

# **La Mesa Architectural Control Committee Supplemental Rules**

**March 2001**

**With March 16, 2006 Updates**

**With July 5, 2007 Update**

**With January 11, 2011 Update (Application Form)**

# ACC Supplemental Rules

## 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) to clarify that each lot can have only one outbuilding, with maximum size of 1600 square feet, not counting portals, porches or patios.  
Add Section 6.4(b)(1) to state that submitted development plans will only be retained for three years, rather than indefinitely.
- July 5, 2007 Change Section 1.3.1 number of ACC members from six to five.
- July 17, 2010 Replace two page application form intended for new house with single page remodeling application form. Delete example "Certificate of Compliance", since it never seems to have been used.
- January 11, 2011 Update application form to list ACC members.

# ACC Supplemental Rules


## TABLE OF CONTENTS

1.	The ACC and These Supplemental Rules .....	1
1.1	These Supplemental Rules .....	1
1.2	The Role of the ACC .....	1
1.2.1	Architectural Control Committee Authorization .....	1
1.2.2	ACC Purpose .....	1
1.2.3	ACC Philosophy .....	1
1.3	ACC Members, Officers and Duties .....	2
1.3.1	Number of Members .....	2
1.3.2	ACC Officers .....	2
1.3.3	Role of ACC Members .....	2
1.4	ACC Meetings .....	2
1.4.1	Frequency and Business Conducted .....	2
1.4.2	Action Without Formal Meeting .....	3
1.5	Additional Definitions .....	3
2.	The Development Plan .....	3
2.1	Authorization .....	3
2.2	Elements of a Development Plan .....	3
2.2.1	Application .....	3
2.2.2	Site Plan .....	3
2.2.3	Elevation Drawings .....	4
2.2.4	Building Plan .....	4
2.2.5	Lighting .....	4
2.2.6	Landscaping and Restoration Plans .....	4
2.2.7	Siting Verification .....	4
2.3	Development Plan Content .....	5
2.3.1	For Improvements on an Unimproved Lot: .....	5
2.3.2	For Improvements on an Improved Lot .....	5
2.3.3	For Other Improvements (landscaping) .....	5
2.3.4	For Improvements Not Requiring ACC Approval .....	5
2.4	Other Matters .....	5
2.4.1	Subdividing a Lot .....	5
3.	Making Improvements to the Property .....	6
3.1	Obtaining Approval of the Development Plan .....	6
3.1.1	Preliminary Plans .....	6
3.1.2	Submitting a Request for Development Plan Approval .....	6
3.1.3	Fees and Deposits .....	6
3.1.4	ACC Review of the Development Plan .....	7
3.1.5	On-site Assessment .....	7
3.1.6	Waivers .....	7
3.1.7	Waivers and Substantive Changes .....	7
3.1.8	Notification of ACC Decision .....	8
3.1.9	Right of Appeal .....	8
3.2	Construction .....	8
3.2.1	Start of Construction .....	8
3.2.2	Disturbance of Neighboring Property .....	8
3.2.3	Flagging & Marking .....	8

## ACC Supplemental Rules

3.2.4	Trash, Construction Waste and Garbage .....	8
3.2.5	Sanitation .....	9
3.2.6	Signs.....	9
3.2.7	Time for Construction .....	9
3.3	Compliance Monitoring .....	9
3.3.1	Compliance Monitoring Team.....	9
3.3.2	Compliance Monitoring.....	9
3.3.3	Compliance Violations .....	10
3.4	Return of Compliance Deposit .....	10
3.4.1	Responsible Parties.....	10
3.4.2	Notification of Completion .....	10
3.4.3	Compliance Review.....	10
3.4.4	Determination of Compliance.....	11
3.4.5	Restoration .....	11
3.4.6	Release of Compliance Deposit .....	12
3.5	Certificate of Completion.....	12
4.	Requirements.....	12
4.1	Requirements for Structures.....	12
4.1(b)	Locating Structures and Improvements; Height Limitations.....	12
4.1(e)	Exterior Color Schemes and Materials .....	12
4.1(f)	Private Waste Disposal Systems .....	13
4.1(g)	Roofing Materials.....	13
4.1(h)	Driveways.....	13
4.1(i)	Fences, Walls, Retaining Walls, and Gates .....	13
4.1 (j)	Tanks, Air Conditioners and Swamp Coolers.....	13
4.1(k)	Screens .....	13
4.1(l)	Exterior Lighting – Motion Detectors .....	14
4.1(m)	Solar Equipment.....	14
4.1(n)	Windmills, Towers and Antennas.....	14
4.1(o)	Outbuildings.....	14
4.2	Trees, Shrubs and Landscaping .....	14
4.2(b)(1)	Approved Plants.....	14
4.3	Signs .....	14
4.8	Other Requirements Not Related to a CC&R Section .....	15
4.8.1	Play Equipment .....	15
4.8.2	Swimming Pools .....	15
4.8.3	Exposed Metal Surfaces.....	15
Appendix A: Approved Colors .....		16
Appendix B: List of Approved Plants.....		17

