain rainwater from the Property onto the street, causing erosion.
2. Property owners should construct culvert crossings to maintain drainage and ensure erosion of the driveway and community roadways are minimized. Property owners are responsible for maintaining their own culverts.³
3. Fences, edging, or decorative entryway structures may be placed along driveways. Some acceptable types are: 1) two- or three-rail split-rail fencing; 2) railroad ties that are partially buried and are laid alternately horizontal and vertical, with the vertical sections no more than two feet in height from ground level; 3) stone, adobe, or stuccoed walls up to four feet in height; or 4) Coyote Fencing.
4. House numbers and names - Note that the Sandoval County Addressing Ordinance (02-03-21.11 C) requires that each house have a standard red reflective house number. In addition, southwest style house numbers and names (of the street, residents, or house) are allowed.
5. Driveway gates must be approved by the ACC in writing.⁴

4.1(i) Fences, Walls, Retaining Walls, and Gates⁵

1. Fences & Walls

As a general guideline, fences and walls should retain the rural, informal, open and unfenced look of La Mesa. They should complement the landscape, preserving and improving the area. The following is a direct quote from CC&Rs Section 4.1 (i) (1), (reformatted with line breaks to help readability):

(1) The following materials are specifically authorized for walls and fences to enclose courtyards and garden areas:

adobe block, stuccoed or unstuccoed;

cinder block or framed wall with paper and wire under three coat stucco or any equivalent stucco system which effectively conceals the underlying construction in all weather conditions;

- *"coyote" fencing;*
- *split rail cedar of two or three rails;*

¹ Membrane roofing explicitly approved June 19, 2018

² Revision of Driveways section approved August 17, 2011

³ Revised culvert text approved August 17, 2011

⁴ New text on driveway gates approved August 17, 2011

⁵ Revision of Fences section approved August 17, 2011

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- *vertical cedar pickets mounted between stuccoed pilasters of the same color as the residence spaced no more than twenty five (25) feet apart, and with the cedar pickets stained or painted to match as nearly as possible the color of the residence;*
- *painted pipe (horse lots, corral area only).*

Vermin wire may be installed if concealed behind natural vegetation or mounted behind split rail cedar, or "coyote" fencing.

The ACC may approve additional wall and fencing materials and designs, but the use of chain link fence, barbed wire or rolled livestock fencing shall not be approved under any circumstances.

Attachment 2 shows examples of acceptable and unacceptable fences. These are only examples, and each application for a fence will be considered on a case-by-case basis.

Note that there are fences in La Mesa that do not meet the following rules; such fences may have been built before the current CC&Rs and/or ACC rules were adopted.

- 1.1. Wall and fence placement - Solid Fences and walls should either be attached to a building or used for screening.
- 1.2. Picket fences and pilasters - All picket fences running longer than twenty-five (25) feet shall have stuccoed pilasters, spaced not more than twenty-five (25) feet apart. Pilaster stucco shall match the color and texture of the residence stucco.
- 1.3. Picket fences - The space between pickets shall not exceed two inches.
- 1.4. Split rail fences - Split rail fences shall have posts and rails of rough cut wood.
- 1.5. Coyote Fences - Coyote Fences shall be constructed of vertical latillas. All structural elements, posts, rails or cross members and other support members, shall be placed on the inside and shall not be Visible From Neighboring Property. Coyote Fences may have stuccoed pilasters. If used, such pilasters shall be spaced not more than twenty-five (25) feet apart and pilaster stucco shall match the color and texture of the residence stucco.
- 1.6. Coyote Fence Height - Latillas may be cut to a uniform length or have irregular lengths, not to vary from latilla to latilla by more than 6 inches.¹
- 1.7. Coyote Fence Surface - Latillas may be left natural with bark, bark shaved off, or smoothed.
- 1.8. Screening fences - Picket having a total run of twenty-five (25) feet or less are not required to have pilasters.
- 1.9. Screening materials – Other than Vermin Wire, screening materials shall not be added to a fence.

