

**STANDARDS FOR THE IMPROVEMENT AND MAINTENANCE OF REAL PROPERTY WITHIN  
VALLE ESCONDIDO SUBDIVISION**

July 2, 2016

**1. APPLICABILITY**

- A. Every person acquiring legal or equitable title to any improved lot or multiple lots (improved means including a dwelling and other improvements) or any person building a house or cabin on any lot or tract of lots within the Valle Escondido Subdivision is required to become a member of Valle Escondido Homeowners' Association (VEHA). It is the property owner's responsibility to comply with the VEHA Bylaws and the VEHA Rules and Regulations.
- B. A joining fee that is subject to change on approval of VEHA's Board of Directors (Board) must be remitted upon approval of building plans for a new house or cabin by the Architectural Review Committee. The joining fee must be paid when the owner picks up the approved plans from the designated Architectural Review Committee member. Approved plans will not be mailed or otherwise conveyed until the joining fee payment is made in full.
- C. The annual membership dues (commencing January 1<sup>st</sup> each year) and all other fees and assessments are to be paid in full. If any dues or fees are in arrears, construction will be halted until they are current.

**2. PROCEDURES FOR BUILDING**

- A. All plans, including any separate building or structure incidental to the single family dwelling (e.g. garage, workshop, etc.), must be submitted to the Architectural Review Committee and approved or disapproved by the Committee prior to beginning of construction. Said Architectural Review Committee may be contacted at 28 Lodge Road, Taos, New Mexico 87571.
- B. Such plans submitted to the Architectural Review Committee must have a plot plan showing location of the building on the lot, setback of the front property line, as well as side and rear set backs. The set of plans shall include architectural, mechanical, and electrical details, be approved by the State of New Mexico, and have permits issued by Taos County. Building heights will be taken into consideration as to their visual impact on adjoining lots and must be approved by the Architectural Review Committee.
- C. The Architectural Review Committee shall have at least three members. The members of the Committee shall be appointed by the Board and may be removed from membership on the Committee at any time, with or without cause, by a vote of the majority of the whole Board at any meeting of the Board.
- D. The members of the Architectural Review Committee shall unanimously approve all plans submitted to the Committee. When a unanimous decision cannot be reached, the Committee shall bring the plans to the Board of Directors for approval or disapproval.
- E. Unless otherwise required in these Standards, the Architectural Review Committee must notify the property owner of its decision within thirty (30) days after receipt of a complete set of plans from the property owner. All major changes in the approved plans must be resubmitted for Committee action.
- F. When a unanimous decision cannot be reached by the Architectural Review Committee, and the Committee brings the plans to the Board for approval or disapproval, the Board must notify the property owner of its decision within thirty (30) days after its receipt of the plans from the Committee unless otherwise required in these Standards.

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- G. No individual Committee member or Board member can speak for or obligate the Committee or VEHA. Property owner approval must be in writing from the Committee or the VEHA Board of Directors.
- H. No VEHA Committee or Board action negates the property owner's responsibility to comply with State and Local law, ordinance or policy.
- I. A property owner may appeal a unanimous decision of the Architectural Review Committee to the Board by mailing a written appeal request to the Board at 28 Lodge Road, Taos, New Mexico 87571. The Board must notify the property owner of its decision on the appeal within thirty (30) days after its receipt of the written request unless otherwise required in these Standards.

3. LAND USE AND IMPROVEMENTS

- A. There shall be only one cabin or single family residence per lot and that single family residence shall have a minimum of one thousand five hundred (1,500) square feet. Owners of multiple lots, or lots having been recently subdivided, requesting a second residence must submit plans and plot plans to the Architectural Review Committee for approval. This includes remodeling and changes to existing structures. Any use of multiple properties through subdivision must comply with all VEHA Rules and Regulations.
- B. No structure is to be built closer than 25 (twenty-five) feet from the front property line, or closer than 7 (seven) feet from the side and back property lines.
- C. No cement block may be used in construction except for the purpose of foundations and fireplaces, and any block construction shall be veneered with wood siding, stone, stucco, or fire resistant materials approved by the Architectural Review Committee that simulate any of the foregoing materials. This shall be addressed after review of probable house setting, taking into consideration lot and grading requirements.
- D. All electrical and other wiring shall be underground from the electric meter to the house.
- E. It is the intent of these restrictions to create and preserve a rustic appearance in Valle Escondido Subdivision while recognizing the risk of wildfire to our community. All buildings must be constructed of logs, native rock, simulated log siding (no log slabs), stained rough lumber, wood shingles, wood siding, or fire resistant materials approved by the Architectural Review Committee that simulate any of the foregoing materials. Earth-tone colors are required and must be approved by the Committee.
- F. With approval from the Board, the VEHA Architectural Review Committee may approve all other types of manufactured homes, modular homes, and kit homes. The VEHA Architectural Review Committee and the Board of Directors reserve the absolute authority to approve or disapprove all housing and other construction, or modifications of the land or appearance thereof. This is to include, but not limited to, method of manufacture. No housing generally considered as mobile or rollaway will be considered for approval.
- G. No roof shall be covered with a corrugated galvanized material; however, a manufactured colored metal material, consistent with Valle Escondido approved colors, may be used. It is the intent of this restriction to permit Pro-Panel® type roofing materials meeting these color and low light reflectivity requirements as approved by the Architectural Review Committee.
- H. All chimneys shall be equipped with adequate spark arrestors.
- I. The exterior of a structure must be completed within a period of one year.