### List of Attachments:

1. Request for Development Plan Approval
2. **Example Certificate of Compliance** 
3. Development Plan Checklist
4. On Site Assessment Checklist
5. Compliance Monitoring Checklist
6. Final Compliance Checklist

# ACC Supplemental Rules

## 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 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, 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.

## ACC Supplemental Rules

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 **six members** appointed by the La Mesa Homeowners Association (LMHOA) Board of Directors (BoD).

#### 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 at their July meeting each year, or as soon thereafter as possible. To ensure that multiple members gain the experience of acting as Chair, no Member shall serve consecutive one-year terms as Chair. The 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.

#### 1.3.3 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.

### 1.4 ACC Meetings

#### 1.4.1 Frequency and Business Conducted

The ACC will generally meet once each month. 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. The agenda for the July meeting will include election of a Chair from among the membership.

# ACC Supplemental Rules

## **1.4.2 Action Without Formal Meeting**

Action without meeting authorized by CC&R section 6.12 shall only be used when unusual or emergency situations arise and will not be used as a substitute for the regular conduct of business at scheduled meetings.

## **1.5 Additional Definitions**

**Ramada** - a free standing canopy made of four imposts and a roof.

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

**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 Imposts (imposts form the base of an arch; here they are the corbels at the top of the supporting posts).

## **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 2. It must be filled out as completely as possible.

#### **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).

## **ACC Supplemental Rules**

### **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.
- 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.

### **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. survey or 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.



# ACC Supplemental Rules

## 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 Not Requiring ACC Approval***

- A letter to the ACC describing the improvement is requested.

Improvements that do not require ACC approval include

- Repainting or re-stuccoing the structures to the existing color (Maintenance)
- Landscaping as specified in CC&R section 4.2 “Trees, Shrubs and Landscaping”

## 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.

# ACC Supplemental Rules

## 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 to:

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

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.

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 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 may vary from \$0.00 to \$1500 or greater as provided for in the CC&Rs for initial development of a Lot. The ACC will record the rationale for any Compliance Deposit amount required for each development such that the ACC may review the data from time to time to insure consistency and fairness to the members of the La Mesa Community. The record shall be available to any ACC member at any meeting where a Compliance Deposit is to be levied.

## **ACC Supplemental Rules**

### **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. A checklist, similar to Attachment 4, may be used in the review.

### **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. A checklist, similar to Attachment 5, may be used in the review.

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.
- 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.

## **ACC Supplemental Rules**

### ***3.1.8 Notification of ACC Decision***

Generally the Property Owner will be notified of an ACC decision by telephone 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. 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.

### ***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.

## **ACC Supplemental Rules**

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).

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 Supplemental Rules**

- 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, similar to Attachment 6, 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 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. The review of the completed Improvement(s) should be done using a checklist similar to Attachment 7. The ACC team shall address any issues of non-compliance found at that time and seek their correction.

## **ACC Supplemental Rules**

### **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 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).

## ACC Supplemental Rules

### **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.

### **3.5 Certificate of Completion**

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. The form of the Certificate of Compliance is provided in Attachment 3.

## **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.



## ACC Supplemental Rules

### **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 coordinate with the color of the Structure or its trim.

### **4.1(h) Driveways**

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.

Culverts shall be required wherever there is natural or constructed drainage that would otherwise be blocked. This will be on a case-by-case basis.

### **4.1(i) Fences, Walls, Retaining Walls, and Gates**

- Use of wood or wrought iron in gates - See Appendix A "Garage Doors, Doors, Gates and Trim Colors.
- Retaining walls - Plans for retaining walls must include a description of the measures employed to deal with runoff and to eliminate or minimize erosion.
- Wall heights - Heights are measured from the ground inside the wall or fence to the highest point of the wall/fence, excluding pilasters. Courtyard arches and gates shall be in proportion to wall heights and building elevations. Retaining walls may be as high as required for their 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.
- Driveways - Fences or edging 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 walls up to four feet in height; or 4) coyote or latilla fencing.