¹ Clarification of Coyote Fence approved September 6, 2018

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- 1.10. Inappropriate fences - The following types of fences are inconsistent with the CC&Rs and the open and informal look of La Mesa so will not be approved:
 - 1.10.1. Fences having any chain link, barbed wire, or Rolled Livestock Fencing
 - 1.10.2. Fences made only of vermin wire supported only by vertical posts
 - 1.10.3. Fences with metal posts or pickets (steel, wrought iron, or any material that gives that appearance). (See CC&Rs Section 4.1 (e).)
 - 1.10.4. Fences that provide a formal look, such as smooth cut pickets spaced more than 2 inches apart, or only smooth posts and rails without pickets.
 - 1.10.5. Coyote fences with visible railroad ties, square or rectangular posts, or metal posts.
 - 1.11. Height Measurement - The height of walls and fences shall not exceed six feet, measured from undisturbed natural grade **outside** the wall or fence to the highest point of the wall or fence, excluding pilasters, arches and gates. For a wall that is part of or is built above a retaining wall, measurement is to the finished grade on the uphill slope of the retaining wall.
 - 1.12. Height waiver - The ACC may allow, in writing, a wall or fence to exceed the height limitation to accommodate specific terrain.
 - 1.13. Enclosed Area – In accordance with CC&Rs Section 4.1 (i) (6), a property owner may enclose up to a cumulative area of one half (1/2) acre per lot by fences and walls. The ACC may, but is not obligated to, approve a request to enclose a larger area, depending on the lot size and community visibility.
 - 1.14. Arches - Courtyard arches and gates shall be in proportion to wall heights and building elevations.
 - 1.15. Plant cages - "Cages" placed around plants to discourage consumption by wildlife are not considered "fences".
2. Gates
 - 2.1. Use of wood or wrought iron in gates - See Appendix A "Garage Doors, Doors, Gates and Trim Colors.
3. Retaining walls
 - 3.1. Plans for retaining walls must include a description of the measures employed to deal with runoff and to eliminate or minimize erosion.
 - 3.2. A retaining wall may be as high as required for its function, but may not extend more than 1 foot above the ground on the up-slope side, unless it also serves as a courtyard wall.

4.1 (j) Tanks, Air Conditioners and Swamp Coolers

Additional equipment, such as heaters and pumps for swimming pools, must be screened if visible from Neighboring Property.

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4.1(k) Screens

- **Materials:** When evergreen trees or shrubbery are used to screen tanks and/or equipment, the plants shall be of sufficient size and density to provide an effective screen at the time of installation. Screening trees and/or shrubs shall be maintained to continue to provide screening.
- **Height:** Screening shall be at least two inches above the highest point of the tank, cooler, antenna, or equipment. Whenever the screening is insufficient to obscure these items from Neighboring Property, the visible portions of shall be painted to match the house.

4.1(l) Exterior Lighting - Motion Detectors

The ACC will approve lights activated by a motion detector, provided that the system includes a timer that has been set to shut off the lights after approximately one minute with no motion and otherwise conforms to the requirements of CC&R section 4.1(1). Each fixture must have a separate motion sensor. The motion sensor should be insensitive to passing rabbits, coyotes and other small wildlife. See Section 2.2.5 for additional exterior lighting details.¹

4.1(m) Solar Equipment²

The ACC encourages the use of solar energy collection and in recognition of the New Mexico laws regarding solar, will work with the applicant to mitigate any potential visibility or reflection issues with neighboring property. The preferred installation method is roof mounting rather than ground mounting. A ground mounting method may require approved screening to minimize visual impact. Solar system installations need ACC approval.

4.1(n) Windmills, Towers, Antennas, and Weather Stations³

Satellite dish antennas one meter or less in width do not require screening. Homeowners are encouraged to place satellite dish antennas to minimize visibility to neighboring properties. Over the air (OTA) television antennas are allowed and do not require screening. Weather stations are allowed and homeowners are encouraged to place weather stations to minimize visibility to neighboring properties.

4.1(o) Outbuildings

Each lot may have one outbuilding.⁴ The outbuilding may be garage or carport for up to four vehicles, studio, workshop, guesthouse, or a barn and corral if on a Horse Lot. All outbuildings must be approved in writing by the ACC. Open structures such as cantinas, ramadas, pergolas, gazebos as well as greenhouses are not considered as outbuildings if attached to the primary residence or sharing a courtyard wall.