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- J. During construction, trailer homes or tents shall be permitted for a period of one year. The lot/work site is to be kept safe, sanitary, and tidy. Prior to commencement of construction, there shall be no trailers, tents, or camping.
- K. Outhouses are prohibited on any lot except a toilet intended to be used during the construction of a home. This unit must be EID approved, maintained and its use limited to one year.
- L. No property shall be used for any purpose other than owner-residence property. No condominiums, townhouses, duplexes, or apartments shall be constructed in Valle Escondido Subdivision.
- M. It is recommended that a Legal Survey by a licensed New Mexico surveyor be completed for a property prior to beginning construction. Any and all costs related to the building or improvement of any lot resulting from the lack of a Legal Survey, or for any other cause, are the responsibility of the property owner.
- N. Additions, out-buildings and other structures should be constructed of the same exterior material as the house on the property unless the use of a different material is approved by the Architectural Review Committee.
- O. To reduce the risk of wildfire to our community, residents are strongly encouraged to locate their propane tanks at least thirty (30) feet from any structure and bury their tanks in the ground.

4. GENERAL RESTRICTIONS

- A. No domestic water well or other type well shall be drilled, constructed or utilized within the Subdivision as long as the member of Valle Escondido Homeowner's Association is connected to the Valle Escondido Water Association System. Any well drilled and in operation as of July 1, 1993 or any future well approved by the Board of Directors shall be exempt from this regulation. Any water well drilled must comply with State regulations and not result in a joint or combined system.
- B. Any and all major exterior changes (changes that are clearly not simple renovations or repairs) MUST BE APPROVED BY the Architectural Review Committee and are subject to these "Restrictions." Interior changes or modifications that alter the land, building or water use of the property MUST LIKEWISE BE APPROVED.
- C. In order to preserve the rustic appearance of Valle Escondido Subdivision, perimeter fencing shall be prohibited. Decorative fencing less than three (3) feet in height and constructed of natural materials is permitted. Limited pet enclosures are permitted that meet the following minimum requirements: maximum height of six (6) feet, maximum area of 600 square feet, wood posts, wire fencing for transparency. No pet enclosures shall be allowed in lot setbacks. The Architectural Review Committee must approve any and all fencing. (9/4/04)
- D. Outdoor lighting shall be controlled so that it is not offensive. Lighting that creates a nuisance to another is prohibited.
- E. No owner of a property or any other person shall be permitted to store wrecked or inoperable vehicles on a lot or on any street. Heavy equipment and construction-type equipment and other vehicles not customarily associated with single family residence property are not permitted on the property or roads. Motor homes and recreational trailers of any type may only be kept on the property for short periods and may not be occupied; long-term storage is not permitted. Any and all recreational vehicles and equipment must be kept in a safe and tidy fashion.

- F. All property, whether occupied or unoccupied, or any improvements thereon, shall at all times be maintained in such manner as to prevent their becoming unsightly by the accumulation of rubbish or debris thereon. The Valle Escondido Homeowner's Association, after due notification, shall have the right to enter such a lot for purposes of correction. Thirty (30) days after the property owner has been notified in writing shall be considered due notification. Any costs incurred shall be billed to the property owner.
- G. No animals or livestock of any description, except a reasonable number of the usual household pets, shall be kept on any lot. However, the Board of Directors will establish in 2004, and maintain thereafter, a limited program to graze, water, and board livestock on pond-side lots and pond-side common areas. This program is to comply with State requirements for livestock ponds ownership. It will be reviewed annually and reported to the VE Homeowners' Association. The Board of Directors will approve type and numbers of livestock for this program.

5. SOLAR ENERGY SYSTEMS

The purpose of this section is to provide guidance and establish requirements for solar energy systems that protect the natural beauty of Valle Escondido and preserve the rustic appearance of the community. All plans for solar energy systems must be submitted to the Architectural Review Committee for approval or disapproval prior to the beginning of construction.