### **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.

### **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.

## ACC Supplemental Rules

### **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(l). Each fixture must have a separate motion sensor. The motion sensor should be insensitive to passing rabbits, coyotes and other small wildlife.

### **4.1(m) Solar Equipment**

Criteria for solar systems include the following: 1) colors to match the roof or wall in the vicinity of the installation, or adequate screening; 2) location, pitch, and materials that will not cause a reflection onto any Lot in the development, or into any residence.

### **4.1(n) Windmills, Towers and Antennas**

Satellite dish antennas 20 inches or less in diameter do not require screening.



### **4.1(o) Outbuildings**

Each Lot may have a garage, attached or detached, and one outbuilding. 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.



Outbuilding shall not exceed 1800 ft<sup>2</sup> of covered area.

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**

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." "Appendix B" provides that list. CC&R Section 4.2 provides the requirements for the use of that List and other landscaping requirements.

## **4.3 Signs**

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.



CHANGE TO ACC SUPPLEMENTAL RULES, PAGE 14

4.1(O) (DELETE FIRST SENTENCE AND ADD) "EACH LOT MAY HAVE ONE OUTBUILDING"

4.1(O) (DELETE SECOND PARAGRAPH AND ADD)  
"OUTBUILDING SHALL BE NO LARGER THAN 1600 SQ.FT. AREA. (EXCLUSIVE OF PORTALS, PORCHES [OPEN AND CLOSED] AND PATIOS)

## ACC Supplemental Rules

### 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 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.



NEW PARAGRAPH FOR ACC SUPPLEMENTAL RULES  
ADD TO BOTTOM OF PAGE 15

6.4(b)(1) DISPOSITION OF HOUSE PLANS, ADDITIONS,  
CHANGES AND APPROVALS (ADD LAST SENTENCE)  
"THE FILE 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"

# ACC Supplemental Rules

## APPENDIX A: APPROVED COLORS

The following stucco colors are approved for use on all structure exteriors:

<u>STO Industries</u>	<u>El Rey Stucco</u>	<u>El Rey Stucco</u> <u>Perma Flex</u>	<u>Sonowall</u>
Abiquiu	Adobe	Buffalo	Acoma
Acoma	Bamboo	Cactus Flower	Adobe Brown
Adobe Brown	Buckskin	Casa	Alamo
Alamo	Coral	Clay	Cimmaron
Amarilla	Cottonwood	Deerskin	Desert Lace
Cimmaron	Desert Rose	Dry River	Duranes
Duranes	Driftwood	Hogan	Mesa del Sol
Mesa del Sol	Fawn	Husk	Mesilla
Mesilla	Hacienda	Pottery	Paloma
Pecos	La Luz	Rio Bravo	Pecos
Pueblo	Palomino	River Rock	Pueblo
San Antonio	Sand	Sage	San Antonio
Sedona	Santa Fe Brown	Taos	Sedona
Suede	Straw	Tierra	Suede
Torreon	Suede	Vega	Tumbleweed
Tumbleweed			

### 1) *Garage Doors, Doors, Gates and Trim Colors*

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" and not "bright". 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.

### 2) *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.

### 3) *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 or a finish approved by the ACC.

## ACC Supplemental Rules

### APPENDIX B: LIST OF APPROVED PLANTS

<b>Trees</b>	Desert Willow New Mexico Olive One-Seeded Juniper Pinyon Pine Russian Olive
<b>Shrubs</b>	Apache Plume Autumn Sage Big Sage Chamisa Cholla Four Wing Saltbush Mormon Tea Prickly Pear Cactus Sand Cherry Snakeweed Threadleaf Sage Three Leaf Sumac Yucca (various)
<b>Herbaceous</b>	Blackfoot Daisy Bush Penstemon Chocolate Flower Desert Marigold Desert Zinnia Giant Four-o'clock Groundsel Narrowleaf Pnstemon Palmer Penstemon Sand Verbena Sunset Penstemon
<b>Grasses</b>	Black Grama Blue Grama Bush Muhly Galleta Hairy Grama Indian Ricegrass Little Bleustem Neddle and Thread Ring Muhly Side Oats Grama Silver Bluestem

## INSTRUCTIONS

The completed Request for Development Plan Approval must include:

### **For New Construction on an unimproved lot:**

1. Two complete Development Plans (see Section 2.3.1) each consisting of this application, a site plan, all elevations, a building plan and a landscaping plan.
2. Payment by check of the non-refundable plan review fee of \$200, payable to "La Mesa Homeowners Association."
3. Payment by check of the refundable Compliance Deposit of \$1500 (it may be higher for contractors or owners with a history of violations in La Mesa – see CC&Rs), payable to "La Mesa Compliance Deposit Account."