¹ Reference to Section 2.2.5 approved September 6, 2018

² Revision of Solar Equipment text approved August 17, 2011

³ Change satellite dish size and placement, and add text allowing OTA antennas and weather stations approved September 6, 2018

⁴ Approved March 16, 2006

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Outbuilding shall be no larger than 1600 square feet in area (exclusive of portals, porches (open and closed¹) and patios).²

Outbuildings shall be constructed on-site, attached to a permanent foundation, and have underground utility connections and comply with all requirements of CC&R Article 4. The color and architectural details must match those of the residence.

4.2 Trees, Shrubs and Landscaping

4.2(b)(1) *Approved Plants*³

CC&R section 4.2(b)(1) states that "The ACC shall establish, as part of the Supplemental Rules, a List of Plants recognized for their drought-tolerance and low-water requirements when established. Property owners should refer to the list of Xeric plants identified in *Xeriscaping: The Complete How-To Guide*, published by the Albuquerque Bernalillo County Water Utility Authority (PO Box 1293, Albuquerque, NM 87103, www.abcwau.org). This document is also available at the Sandoval County Extension Office, 811 Camino del Pueblo, Bernalillo, and the New Mexico Office of the State Engineer (www.ose.state.nm.us/WUC/wuc_homeOwners.php). If this document is not available, property owners should use the expertise of local nurseries in selecting Xeric plants.

4

4.7 Grandfather Clause⁵

The rules in this ACC Supplemental Rules document are forward looking. Each rule only applies to all Improvements made after that rule is adopted. All Improvements existing as of the date a specific rule is adopted are automatically granted a "grandfather" status with respect to that rule. That is, existing Improvements are not required to conform to a new or changed rule. Such Improvements may not be later modified or extended without ACC approval and shall conform to rules then in effect. The ACC may grant an exception to this last point to maintain style consistency.

As a hypothetical example, assume that "straw" was acceptable, and has now been removed from the list of approved stucco colors. This means:

- "Straw" cannot be used to stucco a new house or an existing house that uses some other color.
- A house already stuccoed in "straw" is grandfathered with respect to stucco color and does not need to be changed. Such a house still must remain in compliance with all other rules, such as trim color, wall height, etc.

¹ Clarification of outbuilding approved September 6, 2018

² Approved March 16, 2006

³ Appendix B: Approved Plants, replaced August 17, 2011, with reference to more complete and current document.

⁴ Signs section moved from 4.3 to 4.8.7 August 17, 2011 to be consistent with CC&Rs section numbering

⁵ Addition of Grandfather section approved August 17, 2011

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- Each improvement, such as an addition, to a house already stuccoed in “straw” needs to be carefully considered for appropriate stucco color. The preference is that such improvements use only currently approved stucco colors. However, depending on factors such as size, placement, visibility, etc., the ACC may grant a waiver and allow the improvement to use “straw”.
- When a house already stuccoed in “straw” is to be re-stuccoed, that should be done only with a currently approved color. The ACC may grant a waiver and allow “straw” to be used to maintain consistency with parts not being re-stuccoed.

4.8 Other Requirements Not Related to a CC&R Section

4.8.1 *Play Equipment*

Play structures are subject to the same building restrictions laid out in the CC&Rs and ACC Rules regarding heights and setbacks, approved color schemes and materials. Brightly colored plastics and burnished metals are discouraged. Property Owners must submit a written/drawn plan to the ACC for approval prior to any construction. Play equipment that is less than five feet high and located inside of courtyard walls & fences does not require ACC approval.

4.8.2 *Swimming Pools*

Swimming pools and hot tubs (or spas) require written ACC approval. See Sec. 6.4(e). When these are located behind courtyard walls/fences, the Property Owner is allowed wide discretion in their design. The ACC strongly recommends that such facilities be surrounded by a gated wall/fence or that an automatic pool cover be installed to minimize the possibility of children falling in and drowning.