*Roof mounted solar energy systems are preferred by VEHA to minimize the visual impact on other residents. If a roof mounted system is not feasible because of roof pitch, roof direction, trees or other reasons, applications for ground-based systems will be considered on a case-by-case basis.*

Every attempt should be made to minimize the visual impact of solar energy systems, and solar panels should be as non-reflective as possible. The design and color of framing or trim shall be of a non-reflective surface to minimize the visual impact. All paintable surfaces such as racking and support elements, inverters, meters, fuse boxes, pipes, tubes, cables, conduits, and wires must be screened or painted to match the colors of the underlying surfaces or landscaping at the time of installation unless doing so would be in violation of building, fire, or safety codes or the manufacturer's requirements. Additional screening or painting may be required to minimize the reflections from any solar energy system.

No solar energy systems shall encroach on VEHA's property or the property of another owner or be located within a setback area or an easement. All solar energy systems and related screening shall be well-maintained and all systems shall be removed by the property owner when no longer in use for a continuous twenty-four month period. All utility connections from a solar energy system are required to be buried underground.

A. Roof Mounted Systems

The property owner must submit an application for approval of the system to the Architectural Review Committee. This application must include:

- 1. a roof plan showing the size, placement and orientation of the system, including its setback from the roof edge;
- 2. a schematic of the system showing its height above the roof surface and the height of any roof parapets;
- 3. photographs of existing views of the structure and roof from neighboring properties and public spaces in the community;
- 4. a visual rendering of any associated equipment (conduits, piping, inverters, etc.) to be installed in connection with the system;

5. information regarding the color, size and types of materials used in the system, including information regarding the reflectivity of solar panels and the colors of solar panel framing and racking and support elements; and
6. computations justifying the size of the system for current and projected household needs.

If the roof is flat, the bottom of the equipment should be mounted as close as possible to the roof and at the minimum angle possible for reasonable energy production and access to the sun. Maximum advantage should be taken of existing conditions such as parapets, setback from the roof edge, ground topography, and other methods of reducing the visibility of the system from ground level.

If the roof is pitched, the roof components of the system should be mounted in the same plane as the roof and as close as possible to the roof.

For all roof mounted systems, solar panels should be mounted with a horizontal orientation mounting (long axis parallel to the roof edge), if feasible, when a vertical orientation mounting (short axis parallel to the roof edge) would be visually obtrusive.

Upon receipt of an application, the Architectural Review Committee will mail written notice of the application to all adjoining property owners who are members of VEHA at their billing address as it appears in VEHA's records. Adjoining property owners will have thirty (30) days from the date of mailing to provide comments on the application to the Committee. All received comments will be reviewed and considered by the Committee but are not binding. Copies of the application and related materials will be posted on VEHA's website for review by members and emailed upon request.

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The applicant, or the applicant's representative, may be required to attend a meeting with the Committee, which may be conducted by phone or videoconferencing, to present the application and answer questions about it. A site visit to the property may be scheduled if deemed necessary by the Committee.

#### B. Ground Mounted Systems

The property owner must submit an application for approval of the system to the Architectural Review Committee. This application must include:

1. an explanation of why a roof mounted system is not feasible at the property because of roof pitch, roof direction, trees or other reasons;
2. a plot plan showing the location of buildings, property lines, setback areas and easements, and the size, placement and orientation of the system with distances from the buildings and property lines;
3. a schematic of the system showing its height above the ground;
4. an illustration of current vegetation at the site (preferably an aerial view from Google Maps™ or a similar source);
5. a screening plan, if required by the Committee, for screening the views of the system from neighboring properties and public spaces in the community;
6. photographs of existing views of the location of the system from neighboring properties and public spaces in the community;

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7. a visual rendering of any associated equipment (conduits, piping, inverters, etc.) to be installed in connection with the system;
8. information regarding the color, size and types of materials used in the system, including information regarding the reflectivity of solar panels and the colors of solar panel framing and racking and support elements; and
9. computations justifying the size of the system for current and projected household needs.

All ground mounted systems should be sited on the property so as to utilize existing natural screening features (such as topography, trees and other vegetation) in order to minimize the visual impact on neighboring properties and public spaces, without impeding solar energy system performance. Where there are inadequate natural screening features on the property, the applicant will be required to reduce the visual impact of the system by submitting a screening plan, using any one, or combination of, screening methods such as fences, vegetation, earth berms or topography of sufficient height so as to obscure the system and make it less visible from view. If trees or other vegetation are used for screening, VEHA encourages the use of fire-resistant, native plants that shall be maintained for the life of the solar energy system

The height of the array in any ground-based system should not exceed nine (10) feet above the natural grade. When the terrain allows, the base of the array should not exceed two (2) feet above the natural grade.