### **For a major addition (300 ft<sup>2</sup> or more of heated and/or covered area – includes additions to an existing structure, outbuildings, ramadas, cantinas, etc.):**

1. Two complete Development Plans (see Section 2.3.2) each consisting of this application, a site plan, all elevations, a building plan and a landscaping plan.
2. Payment by check of the refundable Compliance Deposit, amount dependent on extent of addition (see Appendix B), payable to "La Mesa Compliance Deposit Account."

### **For minor additions (portals and other structures with less than 300 ft<sup>2</sup> of heated and/or covered area or less, walls, etc.):**

1. Two complete Development Plans (see Section 2.3.3) each consisting of this application, a site plan, all elevations, and a building plan if needed to show details.
2. Payment by check of a refundable Compliance Deposit may be necessary, depending on the extent of the improvement (see Appendix B)

### **For other improvements (landscaping, re-stucco or changing color, etc.):**

Two complete Development Plans (see Section 2.3.4) each consisting of this application and sketches or a landscape plan showing what is to be done.

### **For improvements not requiring ACC approval (re-stucco with existing or an approved color, paving an existing driveway, etc.):**

A letter to the ACC describing the improvement.

The completed Request for Development Plan Approval should be given to the Chairman of the ACC, either in person, or by mail at 05 Calle Cienega, Placitas, NM 87043.

**La Mesa, Placitas, New Mexico**  
**Request for Remodeling or Addition Plan Application**



**Owner of Record:**

Name \_\_\_\_\_ Address \_\_\_\_\_  
Block # \_\_\_\_\_ Lot # \_\_\_\_\_ Mailing address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
E-Mail \_\_\_\_\_ Phone# \_\_\_\_\_

**Brief project description** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contractor, Architect, or Builder:**

Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
E-Mail \_\_\_\_\_ Phone# \_\_\_\_\_

**Attach Supporting Material:**

- Plan drawings and elevations to show the location of the project and dimensions, including setbacks, where applicable.
- Information that will provide specifics of the finished project, such as sketches, specific materials list, color choices, example photos, copies of advertising, etc.

**Dates:**

Application \_\_\_\_\_ Start \_\_\_\_\_ Completion \_\_\_\_\_

**ACC Approvals**

\_\_\_\_\_ Date \_\_\_\_\_

**Mark Brown**

\_\_\_\_\_ Date \_\_\_\_\_

**Jock Embry**

\_\_\_\_\_ Date \_\_\_\_\_

**David Kessler**

\_\_\_\_\_ Date \_\_\_\_\_

**David Miller**

\_\_\_\_\_ Date \_\_\_\_\_

**David Otter**


\*Your ACC contact \_\_\_\_\_ Phone # \_\_\_\_\_

**Final Inspection/ Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

# Development Plan Checklist

Attachment 3

**Owner:** \_\_\_\_\_ **Lot** \_\_\_\_\_ **; Block** \_\_\_\_\_

Topic	Criterion	Comment
Setback	25'; May require Survey; Survey markers if w/i 5'	
Height	<18' Views, Trees, etc.	
Floor Area	>1800 ft <sup>2</sup>	
Design/Style	Southwestern/Pueblo, Territorial	
Color		
Leach Field	Not into Arroyos	
Roof Material/Color	Dark, rock, house color	
Driveway/Culvert?	Location, Materials; Culvert Req'd?	
Fences, etc.	<6 ft. Material Color Gate(s) Driveway?	
Tanks, Equipment	Screened	
Screens	Greens, walls, fences	
Exterior Lighting	Covered & Down	
Solar Equipment	Screened or Not Visible	
Antennas, etc.	Screened or Painted	
Outbuildings	Garage, studio, guest house, workshop; <1800 ft <sup>2</sup>	
Play Equipment	Unobtrusive	
Swimming Pool or Spa	Prefer behind walls	
Exposed Metal	Painted	
Landscape Plan	Required	
Utility Lines	Underground	
Dumpster Site		
Portapotti Site		
Other?		