4.8.3 *Exposed Metal Surfaces*

Roof-mounted metal work and duct work¹ which extends above the parapets, as shown on an elevation drawing, or is visible from Neighboring Properties, roadways, or easements, shall be painted to match the color of the Improvement. Other metal work, such as junction boxes, conduits and circuit breaker boxes, shall likewise be painted to match the color of the Improvement.

4.8.4 *Yard Art*²

Property owners are free to place any form of Yard Art anywhere on their property. Property owners are encouraged to be sensitive to not place Yard Art where it would adversely affect a neighbor’s view or be offensive to neighbors. Yard Art should be appropriate to the Southwest, that is, consistent with New Mexico style and desert environment.

4.8.5 *Septic Systems*³

See Section 2.3.4 of this document.

¹ Editorial change approved September 6, 2018

² Addition of Yard Art section approved August 17, 2011

³ Addition of Septic Systems section approved August 17, 2011

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4.8.6 Flagpoles, Flags and Symbols¹

Property owners are free to place a flagpole on their property. Property owners may display flags or other symbols, such as a cross, menorah, etc. on their property. Property owners should be sensitive to height and placement of a flagpole, flag, or other symbol so it will not adversely affect a neighbor's view or be offensive to neighbors.

4.8.7 Signs²

This is supplemental to CC&R Article 5 Section 5.18 and is placed here for convenience.

"For Sale" signs may include a device for providing written details about the house and/or Property to prospective buyers.

"No Trespassing" signs may be allowed in limited cases, where common use may result in an easement by prescription. Permission may be granted, upon application to the ACC. The ACC shall not be obligated to grant such a request, and the term for posting the sign may be limited.³

A small (6" x 12" or smaller) notice indicating the presence of a security system is not considered a "sign", so is permitted.⁴

Southwest style house numbers and names (of the street, residents, or house) are not considered signs and are allowed.⁵

4.8.8 Clarification of "home occupations" in section 5.8 of CC&Rs⁶

"home occupations" shall mean a non-residential use of a home clearly incidental to the use of the home as a single family residence, which use is conducted by an Owner or other occupant of the home who is a permanent resident of the home and who has an occupation or business customarily recognized by zoning ordinances as an acceptable home occupation, which for example would include but may not be limited to professionals such as architects, engineers, lawyers, artists, authors or writers and the like, but in no event will a business that is frequented by and open to the general public be considered a home occupation. This means no business that involves the public staying overnight is permitted, such as a Bed and Breakfast and Vacation Rentals. Property rentals or subleases shorter than three months are not allowed; longer leases are permitted, provided the entire property is leased. Artists or others with home occupations who open their studios or homes to the general public once or twice a year, or otherwise for infrequent special events, are permitted to do so under the CC&Rs and their doing so shall not transform their home occupation into a business categorized as frequented by and open to the general public.

¹ Addition of Flagpoles section approved August 17, 2011

² Signs section moved from 4.3 to 4.8.7 August 17, 2011 to be consistent with CC&Rs section numbering

³ Addition of "No Trespassing" signs approved August 17, 2011

⁴ Addition of security system notices approved August 17, 2011

⁵ Addition of house numbers and names approved August 17, 2011

⁶ Restriction of short term rentals (Bed and Breakfast or vacation rental) approved June 19, 2018

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Appendix A: Authorized Colors

1. Stucco Colors¹

The following stucco colors are authorized for use on all structure exteriors as of September 6, 2018:

<u>STO Industries</u>	<u>El Rev Stucco</u> <u>Premium Stucco</u>	<u>El Rev Stucco</u> <u>Perma-Flex® Acrylic</u>	<u>Dryvit</u>
www.stocorp.com	www.elrey.com	www.elrey.com	www.dryvit.com
Abiquiu *	Adobe	Buffalo	Adobe Accent
Acoma	Bamboo	Cactus Flower	Canvas
Adobe Brown	Buckskin	Casa	Caribou
Alamo	Coral	Clay	Chocolate Mousse
Amarilla	Cottonwood	Deerskin	Coffee Milk
Cimmaron	Desert Rose	Dry River	Colonial Tan
Duranos	Driftwood *	Hogan	Honey Twist
Mesa del Sol	Fawn	Husk	Monastery Brown
Mesilla	Hacienda	Pottery	Pancake
Pecos	La Luz	Rio Bravo	Powder Tan
Pueblo	Palomino	River Rock	Sandlewood Beige
San Antonio	Sand	Sage	Southern Tan
Sedona	Santa Fe Brown *	Taos	Spectrum Brown
Suede	Straw	Tierra	Stone Gray
Torreon	Suede	Vega	Victorian Lace
Tumbleweed			Whisper

If a homeowner wants to use a color not listed in the above authorized colors, the homeowner shall provide a sample and show that is within the above color palate.