Upon receipt of an application, the Architectural Review Committee will mail written notice of the application to all adjoining property owners who are members of VEHA at their billing address as it appears in VEHA's records. Adjoining property owners will have thirty (30) days from the date of mailing to provide comments on the application to the Committee. All received comments will be reviewed and considered by the Committee but are not binding. Copies of the application and related materials will be posted on VEHA's website for review by members and emailed upon request.

The applicant, or the applicant's representative, will be required to attend a meeting with the Committee, which may be conducted by phone or videoconferencing, to present the application and answer questions about it.

A site visit to the property will be required for all ground mounted systems and will be scheduled by the Committee. Prior to the site visit, the property owner must construct a simple mock-up of the system including accurate height poles at all four corners with cord strung to indicate the area, height and plan of the array. The members of the Committee will visit the site to view the mock-up and discuss the location of the system and its screening. The property owner and a representative of his or her installation contractor must be present for the site visit.

Approved ground-based systems must be inspected by an Architectural Review Committee member before footings are poured to ensure that the system is being situated in accordance with the approved plans. If a property owner fails to comply with this requirement, VEHA has the right to stop construction on the system until the Committee can convene and compliance is ensured.

#### C. Decisions and Appeals

The Committee must notify the property owner of its decision on the application within sixty (60) days after the Committee's receipt of a complete application.

The members of the Architectural Review Committee shall unanimously approve all applications submitted to the Committee. When a unanimous decision cannot be reached, the Committee shall bring the application to the Board of Directors for approval or disapproval. The Board must notify

the property owner of its decision within sixty (60) days after its receipt of the application from the Committee.

A property owner may appeal a unanimous decision of the Architectural Review Committee to the Board by mailing a written appeal request to the Board at 28 Lodge Road, Taos, New Mexico 87571. The Board must notify the property owner of its decision on the appeal within sixty (60) days after its receipt of the written request. The Board may require another site visit to the property before making its decision on an appeal from the Committee.

## 6. VARIANCES

- A. The Architectural Review Committee may allow reasonable variances and adjustment of these restrictions in order to overcome practical difficulties and prevent unnecessary hardships; provided it is done with the APPROVAL OF THE BOARD OF DIRECTORS and that it is done in conformity with the intent and purpose set forth in this document.

## 7. REMEDIES

- A. The Valle Escondido Homeowner's Association may proceed by law to prevent the occurrence, continuation, or violation of any of these restrictions. No delay or failure to enforce these restrictions shall be interpreted as a waiver of these restrictions.
- B. Violation of these restrictions will not be permitted. The Architectural Review Committee will review potential infractions from their observation and those brought by VEHA Members. The Committee will recommend sanctions/actions to the Board of Directors. The property owner must verify approval of any and all variances. If any property owners, after reviewing these restrictions, notice they are in violation of the above, they must submit a request for a variance. The Architectural Review Committee is committed to enforcing these restrictions.

## 8. AMENDMENTS TO PROPERTY AND BUILDING RESTRICTIONS

- A. Any additions, revisions or amendments to these Standards for the Improvement and Maintenance of Real Property Within Valle Escondido Subdivision must be in accordance with Article VII, Section 7 of the Bylaws of Valle Escondido Homeowners' Association as revised and adopted July 2, 2016.

Modification approved by unanimous vote of the membership of Valle Escondido Homeowners' Association attending the July 2, 2016, annual meeting.

IN WITNESS WHEREOF, we, the undersigned officers of the VALLE ESCONDIDO HOMEOWNERS' ASSOCIATION, a New Mexico nonprofit corporation, have hereunto set our hand to this document this 15th day of July, 2016.

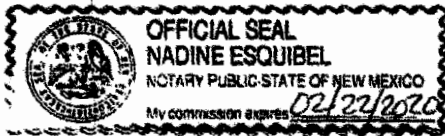
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Bill Elkjer  
BILL ELKJER, PRESIDENT  
VALLE ESCONDIDO HOMEOWNERS' ASSOCIATION

Peggy James  
PEGGY JAMES, SECRETARY  
VALLE ESCONDIDO HOMEOWNERS' ASSOCIATION

STATE OF NEW MEXICO     )  
  ) ss.  
COUNTY OF TAOS         )

The foregoing instrument was acknowledged before me on July 19, 2016, by Bill Elkjer, as President, and Peggy James, as Secretary, of Valle Escondido Homeowners' Association, a New Mexico nonprofit corporation.



Nadine Esquibel  
Notary Public

My commission expires:  
02/22/2020

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