### On Site Assessment Checklist

Date: \_\_\_\_\_

Owner: \_\_\_\_\_

Lot \_\_\_\_\_; Block \_\_\_\_\_

**NEIGHBORING PROPERTY**

Block/Lot	Address	Occupant	Comments

**Setbacks:**

- Concern? \_\_\_\_\_
- Identifiable? \_\_\_\_\_
- Marked? \_\_\_\_\_

**Location vs. trees to be removed:**

\_\_\_\_\_

**Driveway**

Location; Culvert needed? Structures?

\_\_\_\_\_

\_\_\_\_\_

**Flagging**

Where Needed \_\_\_\_\_

Leach Field (not into arroyo)

\_\_\_\_\_

**Dumpster, Portapotti Locations**

\_\_\_\_\_

### Compliance Monitoring Checklist

Date: \_\_\_\_\_

Owner: \_\_\_\_\_ Lot \_\_\_\_\_; Block \_\_\_\_\_

Topic	Criterion	Comment
Flagging?	Construction Area? Lot?	
Portapotti Site		
Dumpster	Overflowing?	
Trash?	Blowing Hazard? Scattered?	
Construction According to Plan?		
Other?		

Action Needed? \_\_\_\_\_

## Final Compliance Checklist

Attachment 6

**Date:** \_\_\_\_\_

**Owner:** \_\_\_\_\_

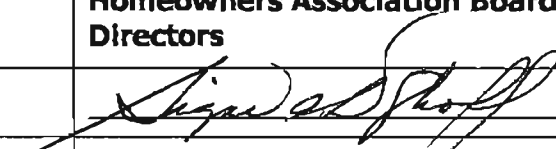
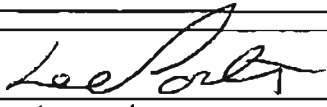
**Lot** \_\_\_\_\_ **; Block** \_\_\_\_\_

Topic	Criterion	Comment
Color		
Roof Material/Color	Dark, rock, house color	
Driveway/Culvert?	Location, Materials; Culvert Req'd?	
Fences, etc.	<6 ft. Material Color Gate(s) Driveway?	
Tanks, Equipment	Screened	
Screens	Greens, walls, fences	
Exterior Lighting	Covered & Down	
Solar Equipment	Screened or Not Visible	
Antennas, etc.	Screened or Painted	
Exposed Metal	Painted	
Restoration	Complete?/Promise?	
Landscape Plan	Required	
Other?		
Construction Problems		

# ACC Supplemental Rules

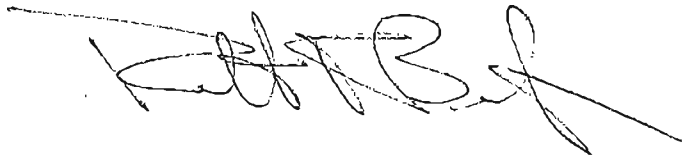
## Approval Page

The undersigned, as the duly appointed representative of the La Mesa Homeowners Association Board of Directors and Architectural Control Committee approve these ACC Supplemental Rules.

<b>Architectural Control Committee</b>	<b>Homeowners Association Board of Directors</b>
	
<b>Chairperson</b> 	<b>President</b>
<b>Date</b> <u>3/12/01</u>	<b>Date</b> <u>March 12, 2001</u>



Mike Conroy



Christy Bickett

**CHANGE TO ACC SUPPLEMENTAL RULES, PAGE 14**

4.1(O) (DELETE FIRST SENTENCE AND ADD) "EACH LOT  
MAY HAVE ONE OUTBUILDING"

4.1(O) (DELETE SECOND PARAGRAPH AND ADD)  
"OUTBUILDING SHALL BE NO LARGER THAN 1600  
SQ.FT. AREA. (EXCLUSIVE OF PORTALS,  
PORCHES [OPEN AND CLOSED] AND PATIOS)

**NEW PARAGRAPH FOR ACC SUPPLEMENTAL RULES**

**ADD TO BOTTOM OF PAGE 15**

**6.4(b)(1) DISPOSITION OF HOUSE PLANS, ADDITIONS, CHANGES AND APPROVALS  
(ADD LAST SENTENCE)**

"THE FILE 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.

The above changes and additions to the "La Mesa Architectural Control Committee  
Supplemental Rules" have been approved by Shirley Willson, Christie Pickett, Barbara  
Rogers and Lee Porter on 16 March 2006.



-----

Lee Porter

*file copy*