* Manufacturer no longer lists these colors by name, as of May 2011; they may be available as a special order.

Useful links for colors charts: Beware web locations may change. Note that the color charts may contain the above colors, but all colors on the charts are not necessarily approved.

STO Industries: https://www.stocorp.com/wp-content/content/Products_Marketing/Coatings/Brochures/BR_StoColor_Southwest_EN.pdf

El Rey Premium Stucco: <http://www.elrey.com/color-charts-premium.shtml>

El Ray Stucco Perma-Flex: <http://www.elrey.com/parexusa-color-collection.shtml>

Dryvit: <http://www.dryvit.com/inspire-learn/color-charts/color-at-your-fingertips-48-most-popular-colors/>

¹ Stucco color availability updated September 6, 2018

La Mesa HOA - ACC Supplemental Rules

2. Garage Doors, Wood Trim, Window, and Door Trim¹

Wood Trim consists of those posts, vigas, beams, corbels, lintels, and canales that are Visible from Neighboring Property.

Window and Door Trim consists of those parts of a window or door opening that are Visible from Neighboring Property, excluding stucco and actual door.

Colors shall be earth colors, light tan to light brown, gray, or natural wood; in any instance the finish shall be flat and the colors shall be "muted", not "bright", and not white (except on a Territorial style house). Other finishes are not specifically precluded but will be considered on a case by case basis. The Property Owner may request, as a part of the Development Plan, an alternative color or finish. In some instances a sample of the intended color and/or finish may be required by the ACC. Additionally, wrought iron may be painted black.

Primarily glass panel garage doors are not allowed. An single upper panel with glass windows is allowed.²

3. Exterior Doors and Gates³

Property owners may use their own discretion in picking colors of exterior doors and gates. Note that garage doors are covered by Appendix A, Section 2, above.

4. Accent Colors

Accents are defined as small areas including unique designs or patterns intended to enhance the personality of the home. Accent colors shall be approved on a case by case basis. Generally, blues, turquoise and trim colors will be approved.

5. Roof Colors

Roof colors shall receive approval on a case-by-case basis. Flat roof Improvements that have a roof visible from within the La Mesa Subdivision shall either have a "rock" finish, a tan or brown color, or a finish approved by the ACC. See also Section 4.1(g).

¹ Trim defined; should not be white restriction approved August 17, 2011. See also 4.7 Grandfather Clause.

² Explicit restriction on glass garage doors approved September 6, 2018

³ Addition of Exterior Doors and Gates section approved August 17, 2011

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6. Fence Colors ¹

All fence colors and treatments shall be approved by the ACC on a case-by-case basis. Colors that will normally be approved (“Yes”) or disapproved (“No”) are shown in the following table:

Treatment	Fences					
	Split rail	Coyote	Cedar Picket	Other Material e.g. vinyl, pine, etc.	Pilasters	Horse Corral Pipe
Local earth tones	Yes	No	Yes	ACC	No	Yes
Clear preservative, giving wood color	Yes	Yes	Yes	ACC	NA	NA
Untreated, left to weather naturally	Yes	Yes	Yes	ACC	NA	NA
Painted or stained to match house stucco	No	No	Yes	ACC	Yes	Yes
Painted or stained to match wood trim	No	No	No	ACC	No	No
White	No	No	No	No	No	No
Black	No	No	No	No	No	No

Appendix B – List of Approved Plants ²

¹ Addition of fence colors section approved August 17, 2011

² Appendix B - List of Approved Plants removed August 17, 2011; see 4.2 (b) (1)